

SB0295S03 compared with SB0295S02

~~{Omitted text}~~ shows text that was in SB0295S02 but was omitted in SB0295S03

inserted text shows text that was not in SB0295S02 but was inserted into SB0295S03

DISCLAIMER: This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will NOT be completely accurate. Therefore, you need to read the actual bills. This automatically generated document could contain inaccuracies caused by: limitations of the compare program; bad input data; or other causes.

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 training
within the public and higher education systems and state government, including reporting requirements;
- 13 ▸ amends provisions regarding curricular and noncurricular clubs within the public education
system, including ensuring objective and uniform treatment of noncurricular clubs;
- 16 ▸ provides that existing prohibitions on a discriminatory practice does not restrict a presentation or
instruction by a guest lecturer in an academic course or a speaker who speaks at an institution of higher
education by invitation;
- 19 ▸ requires each institution of higher education to:
- 20 •

SB0295S02

SB0295S02 compared with SB0295S03

organize certain events on public policy issues, including debates and representation of differing perspectives; and

• ~~provide public accessibility and transparency through event calendars~~{~~[~~ reporting, and video recording of events~~]~~} ; and

▸ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a special effective date.

Utah Code Sections Affected:

AMENDS:

53E-1-201 (Effective 07/01/26) (Partially Repealed 07/01/27), as last amended by Laws of Utah 2025, First Special Session, Chapter 9

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SB0295S02 compared with SB0295S03

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 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, First Special
Session, Chapter 8
57 **53H-1-503 (Effective 07/01/26)**, as renumbered and amended by Laws of Utah 2025, First Special
Session, Chapter 8
59 **53H-1-504 (Effective 07/01/26)**, as renumbered and amended by Laws of Utah 2025, First Special
Session, Chapter 8
61 **67-27-107 (Effective 07/01/26)**, as last amended by Laws of Utah 2025, First Special Session,
Chapter 9
63 **67-27-108 (Effective 07/01/26)**, as last amended by Laws of Utah 2025, First Special Session,
Chapter 9
65 **67-27-109 (Effective 07/01/26)**, as last amended by Laws of Utah 2025, First Special 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. Reports to and action required of the Education Interim Committee.**

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

77 (a) the report described in Section 9-22-109 by the STEM Action Center Board, including the
information described in Section 9-22-113 on the status of the computer science initiative and
Section 9-22-114 on the Computing Partnerships Grants Program;

81 (b) the prioritized list of data research described in Section 53H-15-303 and the report on research and
activities described in Section 53H-15-305 by the Utah Data Research Center;

84 (c) the report described in Section 53H-1-203 by the Utah Board of Higher Education on career and
technical education issues and addressing workforce needs;

86 (d) the annual report of the Utah Board of Higher Education described in Section 53H-1-203;

SB0295S02 compared with SB0295S03

- 88 (e) the reports described in Section 53H-7-603 by the Utah Board of Higher Education regarding
activities related to campus safety;
- 90 (f) the State Superintendent's Annual Report by the state board described in Section 53E-1-203;
- 92 (g) the annual report described in Section 53E-2-202 by the state board on the strategic plan to improve
student outcomes;
- 94 (h) the report described in Section 53E-3-501 by the state board on students in an LEA who receive
academic credit through the packet method;
- 96 (i) the report described in Section 53E-8-204 by the state board on the Utah Schools for the Deaf and
the Blind;
- 98 (j) the report described in Section 53E-10-703 by the Utah Leading through Effective, Actionable, and
Dynamic Education director on research and other activities;
- 100 ~~(k)~~ the report described in Section 53E-1-201 by the state board regarding prohibited discriminatory
practices, submissions, and training;
- 102 ~~[(k)]~~ (l) the report described in Section 53F-2-522 regarding mental health screening programs;
- 104 ~~[(h)]~~ (m) the report described in Section 53F-4-203 by the state board and the independent evaluator on
an evaluation of early interactive reading software;
- 106 ~~[(m)]~~ (n) the report described in Section 53F-6-412 by the program manager of the Utah Fits All
Scholarship Program;
- 108 ~~[(n)]~~ (o) the report described in Section 63N-20-107 by the Governor's Office of Economic Opportunity
on UPSTART;
- 110 ~~[(o)]~~ (p) the report described in Section 53F-5-215 by the state board related to a grant for an
elementary teacher preparation assessment;
- 112 ~~[(p)]~~ (q) upon request, the report described in Section 53F-5-219 by the state board on the Local
Innovations Civics Education Pilot Program;
- 114 ~~[(q)]~~ (r) the report described in Section 53F-5-405 by the state board regarding an evaluation of a
partnership that receives a grant to improve educational outcomes for students who are low-income;
- 117 (s) the report described in Section 53H-1-502 by the Utah Board of Higher Education regarding
prohibited discriminatory practices, submissions, and training;
- 119 ~~[(r)]~~ (t) the report described in Section 53H-1-604 regarding the Higher Education and Corrections
Council;
- 121 ~~[(s)]~~ (u) the report described in Section 53G-7-221 by the state board regarding innovation plans; and

SB0295S02 compared with SB0295S03

- 123 [(t)] (v) the reports described in Section 53F-6-412 regarding the Utah Fits All Scholarship Program.
- 125 (2) In accordance with applicable provisions and Section 68-3-14, the following occasional reports are due to the Education Interim Committee:
- 127 (a) in 2027, 2030, 2033, and 2035, the reports described in Sections 53H-1-502, 53H-1-503, and 53H-1-504 regarding campus expression climate surveys;
- 129 (b) in 2025, the report described in Section 53H-6-203 by a degree-granting institution regarding policies on abusive coaching practices;
- 131 (c) if required, the report described in Section 53E-4-309 by the state board explaining the reasons for changing the grade level specification for the administration of specific assessments;
- 134 (d) if required, the report described in Section 53E-5-210 by the state board of an adjustment to the minimum level that demonstrates proficiency for each statewide assessment;
- 137 (e) the report described in Section 53E-10-702 by Utah Leading through Effective, Actionable, and Dynamic Education;
- 139 (f) if required, the report described in Section 53F-2-513 by the state board evaluating the effects of salary bonuses on the recruitment and retention of effective teachers in high-poverty schools;
- 142 (g) upon request, the report described in Section 53F-10-303 by the state board regarding the Rural School Sports Facilities Grant Program;
- 144 (h) upon request, a report described in Section 53G-7-222 by an LEA regarding expenditure of a percentage of state restricted funds to support an innovative education program;
- 147 (i) the reports described in Section 53G-11-304 by the state board regarding proposed rules and results related to educator exit surveys; and
- 149 (j) the report described in Section 26B-5-113 by the Office of Substance Use and Mental Health, the state board, and the Department of Health and Human Services regarding recommendations related to Medicaid reimbursement for school-based health services.
- 153 (3) In accordance with applicable provisions and Section 68-3-14, every five years the Education Interim Committee shall review the programs described in the following sections of code:
- 156 (a) beginning July 1, 2027, ~~[Title 53E, Chapter 10, Part 3]~~ Chapter 10, Part 3, Concurrent Enrollment;
- 158 (b) beginning July 1, 2027, Section 53F-2-408, Enhancement for Accelerated Students Program;
- 160 (c) beginning July 1, 2027, Section 53F-2-409, Concurrent enrollment funding;
- 161 (d) beginning July 1, 2027, Section 53F-2-415, Student health and counseling support -- Qualifying personnel -- Distribution formula -- Rulemaking;

SB0295S02 compared with SB0295S03

- (e) beginning July 1, 2028, Section 53F-2-416, Appropriation and distribution for the Teacher and Student Success Program;
- (f) beginning July 1, 2028, Section 53F-2-510, Digital Teaching and Learning Grant Program;
- (g) beginning July 1, 2028, Section 53F-9-306, Teacher and Student Success Account;
- (h) beginning July 1, 2028, Title 53G, Chapter 7, Part 13, Teacher and Student Success Program; and
- (i) beginning July 1, 2029, Section 53F-2-502, Dual language immersion.

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

53E-3-1101. Prohibited discriminatory practices -- Restrictions -- Reporting.

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

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

53G-2-103. Prohibition on the use of certain submissions in public education -- Exceptions.

SB0295S02 compared with SB0295S03

- 198 (1) As used in this section, "prohibited submission" means the same as that term is defined in Section
[67-27-107] 53H-1-502.
- 200 (2) Except as provided in Subsections ~~[(4)]~~ (4)(a) and ~~[(6)]~~ (5), an LEA may not require, request, solicit,
or compel a prohibited submission as a certification or condition before taking action with respect
to:
- 203 (a) employment, including decisions regarding:
- 204 (i) hiring;
- 205 (ii) terms of employment;
- 206 (iii) benefits;
- 207 (iv) compensation;
- 208 (v) seniority status;
- 209 (vi) tenure or continuing status;
- 210 (vii) promotion;
- 211 (viii) performance reviews;
- 212 (ix) transfer;
- 213 (x) termination; or
- 214 (xi) appointment;
- 215 (b) enrollment or graduation from the LEA;
- 216 (c) participation in LEA-sponsored programs; or
- 217 (d) qualification for or receipt of state financial aid or other state financial assistance.
- 218 (3) An LEA may not grant any form of preferential consideration to an individual who, with or without
solicitation from the LEA, provides a prohibited submission for consideration for any action
described in Subsection (2).
- 221 (4)
- (a) If federal law requires an LEA to accept or require a prohibited submission, the LEA:
- 223 ~~[(a)]~~ (i) may accept the prohibited submission only to the extent required under federal law; and
- 225 ~~[(b)]~~ (ii) shall limit consideration of the information contained in the prohibited submission to the
extent necessary to satisfy the requirement under federal law.
- 227 ~~[(5)]~~ (b) For a required prohibited submission under Subsection ~~[(4)]~~ (4)(a), an LEA shall notify the
state board detailing the circumstances under which [a] the prohibited submission [~~under Subsection~~
~~(4)~~]is required.

SB0295S02 compared with SB0295S03

- 230 [(6)] (5) Nothing in this section limits or prohibits an LEA's authority to establish policies that:
- 232 (a) are necessary to comply with state or federal law, including laws relating to prohibited
discrimination or harassment; or
- 234 (b) require an applicant for employment, tenure, continuing status, or promotion to disclose or discuss
the applicant's:
- 236 (i) teaching record;
- 237 (ii) artistic creations; or
- 238 (iii) pedagogical approaches or experiences with students of all learning abilities.
- 239 [(7)] (6) If the state board identifies a reported violation of this section, the state board shall ~~[provide an
update to the Education Interim Committee on an LEA's compliance with this section at or before
the Education Interim Committee's November interim committee meeting]~~ include information
regarding the violation in the report described in Section 53E-3-1101.
- 244 [(8)] (7) An individual may bring a violation of this section to the state board in accordance with the
process described in Section 53E-3-401.
- 245 Section 4. Section **53G-2-104** is amended to read:
- 246 **53G-2-104. Prohibition on the use of certain training in public education -- Exceptions.**
- 249 (1) As used in this section:
- 250 (a) "Prohibited training" means a mandatory instructional program ~~[and related materials that]~~ that:
- 252 (i) an LEA requires the LEA's employees, prospective employees, students, or prospective students[;] to
attend~~[that promote]~~ ; and
- 254 (ii) promotes a prohibited discriminatory [practices] practice, as that term is defined in Section
53H-1-504.
- 256 (b) "Prohibited training" includes an in-person or online seminar, discussion group, workshop, other
program, or related materials.
- 258 (2) An LEA may not require prohibited training.
- 259 (3) Nothing in this section limits or prohibits an LEA's authority to establish policies that are necessary
to comply with state or federal law, including laws relating to prohibited discrimination or
harassment.
- 262 (4) If the state board identifies a reported violation of this section, the state board shall ~~[provide an
update to the Education Interim Committee on an LEA's compliance with this section at or before~~

SB0295S02 compared with SB0295S03

~~the Education Interim Committee's November interim committee meeting]~~ include information regarding the violation in the report described in Section 53E-3-1101.

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

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

53G-2-105. Prohibited discriminatory practices -- Restrictions -- Reporting.

- (1) As used in this section, "prohibited discriminatory practice" means the same as that term is defined in Section 53H-1-504.
- (2) An LEA may not:
- (a) engage in a prohibited discriminatory [practices] practice;
 - (b) establish or maintain an office, division, employment position, or other unit of an institution established to implement, develop, plan, or promote campus policies, procedures, practices, programs, or initiatives, regarding a prohibited discriminatory [practices] practice; or
 - (c) employ or assign an employee or a third-party whose duties ~~[for an institution]~~ include coordinating, creating, developing, designing, implementing, organizing, planning, or promoting policies, programming, training, practices, activities, and procedures relating to a prohibited discriminatory [practices] practice.
- (3) An LEA shall ensure that all students have access to programs providing student success and support without excluding individuals on the basis of an individual's personal identity characteristic, as that term is defined in Section 53H-1-504.
- (4) Nothing in this section limits or prohibits an LEA's authority to establish policies that are necessary to comply with state or federal law, including laws relating to prohibited discrimination or harassment.
- (5) If the state board identifies a reported violation of this section, the state board shall ~~[provide an update to the Education Interim Committee and the Public Education Appropriations Subcommittee on an LEA's compliance with this section at or before the Education Interim Committee's November interim committee meeting]~~ include information regarding the violation in the report described in Section 53E-3-1101.
- (6) An individual may bring a violation of this section to the state board in accordance with the process described in Section 53E-3-401.

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

SB0295S02 compared with SB0295S03

297 **53G-7-701. Definitions.**

As used in this part:

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

SB0295S02 compared with SB0295S03

(a) "Encourage criminal or delinquent conduct" means action or advocacy of imminent action that violates any law or administrative rule.

(b) "Encourage criminal or delinquent conduct" does not include discussions concerning changing of laws or rules, or actions taken through lawfully established channels to effectuate such change.

~~[(7)]~~ (8)

(a) "Instructional time" means time during which[-] :

(i) a school is responsible for a student; and[-]

(ii) the student is required or expected to be actively engaged in a learning activity.

(b) "Instructional time" includes[-] :

(i) instructional activities in the classroom or study hall during regularly scheduled hours[-] :

(ii) required activities outside the classroom[-] ; and[-]

(iii) counseling, private conferences, or tutoring provided by school employees or volunteers acting in their official capacities during or outside of regular school hours.

~~[(8)]~~ (9) "Involve human sexuality" means:

(a) presenting information in violation of laws governing sex education, including Sections 53G-10-402 and 53E-9-203;

(b) advocating or engaging in sexual activity outside of legally recognized marriage or forbidden by state law; or

(c) presenting or discussing information relating to the use of contraceptive devices or substances, regardless of whether the use is for purposes of contraception or personal health.

~~[(9) "LEA governing board" means a local school board or charter school governing board.]~~

(10) "Limited open forum" means a forum created by a school district or charter school for student expression within the constraints of Subsection 53G-10-203(2)(b).

(11) "Noncurricular club" [is] means a ~~[student initiated group]~~ club in a secondary school:

(a) that students initiate;

(b) for which a school and LEA governing board may [be authorized] authorize and [allowed] allow school facilities use during noninstructional time [in secondary schools by a school and LEA governing board] in accordance with the provisions of this part[. A noncurricular] ; and

(c) for which a school, LEA governing board, or employees of a school or school district do not sponsor or endorse the club's meetings, ideas, and activities [are not sponsored or endorsed] in any way[by an LEA governing board, the school, or by school or school district employees].

SB0295S02 compared with SB0295S03

- 367 (12) "Noninstructional time" means time [set] that a school sets aside [~~by a school~~] before instructional
time begins or after instructional time ends, including discretionary time.
- 369 (13) "Personal identity characteristic" means the same as that term is defined in Section 53H-1-504.
- 371 (14) "Prohibited discriminatory practice" means the same as that term is defined in Section 53H-1-504.
- 373 [~~(13)~~] (15) "Religious club" means a noncurricular club designated in its application as either being
religiously based or based on expression or conduct mandated by conscience.
- 376 [~~(14)~~] (16) "School" means a public school, including a charter school.
- 377 [~~(15)~~] (17)
- (a) "School facilities use" means access to a school facility, premises, or playing field.
- 379 (b) "School facilities use" includes access to a limited open forum.
- 380 (18) "Secondary school curricular club" means a curricular club.
- 380 Section 7. Section **53G-7-702** is amended to read:
- 381 **53G-7-702. Student clubs -- Limited open forum -- Authorization -- Neutrality.**
- 384 (1)
- (a) A school may establish and maintain a limited open forum for student clubs [~~pursuant to~~] in
accordance with the provisions of this part, state board rules, and LEA governing board policies.
- 387 (b) Notwithstanding [~~the provisions under~~] Subsection (1)(a), a school retains the right to create a
closed forum at any time by allowing curricular clubs only.
- 389 (2)
- (a) A school shall review applications for authorization of clubs on a case-by-case basis.
- 391 (b) Before granting an authorization, the school shall find:
- 392 (i) that the proposed club meets this part's respective requirements of a curricular club or a
noncurricular club; and
- 394 (ii) that the proposed club's purpose and activities comply with this part, state board rules, and LEA
governing board rules.
- 396 (c) Before granting an authorization, a school may request additional information from the faculty
sponsor, from students proposing the club, or from [its] the school's LEA governing board[, if
desired].
- 399 (3) A school shall[-] :
- 400 (a) grant authorization and school facilities use to curricular and noncurricular clubs [~~whose~~
~~applications are found to meet~~] if the school finds that the relevant club's application meets the

SB0295S02 compared with SB0295S03

requirements of this part, rules of the state board, and ~~[policies of the]~~ LEA governing board rules,
and~~[-shall-]~~

(b) limit or deny authorization or school facilities use to proposed clubs that~~[-]~~ :

(i) do not meet the requirements of this part, rules of the state board, ~~[and policies of the]~~ or LEA governing board~~[-]~~ rules;

(ii) for curricular clubs, promote, degrade, or otherwise identify, in the club's general purpose, a personal identity characteristic;

(iii) for noncurricular clubs, degrade, in the club's general purpose, a personal identity characteristic; or

(iv) promote or encourage a prohibited discriminatory practice.

(4) Rules of the state board or an LEA governing board regarding clubs and actions of a school in authorizing clubs may not, except as provided in this part:

(a) subject a club to standards, requirements, or limitations based on the purpose or content of the club to which other clubs of the same designation, of either curricular or noncurricular, are subject; and

(b) condition authorization of, restrict, or limit the club based on a political or policy position of the club.

(5)

(a) Nothing in this part prohibits discussion of historical, cultural, religious, or social issues related to a personal identity characteristic within a curricular or noncurricular club with membership that remains open, in relation to personal identity characteristics, in accordance with this part and state and federal nondiscrimination law.

(b) An LEA or school may not grant academic credit, course credit, preferential grading treatment, or excused absences for participation in political advocacy, partisan activity, or public protest, regardless of membership in a curricular or noncurricular club.

(c) Nothing in this Subsection (5) prohibits instruction regarding civic processes, public policy, or governmental institutions if participation in political advocacy or public demonstration is not required or incentivized as a condition of academic credit or attendance.

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

53G-7-703. Curricular clubs -- Authorization.

(1) Faculty members or students proposing a curricular club shall submit written application for authorization on a form approved by the LEA governing board.

SB0295S02 compared with SB0295S03

(2) An LEA governing board may exempt from the authorization requirements under this section a club whose]:

(a) ~~with membership that is determined by student body election; or[a club]~~

(b) ~~that is governed by an association that regulates interscholastic activities[from the authorization requirements under this section].~~

(3) An application for authorization of a curricular club shall include:

(a) the recommended club name;

(b) a statement of the club's[]:

(i) purpose[,]that supports or enhances a specific course, academic pathway, or instructional program;

(ii) ~~goals[,]; and[]~~

(iii) activities;

(c) a statement of the club's categorization[, which shall be included in the parental consent required under Section 53G-7-709, indicating] that indicates all of the following that may apply:

(i) athletic;

(ii) business/economic;

(iii) agriculture;

(iv) art/music/performance;

(v) science;

(vi) gaming;

(vii) religious;

(viii) community service/social justice; and

(ix) other;

(d) the recommended meeting times, dates, and places;

(e) a statement that the club will comply with the provisions of this part and all other applicable laws, rules, or policies; and

(f) a budget showing[]:

(i) ~~the amount and source of any funding [provided or to be provided to]the club receives or will receive; and[its]~~

(ii) the proposed use of the funding.

(4) The application may be as brief as a single page [so long as it]if the application contains the items required under this section.

SB0295S02 compared with SB0295S03

- 469 (5) A school shall approve the name of a curricular club if the name is consistent with the club's
purposes and [its]school sponsorship.
- 471 (6)
- (a) A school shall determine curriculum relatedness by strictly applying this part's definition of
curricular club to the club application.
- 473 (b) If the school finds that the proposed club is a curricular club, the school shall continue to review the
application as an application for authorization of a curricular club.
- 476 (c) If the school finds that the proposed club is a noncurricular club, the school may:
- 477 (i) return the application to the faculty member or students proposing the club for amendment; or
- 479 (ii) review the application as an application for authorization of a noncurricular club in accordance with
Section 53G-7-704.
- 481 (7)
- { ~~⌂~~ → {} {} (a) [Only]An elementary school may only authorize curricular clubs[may be{[]}
authorized for elementary schools}{[]} ~~:~~
- 482a {(a) }
- 482b {(b) }
- 482c {(c) {An elementary school may only authorize:}} }
- 482d {(i) {curricular clubs; and}} }
- 483 { ~~⌂~~ → {} {} (b){} {}{(d)}{}{} ←⌂ } A school governing body may limit, or permit a secondary school
to limit, the 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. Noncurricular clubs -- Annual authorization.**
- 487 (1) A noncurricular club shall have a minimum of three members.
- 488 (2) Students proposing a noncurricular club shall submit a written application for authorization on a
form approved by the LEA governing board.
- 490 (3) An application for authorization of a noncurricular club shall include[:] the information required
under Subsection 53G-7-703(3).
- 492 [(a) the recommended club name;]
- 493 [(b) a statement of the club's purpose, goals, and activities;]
- 494 [(c) a statement of the club's categorization, which shall be included in the parental consent required
under Section 53G-7-709, indicating all of the following that may apply:]

SB0295S02 compared with SB0295S03

- 497 [(i) athletic;]
498 [(ii) business/economic;]
499 [(iii) agriculture;]
500 [(iv) art/music/performance;]
501 [(v) science;]
502 [(vi) gaming;]
503 [(vii) religious;]
504 [(viii) community service/social justice; and]
505 [(ix) other;]
506 [(d) the recommended meeting times, dates, and places;]
507 [(e) a statement that the club will comply with the provisions of this part and all other applicable laws,
rules, or policies; and]
509 [(f) a budget showing the amount and source of any funding provided or to be provided to the club and
its proposed use.]
511 (4) The application may be as brief as a single page [~~so long as it~~] if the application contains the items
required under this section.
513 (5)
(a) An LEA governing board may provide for approval of a noncurricular club name in an action
separate from [~~that~~] the action relating to authorization of the club[~~-itself~~].
515 (b) An LEA governing board shall require that:
516 (i) [~~that~~] a noncurricular club name [~~shall~~] reasonably reflect the club's purpose, goals, and activities;
and
518 (ii) [~~that~~] the noncurricular club name [~~shall~~] be a name that would not result in or imply[-] :
520 (A) a violation of this part[-] ;
521 (B) undue disruption of school operations;
522 (C) subjecting students to harassment or persecution; or
523 (D) operation of the group in violation of law or rule.
524 (c) Except as provided in this part, an LEA or school may not approve, deny, or condition authorization
of a noncurricular club based on a viewpoint that the club expresses.
527 (6) In accordance with Subsection 53G-7-703(7), an elementary school may not authorize a
noncurricular club.

SB0295S02 compared with SB0295S03

- 529 (7) If a school allows a noncurricular club, the school shall allow all noncurricular clubs that meet the
532 qualifications of this part, state board rules, and LEA governing board rules.
- 532 (8)
- 533 (a) Each LEA shall:
- 535 (i) publish on the LEA's website a list and short description of all authorized noncurricular clubs
within the LEA; and
- 535 (ii) ensure uniformity in the treatment of similar clubs across schools within the LEA.
- 536 (b) During the application review process, a school shall consult the list described in 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. Clubs -- Limitations and denials.**
- 540 (1) A school shall limit or deny authorization or school facilities use to a club, or require changes [~~prior~~
543 ~~to~~] to the club's application before granting authorization or school facilities use:
- 544 (a) as the school determines [~~it~~]to be necessary to:
- 544 (i) protect the physical, emotional, psychological, or moral well-being of students and faculty;
- 546 (ii) maintain order and discipline on school premises;
- 547 (iii) prevent a material and substantial interference with the orderly conduct of a school's educational
549 activities;
- 549 (iv) protect the rights of parents and students;
- 550 (v) maintain the boundaries of socially appropriate behavior; or
- 551 (vi) ensure compliance with all applicable laws, rules, regulations, and policies; or
- 552 (b) if a club's proposed charter and proposed activities indicate students or advisors in club related
activities would, as a substantial, material, or significant part of [~~their~~] the student's or club's
conduct or means of expression:
- 555 (i) encourage criminal or delinquent conduct;
- 556 (ii) promote bigotry;
- 557 (iii) involve human sexuality;[~~or~~]
- 558 (iv) involve any effort to engage in or conduct mental health therapy, counseling, or psychological
services for which a license [~~would be~~] is required under state law[~~;~~] ; or
- 561 (v) promote or encourage a prohibited discriminatory practice.
- 562

SB0295S02 compared with SB0295S03

(2) ~~[An LEA governing board]~~ A school has the primary authority to determine whether any club meets the criteria of Subsection (1).

(3) If a school or LEA governing board limits or denies authorization to a club, the school or LEA governing board shall provide, in writing, to the applicant the factual and legal basis for the limitation or denial.

(4) A student's spontaneous expression of sentiments or opinions otherwise identified in Subsection 53E-9-203(1) is not prohibited.

Section 11. Section 53G-7-706 is amended to read:

53G-7-706. Faculty oversight of authorized clubs.

(1) A school shall approve ~~[the] a~~ faculty sponsor~~[, supervisor, or monitor]~~ for each authorized curricular~~;~~ club and a faculty supervisor or monitor for each authorized noncurricular~~[, and]~~ or religious club to provide oversight consistent with this part and the needs of the school to ensure that the methods of expression, religious practices, or other conduct of the students or advisors involved do not:

(a) unreasonably interfere with the ability of school officials to maintain order and discipline;

(b) unreasonably endanger or threaten the well-being of persons or property;

(c) violate concepts of civility or propriety appropriate to a school setting; or

(d) violate applicable laws, rules, regulations, and policies.

(2)

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

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

(3)

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

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

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

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

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

SB0295S02 compared with SB0295S03

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

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

53G-7-707. Use of school facilities by clubs.

- (1) A school shall determine and assign school facilities use for curricular and noncurricular clubs consistent with the needs of the school.
- (2) The following provisions apply to curricular clubs:
 - (a) in assigning school facilities use, the administrator may give priority to curricular clubs over noncurricular clubs; and
 - (b) the school may provide financial or other support to curricular clubs.
- (3) The following provisions apply to noncurricular clubs on an equal basis to all noncurricular clubs within an LEA:
 - (a) the school may not give a preference or priority ~~[may not be given]~~ among noncurricular clubs;
 - (b)
 - (i) a school ~~[shall]~~ may only provide the space for noncurricular club meetings; and
 - (ii) a school may not spend public funds for noncurricular clubs, except as required to implement ~~[the provisions of]~~ this part, including providing space and faculty oversight for noncurricular clubs;
 - (c) a school shall establish the noninstructional times during which noncurricular clubs may meet;
 - (d) a school may establish the places that noncurricular clubs may meet;
 - (e) a school may set the number of hours noncurricular clubs may use the school's facilities per month, ~~[provided that]~~ ensuring the equal treatment of all noncurricular clubs ~~[- shall be treated equally]~~; and
 - (f) a school shall determine ~~[what]~~ the access a noncurricular ~~[clubs shall be given]~~ club may have to the school newspaper, yearbook, bulletin boards, or public address system, ~~[provided that]~~ ensuring the equal treatment of all noncurricular clubs ~~[- shall be treated equally]~~.

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

53G-7-708. Club membership.

- ~~[(1) A school shall require written parental consent for student participation in all curricular and noncurricular clubs at the school.]~~
- ~~[(2)]~~ (1) [Membership] The following governs membership in curricular clubs ~~[- is governed by the following]~~:
 - (a)

SB0295S02 compared with SB0295S03

- (i) a school or LEA governing board may limit membership ~~[may be limited]~~ to students who are currently attending the sponsoring school or school district; and
- 632 (ii) members who attend a school other than the sponsoring school shall have, in addition to the consent required under Section 53G-7-709, specific parental permission for membership in a curricular club at another school;
- 635 (b)
- (i) curricular clubs may require that prospective members try out based on objective criteria outlined in the application materials; and
- 637 (ii) try-outs may not require activities that violate the provisions of this part ~~[and]~~ or other applicable laws, rules, ~~[and]~~ or policies;~~[-and]~~
- 639 (c) a school or curricular club may not:
- 640 (i) promote, limit, or restrict membership based on a personal identity characteristic; or
- 642 (ii) require affirmation of a particular ideological or political belief unrelated to the curricular purpose of the club described in Subsection 53G-7-703(3)(b)(i) as a condition of participation; and
- 645 ~~[(e)]~~ (d) other rules or policies as determined by the state board, school district, or school.
- 646 ~~[(3)]~~ (2) [Membership] The following governs membership in noncurricular clubs~~[- is governed by the following]:~~
- 648 (a) student membership in a noncurricular club is voluntary;
- 649 (b) a school or LEA governing board may limit membership~~[- shall be limited]~~ to students who are currently attending the school;
- 651 (c)
- (i) noncurricular clubs may require that prospective members try out based on objective criteria outlined in the application materials; and
- 653 (ii) try-outs may not require activities that violate the provisions of this part ~~[and]~~ or other applicable laws, rules, ~~[and]~~ or policies;
- 655 (d) ~~[a copy of]~~ an individual described in Subsection 53G-7-706(4) who presents any written or other media materials ~~[that were presented]~~ at a noncurricular club meeting ~~[by a nonschool person shall be delivered]~~ shall deliver a copy of the materials to a school administrator no later than 24 hours after the noncurricular club meeting~~[-and, if requested,-]~~ ;
- 660 (e) a student's parent ~~[shall have an opportunity to review those materials; and]~~ may, upon request, review the materials described in Subsection (2)(d);

SB0295S02 compared with SB0295S03

- 662 (f) a school or noncurricular club may not limit or restrict membership based on a personal identity
663 characteristic; and
- 664 [(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. Parental consent.**
- 667 (1) A school shall require written parental consent for student participation in all curricular and
noncurricular clubs at the school.
- 669 (2) The school shall ensure that the consent described in Subsection (1) ~~[shall include]~~ includes an
activity disclosure statement containing the following information:
- 671 (a) the specific name of the club;
- 672 (b) a statement of the club's purpose, goals, and activities;
- 673 (c) a statement of the club's categorization~~[, which shall be obtained from]~~ as described in the
application for authorization of a club in accordance with ~~[the provisions of]~~ Section 53G-7-703 or
53G-7-704~~[, indicating all of the following that may apply:]~~ ;
- 676 [(i) athletic;]
- 677 [(ii) business/economic;]
- 678 [(iii) agriculture;]
- 679 [(iv) art/music/performance;]
- 680 [(v) science;]
- 681 [(vi) gaming;]
- 682 [(vii) religious;]
- 683 [(viii) community service/social justice; and]
- 684 [(ix) other;]
- 685 (d) beginning and ending dates;
- 686 (e) a tentative schedule of the club activities with dates, times, and places specified;
- 687 (f) personal costs associated with the club, if any;
- 688 (g) the name of the sponsor, supervisor, or monitor who is responsible for the club; and
- 689 (h) any additional information ~~[considered]~~ the school considers important for the students and parents
to know.
- 691 (3) ~~[All completed parental consent forms shall be filed by the]~~ The parent or the club's sponsor,
supervisor, or monitor shall file all completed parental consent forms with the school's principal,

SB0295S02 compared with SB0295S03

the chief administrative officer of a charter school, or ~~[their]~~ the designee of the principal or chief administrative officer.

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

53G-7-710. Violations -- Investigations -- School responses.

- (1) A school shall investigate any report or allegation that an authorized curricular or noncurricular club is:
 - (a) participating in activities beyond the scope of [its] the club's purpose; or
 - (b) in violation of a provision of this part or another applicable law, rule, regulation, or policy.
- (2) After meeting with the faculty sponsor, faculty supervisor, or faculty monitor, the students involved, and the person making the report or allegation, if the school substantiates a violation~~[is substantiated]~~, the school may~~[do any of the following]~~:
 - (a) allow the club's original statement of [its] the club's purpose, goals, and activities to be modified to include the activities if ~~[they]~~ the activities are in compliance with the provisions of this part and other applicable laws, rules, regulations, ~~[or]~~ and policies;
 - (b) instruct the faculty sponsor, supervisor, or monitor not to allow similar violations in the future;
 - (c) limit or suspend the club's authorization or school facilities use pending further corrective action as determined by the school; or
 - (d) terminate the club's authorization and dissolve the club.
- (3) ~~[Any]~~ A school shall ensure to use the least restrictive means necessary to satisfy the school's interests as identified in this part, regarding any:
 - (a) limitation on expression, practice, or conduct of any student, advisor, or guest in a meeting of a curricular or noncurricular club~~[;]~~ ; or~~[-]~~
 - (b) limitation on school facilities use~~[-, shall be by the least restrictive means necessary to satisfy the school's interests as identified in this part].~~
- (4) A club that ~~[has been terminated]~~ a school terminates in accordance with Subsection (2)(d) may not reapply for authorization until the following school year.
- (5) A student who makes a false allegation or report under this section ~~[shall be]~~ is subject to school discipline.

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

53G-7-711. Appeals -- Procedures.

- (1)

SB0295S02 compared with SB0295S03

(a) A school shall investigate and approve or deny a completed application or complaint~~[-shall be approved, denied, or investigated by the school]~~ within a reasonable amount of time.

(b) If a school denies an application or complaint~~[-is denied]~~, the school shall:

(i) state written reasons for the denial or results of the investigation~~[-shall be stated]~~ ; and~~[-]~~

(ii) if appropriate, make suggested corrections ~~[shall be made]~~ to remedy the deficiency.

(c) A school that denies a club ~~[that is denied]~~ school facilities use shall ~~[be informed]~~ inform the club at the time of the denial of~~[-]~~ :

(i) the factual and legal basis for the denial~~[-]~~ ; and~~[-]~~

(ii) if appropriate, how the club could correct the basis for the denial~~[-could be corrected]~~.

(2)

(a) ~~[If denied, suspended, or terminated, a]~~ A club, a student desirous of participating or speaking, or a complaining parent, has 10 school days from the date of the denial, suspension, or termination of the club to file a written appeal ~~[from the denial, suspension, or termination]~~ to a designee ~~[authorized by]~~ whom the LEA governing board authorizes.

(b) The designee described in Subsection (2)(a) shall issue a determination within a reasonable amount of time from receipt of the appeal~~[-, which]~~ .

(c) The decision described in Subsection (2)(b) is final and constitutes satisfaction of all administrative remedies unless an agreement of all parties extends the time for evaluation~~[-is extended by agreement of all parties]~~.

(3) A person directly affected by a decision made in accordance with the provisions of this part may appeal the decision by writing to a person designated by the LEA governing board.

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

53G-7-712. Rulemaking -- State board -- LEA governing boards.

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

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

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

53H-1-402. Reports to and actions of the Higher Education Appropriations Subcommittee.

(1) In accordance with applicable provisions and Section 68-3-14, the following recurring reports are due to the Higher Education Appropriations Subcommittee:

SB0295S02 compared with SB0295S03

- 763 (a) the reports described in Sections 53H-1-502, 53H-1-503, and 53H-1-504, regarding prohibited
765 discriminatory practices, submissions, and training;
- 766 (b) the reports described in Section 53H-1-203 by the board on:
- 767 (i) system wide responses to changing demographics and workforce; and
- 768 (ii) the board's activities and performance against the board's goals and metrics;
- 769 (c) the report described in Section 53H-5-205;
- 770 (d) the report described in Section 53H-8-202 by the board on recommended appropriations for higher
771 education institutions and the board, including the report described in Section 53H-11-406 by the
772 board on the effects of offering nonresident partial tuition scholarships;
- 773 (e) the report described in Section 53H-8-306 by the Department of Workforce Services and the
774 Governor's Office of Economic Opportunity on targeted jobs;
- 775 (f) the reports described in Section 53H-8-303 by the board on performance;
- 776 (g) the report described in Section 53H-11-402 by the board on the Opportunity 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 Program;
- 779 (j) the report described in Section 53H-6-202 by the board on an institution compensating a student
780 athlete for the use of the student athlete's name, image, or likeness;
- 781 (k) the report described in Section 53H-1-604 regarding the Higher Education and Corrections Council;
782 and
- 783 (l) the report described in Section 53E-10-308 by the State Board of Education and board on student
784 participation in the concurrent enrollment program.
- 785 (2) In accordance with applicable provisions and Section 68-3-14, the following occasional report is
786 due to the Higher Education Appropriations Subcommittee[:], the board's report regarding each
787 institution's strategic reinvestment plan described in Section 53H-8-210.
- 788 (3) In accordance with applicable provisions, the Higher Education Appropriations Subcommittee shall
789 complete the following:
- 790 (a) an appropriation recommendation described in Section 53H-1-504 regarding compliance with
791 Subsections [53H-1-504(5)] 53H-1-504(3)(c) and [(14)] 53H-1-504(9)(a); and
- 792 (b) as required by Section 53H-8-304, the review of performance funding described in Section
793 53H-8-304.
- 794

SB0295S02 compared with SB0295S03

(4) In consultation with the board, the Higher Education Appropriations Subcommittee shall study a re-design of:

(a) the performance funding model described in Chapter 8, Part 3, Performance Funding, to better ensure:

(i) institutional alignment with the statewide system of higher education and the institution's mission within the statewide system; and

(ii) investment in meeting localized and statewide workforce demands and securing post-graduation employment outcomes; and

(b) enrollment-based funding, including, for technical colleges, funding distribution models that:

(i) include equivalent funding value for secondary and adult students; and

(ii) reflect the full responsibility of the technical college's statutorily-required services.

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

53H-1-502. Prohibition on the use of certain submissions in higher education -- Exceptions.

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

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

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

(i) anti-racism;

(ii) bias;

(iii) critical race theory;

(iv) implicit bias;

(v) intersectionality;

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

(vii) racial privilege.

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

SB0295S02 compared with SB0295S03

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

(a) employment, including decisions regarding:

(i) hiring;

(ii) terms of employment;

(iii) benefits;

(iv) compensation;

(v) seniority status;

(vi) tenure or continuing status;

(vii) promotion;

(viii) performance reviews;

(ix) transfer;

(x) termination; or

(xi) appointment;

(b) admission to, advancement in, or graduation from an institution or an academic program;

(c) participation in an institution-sponsored program; or

(d) qualification for or receipt of state financial aid or other state financial assistance.

(3) An institution may not grant any form of preferential consideration to an individual who, with or without solicitation from the institution, provides a prohibited submission for consideration for any action described in Subsection (2).

(4)

(a) If federal law requires an institution to accept or require a prohibited submission, the institution:

~~[(a)]~~ (i) may accept the prohibited submission only to the extent required under federal law; and

~~[(b)]~~ (ii) shall limit consideration of the information contained in the prohibited submission to the extent necessary to satisfy the requirement under federal law.

~~[(5)]~~ (b) For a required prohibited submission under Subsection ~~[(4)]~~ (4)(a), an institution shall:

~~[(a)]~~ (i) prepare a report to the institution's governing board detailing the circumstances under which ~~[a]~~ the prohibited submission is required; and

~~[(b)]~~ (ii) publish the report described in Subsection (5)(a) on the institution's governing board website in a conspicuous location.

~~[(6)]~~ (5) Nothing in this section limits or prohibits an institution's authority to establish policies that:

SB0295S02 compared with SB0295S03

- 869 (a) are necessary to comply with state or federal law, including laws relating to prohibited
discrimination or harassment;
- 871 (b) require disclosure of an employee's academic research, classroom teaching, or coursework; or
- 873 (c) require an applicant for employment, tenure, or promotion to disclose or discuss the applicant's:
- 875 (i) research;
- 876 (ii) teaching agenda;
- 877 (iii) artistic creations; or
- 878 (iv) pedagogical approaches or experiences with students of all learning abilities.
- 879 ~~[(7)]~~ (6)
- (a) The board shall conduct a biennial review of an institution of higher education's compliance with
this section ~~[as follows:]~~
- 881 ~~[(i) for 2025, on each institution of higher education; and]~~
- 882 ~~[(ii) for 2026, and every year after,]~~ on one-half of the degree granting institutions of higher education
and one-half of the technical colleges each year so that each institution receives a review once every
two years.
- 885 (b) If the board identifies a violation of this section, the board shall:
- 886 (i) on or before 30 days after the day on which the board identifies the violation, work with the
institution to create a remediation plan; and
- 888 (ii) provide the institution 180 days after the day of the creation of the remediation plan to cure the
violation.
- 890 ~~[(8)]~~ (7) On or before November 1 of each year, the board shall prepare and submit a report to the
Education Interim Committee and the Higher Education Appropriations Subcommittee on:
- 893 (a)
- (i) the review process and each institution's compliance determination; or
- 894 ~~[(b)]~~ (ii) if a violation is identified, the remediation plan and progress under Subsection (7)(b)~~[-]~~ ; and
- 896 (b) violations the board identifies in accordance with Sections 53H-1-503 and 53H-1-504.
- 897 ~~[(9)]~~ (8) The Legislature may withhold future state appropriations to an institution that fails to cure a
violation of this section within the time provided under Subsection ~~[(7)(b)]~~ (6)(b).
- 900 ~~[(10)]~~ (9) The board shall make rules in accordance with Title 63G, Chapter 3, Utah Administrative
Rulemaking Act, to establish a procedure for accepting and processing an individual's complaint
against an institution for an alleged violation of this section.

SB0295S02 compared with SB0295S03

Section 20. Section 53H-1-503 is amended to read:

53H-1-503. Prohibition on the use of certain training in higher education -- Exceptions.

(1) As used in this section:

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

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

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

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

(2) An institution may not require prohibited training.

(3) An institution shall annually train the institution's faculty and staff on academic freedom and freedom of speech in accordance with state or federal law.

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

(5)

(a) The board shall conduct a biennial review of an institution of higher education's compliance with this section ~~[as follows:]~~

~~[(i) for 2025, on each institution of higher education; and]~~

~~[(ii) for 2026, and every year after,]~~on one-half of the institutions of higher education and one-half of the technical colleges each year so that each institution receives a review once every two years.

(b) If the board identifies a violation of this section, the board shall:

(i) on or before 30 days after the day on which the board identifies the violation, work with the institution to create a remediation plan; and

(ii) provide the institution 180 days after the day of the creation of the remediation plan to cure the violation.

(6) On or before November 1 of each year, the board shall ~~[prepare and submit a report to the Higher Education Appropriations Subcommittee]~~ include in the board's report described in Subsection 53H-1-502 information on:

SB0295S02 compared with SB0295S03

- 935 (a) the review process and each institution's compliance determination; or
936 (b) if a violation is identified, the remediation plan and progress under Subsection (5)(b).
937 (7) The Legislature may withhold future state appropriations to an institution that fails to cure a
violation of this section within the time provided under Subsection (5)(b).
939 (8) The board shall make rules in accordance with Title 63G, Chapter 3, Utah Administrative
Rulemaking Act, to establish a procedure for accepting and processing 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. Prohibited discriminatory practices -- Restrictions -- Campus climate survey --**
Exceptions.

945 (1) As used in this section:

946 (a) "Important government interest" [~~means~~] includes a governmental purpose relating to:

947 (i) athletic competition or athletic safety in public education; or

948 (ii) privacy, including compliance with Title 63G, Chapter 31, Distinctions on the Basis of Sex.

950 (b) "Personal identity [~~characteristics~~] characteristic" means an individual's race, color, ethnicity, sex,
sexual orientation, national origin, religion, or gender identity.

952 (c)

(i) "Prohibited discriminatory practice" means engaging in or maintaining a policy, procedure, practice,
program, office, initiative, or required training that, based on an individual's personal identity
[~~characteristics~~] characteristic:

955 (A) promotes the differential treatment of an individual without an important government interest;

957 (B) influences the employment decisions of an individual other than through the use of neutral
hiring processes with regard to a personal identity [~~characteristics~~] characteristic and in
accordance with federal law;

960 (C) influences an individual's admission to, advancement in, or graduation from an institution, the
public education system, or an academic program; or

962 (D) influences an individual's participation in an institution-sponsored or public education system-
sponsored program.

964 (ii) "Prohibited discriminatory practice" [~~also means~~] includes engaging in or maintaining a policy,
procedure, practice, program, office, initiative, or required training that:

SB0295S02 compared with SB0295S03

- (A) asserts that one personal identity characteristic is inherently superior or inferior to another personal identity characteristic;
- 969 (B) asserts that an individual, by virtue of the individual's personal identity
[characteristics] characteristic, is inherently privileged, oppressed, racist, sexist, oppressive, or a
victim, whether consciously or unconsciously;
- 972 (C) asserts that an individual should be discriminated against in violation of Title VI, Title VII, and
Title IX, receive adverse treatment, be advanced, or receive beneficial treatment because of the
individual's personal identity [characteristics] characteristic;
- 976 (D) asserts that an individual's moral character is determined by the individual's personal identity
[characteristics] characteristic;
- 978 (E) asserts that an individual, by virtue of the individual's personal identity
[characteristics] characteristic, bears responsibility for actions committed in the past by other
individuals with the same personal identity [characteristics] characteristic;
- 982 (F) asserts that an individual should feel discomfort, guilt, anguish, or other psychological distress
solely because of the individual's personal identity [characteristics] characteristic;
- 985 (G) asserts that meritocracy is inherently racist or sexist;
- 986 (H) asserts that socio-political structures are inherently a series of power relationships and struggles
among racial groups;
- 988 (I) promotes resentment between, or resentment of, individuals by virtue of [their] the individuals'
personal identity characteristics;
- 990 (J) ascribes values, morals, or ethical codes, privileges, or beliefs to an individual because of
the individual's [~~race, color, ethnicity, sex, sexual orientation, national origin, or gender~~
identity] personal identity characteristic;
- 993 (K) considers an individual's personal identity [characteristics] characteristic in determining receipt of
state financial aid or other state financial assistance, including a scholarship award or tuition waiver;
or
- 996 (L) is referred to or named "diversity, equity, and inclusion."
- 997 (iii) "Prohibited discriminatory practice" does not include[-] :
- 998 (A) policies or procedures required by state or federal law, including laws relating to prohibited
discrimination or harassment[-] ; or

1000

SB0295S02 compared with SB0295S03

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

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

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

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

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

1015 (2) An institution may not:

1016 (a) engage in a prohibited discriminatory [~~practices~~] practice;

1017 (b) take, express, or assert a position or opinion on subjects described in Subsection [~~67-27-107(1)(b)~~
(ii)] 53H-1-502(1)(b);

1019 (c) establish or maintain an office, division, employment position, or other unit of an institution
established to implement, develop, plan, or promote campus policies, procedures, practices,
programs, or initiatives, regarding a prohibited discriminatory [~~practices~~] practice; or

1023 (d) employ or assign an employee or a third-party whose duties [~~for an institution~~] include coordinating,
creating, developing, designing, implementing, organizing, planning, or promoting policies,
programming, training, practices, activities, and procedures relating to a prohibited discriminatory
[~~practices~~] practice.

1027 (3)

(a) An institution shall:

1028 [~~(a)~~] (i) ensure that all students have access to programs providing student success and support;

1030 [~~(b)~~] (ii) publish the titles and syllabi of all mandatory courses, seminars, classes, workshops, and
training sessions on the institution's website in an online database that is readily searchable by
the public;

1033 [~~(c)~~] (iii) annually train employees on the separation of personal political advocacy from an
institution's business and employment activities;

1035 [~~(d)~~] (iv) develop strategies, including inviting speakers, to promote viewpoint diversity; and

SB0295S02 compared with SB0295S03

- 1037 ~~[(e)]~~ (v) establish policies and procedures to include opportunities for education and research on
free speech and civic education.
- 1039 ~~[(4)]~~ (b) The board shall report to the Higher Education Appropriations Subcommittee on the status and
allocation of appropriated funds for student success and support.
- 1041 ~~[(5)]~~ (c) The Legislature shall, in a line item appropriation, appropriate ongoing funding to support an
institution's student success and support program in accordance with this section.
- 1044 ~~[(6)]~~ (4)
- (a) On or before January 1, 2025, the board shall contract with a third-party contractor, in accordance
with Title 63G, Chapter 6a, Utah Procurement Code, to conduct a campus expression climate survey
of each institution:
- 1047 (i) to assess student, faculty, and staff perceptions of and experiences with an institution's campus
environment that measures the student's, faculty member's, and staff member's perception of and
experience with an institution's campus environment; and
- 1051 (ii) that measures the student's, faculty member's, and staff member's perception of and experience
with campus policy and practice regarding freedom of speech and academic freedom at the
institution.
- 1054 (b) The board shall collect the results of each campus expression climate survey under Subsection
~~[(6)]~~ (4)(a) and submit the results to the Office of Legislative Research and General Counsel
beginning on or before July 1.
- 1057 ~~[(7)]~~ (c)
- ~~[(a)]~~ (i) The Office of Legislative Research and General Counsel shall provide a summary report on the
data collected from the campus expression climate surveys to the Education Interim Committee on
or before:
- 1060 ~~[(i)]~~ (A) November 1, 2027, for reports received in years 2025, 2026, and 2027;
- 1061 ~~[(ii)]~~ (B) November 1, 2030, for reports received in years 2028, 2029, and 2030; and
- 1063 ~~[(iii)]~~ (C) November 1, 2033, for reports received in years 2031, 2032, and 2033.
- 1064 ~~[(b)]~~ (ii) On or before November 1, 2035, the Office of Legislative Research and General Counsel shall
provide a comprehensive report of the campus expression climate surveys to the Education Interim
Committee.
- 1067 ~~[(8)]~~ (5)
- (a) Nothing in this section requires an individual to respond to a campus expression climate survey.

SB0295S02 compared with SB0295S03

1069 [(9)] (b) Nothing in this section limits or prohibits an institution's authority to establish policies that:
1071 [(a)] (i) are necessary to comply with state or federal law, including laws relating to prohibited
discrimination or harassment;
1073 [(b)] (ii) require disclosure of an employee's academic research, classroom teaching, or coursework; or
1075 [(c)] (iii) require for employment, tenure, or promotion to disclose or discuss the applicant's:
1077 [(i)] (A) research;
1078 [(ii)] (B) teaching agenda;
1079 [(iii)] (C) artistic creations; or
1080 [(iv)] (D) pedagogical approaches or experiences with students of all learning abilities.
1082 [(10)] (6)
(a) This section does not apply to:
1083 [(a)] (i) requirements necessary for athletic and accreditation compliance;
1084 [(b)] (ii) academic research;
1085 [(c)] (iii) academic course teaching in the classroom;
1086 (iv) in accordance with Subsection (3)(a)(iv):
1087 (A) a presentation or instruction by a guest lecturer in an academic course; or
1088 (B) a speaker an administrative unit of the institution, faculty member or faculty organization, staff
member or staff organization, or student club or organization invites to speak, virtually or in person,
at the institution, including a public policy event described in Section 53H-6-302;
1092 [(d)] (v) a grant that would otherwise require:
1093 [(i)] (A) a department, office, division, or other unit of an institution to engage in a prohibited
discriminatory practice if the grant has been reviewed and approved by the institution's board of
trustees; or
1096 [(ii)] (B) an institution to engage in a prohibited discriminatory practice if the grant has been reviewed
and approved by the board;
1098 [(e)] (vi) requirements necessary for an institution to establish or maintain eligibility for any federal
program; or
1100 [(f)] (vii) private scholarships administered by an institution.
1101 [(11)] (b) Notwithstanding any other provision of this chapter or of Chapter 3, Institutions of Higher
Education Generally, the University of Utah may take any action required for the University of Utah

SB0295S02 compared with SB0295S03

to comply with the terms of an agreement entered into between the University of Utah and the Ute Indian Tribe before July 1, 2024.

1106 [(12)] (7)

(a) The board shall conduct a biennial review of an institution of higher education's compliance with this section as follows:

1108 (i) for 2025, on each institution of higher education; and

1109 (ii) for 2026, and every year after, on one-half of the degree granting institutions of higher education and one-half of the technical colleges.

1111 (b) If the board identifies a violation of this section, the board shall:

1112 (i) on or before 30 days after the day on which the board identifies the violation, work with the institution to create a remediation plan; and

1114 (ii) provide the institution 180 days after the day of the creation of the remediation plan to cure the violation.

1116 [(13)] (8) On or before November 1 of each year, the board shall [~~prepare and submit a report to the Higher Education Appropriations Subcommittee~~] include in the board's report described in Section 53H-1-502 information on:

1119 (a) the review process and each institution's compliance determination; or

1120 (b) if a violation is identified, the remediation plan and progress under Subsection [(12)(b)] (7)(b).

1122 [(14)] (9)

(a) On or before December 1 of each year, the Higher Education Appropriations Subcommittee shall:

1124 [(a)] (i) report the findings under Subsections [(4)] (3)(b) and [(13)] (8) to the Legislature; and

1126 [(b)] (ii) make appropriation recommendations about an institution's compliance with this section.

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

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

1133 Section 22. Section 22 is enacted to read:

1134 **53H-6-302. Public policy events at state institutions of higher education.**

1137 (1) As used in this section:

1138

SB0295S02 compared with SB0295S03

(a) "Debate" means an event at which two or more presenters advocate for opposing or diverse approaches to a public policy issue and rebut each other's positions.

1140 (b) "Formal administrative unit" means:

1141 (i) an office or division under the direct supervision of the president or president's cabinet; or

1143 (ii) an academic department, college, institute, or center within an institution.

1144 (c) "Presenter" means an individual whom an institution invites or authorizes to present at or facilitate a public policy event.

1146 (d) "Public policy event" means a debate or event with multiple presenters that:

1147 (i) addresses, from multiple, divergent, and opposing perspectives, a range of public policy issues;

1149 (ii) an institution designates under Subsection (2)(a); and

1150 (iii) a formal administrative unit organizes or authorizes under this section.

1151 (2) A degree-granting institution shall:

1152 (a) establish practices that will introduce campus communities to diverse viewpoints, including designating public policy events to host during each regular academic year;

1154 (b)

(i) ensure that at least some public policy events are debates;

1155 (ii) invite presenters from within and outside the institution;

1156 (iii) ensure that public policy events are open to:

1157 (A) all students, faculty, and staff of the institution; and

1158 (B) the general public, unless the institution restricts individuals who are not affiliated with the institution to achieve a compelling governmental interest; and

1160 (iv) seek presenters who represent differing views; and

1161 (c) maintain and update a publicly accessible and searchable calendar online:

1162 (i) that lists all public policy events that are open to the general public; and

1163 (ii) that includes, for each public policy event:

1164 (A) the title of the event;

1165 (B) the name and, where applicable, institutional affiliation of each presenter; and

1166 (C) the name of the formal administrative unit that organizes and stages the event.

1167 (3)

(a) Nothing in Subsection (2) requires an exact balance between presenters of differing viewpoints.

1169

SB0295S02 compared with SB0295S03

(b) Nothing in this section prohibits an institution from inviting an individual speaker or a panel who articulates a singular or specific perspective, as described in Subsection 53H-1-504(3)(a)(iv).

Section 23. Section **67-27-107** is amended to read:

67-27-107. Prohibition on the use of certain submissions by governmental employers --

Exceptions.

(1) As used in this section:

(a)

(i) "Governmental employer" means any department, division, agency, commission, board, council, committee, authority, municipality, county, political subdivision, or any other institution of the state.

(ii) "Governmental employer" does not mean a local education agency or institution of higher education.

(b)

~~[(i)] "Prohibited submission" means [a submission, statement, or document that requires an individual to articulate the individual's position, view, contribution, effort, or experience regarding a policy, program, or initiative that promotes differential treatment based on an individual's personal identity characteristics,] the same as that term is defined in Section [53H-1-504] 53H-1-502.~~

~~[(ii) "Prohibited submission" includes a submission, statement, or document that relates to a policy, program, or initiative regarding:]~~

~~[(A) anti-racism;]~~

~~[(B) bias;]~~

~~[(C) critical race theory;]~~

~~[(D) implicit bias;]~~

~~[(E) intersectionality;]~~

~~[(F) prohibited discriminatory practice, as that term is defined in Section 53H-1-504; or]~~

~~[(G) racial privilege.]~~

~~[(iii) "Prohibited submission" does not include a submission, statement, or document for an employment position if the submission, statement, or document relates to a bona fide occupational qualification for the position.]~~

(2) Except as provided in Subsection (4), a governmental employer may not require, request, solicit, or compel a prohibited submission as a certification or condition before taking action with respect to:

(a) employment, including decisions regarding:

SB0295S02 compared with SB0295S03

- 1203 (i) hiring;
- 1204 (ii) terms of employment;
- 1205 (iii) benefits;
- 1206 (iv) compensation;
- 1207 (v) seniority status;
- 1208 (vi) tenure or continuing status;
- 1209 (vii) promotion;
- 1210 (viii) performance reviews;
- 1211 (ix) transfer;
- 1212 (x) termination; or
- 1213 (xi) appointment; or
- 1214 (b) admissions and aid, including:
- 1215 (i) admission to any state program or course;
- 1216 (ii) financial or other forms of state-administered aid or assistance; or
- 1217 (iii) other benefits from the governmental employer for which an individual is eligible.
- 1219 (3) A governmental employer may not grant any form of preferential consideration to an individual who, with or without solicitation from the governmental employer, provides a prohibited submission for any action described in Subsection (2).
- 1222 (4) If federal law requires a governmental employer to accept or require a prohibited submission, the governmental employer:
- 1224 (a) may accept the prohibited submission only to the extent required under federal law; and
- 1226 (b) shall limit consideration of the information contained in the prohibited submission to the extent necessary to satisfy the requirement under federal law.
- 1228 (5) Nothing in this section limits or prohibits a governmental employer's authority to establish policies that are necessary to comply with state or federal law, including laws relating to prohibited discrimination or harassment.
- 1230 Section 24. Section **67-27-108** is amended to read:
- 1231 **67-27-108. Prohibition on the use of certain training by governmental employers --**
Exceptions.
- 1234 (1) As used in this section:
- 1235 (a) "Governmental employer" means the same as that term is defined in Section 67-27-107.

SB0295S02 compared with SB0295S03

- 1237 (b)
- 1239 (i) "Prohibited training" means a mandatory instructional program ~~[and related materials that]~~ that:
- 1241 (A) a governmental employer requires the governmental employer's current or prospective employees to attend~~[that promote]~~ ; and
- 1243 (B) promotes a prohibited discriminatory ~~[practices]~~ practice as that term is defined in Section 53H-1-504.
- 1245 (ii) "Prohibited training" includes an in-person or online seminar, discussion group, workshop, other program, or related materials.
- 1246 (2) A governmental employer may not require prohibited training.
- 1248 (3) Nothing in this section limits or prohibits a governmental employer's authority to establish policies that are necessary to comply with state or federal law, including laws relating to prohibited discrimination or harassment.
- 1249 Section 25. Section **67-27-109** is amended to read:
- 1252 **67-27-109. Prohibited discriminatory practices -- Restrictions -- Reporting.**
- 1253 (1) As used in this section:
- 1255 (a) "Executive agency director" means the executive agency director of an executive department agency who, at the direction of the governor, carries out state business.
- 1257 (b) "Governmental employer" means the same as that term is defined in Section 67-27-107.
- 1259 (c) "Personal identity ~~[characteristics]~~ characteristic" means the same as that term is defined in Section 53H-1-504.
- 1261 (d) "Prohibited discriminatory practice" means the same as that term is defined in Section 53H-1-504.
- 1266 (2)
- 1269 (a) This section does not apply to a federal grant or program that would otherwise require a governmental employer to engage in a prohibited discriminatory practice if the grant or program has been reviewed and approved by the governmental employer's executive director, legislative body, or governing body, as that term is defined in Section 10-1-104.
- 1271 (b) A governmental employer's executive director, legislative body, or governing body shall report the reviewed and approved federal grant or program under Subsection (2)(a) to the Executive Appropriations Committee.
- 1271 (3) A governmental employer may not engage in a prohibited discriminatory ~~[practices]~~ practice.
- 1271 (4) Nothing in this section limits or prohibits a governmental employer from:

SB0295S02 compared with SB0295S03

- 1272 (a) as required or permitted by state law:
- 1273 (i) establishing or maintaining an office, division, or employment position to implement, develop,
plan, or promote practices relating to a personal identity [~~characteristics~~] characteristic if the office,
division, or employment position is not engaging in a prohibited discriminatory [~~practices~~] practice;
or
- 1277 (ii) employing or assigning an employee or a third-party whose duties [~~for governmental employer~~
]include coordinating, creating, developing, designing, implementing, organizing, planning, or
promoting policies, programming, training, practices, activities, and procedures relating to a
personal identity [~~characteristics~~] characteristic if the employee or the third-party is not engaging in
a prohibited discriminatory [~~practices~~] practice;
- 1283 (b) establishing policies that are necessary to comply with state or federal law, including laws relating
to prohibited discrimination or harassment; or
- 1285 (c) establishing policies that are necessary to comply with state law enacted on or before July 1, 2024.
- 1287 [(5)
- (a) ~~Beginning on July 1, 2024, each executive agency director shall conduct a thorough review of
existing agency programs and offices to determine if the program or office is in compliance with
Subsection (3).]~~
- 1290 [(b)] (5) [~~On or before August 1, 2025, each~~] Each executive agency director shall report on the
compliance of agency programs and offices under [~~Subsection (5)(a) to the governor.~~] this section to
- 1293 [(c)] ~~The governor shall provide the reports under Subsection (5)(b) to:~~
- 1294 [(i)] ~~the Government Operations Interim Committee at or before the November 2025, interim committee
meeting; and]~~
- 1296 [(ii)] the Legislative Management Committee upon request.
- 1296 Section 26. **Effective date.**
Effective Date.
This bill takes effect on July 1, 2026.

3-6-26 1:15 PM