

1 **Intellectual Diversity in Education and Government**

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: John D. Johnson

House Sponsor: Katy Hall

2
3 **LONG TITLE**

4 **General Description:**

5 This bill amends and enacts provisions regarding intellectual diversity within the public and
6 higher education systems and state government.

7 **Highlighted Provisions:**

8 This bill:

- 9 ▶ defines terms;
- 10 ▶ amends provisions regarding prohibited discriminatory practices, submissions, and
11 training within the public and higher education systems and state government, including
12 reporting requirements;
- 13 ▶ amends provisions regarding curricular and noncurricular clubs within the public
14 education system, including ensuring objective and uniform treatment of noncurricular
15 clubs;
- 16 ▶ provides that existing prohibitions on a discriminatory practice does not restrict a
17 presentation or instruction by a guest lecturer in an academic course or a speaker who
18 speaks at an institution of higher education by invitation;
- 19 ▶ requires each institution of higher education to:
 - 20 • organize certain events on public policy issues, including debates and representation of
21 differing perspectives; and
 - 22 • provide public accessibility and transparency through event calendars; and
- 23 ▶ makes technical and conforming changes.

24 **Money Appropriated in this Bill:**

25 None

26 **Other Special Clauses:**

27 This bill provides a special effective date.

28 **Utah Code Sections Affected:**

29 AMENDS:

30 **53E-1-201 (Effective 07/01/26) (Partially Repealed 07/01/27)**, as last amended by Laws
31 of Utah 2025, First Special Session, Chapter 9

32 **53E-3-1101 (Effective 07/01/26)**, as last amended by Laws of Utah 2025, First Special
33 Session, Chapter 9

34 **53G-2-103 (Effective 07/01/26)**, as enacted by Laws of Utah 2024, Chapter 3

35 **53G-2-104 (Effective 07/01/26)**, as last amended by Laws of Utah 2025, First Special
36 Session, Chapter 9

37 **53G-2-105 (Effective 07/01/26)**, as last amended by Laws of Utah 2025, First Special
38 Session, Chapter 9

39 **53G-7-701 (Effective 07/01/26)**, as last amended by Laws of Utah 2019, Chapter 293

40 **53G-7-702 (Effective 07/01/26)**, as last amended by Laws of Utah 2019, Chapter 293

41 **53G-7-703 (Effective 07/01/26)**, as last amended by Laws of Utah 2019, Chapter 293

42 **53G-7-704 (Effective 07/01/26)**, as last amended by Laws of Utah 2019, Chapter 293

43 **53G-7-705 (Effective 07/01/26)**, as last amended by Laws of Utah 2019, Chapter 293

44 **53G-7-706 (Effective 07/01/26)**, as renumbered and amended by Laws of Utah 2018,
45 Chapter 3

46 **53G-7-707 (Effective 07/01/26)**, as last amended by Laws of Utah 2019, Chapter 293

47 **53G-7-708 (Effective 07/01/26)**, as last amended by Laws of Utah 2019, Chapter 293

48 **53G-7-709 (Effective 07/01/26)**, as last amended by Laws of Utah 2019, Chapter 293

49 **53G-7-710 (Effective 07/01/26)**, as renumbered and amended by Laws of Utah 2018,
50 Chapter 3

51 **53G-7-711 (Effective 07/01/26)**, as last amended by Laws of Utah 2019, Chapter 293

52 **53G-7-712 (Effective 07/01/26)**, as last amended by Laws of Utah 2019, Chapter 293

53 **53H-1-402 (Effective 07/01/26) (Partially Repealed 07/01/27)**, as renumbered and
54 amended by Laws of Utah 2025, First Special Session, Chapter 8

55 **53H-1-502 (Effective 07/01/26)**, as renumbered and amended by Laws of Utah 2025,
56 First Special Session, Chapter 8

57 **53H-1-503 (Effective 07/01/26)**, as renumbered and amended by Laws of Utah 2025,
58 First Special Session, Chapter 8

59 **53H-1-504 (Effective 07/01/26)**, as renumbered and amended by Laws of Utah 2025,
60 First Special Session, Chapter 8

61 **67-27-107 (Effective 07/01/26)**, as last amended by Laws of Utah 2025, First Special

62 Session, Chapter 9
 63 **67-27-108 (Effective 07/01/26)**, as last amended by Laws of Utah 2025, First Special
 64 Session, Chapter 9
 65 **67-27-109 (Effective 07/01/26)**, as last amended by Laws of Utah 2025, First Special
 66 Session, Chapter 9

67 ENACTS:

68 **53H-6-302 (Effective 07/01/26)**, Utah Code Annotated 1953

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

71 Section 1. Section **53E-1-201** is amended to read:

72 **53E-1-201 (Effective 07/01/26) (Partially Repealed 07/01/27). Reports to and**
 73 **action required of the Education Interim Committee.**

74 (1) In accordance with applicable provisions and Section 68-3-14, the following recurring
 75 reports are due to the Education Interim Committee:

- 76 (a) the report described in Section 9-22-109 by the STEM Action Center Board,
 77 including the information described in Section 9-22-113 on the status of the computer
 78 science initiative and Section 9-22-114 on the Computing Partnerships Grants
 79 Program;
- 80 (b) the prioritized list of data research described in Section 53H-15-303 and the report
 81 on research and activities described in Section 53H-15-305 by the Utah Data
 82 Research Center;
- 83 (c) the report described in Section 53H-1-203 by the Utah Board of Higher Education on
 84 career and technical education issues and addressing workforce needs;
- 85 (d) the annual report of the Utah Board of Higher Education described in Section
 86 53H-1-203;
- 87 (e) the reports described in Section 53H-7-603 by the Utah Board of Higher Education
 88 regarding activities related to campus safety;
- 89 (f) the State Superintendent's Annual Report by the state board described in Section
 90 53E-1-203;
- 91 (g) the annual report described in Section 53E-2-202 by the state board on the strategic
 92 plan to improve student outcomes;
- 93 (h) the report described in Section 53E-3-501 by the state board on students in an LEA
 94 who receive academic credit through the packet method;
- 95 (i) the report described in Section 53E-8-204 by the state board on the Utah Schools for

- 96 the Deaf and the Blind;
- 97 (j) the report described in Section 53E-10-703 by the Utah Leading through Effective,
98 Actionable, and Dynamic Education director on research and other activities;
- 99 (k) the report described in Section 53E-3-1101 by the state board regarding prohibited
100 discriminatory practices, submissions, and training;
- 101 [~~(k)~~] (l) the report described in Section 53F-2-522 regarding mental health screening
102 programs;
- 103 [~~(h)~~] (m) the report described in Section 53F-4-203 by the state board and the
104 independent evaluator on an evaluation of early interactive reading software;
- 105 [~~(m)~~] (n) the report described in Section 53F-6-412 by the program manager of the Utah
106 Fits All Scholarship Program;
- 107 [~~(n)~~] (o) the report described in Section 63N-20-107 by the Governor's Office of
108 Economic Opportunity on UPSTART;
- 109 [~~(o)~~] (p) the report described in Section 53F-5-215 by the state board related to a grant
110 for an elementary teacher preparation assessment;
- 111 [~~(p)~~] (q) upon request, the report described in Section 53F-5-219 by the state board on
112 the Local Innovations Civics Education Pilot Program;
- 113 [~~(q)~~] (r) the report described in Section 53F-5-405 by the state board regarding an
114 evaluation of a partnership that receives a grant to improve educational outcomes for
115 students who are low-income;
- 116 (s) the report described in Section 53H-1-502 by the Utah Board of Higher Education
117 regarding prohibited discriminatory practices, submissions, and training;
- 118 [~~(r)~~] (t) the report described in Section 53H-1-604 regarding the Higher Education and
119 Corrections Council;
- 120 [~~(s)~~] (u) the report described in Section 53G-7-221 by the state board regarding
121 innovation plans; and
- 122 [~~(t)~~] (v) the reports described in Section 53F-6-412 regarding the Utah Fits All
123 Scholarship Program.
- 124 (2) In accordance with applicable provisions and Section 68-3-14, the following occasional
125 reports are due to the Education Interim Committee:
- 126 (a) in 2027, 2030, 2033, and 2035, the reports described in Sections 53H-1-502,
127 53H-1-503, and 53H-1-504 regarding campus expression climate surveys;
- 128 (b) in 2025, the report described in Section 53H-6-203 by a degree-granting institution
129 regarding policies on abusive coaching practices;

- 130 (c) if required, the report described in Section 53E-4-309 by the state board explaining
131 the reasons for changing the grade level specification for the administration of
132 specific assessments;
- 133 (d) if required, the report described in Section 53E-5-210 by the state board of an
134 adjustment to the minimum level that demonstrates proficiency for each statewide
135 assessment;
- 136 (e) the report described in Section 53E-10-702 by Utah Leading through Effective,
137 Actionable, and Dynamic Education;
- 138 (f) if required, the report described in Section 53F-2-513 by the state board evaluating
139 the effects of salary bonuses on the recruitment and retention of effective teachers in
140 high-poverty schools;
- 141 (g) upon request, the report described in Section 53F-10-303 by the state board
142 regarding the Rural School Sports Facilities Grant Program;
- 143 (h) upon request, a report described in Section 53G-7-222 by an LEA regarding
144 expenditure of a percentage of state restricted funds to support an innovative
145 education program;
- 146 (i) the reports described in Section 53G-11-304 by the state board regarding proposed
147 rules and results related to educator exit surveys; and
- 148 (j) the report described in Section 26B-5-113 by the Office of Substance Use and Mental
149 Health, the state board, and the Department of Health and Human Services regarding
150 recommendations related to Medicaid reimbursement for school-based health
151 services.
- 152 (3) In accordance with applicable provisions and Section 68-3-14, every five years the
153 Education Interim Committee shall review the programs described in the following
154 sections of code:
- 155 (a) beginning July 1, 2027, [~~Title 53E, Chapter 10, Part 3~~] Chapter 10, Part 3, Concurrent
156 Enrollment;
- 157 (b) beginning July 1, 2027, Section 53F-2-408, Enhancement for Accelerated Students
158 Program;
- 159 (c) beginning July 1, 2027, Section 53F-2-409, Concurrent enrollment funding;
- 160 (d) beginning July 1, 2027, Section 53F-2-415, Student health and counseling support --
161 Qualifying personnel -- Distribution formula -- Rulemaking;
- 162 (e) beginning July 1, 2028, Section 53F-2-416, Appropriation and distribution for the
163 Teacher and Student Success Program;

- 164 (f) beginning July 1, 2028, Section 53F-2-510, Digital Teaching and Learning Grant
 165 Program;
- 166 (g) beginning July 1, 2028, Section 53F-9-306, Teacher and Student Success Account;
- 167 (h) beginning July 1, 2028, Title 53G, Chapter 7, Part 13, Teacher and Student Success
 168 Program; and
- 169 (i) beginning July 1, 2029, Section 53F-2-502, Dual language immersion.

170 Section 2. Section **53E-3-1101** is amended to read:

171 **53E-3-1101 (Effective 07/01/26). Prohibited discriminatory practices --**

172 **Restrictions -- Reporting.**

- 173 (1) As used in this section, "prohibited discriminatory practice" means the same as that term
 174 is defined in Section 53H-1-504.
- 175 (2) The state board may not:
- 176 (a) establish or maintain an office, division, or employment position established to
 177 implement, develop, plan, or promote policies, procedures, practices, programs, or
 178 initiatives, regarding a prohibited discriminatory [practices] practice; or
- 179 (b) employ or assign an employee or a third-party whose duties [~~for the state board~~]
 180 include coordinating, creating, developing, designing, implementing, organizing,
 181 planning, or promoting policies, programming, training, practices, activities, [~~and~~] or
 182 procedures relating to a prohibited discriminatory [practices] practice.
- 183 (3) Nothing in this section limits or prohibits the state board's authority to establish policies
 184 that are necessary to comply with state or federal law, including laws relating to
 185 prohibited discrimination or harassment.
- 186 (4) The state board shall [~~provide an update~~] report to the Education Interim Committee and
 187 Public Education Appropriations Subcommittee on[-] :
- 188 (a) the state board's compliance with this section at or before:
- 189 [~~(a)~~] (i) the Education Interim Committee's November interim committee meeting; and
 190 [~~(b)~~] (ii) the Public Education Appropriations Subcommittee [~~December~~] final interim
 191 subcommittee meeting[-] ; and
- 192 (b) violations the state board identifies in accordance with Sections 53G-2-103,
 193 53G-2-104, and 53G-2-105.

194 Section 3. Section **53G-2-103** is amended to read:

195 **53G-2-103 (Effective 07/01/26). Prohibition on the use of certain submissions in**
 196 **public education -- Exceptions.**

- 197 (1) As used in this section, "prohibited submission" means the same as that term is defined

- 198 in Section [~~67-27-107~~] 53H-1-502.
- 199 (2) Except as provided in Subsections [~~(4)~~] (4)(a) and [~~(6)~~] (5), an LEA may not require,
200 request, solicit, or compel a prohibited submission as a certification or condition before
201 taking action with respect to:
- 202 (a) employment, including decisions regarding:
- 203 (i) hiring;
- 204 (ii) terms of employment;
- 205 (iii) benefits;
- 206 (iv) compensation;
- 207 (v) seniority status;
- 208 (vi) tenure or continuing status;
- 209 (vii) promotion;
- 210 (viii) performance reviews;
- 211 (ix) transfer;
- 212 (x) termination; or
- 213 (xi) appointment;
- 214 (b) enrollment or graduation from the LEA;
- 215 (c) participation in LEA-sponsored programs; or
- 216 (d) qualification for or receipt of state financial aid or other state financial assistance.
- 217 (3) An LEA may not grant any form of preferential consideration to an individual who,
218 with or without solicitation from the LEA, provides a prohibited submission for
219 consideration for any action described in Subsection (2).
- 220 (4)(a) If federal law requires an LEA to accept or require a prohibited submission, the
221 LEA:
- 222 [~~(a)~~] (i) may accept the prohibited submission only to the extent required under
223 federal law; and
- 224 [~~(b)~~] (ii) shall limit consideration of the information contained in the prohibited
225 submission to the extent necessary to satisfy the requirement under federal law.
- 226 [~~(5)~~] (b) For a required prohibited submission under Subsection [~~(4)~~] (4)(a), an LEA shall
227 notify the state board detailing the circumstances under which [~~a~~] the prohibited
228 submission [~~under Subsection (4)~~] is required.
- 229 [~~(6)~~] (5) Nothing in this section limits or prohibits an LEA's authority to establish policies
230 that:
- 231 (a) are necessary to comply with state or federal law, including laws relating to

232 prohibited discrimination or harassment; or
 233 (b) require an applicant for employment, tenure, continuing status, or promotion to
 234 disclose or discuss the applicant's:
 235 (i) teaching record;
 236 (ii) artistic creations; or
 237 (iii) pedagogical approaches or experiences with students of all learning abilities.
 238 [~~(7)~~] (6) If the state board identifies a reported violation of this section, the state board shall [
 239 provide an update to the Education Interim Committee on an LEA's compliance with
 240 this section at or before the Education Interim Committee's November interim
 241 committee meeting] include information regarding the violation in the report described in
 242 Section 53E-3-1101.

243 [~~(8)~~] (7) An individual may bring a violation of this section to the state board in accordance
 244 with the process described in Section 53E-3-401.

245 Section 4. Section **53G-2-104** is amended to read:

246 **53G-2-104 (Effective 07/01/26). Prohibition on the use of certain training in**
 247 **public education -- Exceptions.**

248 (1) As used in this section:

249 (a) "Prohibited training" means a mandatory instructional program [~~and related materials~~
 250 ~~that~~] that:

251 (i) an LEA requires the LEA's employees, prospective employees, students, or
 252 prospective students[;] to attend[~~that promote~~] ; and

253 (ii) promotes a prohibited discriminatory [practices] practice, as that term is defined in
 254 Section 53H-1-504.

255 (b) "Prohibited training" includes an in-person or online seminar, discussion group,
 256 workshop, other program, or related materials.

257 (2) An LEA may not require prohibited training.

258 (3) Nothing in this section limits or prohibits an LEA's authority to establish policies that
 259 are necessary to comply with state or federal law, including laws relating to prohibited
 260 discrimination or harassment.

261 (4) If the state board identifies a reported violation of this section, the state board shall [
 262 provide an update to the Education Interim Committee on an LEA's compliance with
 263 this section at or before the Education Interim Committee's November interim
 264 committee meeting] include information regarding the violation in the report described in
 265 Section 53E-3-1101.

266 (5) An individual may bring a violation of this section to the state board in accordance with
 267 the process described in Section 53E-3-401.

268 Section 5. Section **53G-2-105** is amended to read:

269 **53G-2-105 (Effective 07/01/26). Prohibited discriminatory practices --**

270 **Restrictions -- Reporting.**

271 (1) As used in this section, "prohibited discriminatory practice" means the same as that term
 272 is defined in Section 53H-1-504.

273 (2) An LEA may not:

274 (a) engage in a prohibited discriminatory [practices] practice;

275 (b) establish or maintain an office, division, employment position, or other unit of an
 276 institution established to implement, develop, plan, or promote campus policies,
 277 procedures, practices, programs, or initiatives, regarding a prohibited discriminatory [
 278 practices] practice; or

279 (c) employ or assign an employee or a third-party whose duties [~~for an institution~~]
 280 include coordinating, creating, developing, designing, implementing, organizing,
 281 planning, or promoting policies, programming, training, practices, activities, and
 282 procedures relating to a prohibited discriminatory [practices] practice.

283 (3) An LEA shall ensure that all students have access to programs providing student
 284 success and support without excluding individuals on the basis of an individual's
 285 personal identity characteristic, as that term is defined in Section 53H-1-504.

286 (4) Nothing in this section limits or prohibits an LEA's authority to establish policies that
 287 are necessary to comply with state or federal law, including laws relating to prohibited
 288 discrimination or harassment.

289 (5) If the state board identifies a reported violation of this section, the state board shall [
 290 ~~provide an update to the Education Interim Committee and the Public Education~~
 291 ~~Appropriations Subcommittee on an LEA's compliance with this section at or before the~~
 292 ~~Education Interim Committee's November interim committee meeting]~~ include
 293 information regarding the violation in the report described in Section 53E-3-1101.

294 (6) An individual may bring a violation of this section to the state board in accordance with
 295 the process described in Section 53E-3-401.

296 Section 6. Section **53G-7-701** is amended to read:

297 **53G-7-701 (Effective 07/01/26). Definitions.**

298 As used in this part:

299 (1) "Bigotry" means action or advocacy of imminent action involving:

- 300 (a) the harassment or denigration of a person or entity; or
 301 (b) any intent to cause a person not to freely enjoy or exercise any right secured by the
 302 constitution or laws of the United States or the state, except that an evaluation or
 303 prohibition may not be made of the truth or falsity of any religious belief or
 304 expression of conscience unless the means of expression or conduct arising therefrom
 305 violates the standards of conduct outlined in this section, Section 53G-10-203, or 20
 306 U.S.C. Sec. 4071(f).
- 307 (2) "Club" means any student organization that meets during noninstructional time.
- 308 (3) "Conscience" means a standard based upon learned experiences, a personal philosophy
 309 or system of belief, religious teachings or doctrine, an absolute or external sense of right
 310 and wrong which is felt on an individual basis, a belief in an external absolute, or any
 311 combination of the foregoing.
- 312 (4) "Curricular club" means a club~~[that is school-sponsored and that]~~ :
- 313 (a) that a school sponsors;
 314 (b) that may receive leadership, direction, and support from the school or school district
 315 beyond providing a meeting place during noninstructional time~~[. An elementary~~
 316 ~~school curricular club means a club that is organized and directed by school sponsors~~
 317 ~~at the elementary school. A secondary school curricular club means a club.] ; and~~
 318 (c)~~(a)~~ (i) [whose] with subject matter that is taught or will soon be taught in a regular
 319 course;
 320 ~~(b)~~ (ii) [whose] with subject matter that concerns the body of courses as a whole;
 321 ~~(c)~~ (iii) in which participation is required for a particular course; or
 322 ~~(d)~~ (iv) in which participation results in academic credit.
- 323 (5)(a) "Discretionary time" means school-related time for students that is not
 324 instructional time.
- 325 (b) "Discretionary time" includes free time before and after school, during lunch and
 326 between classes or on buses, and private time before athletic and other events or
 327 activities.
- 328 (6) "Elementary school curricular club" means a curricular club that a school sponsors,
 329 organizes, and directs.
- 330 ~~(6)~~ (7)(a) "Encourage criminal or delinquent conduct" means action or advocacy of
 331 imminent action that violates any law or administrative rule.
- 332 (b) "Encourage criminal or delinquent conduct" does not include discussions concerning
 333 changing of laws or rules, or actions taken through lawfully established channels to

- 334 effectuate such change.
- 335 ~~[(7)]~~ (8)(a) "Instructional time" means time during which[-] :
- 336 (i) a school is responsible for a student; and[-]
- 337 (ii) the student is required or expected to be actively engaged in a learning activity.
- 338 (b) "Instructional time" includes[-] :
- 339 (i) instructional activities in the classroom or study hall during regularly scheduled
- 340 hours[-] ;
- 341 (ii) required activities outside the classroom[-] ; and[-]
- 342 (iii) counseling, private conferences, or tutoring provided by school employees or
- 343 volunteers acting in their official capacities during or outside of regular school
- 344 hours.
- 345 ~~[(8)]~~ (9) "Involve human sexuality" means:
- 346 (a) presenting information in violation of laws governing sex education, including
- 347 Sections 53G-10-402 and 53E-9-203;
- 348 (b) advocating or engaging in sexual activity outside of legally recognized marriage or
- 349 forbidden by state law; or
- 350 (c) presenting or discussing information relating to the use of contraceptive devices or
- 351 substances, regardless of whether the use is for purposes of contraception or personal
- 352 health.
- 353 ~~[(9) "LEA governing board" means a local school board or charter school governing board.]~~
- 354 (10) "Limited open forum" means a forum created by a school district or charter school for
- 355 student expression within the constraints of Subsection 53G-10-203(2)(b).
- 356 (11) "Noncurricular club" ~~[is]~~ means a ~~[student initiated group]~~ club in a secondary school:
- 357 (a) that students initiate;
- 358 (b) for which a school and LEA governing board may [be authorized] authorize and [
- 359 allowed] allow school facilities use during noninstructional time ~~[in secondary~~
- 360 ~~schools by a school and LEA governing board]~~in accordance with the provisions of
- 361 this part~~[- A noncurricular-]~~ ; and
- 362 (c) for which a school, LEA governing board, or employees of a school or school district
- 363 do not sponsor or endorse the club's meetings, ideas, and activities [are not sponsored
- 364 or endorsed]in any way~~[by an LEA governing board, the school, or by school or~~
- 365 ~~school district employees].~~
- 366 (12) "Noninstructional time" means time ~~[set]~~ that a school sets aside [by a school]before
- 367 instructional time begins or after instructional time ends, including discretionary time.

368 (13) "Personal identity characteristic" means the same as that term is defined in Section
 369 53H-1-504.

370 (14) "Prohibited discriminatory practice" means the same as that term is defined in Section
 371 53H-1-504.

372 [(13)] (15) "Religious club" means a noncurricular club designated in its application as
 373 either being religiously based or based on expression or conduct mandated by
 374 conscience.

375 [(14)] (16) "School" means a public school, including a charter school.

376 [(15)] (17)(a) "School facilities use" means access to a school facility, premises, or
 377 playing field.

378 (b) "School facilities use" includes access to a limited open forum.

379 (18) "Secondary school curricular club" means a curricular club.

380 Section 7. Section **53G-7-702** is amended to read:

381 **53G-7-702 (Effective 07/01/26). Student clubs -- Limited open forum --**

382 **Authorization -- Neutrality.**

383 (1)(a) A school may establish and maintain a limited open forum for student clubs [
 384 ~~pursuant to~~] in accordance with the provisions of this part, state board rules, and LEA
 385 governing board policies.

386 (b) Notwithstanding [~~the provisions under~~] Subsection (1)(a), a school retains the right
 387 to create a closed forum at any time by allowing curricular clubs only.

388 (2)(a) A school shall review applications for authorization of clubs on a case-by-case
 389 basis.

390 (b) Before granting an authorization, the school shall find:

391 (i) that the proposed club meets this part's respective requirements of a curricular club
 392 or a noncurricular club; and

393 (ii) that the proposed club's purpose and activities comply with this part, state board
 394 rules, and LEA governing board rules.

395 (c) Before granting an authorization, a school may request additional information from
 396 the faculty sponsor, from students proposing the club, or from [its] the school's LEA
 397 governing board[, if desired].

398 (3) A school shall[-] :

399 (a) grant authorization and school facilities use to curricular and noncurricular clubs [
 400 whose applications are found to meet] if the school finds that the relevant club's

401 application meets the requirements of this part, rules of the state board, and [policies

- 402 of the]LEA governing board rules; and[~~-shall-~~]
- 403 (b) limit or deny authorization or school facilities use to proposed clubs that[-] :
- 404 (i) do not meet the requirements of this part, rules of the state board, [~~and policies of~~
- 405 ~~the]~~ or LEA governing board[-] rules;
- 406 (ii) for curricular clubs, promote, degrade, or otherwise identify, in the club's general
- 407 purpose, a personal identity characteristic;
- 408 (iii) for noncurricular clubs, degrade, in the club's general purpose, a personal identity
- 409 characteristic; or
- 410 (iv) promote or encourage a prohibited discriminatory practice.
- 411 (4) Rules of the state board or an LEA governing board regarding clubs and actions of a
- 412 school in authorizing clubs may not, except as provided in this part:
- 413 (a) subject a club to standards, requirements, or limitations based on the purpose or
- 414 content of the club to which other clubs of the same designation, of either curricular
- 415 or noncurricular, are subject; and
- 416 (b) condition authorization of, restrict, or limit the club based on a political or policy
- 417 position of the club.
- 418 (5)(a) Nothing in this part prohibits discussion of historical, cultural, religious, or social
- 419 issues related to a personal identity characteristic within a curricular or noncurricular
- 420 club with membership that remains open, in relation to personal identity
- 421 characteristics, in accordance with this part and state and federal nondiscrimination
- 422 law.
- 423 (b) An LEA or school may not grant academic credit, course credit, preferential grading
- 424 treatment, or excused absences for participation in political advocacy, partisan
- 425 activity, or public protest, regardless of membership in a curricular or noncurricular
- 426 club.
- 427 (c) Nothing in this Subsection (5) prohibits instruction regarding civic processes, public
- 428 policy, or governmental institutions if participation in political advocacy or public
- 429 demonstration is not required or incentivized as a condition of academic credit or
- 430 attendance.

431 Section 8. Section **53G-7-703** is amended to read:

432 **53G-7-703 (Effective 07/01/26). Curricular clubs -- Authorization.**

- 433 (1) Faculty members or students proposing a curricular club shall submit written
- 434 application for authorization on a form approved by the LEA governing board.
- 435 (2) An LEA governing board may exempt from the authorization requirements under this

- 436 section a club ~~whose~~ :
- 437 (a) with membership that is determined by student body election; or ~~a club~~
- 438 (b) that is governed by an association that regulates interscholastic activities ~~from the~~
- 439 authorization requirements under this section].
- 440 (3) An application for authorization of a curricular club shall include:
- 441 (a) the recommended club name;
- 442 (b) a statement of the club's~~[-]~~ :
- 443 (i) purpose~~[-]~~ that supports or enhances a specific course, academic pathway, or
- 444 instructional program;
- 445 (ii) goals~~[-]~~ ; and~~[-]~~
- 446 (iii) activities;
- 447 (c) a statement of the club's categorization~~[-, which shall be included in the parental~~
- 448 consent required under Section 53G-7-709, indicating] that indicates all of the
- 449 following that may apply:
- 450 (i) athletic;
- 451 (ii) business/economic;
- 452 (iii) agriculture;
- 453 (iv) art/music/performance;
- 454 (v) science;
- 455 (vi) gaming;
- 456 (vii) religious;
- 457 (viii) community service/social justice; and
- 458 (ix) other;
- 459 (d) the recommended meeting times, dates, and places;
- 460 (e) a statement that the club will comply with the provisions of this part and all other
- 461 applicable laws, rules, or policies; and
- 462 (f) a budget showing~~[-]~~ :
- 463 (i) the amount and source of any funding ~~[provided or to be provided to]~~the club
- 464 receives or will receive; and~~[-its-]~~
- 465 (ii) the proposed use of the funding.
- 466 (4) The application may be as brief as a single page ~~[so long as it]~~ if the application contains
- 467 the items required under this section.
- 468 (5) A school shall approve the name of a curricular club if the name is consistent with the
- 469 club's purposes and ~~[its-]~~school sponsorship.

- 470 (6)(a) A school shall determine curriculum relatedness by strictly applying this part's
 471 definition of curricular club to the club application.
- 472 (b) If the school finds that the proposed club is a curricular club, the school shall
 473 continue to review the application as an application for authorization of a curricular
 474 club.
- 475 (c) If the school finds that the proposed club is a noncurricular club, the school may:
 476 (i) return the application to the faculty member or students proposing the club for
 477 amendment; or
 478 (ii) review the application as an application for authorization of a noncurricular club
 479 in accordance with Section 53G-7-704.
- 480 (7)(a) ~~[Only]~~ An elementary school may only authorize curricular clubs~~[- may be~~
 481 ~~authorized for elementary schools].~~
- 482 (b) A school governing body may limit, or permit a secondary school to limit, the
 483 authorization of clubs at the secondary school to only curricular clubs.
- 484 Section 9. Section **53G-7-704** is amended to read:
 485 **53G-7-704 (Effective 07/01/26). Noncurricular clubs -- Annual authorization.**
- 486 (1) A noncurricular club shall have a minimum of three members.
- 487 (2) Students proposing a noncurricular club shall submit a written application for
 488 authorization on a form approved by the LEA governing board.
- 489 (3) An application for authorization of a noncurricular club shall include~~[:]~~ the information
 490 required under Subsection 53G-7-703(3).
- 491 ~~[(a) the recommended club name;]~~
- 492 ~~[(b) a statement of the club's purpose, goals, and activities;]~~
- 493 ~~[(c) a statement of the club's categorization, which shall be included in the parental~~
 494 ~~consent required under Section 53G-7-709, indicating all of the following that may~~
 495 ~~apply:]~~
- 496 ~~[(i) athletic;]~~
- 497 ~~[(ii) business/economic;]~~
- 498 ~~[(iii) agriculture;]~~
- 499 ~~[(iv) art/music/performance;]~~
- 500 ~~[(v) science;]~~
- 501 ~~[(vi) gaming;]~~
- 502 ~~[(vii) religious;]~~
- 503 ~~[(viii) community service/social justice; and]~~

- 504 ~~[(ix) other;]~~
- 505 ~~[(d) the recommended meeting times, dates, and places;]~~
- 506 ~~[(e) a statement that the club will comply with the provisions of this part and all other~~
- 507 ~~applicable laws, rules, or policies; and]~~
- 508 ~~[(f) a budget showing the amount and source of any funding provided or to be provided~~
- 509 ~~to the club and its proposed use.]~~
- 510 (4) The application may be as brief as a single page ~~[so long as it]~~ if the application contains
- 511 the items required under this section.
- 512 (5)(a) An LEA governing board may provide for approval of a noncurricular club name
- 513 in an action separate from ~~[that]~~ the action relating to authorization of the club~~[-itself]~~.
- 514 (b) An LEA governing board shall require that:
- 515 (i) ~~[that]~~ a noncurricular club name ~~[shall]~~ reasonably reflect the club's purpose,
- 516 goals, and activities; and
- 517 (ii) ~~[that]~~ the noncurricular club name ~~[shall]~~ be a name that would not result in or
- 518 imply~~[-]~~ :
- 519 (A) a violation of this part[-] ;
- 520 (B) undue disruption of school operations;
- 521 (C) subjecting students to harassment or persecution; or
- 522 (D) operation of the group in violation of law or rule.
- 523 (c) Except as provided in this part, an LEA or school may not approve, deny, or
- 524 condition authorization of a noncurricular club based on a viewpoint that the club
- 525 expresses.
- 526 (6) In accordance with Subsection 53G-7-703(7), an elementary school may not authorize a
- 527 noncurricular club.
- 528 (7) If a school allows a noncurricular club, the school shall allow all noncurricular clubs
- 529 that meet the qualifications of this part, state board rules, and LEA governing board
- 530 rules.
- 531 (8)(a) Each LEA shall:
- 532 (i) publish on the LEA's website a list and short description of all authorized
- 533 noncurricular clubs within the LEA; and
- 534 (ii) ensure uniformity in the treatment of similar clubs across schools within the LEA.
- 535 (b) During the application review process, a school shall consult the list described in
- 536 Subsection (8)(a) from the relevant LEA and neighboring LEAs.
- 537 Section 10. Section **53G-7-705** is amended to read:

538 **53G-7-705 (Effective 07/01/26). Clubs -- Limitations and denials.**

- 539 (1) A school shall limit or deny authorization or school facilities use to a club, or require
 540 changes ~~[prior to]~~ to the club's application before granting authorization or school
 541 facilities use:
- 542 (a) as the school determines ~~[it]~~ to be necessary to:
- 543 (i) protect the physical, emotional, psychological, or moral well-being of students and
 544 faculty;
- 545 (ii) maintain order and discipline on school premises;
- 546 (iii) prevent a material and substantial interference with the orderly conduct of a
 547 school's educational activities;
- 548 (iv) protect the rights of parents and students;
- 549 (v) maintain the boundaries of socially appropriate behavior; or
- 550 (vi) ensure compliance with all applicable laws, rules, regulations, and policies; or
- 551 (b) if a club's proposed charter and proposed activities indicate students or advisors in
 552 club related activities would, as a substantial, material, or significant part of ~~[their]~~ the
 553 student's or club's conduct or means of expression:
- 554 (i) encourage criminal or delinquent conduct;
- 555 (ii) promote bigotry;
- 556 (iii) involve human sexuality;~~[-or]~~
- 557 (iv) involve any effort to engage in or conduct mental health therapy, counseling, or
 558 psychological services for which a license ~~[would be]~~ is required under state law~~[-]~~ ;
 559 or
- 560 (v) promote or encourage a prohibited discriminatory practice.
- 561 (2) ~~[An LEA governing board]~~ A school has the primary authority to determine whether any
 562 club meets the criteria of Subsection (1).
- 563 (3) If a school or LEA governing board limits or denies authorization to a club, the school
 564 or LEA governing board shall provide, in writing, to the applicant the factual and legal
 565 basis for the limitation or denial.
- 566 (4) A student's spontaneous expression of sentiments or opinions otherwise identified in
 567 Subsection 53E-9-203(1) is not prohibited.
- 568 Section 11. Section **53G-7-706** is amended to read:
- 569 **53G-7-706 (Effective 07/01/26). Faculty oversight of authorized clubs.**
- 570 (1) A school shall approve ~~[the]~~ a faculty sponsor~~[-, supervisor, or monitor]~~ for each
 571 authorized curricular~~[-]~~ club and a faculty supervisor or monitor for each authorized

572 noncurricular~~[, and]~~ or religious club to provide oversight consistent with this part and
 573 the needs of the school to ensure that the methods of expression, religious practices, or
 574 other conduct of the students or advisors involved do not:

- 575 (a) unreasonably interfere with the ability of school officials to maintain order and
 576 discipline;
 577 (b) unreasonably endanger or threaten the well-being of persons or property;
 578 (c) violate concepts of civility or propriety appropriate to a school setting; or
 579 (d) violate applicable laws, rules, regulations, and policies.

580 (2)(a) A school shall annually approve faculty members as sponsors of curricular clubs.

581 (b) Faculty sponsors shall organize and direct the purpose and activities of a curricular
 582 club.

583 (3)(a) A school shall approve faculty members to serve as supervisors for authorized
 584 noncurricular clubs.

585 (b) A faculty supervisor shall provide oversight to ensure compliance with the approved
 586 club purposes, goals, and activities [and] in accordance with ~~[the provisions of]~~ this
 587 part and other applicable laws, rules, and policies.

588 (c) The approval of a faculty supervisor or monitor does not constitute school
 589 sponsorship of the club.

590 (d) A faculty monitor approved for a religious, political, or public policy club may not
 591 participate in the activities of the ~~[religious]~~ club, except to perform the supervisory
 592 role required by this section.

593 (4) Without the prior approval by the school, a person who is not a school faculty member
 594 or a club member may not:

- 595 (a) make a presentation to a noncurricular club; or
 596 (b) direct, conduct, control, or regularly attend the meetings of a noncurricular club.

597 Section 12. Section **53G-7-707** is amended to read:

598 **53G-7-707 (Effective 07/01/26). Use of school facilities by clubs.**

599 (1) A school shall determine and assign school facilities use for curricular and noncurricular
 600 clubs consistent with the needs of the school.

601 (2) The following provisions apply to curricular clubs:

- 602 (a) in assigning school facilities use, the administrator may give priority to curricular
 603 clubs over noncurricular clubs; and
 604 (b) the school may provide financial or other support to curricular clubs.

605 (3) The following provisions apply to noncurricular clubs on an equal basis to all

- 606 noncurricular clubs within an LEA:
- 607 (a) the school may not give a preference or priority [~~may not be given~~] among
- 608 noncurricular clubs;
- 609 (b)(i) a school [~~shall~~] may only provide the space for noncurricular club meetings; and
- 610 (ii) a school may not spend public funds for noncurricular clubs, except as required to
- 611 implement [~~the provisions of~~] this part, including providing space and faculty
- 612 oversight for noncurricular clubs;
- 613 (c) a school shall establish the noninstructional times during which noncurricular clubs
- 614 may meet;
- 615 (d) a school may establish the places that noncurricular clubs may meet;
- 616 (e) a school may set the number of hours noncurricular clubs may use the school's
- 617 facilities per month, [~~provided that~~] ensuring the equal treatment of all noncurricular
- 618 clubs [~~shall be treated equally~~]; and
- 619 (f) a school shall determine [~~what~~] the access a noncurricular [clubs shall be given] club
- 620 may have to the school newspaper, yearbook, bulletin boards, or public address
- 621 system, [~~provided that~~] ensuring the equal treatment of all noncurricular clubs [~~shall~~
- 622 ~~be treated equally~~].

623 Section 13. Section **53G-7-708** is amended to read:

624 **53G-7-708 (Effective 07/01/26). Club membership.**

625 [~~(1) A school shall require written parental consent for student participation in all curricular~~

626 ~~and noncurricular clubs at the school.]~~

627 [~~(2)~~] (1) [~~Membership~~] The following governs membership in curricular clubs [~~is governed~~

628 ~~by the following~~]:

- 629 (a)(i) a school or LEA governing board may limit membership [~~may be limited~~] to
- 630 students who are currently attending the sponsoring school or school district; and
- 631 (ii) members who attend a school other than the sponsoring school shall have, in
- 632 addition to the consent required under Section 53G-7-709, specific parental
- 633 permission for membership in a curricular club at another school;
- 634 (b)(i) curricular clubs may require that prospective members try out based on
- 635 objective criteria outlined in the application materials; and
- 636 (ii) try-outs may not require activities that violate the provisions of this part [~~and~~] or
- 637 other applicable laws, rules, [~~and~~] or policies; [~~and~~]
- 638 (c) a school or curricular club may not:
- 639 (i) promote, limit, or restrict membership based on a personal identity characteristic;

640 or
 641 (ii) require affirmation of a particular ideological or political belief unrelated to the
 642 curricular purpose of the club described in Subsection 53G-7-703(3)(b)(i) as a
 643 condition of participation; and
 644 ~~(e)~~ (d) other rules or policies as determined by the state board, school district, or school.

645 ~~(3)~~ (2) [Membership] The following governs membership in noncurricular clubs~~[is~~
 646 governed by the following]:

- 647 (a) student membership in a noncurricular club is voluntary;
 648 (b) a school or LEA governing board may limit membership~~[shall be limited]~~ to
 649 students who are currently attending the school;
 650 (c)(i) noncurricular clubs may require that prospective members try out based on
 651 objective criteria outlined in the application materials; and
 652 (ii) try-outs may not require activities that violate the provisions of this part ~~[and]~~ or
 653 other applicable laws, rules, ~~[and]~~ or policies;
 654 (d) ~~[a copy of]~~ an individual described in Subsection 53G-7-706(4) who presents any
 655 written or other media materials ~~[that were presented]~~ at a noncurricular club meeting [
 656 by a nonschool person shall be delivered] shall deliver a copy of the materials to a
 657 school administrator no later than 24 hours after the noncurricular club meeting~~[and,~~
 658 ~~if requested,]~~ ;
 659 (e) a student's parent ~~[shall have an opportunity to review those materials; and]~~ may,
 660 upon request, review the materials described in Subsection (2)(d);
 661 (f) a school or noncurricular club may not limit or restrict membership based on a
 662 personal identity characteristic; and

663 ~~(e)~~ (g) other rules or policies as determined by the state board, school district, or school.

664 Section 14. Section **53G-7-709** is amended to read:

665 **53G-7-709 (Effective 07/01/26). Parental consent.**

- 666 (1) A school shall require written parental consent for student participation in all curricular
 667 and noncurricular clubs at the school.
 668 (2) The school shall ensure that the consent described in Subsection (1) ~~[shall include]~~
 669 includes an activity disclosure statement containing the following information:
 670 (a) the specific name of the club;
 671 (b) a statement of the club's purpose, goals, and activities;
 672 (c) a statement of the club's categorization~~[, which shall be obtained from]~~ as described
 673 in the application for authorization of a club in accordance with ~~[the provisions of]~~

674 Section 53G-7-703 or 53G-7-704~~[, indicating all of the following that may apply:]~~ ;

675 [(i) athletic;]

676 [(ii) business/economic;]

677 [(iii) agriculture;]

678 [(iv) art/music/performance;]

679 [(v) science;]

680 [(vi) gaming;]

681 [(vii) religious;]

682 [(viii) community service/social justice; and]

683 [(ix) other;]

684 (d) beginning and ending dates;

685 (e) a tentative schedule of the club activities with dates, times, and places specified;

686 (f) personal costs associated with the club, if any;

687 (g) the name of the sponsor, supervisor, or monitor who is responsible for the club; and

688 (h) any additional information [~~considered~~] the school considers important for the
689 students and parents to know.

690 (3) [~~All completed parental consent forms shall be filed by the~~] The parent or the club's
691 sponsor, supervisor, or monitor shall file all completed parental consent forms with the
692 school's principal, the chief administrative officer of a charter school, or [their] the
693 designee of the principal or chief administrative officer.

694 Section 15. Section **53G-7-710** is amended to read:

695 **53G-7-710 (Effective 07/01/26). Violations -- Investigations -- School responses.**

696 (1) A school shall investigate any report or allegation that an authorized curricular or
697 noncurricular club is:

698 (a) participating in activities beyond the scope of [its] the club's purpose; or

699 (b) in violation of a provision of this part or another applicable law, rule, regulation, or
700 policy.

701 (2) After meeting with the faculty sponsor, faculty supervisor, or faculty monitor, the
702 students involved, and the person making the report or allegation, if the school
703 substantiates a violation [~~is substantiated~~], the school may [~~do any of the following~~]:

704 (a) allow the club's original statement of [its] the club's purpose, goals, and activities to
705 be modified to include the activities if [they] the activities are in compliance with the
706 provisions of this part and other applicable laws, rules, regulations, [~~or~~] and policies;

707 (b) instruct the faculty sponsor, supervisor, or monitor not to allow similar violations in

- 708 the future;
- 709 (c) limit or suspend the club's authorization or school facilities use pending further
- 710 corrective action as determined by the school; or
- 711 (d) terminate the club's authorization and dissolve the club.
- 712 (3) ~~[Any]~~ A school shall ensure to use the least restrictive means necessary to satisfy the
- 713 school's interests as identified in this part, regarding any:
- 714 (a) limitation on expression, practice, or conduct of any student, advisor, or guest in a
- 715 meeting of a curricular or noncurricular club[;] ; or[-]
- 716 (b) limitation on school facilities use~~[-, shall be by the least restrictive means necessary~~
- 717 ~~to satisfy the school's interests as identified in this part].~~
- 718 (4) A club that ~~[has been terminated]~~ a school terminates in accordance with Subsection
- 719 (2)(d) may not reapply for authorization until the following school year.
- 720 (5) A student who makes a false allegation or report under this section ~~[shall be]~~ is subject
- 721 to school discipline.

722 Section 16. Section **53G-7-711** is amended to read:

723 **53G-7-711 (Effective 07/01/26). Appeals -- Procedures.**

- 724 (1)(a) A school shall investigate and approve or deny a completed application or
- 725 complaint~~[- shall be approved, denied, or investigated by the school]~~ within a
- 726 reasonable amount of time.
- 727 (b) If a school denies an application or complaint~~[- is denied]~~, the school shall:
- 728 (i) state written reasons for the denial or results of the investigation~~[- shall be stated]~~ ;
- 729 and[-]
- 730 (ii) if appropriate, make suggested corrections ~~[shall be made]~~ to remedy the
- 731 deficiency.
- 732 (c) A school that denies a club ~~[that is denied]~~ school facilities use shall ~~[be informed]~~
- 733 inform the club at the time of the denial of[-] :
- 734 (i) the factual and legal basis for the denial[;] ; and[-]
- 735 (ii) if appropriate, how the club could correct the basis for the denial~~[- could be~~
- 736 ~~corrected].~~
- 737 (2)(a) ~~[If denied, suspended, or terminated, a]~~ A club, a student desirous of participating
- 738 or speaking, or a complaining parent, has 10 school days from the date of the denial,
- 739 suspension, or termination of the club to file a written appeal ~~[from the denial,~~
- 740 ~~suspension, or termination]~~ to a designee ~~[authorized by]~~ whom the LEA governing
- 741 board authorizes.

- 742 (b) The designee described in Subsection (2)(a) shall issue a determination within a
 743 reasonable amount of time from receipt of the appeal~~[, which]~~ .
- 744 (c) The decision described in Subsection (2)(b) is final and constitutes satisfaction of all
 745 administrative remedies unless an agreement of all parties extends the time for
 746 evaluation~~[is extended by agreement of all parties]~~.
- 747 (3) A person directly affected by a decision made in accordance with the provisions of this
 748 part may appeal the decision by writing to a person designated by the LEA governing
 749 board.

750 Section 17. Section **53G-7-712** is amended to read:

751 **53G-7-712 (Effective 07/01/26). Rulemaking -- State board -- LEA governing**
 752 **boards.**

753 (1) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
 754 state board may make rules governing clubs that do not conflict with this part.

755 (2) ~~[The state board may adopt additional rules and]~~LEA governing boards may adopt [
 756 additional]policies governing clubs that do not conflict with ~~[the provisions of]~~this part.

757 Section 18. Section **53H-1-402** is amended to read:

758 **53H-1-402 (Effective 07/01/26) (Partially Repealed 07/01/27). Reports to and**
 759 **actions of the Higher Education Appropriations Subcommittee.**

- 760 (1) In accordance with applicable provisions and Section 68-3-14, the following recurring
 761 reports are due to the Higher Education Appropriations Subcommittee:
- 762 (a) the reports described in Sections 53H-1-502, 53H-1-503, and 53H-1-504, regarding
 763 prohibited discriminatory practices, submissions, and training;
- 764 (b) the reports described in Section 53H-1-203 by the board on:
 765 (i) system wide responses to changing demographics and workforce; and
 766 (ii) the board's activities and performance against the board's goals and metrics;
- 767 (c) the report described in Section 53H-5-205;
- 768 (d) the report described in Section 53H-8-202 by the board on recommended
 769 appropriations for higher education institutions and the board, including the report
 770 described in Section 53H-11-406 by the board on the effects of offering nonresident
 771 partial tuition scholarships;
- 772 (e) the report described in Section 53H-8-306 by the Department of Workforce Services
 773 and the Governor's Office of Economic Opportunity on targeted jobs;
- 774 (f) the reports described in Section 53H-8-303 by the board on performance;
- 775 (g) the report described in Section 53H-11-402 by the board on the Opportunity

- 776 Scholarship Program;
- 777 (h) the report described in Section 53H-13-309 regarding the talent advisory councils;
- 778 (i) the report described in Section 53H-11-414 by the board on the Utah Promise
- 779 Program;
- 780 (j) the report described in Section 53H-6-202 by the board on an institution
- 781 compensating a student athlete for the use of the student athlete's name, image, or
- 782 likeness;
- 783 (k) the report described in Section 53H-1-604 regarding the Higher Education and
- 784 Corrections Council; and
- 785 (l) the report described in Section 53E-10-308 by the State Board of Education and
- 786 board on student participation in the concurrent enrollment program.
- 787 (2) In accordance with applicable provisions and Section 68-3-14, the following occasional
- 788 report is due to the Higher Education Appropriations Subcommittee[?], the board's report
- 789 regarding each institution's strategic reinvestment plan described in Section 53H-8-210.
- 790 (3) In accordance with applicable provisions, the Higher Education Appropriations
- 791 Subcommittee shall complete the following:
- 792 (a) an appropriation recommendation described in Section 53H-1-504 regarding
- 793 compliance with Subsections [~~53H-1-504(5)~~] 53H-1-504(3)(c) and [~~(14)~~]
- 794 53H-1-504(9)(a); and
- 795 (b) as required by Section 53H-8-304, the review of performance funding described in
- 796 Section 53H-8-304.
- 797 (4) In consultation with the board, the Higher Education Appropriations Subcommittee
- 798 shall study a re-design of:
- 799 (a) the performance funding model described in Chapter 8, Part 3, Performance Funding,
- 800 to better ensure:
- 801 (i) institutional alignment with the statewide system of higher education and the
- 802 institution's mission within the statewide system; and
- 803 (ii) investment in meeting localized and statewide workforce demands and securing
- 804 post-graduation employment outcomes; and
- 805 (b) enrollment-based funding, including, for technical colleges, funding distribution
- 806 models that:
- 807 (i) include equivalent funding value for secondary and adult students; and
- 808 (ii) reflect the full responsibility of the technical college's statutorily-required
- 809 services.

810 Section 19. Section **53H-1-502** is amended to read:

811 **53H-1-502 (Effective 07/01/26). Prohibition on the use of certain submissions in**
812 **higher education -- Exceptions.**

813 (1) As used in this section[~~,"prohibited]~~ :

814 (a) "Prohibited submission" means [~~the same as that term is defined in Section 67-27-107.]~~
815 a submission, statement, or document that requires an individual to articulate the
816 individual's position, view, contribution, effort, or experience regarding a policy,
817 program, or initiative that promotes differential treatment based on an individual's
818 personal identity characteristic.

819 (b) "Prohibited submission" includes a submission, statement, or document that relates
820 to a policy, program, or initiative regarding:

821 (i) anti-racism;

822 (ii) bias;

823 (iii) critical race theory;

824 (iv) implicit bias;

825 (v) intersectionality;

826 (vi) a prohibited discriminatory practice, as that term is defined in Section 53H-1-504;

827 or

828 (vii) racial privilege.

829 (c) "Prohibited submission" does not include a submission, statement, or document for
830 an employment position if the submission, statement, or document relates to a bona
831 fide occupational qualification for the position.

832 (2) Except as provided in Subsections (4) and [~~(6)] (5), an institution may not require,~~
833 request, solicit, or compel a prohibited submission as a certification or condition before
834 taking action with respect to:

835 (a) employment, including decisions regarding:

836 (i) hiring;

837 (ii) terms of employment;

838 (iii) benefits;

839 (iv) compensation;

840 (v) seniority status;

841 (vi) tenure or continuing status;

842 (vii) promotion;

843 (viii) performance reviews;

- 844 (ix) transfer;
- 845 (x) termination; or
- 846 (xi) appointment;
- 847 (b) admission to, advancement in, or graduation from an institution or an academic
- 848 program;
- 849 (c) participation in an institution-sponsored program; or
- 850 (d) qualification for or receipt of state financial aid or other state financial assistance.
- 851 (3) An institution may not grant any form of preferential consideration to an individual
- 852 who, with or without solicitation from the institution, provides a prohibited submission
- 853 for consideration for any action described in Subsection (2).
- 854 (4)(a) If federal law requires an institution to accept or require a prohibited submission,
- 855 the institution:
- 856 [(a)] (i) may accept the prohibited submission only to the extent required under
- 857 federal law; and
- 858 [(b)] (ii) shall limit consideration of the information contained in the prohibited
- 859 submission to the extent necessary to satisfy the requirement under federal law.
- 860 [(5)] (b) For a required prohibited submission under Subsection [(4)] (4)(a), an institution
- 861 shall:
- 862 [(a)] (i) prepare a report to the institution's governing board detailing the
- 863 circumstances under which [a] the prohibited submission is required; and
- 864 [(b)] (ii) publish the report described in Subsection (5)(a) on the institution's
- 865 governing board website in a conspicuous location.
- 866 [(6)] (5) Nothing in this section limits or prohibits an institution's authority to establish
- 867 policies that:
- 868 (a) are necessary to comply with state or federal law, including laws relating to
- 869 prohibited discrimination or harassment;
- 870 (b) require disclosure of an employee's academic research, classroom teaching, or
- 871 coursework; or
- 872 (c) require an applicant for employment, tenure, or promotion to disclose or discuss the
- 873 applicant's:
- 874 (i) research;
- 875 (ii) teaching agenda;
- 876 (iii) artistic creations; or
- 877 (iv) pedagogical approaches or experiences with students of all learning abilities.

- 878 ~~[(7)]~~ (6)(a) The board shall conduct a biennial review of an institution of higher
879 education's compliance with this section ~~[as follows:]~~
- 880 ~~[(i) for 2025, on each institution of higher education; and]~~
- 881 ~~[(ii) for 2026, and every year after,]~~on one-half of the degree granting institutions of
882 higher education and one-half of the technical colleges each year so that each
883 institution receives a review once every two years.
- 884 (b) If the board identifies a violation of this section, the board shall:
- 885 (i) on or before 30 days after the day on which the board identifies the violation,
886 work with the institution to create a remediation plan; and
- 887 (ii) provide the institution 180 days after the day of the creation of the remediation
888 plan to cure the violation.
- 889 ~~[(8)]~~ (7) On or before November 1 of each year, the board shall prepare and submit a report
890 to the Education Interim Committee and the Higher Education Appropriations
891 Subcommittee on:
- 892 (a)(i) the review process and each institution's compliance determination; or
- 893 ~~[(b)]~~ (ii) if a violation is identified, the remediation plan and progress under
894 Subsection (7)(b)~~[-]~~ ; and
- 895 (b) violations the board identifies in accordance with Sections 53H-1-503 and 53H-1-504.
- 896 ~~[(9)]~~ (8) The Legislature may withhold future state appropriations to an institution that fails
897 to cure a violation of this section within the time provided under Subsection ~~[(7)(b)]~~
898 (6)(b).
- 899 ~~[(10)]~~ (9) The board shall make rules in accordance with Title 63G, Chapter 3, Utah
900 Administrative Rulemaking Act, to establish a procedure for accepting and processing
901 an individual's complaint against an institution for an alleged violation of this section.
- 902 Section 20. Section **53H-1-503** is amended to read:
- 903 **53H-1-503 (Effective 07/01/26). Prohibition on the use of certain training in**
904 **higher education -- Exceptions.**
- 905 (1) As used in this section:
- 906 (a) "Prohibited training" means a mandatory instructional program ~~[and related materials~~
907 ~~that]~~ that:
- 908 (i) an institution requires the institution's employees, prospective employees,
909 students, or prospective students~~[-]~~ to attend~~[that promote-]~~ ; and
- 910 (ii) promotes a prohibited discriminatory [practices] practice as that term is defined in
911 Section 53H-1-504.

- 912 (b) "Prohibited training" includes an in-person or online seminar, discussion group,
 913 workshop, other program, or related materials.
- 914 (2) An institution may not require prohibited training.
- 915 (3) An institution shall annually train the institution's faculty and staff on academic freedom
 916 and freedom of speech in accordance with state or federal law.
- 917 (4) Nothing in this section limits or prohibits an institution's authority to establish policies
 918 that are necessary to comply with state or federal law, including laws relating to
 919 prohibited discrimination or harassment.
- 920 (5)(a) The board shall conduct a biennial review of an institution of higher education's
 921 compliance with this section [~~as follows:~~]
 922 [(i) ~~for 2025, on each institution of higher education; and~~]
 923 [(ii) ~~for 2026, and every year after,~~] on one-half of the institutions of higher
 924 education and one-half of the technical colleges each year so that each institution
 925 receives a review once every two years.
- 926 (b) If the board identifies a violation of this section, the board shall:
 927 (i) on or before 30 days after the day on which the board identifies the violation,
 928 work with the institution to create a remediation plan; and
 929 (ii) provide the institution 180 days after the day of the creation of the remediation
 930 plan to cure the violation.
- 931 (6) On or before November 1 of each year, the board shall [~~prepare and submit a report to~~
 932 ~~the Higher Education Appropriations Subcommittee~~] include in the board's report
 933 described in Subsection 53H-1-502 information on:
 934 (a) the review process and each institution's compliance determination; or
 935 (b) if a violation is identified, the remediation plan and progress under Subsection (5)(b).
- 936 (7) The Legislature may withhold future state appropriations to an institution that fails to
 937 cure a violation of this section within the time provided under Subsection (5)(b).
- 938 (8) The board shall make rules in accordance with Title 63G, Chapter 3, Utah
 939 Administrative Rulemaking Act, to establish a procedure for accepting and processing
 940 an individual's complaint against an institution for an alleged violation of this section.
- 941 Section 21. Section **53H-1-504** is amended to read:
 942 **53H-1-504 (Effective 07/01/26). Prohibited discriminatory practices --**
 943 **Restrictions -- Campus climate survey -- Exceptions.**
- 944 (1) As used in this section:
 945 (a) "Important government interest" [~~means~~] includes a governmental purpose relating to:

- 946 (i) athletic competition or athletic safety in public education; or
947 (ii) privacy, including compliance with Title 63G, Chapter 31, Distinctions on the
948 Basis of Sex.
- 949 (b) "Personal identity [~~characteristics~~] characteristic" means an individual's race, color,
950 ethnicity, sex, sexual orientation, national origin, religion, or gender identity.
- 951 (c)(i) "Prohibited discriminatory practice" means engaging in or maintaining a policy,
952 procedure, practice, program, office, initiative, or required training that, based on
953 an individual's personal identity [~~characteristics~~] characteristic:
- 954 (A) promotes the differential treatment of an individual without an important
955 government interest;
- 956 (B) influences the employment decisions of an individual other than through the
957 use of neutral hiring processes with regard to a personal identity [~~characteristics~~]
958 characteristic and in accordance with federal law;
- 959 (C) influences an individual's admission to, advancement in, or graduation from
960 an institution, the public education system, or an academic program; or
- 961 (D) influences an individual's participation in an institution-sponsored or public
962 education system-sponsored program.
- 963 (ii) "Prohibited discriminatory practice" [~~also means~~] includes engaging in or
964 maintaining a policy, procedure, practice, program, office, initiative, or required
965 training that:
- 966 (A) asserts that one personal identity characteristic is inherently superior or
967 inferior to another personal identity characteristic;
- 968 (B) asserts that an individual, by virtue of the individual's personal identity [~~characteristics~~] characteristic, is inherently privileged, oppressed, racist, sexist,
969 oppressive, or a victim, whether consciously or unconsciously;
- 970 (C) asserts that an individual should be discriminated against in violation of Title
971 VI, Title VII, and Title IX, receive adverse treatment, be advanced, or receive
972 beneficial treatment because of the individual's personal identity [~~characteristics~~]
973 characteristic;
- 974 (D) asserts that an individual's moral character is determined by the individual's
975 personal identity [~~characteristics~~] characteristic;
- 976 (E) asserts that an individual, by virtue of the individual's personal identity [~~characteristics~~] characteristic, bears responsibility for actions committed in the
977 past by other individuals with the same personal identity [~~characteristics~~]
978
979

980 characteristic;

981 (F) asserts that an individual should feel discomfort, guilt, anguish, or other
982 psychological distress solely because of the individual's personal identity [
983 ~~characteristics~~] characteristic;

984 (G) asserts that meritocracy is inherently racist or sexist;

985 (H) asserts that socio-political structures are inherently a series of power
986 relationships and struggles among racial groups;

987 (I) promotes resentment between, or resentment of, individuals by virtue of [~~their~~]
988 the individuals' personal identity characteristics;

989 (J) ascribes values, morals, or ethical codes, privileges, or beliefs to an individual
990 because of the individual's [~~race, color, ethnicity, sex, sexual orientation,~~
991 ~~national origin, or gender identity~~] personal identity characteristic;

992 (K) considers an individual's personal identity [~~characteristics~~] characteristic in
993 determining receipt of state financial aid or other state financial assistance,
994 including a scholarship award or tuition waiver; or

995 (L) is referred to or named "diversity, equity, and inclusion."

996 (iii) "Prohibited discriminatory practice" does not include[-] :

997 (A) policies or procedures required by state or federal law, including laws relating
998 to prohibited discrimination or harassment[-] ; or

999 (B) policies or procedures that promote intellectual diversity that do not otherwise
1000 constitute a prohibited discriminatory practice.

1001 (d) "Student success and support" means a description of an office, division,
1002 employment position, or other unit of an institution [~~established or maintained to~~
1003 ~~provide~~] that provides support, guidance, and resources that equip all students,
1004 including all students at higher risk of not completing a certificate or degree, with
1005 experiences and opportunities for success in each student's academic and career
1006 goals, and without excluding individuals on the basis of an individual's personal
1007 identity [~~characteristics~~] characteristic.

1008 (e) "Title VI" means Title VI of the Civil Rights Act of 1964, 42 U.S.C. Sec. 2000d et
1009 seq.

1010 (f) "Title VII" means Title VII of the Civil Rights Act of 1964, 42 U.S.C. Sec. 2000e et
1011 seq.

1012 (g) "Title IX" means Title IX of the Education Amendments of 1972, 20 U.S.C. Sec.
1013 1681 et seq.

- 1014 (2) An institution may not:
- 1015 (a) engage in a prohibited discriminatory [practices] practice;
- 1016 (b) take, express, or assert a position or opinion on subjects described in Subsection [
- 1017 ~~67-27-107(1)(b)(ii)~~ 53H-1-502(1)(b);
- 1018 (c) establish or maintain an office, division, employment position, or other unit of an
- 1019 institution established to implement, develop, plan, or promote campus policies,
- 1020 procedures, practices, programs, or initiatives, regarding a prohibited discriminatory [
- 1021 ~~practices]~~ practice; or
- 1022 (d) employ or assign an employee or a third-party whose duties [~~for an institution-~~
- 1023 include coordinating, creating, developing, designing, implementing, organizing,
- 1024 planning, or promoting policies, programming, training, practices, activities, and
- 1025 procedures relating to a prohibited discriminatory [practices] practice.
- 1026 (3)(a) An institution shall:
- 1027 [~~(a)~~] (i) ensure that all students have access to programs providing student success and
- 1028 support;
- 1029 [~~(b)~~] (ii) publish the titles and syllabi of all mandatory courses, seminars, classes,
- 1030 workshops, and training sessions on the institution's website in an online database
- 1031 that is readily searchable by the public;
- 1032 [~~(c)~~] (iii) annually train employees on the separation of personal political advocacy
- 1033 from an institution's business and employment activities;
- 1034 [~~(d)~~] (iv) develop strategies, including inviting speakers, to promote viewpoint
- 1035 diversity; and
- 1036 [~~(e)~~] (v) establish policies and procedures to include opportunities for education and
- 1037 research on free speech and civic education.
- 1038 [~~(4)~~] (b) The board shall report to the Higher Education Appropriations Subcommittee on
- 1039 the status and allocation of appropriated funds for student success and support.
- 1040 [~~(5)~~] (c) The Legislature shall, in a line item appropriation, appropriate ongoing funding
- 1041 to support an institution's student success and support program in accordance with
- 1042 this section.
- 1043 [~~(6)~~] (4)(a) On or before January 1, 2025, the board shall contract with a third-party
- 1044 contractor, in accordance with Title 63G, Chapter 6a, Utah Procurement Code, to
- 1045 conduct a campus expression climate survey of each institution:
- 1046 (i) to assess student, faculty, and staff perceptions of and experiences with an
- 1047 institution's campus environment that measures the student's, faculty member's,

- 1048 and staff member's perception of and experience with an institution's campus
1049 environment; and
- 1050 (ii) that measures the student's, faculty member's, and staff member's perception of
1051 and experience with campus policy and practice regarding freedom of speech and
1052 academic freedom at the institution.
- 1053 (b) The board shall collect the results of each campus expression climate survey under
1054 Subsection ~~[(6)]~~ (4)(a) and submit the results to the Office of Legislative Research
1055 and General Counsel beginning on or before July 1.
- 1056 ~~[(7)]~~ ~~(c)~~~~[(a)]~~ (i) The Office of Legislative Research and General Counsel shall provide
1057 a summary report on the data collected from the campus expression climate
1058 surveys to the Education Interim Committee on or before:
- 1059 ~~[(i)]~~ (A) November 1, 2027, for reports received in years 2025, 2026, and 2027;
1060 ~~[(ii)]~~ (B) November 1, 2030, for reports received in years 2028, 2029, and 2030;
1061 and
- 1062 ~~[(iii)]~~ (C) November 1, 2033, for reports received in years 2031, 2032, and 2033.
- 1063 ~~[(b)]~~ (ii) On or before November 1, 2035, the Office of Legislative Research and
1064 General Counsel shall provide a comprehensive report of the campus expression
1065 climate surveys to the Education Interim Committee.
- 1066 ~~[(8)]~~ (5)(a) Nothing in this section requires an individual to respond to a campus
1067 expression climate survey.
- 1068 ~~[(9)]~~ (b) Nothing in this section limits or prohibits an institution's authority to establish
1069 policies that:
- 1070 ~~[(a)]~~ (i) are necessary to comply with state or federal law, including laws relating to
1071 prohibited discrimination or harassment;
- 1072 ~~[(b)]~~ (ii) require disclosure of an employee's academic research, classroom teaching,
1073 or coursework; or
- 1074 ~~[(c)]~~ (iii) require for employment, tenure, or promotion to disclose or discuss the
1075 applicant's:
- 1076 ~~[(i)]~~ (A) research;
- 1077 ~~[(ii)]~~ (B) teaching agenda;
- 1078 ~~[(iii)]~~ (C) artistic creations; or
- 1079 ~~[(iv)]~~ (D) pedagogical approaches or experiences with students of all learning
1080 abilities.
- 1081 ~~[(10)]~~ (6)(a) This section does not apply to:

- 1082 ~~[(a)]~~ (i) requirements necessary for athletic and accreditation compliance;
- 1083 ~~[(b)]~~ (ii) academic research;
- 1084 ~~[(c)]~~ (iii) academic course teaching in the classroom;
- 1085 (iv) in accordance with Subsection (3)(a)(iv):
- 1086 (A) a presentation or instruction by a guest lecturer in an academic course; or
- 1087 (B) a speaker an administrative unit of the institution, faculty member or faculty
- 1088 organization, staff member or staff organization, or student club or
- 1089 organization invites to speak, virtually or in person, at the institution, including
- 1090 a public policy event described in Section 53H-6-302;
- 1091 ~~[(d)]~~ (v) a grant that would otherwise require:
- 1092 ~~[(i)]~~ (A) a department, office, division, or other unit of an institution to engage in a
- 1093 prohibited discriminatory practice if the grant has been reviewed and approved
- 1094 by the institution's board of trustees; or
- 1095 ~~[(ii)]~~ (B) an institution to engage in a prohibited discriminatory practice if the grant
- 1096 has been reviewed and approved by the board;
- 1097 ~~[(e)]~~ (vi) requirements necessary for an institution to establish or maintain eligibility
- 1098 for any federal program; or
- 1099 ~~[(f)]~~ (vii) private scholarships administered by an institution.
- 1100 ~~[(4)]~~ (b) Notwithstanding any other provision of this chapter or of Chapter 3,
- 1101 Institutions of Higher Education Generally, the University of Utah may take any
- 1102 action required for the University of Utah to comply with the terms of an agreement
- 1103 entered into between the University of Utah and the Ute Indian Tribe before July 1,
- 1104 2024.
- 1105 ~~[(12)]~~ (7)(a) The board shall conduct a biennial review of an institution of higher
- 1106 education's compliance with this section as follows:
- 1107 (i) for 2025, on each institution of higher education; and
- 1108 (ii) for 2026, and every year after, on one-half of the degree granting institutions of
- 1109 higher education and one-half of the technical colleges.
- 1110 (b) If the board identifies a violation of this section, the board shall:
- 1111 (i) on or before 30 days after the day on which the board identifies the violation,
- 1112 work with the institution to create a remediation plan; and
- 1113 (ii) provide the institution 180 days after the day of the creation of the remediation
- 1114 plan to cure the violation.
- 1115 ~~[(13)]~~ (8) On or before November 1 of each year, the board shall ~~[prepare and submit a~~

1116 report to the ~~Higher Education Appropriations Subcommittee~~ include in the board's
 1117 report described in Section 53H-1-502 information on:

- 1118 (a) the review process and each institution's compliance determination; or
 1119 (b) if a violation is identified, the remediation plan and progress under Subsection [
 1120 ~~(12)(b)~~] (7)(b).

1121 ~~[(14)]~~ (9)(a) On or before December 1 of each year, the Higher Education Appropriations
 1122 Subcommittee shall:

- 1123 ~~[(a)]~~ (i) report the findings under Subsections ~~[(4)]~~ (3)(b) and ~~[(13)]~~ (8) to the
 1124 Legislature; and
 1125 ~~[(b)]~~ (ii) make appropriation recommendations about an institution's compliance with
 1126 this section.

1127 ~~[(15)]~~ (b) The Legislature may withhold future state appropriations to an institution that
 1128 fails to cure a violation of this section within the time provided under Subsection [
 1129 ~~(12)(b)~~] (7)(b).

1130 ~~[(16)]~~ (10) The board shall make rules in accordance with Title 63G, Chapter 3, Utah
 1131 Administrative Rulemaking Act, to establish a procedure for accepting and processing
 1132 an individual's complaint against an institution for an alleged violation of this section.

1133 Section 22. Section **53H-6-302** is enacted to read:

1134 **53H-6-302 (Effective 07/01/26). Public policy events at state institutions of higher**
 1135 **education.**

1136 (1) As used in this section:

- 1137 (a) "Debate" means an event at which two or more presenters advocate for opposing or
 1138 diverse approaches to a public policy issue and rebut each other's positions.
 1139 (b) "Formal administrative unit" means:
 1140 (i) an office or division under the direct supervision of the president or president's
 1141 cabinet; or
 1142 (ii) an academic department, college, institute, or center within an institution.
 1143 (c) "Presenter" means an individual whom an institution invites or authorizes to present
 1144 at or facilitate a public policy event.
 1145 (d) "Public policy event" means a debate or event with multiple presenters that:
 1146 (i) addresses, from multiple, divergent, and opposing perspectives, a range of public
 1147 policy issues;
 1148 (ii) an institution designates under Subsection (2)(a); and
 1149 (iii) a formal administrative unit organizes or authorizes under this section.

- 1150 (2) A degree-granting institution shall:
- 1151 (a) establish practices that will introduce campus communities to diverse viewpoints,
- 1152 including designating public policy events to host during each regular academic year;
- 1153 (b)(i) ensure that at least some public policy events are debates;
- 1154 (ii) invite presenters from within and outside the institution;
- 1155 (iii) ensure that public policy events are open to:
- 1156 (A) all students, faculty, and staff of the institution; and
- 1157 (B) the general public, unless the institution restricts individuals who are not
- 1158 affiliated with the institution to achieve a compelling governmental interest; and
- 1159 (iv) seek presenters who represent differing views; and
- 1160 (c) maintain and update a publicly accessible and searchable calendar online:
- 1161 (i) that lists all public policy events that are open to the general public; and
- 1162 (ii) that includes, for each public policy event:
- 1163 (A) the title of the event;
- 1164 (B) the name and, where applicable, institutional affiliation of each presenter; and
- 1165 (C) the name of the formal administrative unit that organizes and stages the event.
- 1166 (3)(a) Nothing in Subsection (2) requires an exact balance between presenters of
- 1167 differing viewpoints.
- 1168 (b) Nothing in this section prohibits an institution from inviting an individual speaker or
- 1169 a panel who articulates a singular or specific perspective, as described in Subsection
- 1170 53H-1-504(3)(a)(iv).
- 1171 Section 23. Section **67-27-107** is amended to read:
- 1172 **67-27-107 (Effective 07/01/26). Prohibition on the use of certain submissions by**
- 1173 **governmental employers -- Exceptions.**
- 1174 (1) As used in this section:
- 1175 (a)(i) "Governmental employer" means any department, division, agency,
- 1176 commission, board, council, committee, authority, municipality, county, political
- 1177 subdivision, or any other institution of the state.
- 1178 (ii) "Governmental employer" does not mean a local education agency or institution
- 1179 of higher education.
- 1180 (b)[(†)] "Prohibited submission" means [~~a submission, statement, or document that~~
- 1181 ~~requires an individual to articulate the individual's position, view, contribution,~~
- 1182 ~~effort, or experience regarding a policy, program, or initiative that promotes~~
- 1183 ~~differential treatment based on an individual's personal identity characteristics,] the~~

- 1184 same as that term is defined in Section [~~53H-1-504~~] 53H-1-502.
- 1185 [~~(ii) "Prohibited submission" includes a submission, statement, or document that~~
- 1186 ~~relates to a policy, program, or initiative regarding:]~~
- 1187 [~~(A) anti-racism;~~]
- 1188 [~~(B) bias;~~]
- 1189 [~~(C) critical race theory;~~]
- 1190 [~~(D) implicit bias;~~]
- 1191 [~~(E) intersectionality;~~]
- 1192 [~~(F) prohibited discriminatory practice, as that term is defined in Section~~
- 1193 ~~53H-1-504; or]~~
- 1194 [~~(G) racial privilege.]~~
- 1195 [(iii) "Prohibited submission" does not include a submission, statement, or document
- 1196 for an employment position if the submission, statement, or document relates to a
- 1197 bona fide occupational qualification for the position.]
- 1198 (2) Except as provided in Subsection (4), a governmental employer may not require,
- 1199 request, solicit, or compel a prohibited submission as a certification or condition before
- 1200 taking action with respect to:
- 1201 (a) employment, including decisions regarding:
- 1202 (i) hiring;
- 1203 (ii) terms of employment;
- 1204 (iii) benefits;
- 1205 (iv) compensation;
- 1206 (v) seniority status;
- 1207 (vi) tenure or continuing status;
- 1208 (vii) promotion;
- 1209 (viii) performance reviews;
- 1210 (ix) transfer;
- 1211 (x) termination; or
- 1212 (xi) appointment; or
- 1213 (b) admissions and aid, including:
- 1214 (i) admission to any state program or course;
- 1215 (ii) financial or other forms of state-administered aid or assistance; or
- 1216 (iii) other benefits from the governmental employer for which an individual is
- 1217 eligible.

- 1218 (3) A governmental employer may not grant any form of preferential consideration to an
- 1219 individual who, with or without solicitation from the governmental employer, provides a
- 1220 prohibited submission for any action described in Subsection (2).
- 1221 (4) If federal law requires a governmental employer to accept or require a prohibited
- 1222 submission, the governmental employer:
- 1223 (a) may accept the prohibited submission only to the extent required under federal law;
- 1224 and
- 1225 (b) shall limit consideration of the information contained in the prohibited submission to
- 1226 the extent necessary to satisfy the requirement under federal law.
- 1227 (5) Nothing in this section limits or prohibits a governmental employer's authority to
- 1228 establish policies that are necessary to comply with state or federal law, including laws
- 1229 relating to prohibited discrimination or harassment.

1230 Section 24. Section **67-27-108** is amended to read:

1231 **67-27-108 (Effective 07/01/26). Prohibition on the use of certain training by**
 1232 **governmental employers -- Exceptions.**

- 1233 (1) As used in this section:
- 1234 (a) "Governmental employer" means the same as that term is defined in Section
- 1235 67-27-107.
- 1236 (b)(i) "Prohibited training" means a mandatory instructional program [~~and related~~
- 1237 ~~materials that]~~ that:
- 1238 (A) a governmental employer requires the governmental employer's current or
- 1239 prospective employees to attend~~[that promote]~~ ; and
- 1240 (B) promotes a prohibited discriminatory [~~practices]~~ practice as that term is
- 1241 defined in Section 53H-1-504.
- 1242 (ii) "Prohibited training" includes an in-person or online seminar, discussion group,
- 1243 workshop, other program, or related materials.
- 1244 (2) A governmental employer may not require prohibited training.
- 1245 (3) Nothing in this section limits or prohibits a governmental employer's authority to
- 1246 establish policies that are necessary to comply with state or federal law, including laws
- 1247 relating to prohibited discrimination or harassment.

1248 Section 25. Section **67-27-109** is amended to read:

1249 **67-27-109 (Effective 07/01/26). Prohibited discriminatory practices --**
 1250 **Restrictions -- Reporting.**

- 1251 (1) As used in this section:

- 1252 (a) "Executive agency director" means the executive agency director of an executive
 1253 department agency who, at the direction of the governor, carries out state business.
- 1254 (b) "Governmental employer" means the same as that term is defined in Section
 1255 67-27-107.
- 1256 (c) "Personal identity [~~characteristics~~] characteristic" means the same as that term is
 1257 defined in Section 53H-1-504.
- 1258 (d) "Prohibited discriminatory practice" means the same as that term is defined in
 1259 Section 53H-1-504.
- 1260 (2)(a) This section does not apply to a federal grant or program that would otherwise
 1261 require a governmental employer to engage in a prohibited discriminatory practice if
 1262 the grant or program has been reviewed and approved by the governmental
 1263 employer's executive director, legislative body, or governing body, as that term is
 1264 defined in Section 10-1-104.
- 1265 (b) A governmental employer's executive director, legislative body, or governing body
 1266 shall report the reviewed and approved federal grant or program under Subsection
 1267 (2)(a) to the Executive Appropriations Committee.
- 1268 (3) A governmental employer may not engage in a prohibited discriminatory [~~practices~~]
 1269 practice.
- 1270 (4) Nothing in this section limits or prohibits a governmental employer from:
- 1271 (a) as required or permitted by state law:
- 1272 (i) establishing or maintaining an office, division, or employment position to
 1273 implement, develop, plan, or promote practices relating to a personal identity [
 1274 ~~characteristics~~] characteristic if the office, division, or employment position is not
 1275 engaging in a prohibited discriminatory [~~practices~~] practice; or
- 1276 (ii) employing or assigning an employee or a third-party whose duties [~~for~~
 1277 ~~governmental employer~~] include coordinating, creating, developing, designing,
 1278 implementing, organizing, planning, or promoting policies, programming,
 1279 training, practices, activities, and procedures relating to a personal identity [
 1280 ~~characteristics~~] characteristic if the employee or the third-party is not engaging in a
 1281 prohibited discriminatory [~~practices~~] practice;
- 1282 (b) establishing policies that are necessary to comply with state or federal law, including
 1283 laws relating to prohibited discrimination or harassment; or
- 1284 (c) establishing policies that are necessary to comply with state law enacted on or before
 1285 July 1, 2024.

1286 ~~[(5)(a) Beginning on July 1, 2024, each executive agency director shall conduct a~~
1287 ~~thorough review of existing agency programs and offices to determine if the program~~
1288 ~~or office is in compliance with Subsection (3).]~~

1289 ~~[(b)]~~ (5) ~~[On or before August 1, 2025, each]~~ Each executive agency director shall report on
1290 the compliance of agency programs and offices under ~~[Subsection (5)(a) to the governor.]~~
1291 this section to

1292 ~~[(c) The governor shall provide the reports under Subsection (5)(b) to:]~~

1293 ~~[(i) the Government Operations Interim Committee at or before the November 2025,~~
1294 ~~interim committee meeting; and]~~

1295 ~~[(ii) the Legislative Management Committee upon request.~~

1296 Section 26. **Effective Date.**

1297 This bill takes effect on July 1, 2026.