

Anthony E. Loubet proposes the following substitute bill:

**Public Employee Gender-specific Language Requirements**

2025 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Nicholeen P. Peck**

Senate Sponsor: Daniel McCay

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**LONG TITLE**

**General Description:**

This bill prohibits certain employment action against a public employee in relation to gender-specific language.

**Highlighted Provisions:**

This bill:

- prohibits the State Board of Education, a local education agency, or a public employer from taking disciplinary action against an employee for using gender-specific language in certain circumstances;
- requires a public employer that has a rule or policy requiring an employee to use gender-specific language to accommodate another individual to exempt the employee from disciplinary action in certain circumstances; and
- makes technical changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

This bill provides a special effective date.

**Utah Code Sections Affected:**

AMENDS:

**53G-10-206**, as last amended by Laws of Utah 2024, Chapter 507

ENACTS:

**67-21-3.3**, Utah Code Annotated 1953

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*Be it enacted by the Legislature of the state of Utah:*

Section 1. Section **53G-10-206** is amended to read:

**53G-10-206 . Educational freedom.**

(1) As used in this section:

- 30 (a)(i) "Administrative personnel" means any LEA or state board staff personnel who  
31 have system-wide, LEA-wide, or school-wide functions and who perform  
32 management activities, including:
- 33 (A) developing broad policies for LEA or state-level boards; and
  - 34 (B) executing developed policies through the direction of personnel at any level  
35 within the state or LEA.
- 36 (ii) "Administrative personnel" includes state, LEA, or school superintendents,  
37 assistant superintendents, deputy superintendents, school principals, assistant  
38 principals, directors, executive directors, network directors, cabinet members,  
39 subject area directors, grant coordinators, specialty directors, career center  
40 directors, educational specialists, technology personnel, technology  
41 administrators, and others who perform management activities.
- 42 (b)(i) "Instructional personnel" means an individual whose function includes the  
43 provision of:
- 44 (A) direct or indirect instructional services to students;
  - 45 (B) direct or indirect support in the learning process of students; or
  - 46 (C) direct or indirect delivery of instruction, training, coaching, evaluation, or  
47 professional development to instructional or administrative personnel.
- 48 (ii) "Instructional personnel" includes:
- 49 (A) the state board, LEAs, schools, superintendents, boards, administrators,  
50 administrative staff, teachers, classroom teachers, facilitators, coaches,  
51 proctors, therapists, counselors, student personnel services, librarians, media  
52 specialists, associations, affiliations, committees, contractors, vendors,  
53 consultants, advisors, outside entities, community volunteers,  
54 para-professionals, public-private partners, trainers, mentors, specialists, and  
55 staff; or
  - 56 (B) any other employees, officials, government agencies, educational entities,  
57 persons, or groups for whom access to students is facilitated through, or not  
58 feasible without, the public education system.
- 59 (2)(a) Each LEA shall provide an annual assurance to the state board that the LEA's  
60 professional learning, administrative functions, displays, and instructional and  
61 curricular materials, are consistent with the following principles of individual  
62 freedom:
- 63 (i) the principle that all individuals are equal before the law and have unalienable

- 64 rights; and
- 65 (ii) the following principles of individual freedom:
- 66 (A) that no individual is inherently racist, sexist, or oppressive, whether
- 67 consciously or unconsciously, solely by virtue of the individual's race, sex, or
- 68 sexual orientation;
- 69 (B) that no race is inherently superior or inferior to another race;
- 70 (C) that no person should be subject to discrimination or adverse treatment solely
- 71 or partly on the basis of the individual's race, color, national origin, religion,
- 72 disability, sex, or sexual orientation;
- 73 (D) that meritocracy or character traits, including hard work ethic, are not racist
- 74 nor associated with or inconsistent with any racial or ethnic group; and
- 75 (E) that an individual, by virtue of the individual's race or sex, does not bear
- 76 responsibility for actions that other members of the same race or sex
- 77 committed in the past or present.
- 78 (b) Nothing in this section prohibits instruction regarding race, color, national origin,
- 79 religion, disability, or sex in a manner that is consistent with the principles described
- 80 in Subsection (2)(a).
- 81 (3) The state board or an LEA may not:
- 82 (a) attempt to persuade a student or instructional or administrative personnel to a point
- 83 of view that is inconsistent with the principles described in Subsection (2)(a); [~~or~~]
- 84 (b) implement policies or programs, or allow instructional personnel or administrative
- 85 personnel to implement policies or programs, with content that is inconsistent with
- 86 the principles described in Subsection (2)(a)[~~;~~]; or
- 87 (c) pursue disciplinary action against an individual who is instructional personnel or
- 88 administrative personnel solely because the individual, in relation to a student,
- 89 referred to the student by a name, pronoun, or other gender-specific language:
- 90 (i) related the student's birth name or biological sex in good faith and without
- 91 knowledge of a preference described in Subsection (3)(c)(ii);
- 92 (ii)(A) except as provided in Subsection (3)(c)(ii)(B), that the student prefers; or
- 93 (B) that the student's parent prefers; or
- 94 (iii) that does not conflict with the employee's religious or moral beliefs in a
- 95 reasonable, non-disruptive, and non-harassing way, in accordance with Section
- 96 34A-5-112.
- 97 (4) The state board and state superintendent may not develop or continue to use core

98 standards under Section 53E-3-301 or professional learning that are inconsistent with the  
99 principles described in Subsection (2)(a).

100 Section 2. Section **67-21-3.3** is enacted to read:

101 **67-21-3.3 . Gender-specific language preference -- Employer action.**

102 (1) An employer may not pursue disciplinary action against an employee solely because the  
103 employee, in relation to another individual, refers to the individual by a name, pronoun,  
104 or other gender-specific language:

105 (a) that conflicts with the individual's personal gender-specific language preference in  
106 good faith and without knowledge of a preference described in Subsection (1)(b);

107 (b) that the individual prefers; or

108 (c) that does not conflict with the employee's religious or moral beliefs in a reasonable,  
109 non-disruptive, and non-harassing way, in accordance with Section 34A-5-112.

110 (2) If an employer implements a rule or policy that requires an employee to use  
111 gender-specific language to accommodate another individual's personal gender-specific  
112 language preference, the employer shall:

113 (a) ensure that the rule or policy exempts from disciplinary action an employee  
114 described in Subsection (1); and

115 (b) notify employees in writing of the exemptions described in this section.

116 Section 3. **Effective Date.**

117 This bill takes effect on July 1, 2025.