

**John D. Johnson** proposes the following substitute bill:

**Intellectual Diversity in Education and Government**

2026 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: John D. Johnson**

House Sponsor: Katy Hall

**LONG TITLE**

**General Description:**

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

**Highlighted Provisions:**

This bill:

- defines terms;
- amends provisions regarding prohibited discriminatory practices, submissions, and training within the public and higher education systems and state government, including reporting requirements;
- amends provisions regarding curricular and noncurricular clubs within the public education system, including ensuring objective and uniform treatment of noncurricular clubs;
- 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;
- requires each institution of higher education to:
  - 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.

29 **Utah Code Sections Affected:**30 **AMENDS:**

31 **53E-1-201 (Effective 07/01/26) (Partially Repealed 07/01/27)**, as last amended by Laws  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

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

35 **53G-2-103 (Effective 07/01/26)**, as enacted by Laws of Utah 2024, Chapter 3

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

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

40 **53G-7-701 (Effective 07/01/26)**, as last amended by Laws of Utah 2019, Chapter 293

41 **53G-7-702 (Effective 07/01/26)**, as last amended by Laws of Utah 2019, Chapter 293

42 **53G-7-703 (Effective 07/01/26)**, as last amended by Laws of Utah 2019, Chapter 293

43 **53G-7-704 (Effective 07/01/26)**, as last amended by Laws of Utah 2019, Chapter 293

44 **53G-7-705 (Effective 07/01/26)**, as last amended by Laws of Utah 2019, Chapter 293

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

47 **53G-7-707 (Effective 07/01/26)**, as last amended by Laws of Utah 2019, Chapter 293

48 **53G-7-708 (Effective 07/01/26)**, as last amended by Laws of Utah 2019, Chapter 293

49 **53G-7-709 (Effective 07/01/26)**, as last amended by Laws of Utah 2019, Chapter 293

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

52 **53G-7-711 (Effective 07/01/26)**, as last amended by Laws of Utah 2019, Chapter 293

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

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

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

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

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

62 **67-27-107 (Effective 07/01/26)**, as last amended by Laws of Utah 2025, First Special

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

68 ENACTS:

69 **53H-6-302 (Effective 07/01/26)**, Utah Code Annotated 1953

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

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

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

- 75 (1) In accordance with applicable provisions and Section 68-3-14, the following recurring  
 76 reports are due to the Education Interim Committee:
- 77 (a) the report described in Section 9-22-109 by the STEM Action Center Board,  
 78 including the information described in Section 9-22-113 on the status of the computer  
 79 science initiative and Section 9-22-114 on the Computing Partnerships Grants  
 80 Program;
  - 81 (b) the prioritized list of data research described in Section 53H-15-303 and the report  
 82 on research and activities described in Section 53H-15-305 by the Utah Data  
 83 Research Center;
  - 84 (c) the report described in Section 53H-1-203 by the Utah Board of Higher Education on  
 85 career and technical education issues and addressing workforce needs;
  - 86 (d) the annual report of the Utah Board of Higher Education described in Section  
 87 53H-1-203;
  - 88 (e) the reports described in Section 53H-7-603 by the Utah Board of Higher Education  
 89 regarding activities related to campus safety;
  - 90 (f) the State Superintendent's Annual Report by the state board described in Section  
 91 53E-1-203;
  - 92 (g) the annual report described in Section 53E-2-202 by the state board on the strategic  
 93 plan to improve student outcomes;
  - 94 (h) the report described in Section 53E-3-501 by the state board on students in an LEA  
 95 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

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

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

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

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

172 **53E-3-1101 (Effective 07/01/26). Prohibited discriminatory practices --**

173 **Restrictions -- Reporting.**

- 174 (1) As used in this section, "prohibited discriminatory practice" means the same as that term  
 175 is defined in Section 53H-1-504.
- 176 (2) The state board may not:
- 177 (a) establish or maintain an office, division, or employment position established to  
 178 implement, develop, plan, or promote policies, procedures, practices, programs, or  
 179 initiatives, regarding a prohibited discriminatory [practices] practice; or
- 180 (b) employ or assign an employee or a third-party whose duties [~~for the state board~~]  
 181 include coordinating, creating, developing, designing, implementing, organizing,  
 182 planning, or promoting policies, programming, training, practices, activities, [~~and~~] or  
 183 procedures relating to a prohibited discriminatory [practices] practice.
- 184 (3) Nothing in this section limits or prohibits the state board's authority to establish policies  
 185 that are necessary to comply with state or federal law, including laws relating to  
 186 prohibited discrimination or harassment.
- 187 (4) The state board shall [~~provide an update~~] report to the Education Interim Committee and  
 188 Public Education Appropriations Subcommittee on[-] :
- 189 (a) the state board's compliance with this section at or before:
- 190 [(a)] (i) the Education Interim Committee's November interim committee meeting; and  
 191 [(b)] (ii) the Public Education Appropriations Subcommittee [~~December~~] final interim  
 192 subcommittee meeting[-] ; and
- 193 (b) violations the state board identifies in accordance with Sections 53G-2-103,  
 194 53G-2-104, and 53G-2-105.

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

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

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

- 199 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,  
201 request, solicit, or compel a prohibited submission as a certification or condition before  
202 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,  
219 with or without solicitation from the LEA, provides a prohibited submission for  
220 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  
222 LEA:
- 223 [~~(a)~~] (i) may accept the prohibited submission only to the extent required under  
224 federal law; and
- 225 [~~(b)~~] (ii) shall limit consideration of the information contained in the prohibited  
226 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  
228 notify the state board detailing the circumstances under which [~~a~~] the prohibited  
229 submission [~~under Subsection (4)~~] is required.
- 230 [~~(6)~~] (5) Nothing in this section limits or prohibits an LEA's authority to establish policies  
231 that:
- 232 (a) are necessary to comply with state or federal law, including laws relating to

- 233 prohibited discrimination or harassment; or  
 234 (b) require an applicant for employment, tenure, continuing status, or promotion to  
 235 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 [  
 240 provide an update to the Education Interim Committee on an LEA's compliance with  
 241 this section at or before the Education Interim Committee's November interim  
 242 committee meeting] include information regarding the violation in the report described in  
 243 Section 53E-3-1101.

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

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

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

249 (1) As used in this section:

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

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

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

256 (b) "Prohibited training" includes an in-person or online seminar, discussion group,  
 257 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  
 260 are necessary to comply with state or federal law, including laws relating to prohibited  
 261 discrimination or harassment.

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

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

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

270 **53G-2-105 (Effective 07/01/26). Prohibited discriminatory practices --**

271 **Restrictions -- Reporting.**

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

274 (2) An LEA may not:

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

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

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

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

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

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

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

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

298 **53G-7-701 (Effective 07/01/26). Definitions.**

299 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
- 303 constitution or laws of the United States or the state, except that an evaluation or
- 304 prohibition may not be made of the truth or falsity of any religious belief or
- 305 expression of conscience unless the means of expression or conduct arising therefrom
- 306 violates the standards of conduct outlined in this section, Section 53G-10-203, or 20
- 307 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
- 310 or system of belief, religious teachings or doctrine, an absolute or external sense of right
- 311 and wrong which is felt on an individual basis, a belief in an external absolute, or any
- 312 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
- 316 beyond providing a meeting place during noninstructional time~~[. An elementary~~
- 317 ~~school curricular club means a club that is organized and directed by school sponsors~~
- 318 ~~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
- 320 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
- 325 instructional time.
- 326 (b) "Discretionary time" includes free time before and after school, during lunch and
- 327 between classes or on buses, and private time before athletic and other events or
- 328 activities.
- 329 (6) "Elementary school curricular club" means a curricular club that a school sponsors,
- 330 organizes, and directs.
- 331 ~~(6)~~ (7)(a) "Encourage criminal or delinquent conduct" means action or advocacy of
- 332 imminent action that violates any law or administrative rule.
- 333 (b) "Encourage criminal or delinquent conduct" does not include discussions concerning
- 334 changing of laws or rules, or actions taken through lawfully established channels to

335 effectuate such change.

336 ~~[(7)]~~ (8)(a) "Instructional time" means time during which[-] :

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

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

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

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

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

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

346 ~~[(8)]~~ (9) "Involve human sexuality" means:

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

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

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

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

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

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

358 (a) that students initiate;

359 (b) for which a school and LEA governing board may [be authorized] authorize and [  
360 allowed] allow school facilities use during noninstructional time [in secondary

361 schools by a school and LEA governing board] in accordance with the provisions of  
362 this part~~[- A noncurricular-]~~ ; and

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

367 (12) "Noninstructional time" means time [set] that a school sets aside [by a school] before  
368 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  
 370 53H-1-504.

371 (14) "Prohibited discriminatory practice" means the same as that term is defined in Section  
 372 53H-1-504.

373 [(13)] (15) "Religious club" means a noncurricular club designated in its application as  
 374 either being religiously based or based on expression or conduct mandated by  
 375 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  
 378 playing field.

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

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

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

382 **53G-7-702 (Effective 07/01/26). Student clubs -- Limited open forum --**

383 **Authorization -- Neutrality.**

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

387 (b) Notwithstanding [~~the provisions under~~] Subsection (1)(a), a school retains the right  
 388 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  
 390 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  
 393 or a noncurricular club; and

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

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

399 (3) A school shall[-] :

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

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

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

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

433 **53G-7-703 (Effective 07/01/26). Curricular clubs -- Authorization.**

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

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

- 471 (6)(a) A school shall determine curriculum relatedness by strictly applying this part's  
 472 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  
 474 continue to review the application as an application for authorization of a curricular  
 475 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  
 478 amendment; or  
 479 (ii) review the application as an application for authorization of a noncurricular club  
 480 in accordance with Section 53G-7-704.
- 481 (7)(a) ~~[Only]~~ An elementary school may only authorize curricular clubs~~[- may be~~  
 482 ~~authorized for elementary schools].~~
- 483 (b) A school governing body may limit, or permit a secondary school to limit, the  
 484 authorization of clubs at the secondary school to only curricular clubs.
- 485 Section 9. Section **53G-7-704** is amended to read:  
 486 **53G-7-704 (Effective 07/01/26). 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  
 489 authorization on a form approved by the LEA governing board.
- 490 (3) An application for authorization of a noncurricular club shall include~~[:]~~ the information  
 491 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~~  
 495 ~~consent required under Section 53G-7-709, indicating all of the following that may~~  
 496 ~~apply:]~~
- 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~~
- 508           ~~applicable laws, rules, or policies; and]~~
- 509           ~~[(f) a budget showing the amount and source of any funding provided or to be provided~~
- 510           ~~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
- 512       the items required under this section.
- 513       (5)(a) An LEA governing board may provide for approval of a noncurricular club name
- 514       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,
- 517           goals, and activities; and
- 518           (ii) ~~[that]~~ the noncurricular club name ~~[shall]~~ be a name that would not result in or
- 519           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
- 525       condition authorization of a noncurricular club based on a viewpoint that the club
- 526       expresses.
- 527       (6) In accordance with Subsection 53G-7-703(7), an elementary school may not authorize a
- 528       noncurricular club.
- 529       (7) If a school allows a noncurricular club, the school shall allow all noncurricular clubs
- 530       that meet the qualifications of this part, state board rules, and LEA governing board
- 531       rules.
- 532       (8)(a) Each LEA shall:
- 533           (i) publish on the LEA's website a list and short description of all authorized
- 534           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
- 537       Subsection (8)(a) from the relevant LEA and neighboring LEAs.
- 538       Section 10. Section **53G-7-705** is amended to read:

539 **53G-7-705 (Effective 07/01/26). Clubs -- Limitations and denials.**

- 540 (1) A school shall limit or deny authorization or school facilities use to a club, or require  
 541 changes ~~[prior to]~~ to the club's application before granting authorization or school  
 542 facilities use:
- 543 (a) as the school determines ~~[it]~~ to be necessary to:
- 544 (i) protect the physical, emotional, psychological, or moral well-being of students and  
 545 faculty;
- 546 (ii) maintain order and discipline on school premises;
- 547 (iii) prevent a material and substantial interference with the orderly conduct of a  
 548 school's educational 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  
 553 club related activities would, as a substantial, material, or significant part of ~~[their]~~ the  
 554 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  
 559 psychological services for which a license ~~[would be]~~ is required under state law~~[-]~~ ;  
 560 or
- 561 (v) promote or encourage a prohibited discriminatory practice.
- 562 (2) ~~[An LEA governing board]~~ A school has the primary authority to determine whether any  
 563 club meets the criteria of Subsection (1).
- 564 (3) If a school or LEA governing board limits or denies authorization to a club, the school  
 565 or LEA governing board shall provide, in writing, to the applicant the factual and legal  
 566 basis for the limitation or denial.
- 567 (4) A student's spontaneous expression of sentiments or opinions otherwise identified in  
 568 Subsection 53E-9-203(1) is not prohibited.
- 569 Section 11. Section **53G-7-706** is amended to read:
- 570 **53G-7-706 (Effective 07/01/26). Faculty oversight of authorized clubs.**
- 571 (1) A school shall approve ~~[the]~~ a faculty sponsor~~[-, supervisor, or monitor]~~ for each  
 572 authorized curricular~~[-]~~ club and a faculty supervisor or monitor for each authorized

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

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

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

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

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

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

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

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

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

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

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

599 **53G-7-707 (Effective 07/01/26). Use of school facilities by clubs.**

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

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

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

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

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

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

625 **53G-7-708 (Effective 07/01/26). Club membership.**

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

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

628 [~~(2)~~] (1) [~~Membership~~] The following governs membership in curricular clubs [~~is governed~~

629 ~~by the following~~]:

- 630 (a)(i) a school or LEA governing board may limit membership [~~may be limited~~] to
- 631 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
- 633 addition to the consent required under Section 53G-7-709, specific parental
- 634 permission for membership in a curricular club at another school;
- 635 (b)(i) curricular clubs may require that prospective members try out based on
- 636 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
- 638 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;

- 641 or
- 642 (ii) require affirmation of a particular ideological or political belief unrelated to the
- 643 curricular purpose of the club described in Subsection 53G-7-703(3)(b)(i) as a
- 644 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
- 647 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
- 650 students who are currently attending the school;
- 651 (c)(i) noncurricular clubs may require that prospective members try out based on
- 652 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
- 654 other applicable laws, rules, [and] or policies;
- 655 (d) ~~[a copy of]~~ an individual described in Subsection 53G-7-706(4) who presents any
- 656 written or other media materials [that were presented-]at a noncurricular club meeting [
- 657 by a nonschool person shall be delivered] shall deliver a copy of the materials to a
- 658 school administrator no later than 24 hours after the noncurricular club meeting[-and,
- 659 if requested,] ;
- 660 (e) a student's parent ~~[shall have an opportunity to review those materials; and]~~ may,
- 661 upon request, review the materials described in Subsection (2)(d);
- 662 (f) a school or noncurricular club may not limit or restrict membership based on a
- 663 personal identity characteristic; and
- 664 ~~[(e)]~~ (g) other rules or policies as determined by the state board, school district, or school.

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

666 **53G-7-709 (Effective 07/01/26). Parental consent.**

- 667 (1) A school shall require written parental consent for student participation in all curricular
- 668 and noncurricular clubs at the school.
- 669 (2) The school shall ensure that the consent described in Subsection (1) [shall include]
- 670 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
- 674 in the application for authorization of a club in accordance with [the provisions of]

675 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  
690 students and parents to know.

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

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

696 **53G-7-710 (Effective 07/01/26). Violations -- Investigations -- School responses.**

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

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

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

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

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

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

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

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

724 **53G-7-711 (Effective 07/01/26). Appeals -- Procedures.**

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

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

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

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

- 754 (1) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
 755 state board may make rules governing clubs that do not conflict with this part.
- 756 (2) ~~[ The state board may adopt additional rules and ]~~LEA governing boards may adopt [  
 757 ~~additional]~~policies governing clubs that do not conflict with ~~[the provisions of]~~this part.

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

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

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

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

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

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

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

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

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

822 (i) anti-racism;

823 (ii) bias;

824 (iii) critical race theory;

825 (iv) implicit bias;

826 (v) intersectionality;

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

828 or

829 (vii) racial privilege.

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

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

836 (a) employment, including decisions regarding:

837 (i) hiring;

838 (ii) terms of employment;

839 (iii) benefits;

840 (iv) compensation;

841 (v) seniority status;

842 (vi) tenure or continuing status;

843 (vii) promotion;

844 (viii) performance reviews;

- 845 (ix) transfer;
- 846 (x) termination; or
- 847 (xi) appointment;
- 848 (b) admission to, advancement in, or graduation from an institution or an academic
- 849 program;
- 850 (c) participation in an institution-sponsored program; or
- 851 (d) qualification for or receipt of state financial aid or other state financial assistance.
- 852 (3) An institution may not grant any form of preferential consideration to an individual
- 853 who, with or without solicitation from the institution, provides a prohibited submission
- 854 for consideration for any action described in Subsection (2).
- 855 (4)(a) If federal law requires an institution to accept or require a prohibited submission,
- 856 the institution:
- 857 [(a)] (i) may accept the prohibited submission only to the extent required under
- 858 federal law; and
- 859 [(b)] (ii) shall limit consideration of the information contained in the prohibited
- 860 submission to the extent necessary to satisfy the requirement under federal law.
- 861 [(5)] (b) For a required prohibited submission under Subsection [(4)] (4)(a), an institution
- 862 shall:
- 863 [(a)] (i) prepare a report to the institution's governing board detailing the
- 864 circumstances under which [a] the prohibited submission is required; and
- 865 [(b)] (ii) publish the report described in Subsection (5)(a) on the institution's
- 866 governing board website in a conspicuous location.
- 867 [(6)] (5) Nothing in this section limits or prohibits an institution's authority to establish
- 868 policies that:
- 869 (a) are necessary to comply with state or federal law, including laws relating to
- 870 prohibited discrimination or harassment;
- 871 (b) require disclosure of an employee's academic research, classroom teaching, or
- 872 coursework; or
- 873 (c) require an applicant for employment, tenure, or promotion to disclose or discuss the
- 874 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  
 880 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  
 883 higher education and one-half of the technical colleges each year so that each  
 884 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,  
 887 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  
 889 plan to cure the violation.
- 890 ~~[(8)]~~ (7) On or before November 1 of each year, the board shall prepare and submit a report  
 891 to the Education Interim Committee and the Higher Education Appropriations  
 892 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  
 895 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  
 898 to cure a violation of this section within the time provided under Subsection ~~[(7)(b)]~~  
 899 ~~(6)(b).~~
- 900 ~~[(10)]~~ (9) The board shall make rules in accordance with Title 63G, Chapter 3, Utah  
 901 Administrative Rulemaking Act, to establish a procedure for accepting and processing  
 902 an individual's complaint against an institution for an alleged violation of this section.  
 903 Section 20. Section **53H-1-503** is amended to read:
- 904 **53H-1-503 (Effective 07/01/26). Prohibition on the use of certain training in**  
 905 **higher education -- Exceptions.**
- 906 (1) As used in this section:
- 907 (a) "Prohibited training" means a mandatory instructional program ~~[and related materials~~  
 908 ~~that] that:~~
- 909 (i) an institution requires the institution's employees, prospective employees,  
 910 students, or prospective students[;] to attend[-that promote-] ; and
- 911 (ii) promotes a prohibited discriminatory [practices] practice as that term is defined in  
 912 Section 53H-1-504.

- 913 (b) "Prohibited training" includes an in-person or online seminar, discussion group,  
 914 workshop, other program, or related materials.
- 915 (2) An institution may not require prohibited training.
- 916 (3) An institution shall annually train the institution's faculty and staff on academic freedom  
 917 and freedom of speech in accordance with state or federal law.
- 918 (4) Nothing in this section limits or prohibits an institution's authority to establish policies  
 919 that are necessary to comply with state or federal law, including laws relating to  
 920 prohibited discrimination or harassment.
- 921 (5)(a) The board shall conduct a biennial review of an institution of higher education's  
 922 compliance with this section [~~as follows:~~]
- 923 [(i) ~~for 2025, on each institution of higher education; and~~]  
 924 [(ii) ~~for 2026, and every year after,~~] on one-half of the institutions of higher  
 925 education and one-half of the technical colleges each year so that each institution  
 926 receives a review once every two years.
- 927 (b) If the board identifies a violation of this section, the board shall:
- 928 (i) on or before 30 days after the day on which the board identifies the violation,  
 929 work with the institution to create a remediation plan; and
- 930 (ii) provide the institution 180 days after the day of the creation of the remediation  
 931 plan to cure the violation.
- 932 (6) On or before November 1 of each year, the board shall [~~prepare and submit a report to~~  
 933 ~~the Higher Education Appropriations Subcommittee~~] include in the board's report  
 934 described in Subsection 53H-1-502 information on:
- 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  
 938 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  
 940 Administrative Rulemaking Act, to establish a procedure for accepting and processing  
 941 an individual's complaint against an institution for an alleged violation of this section.
- 942 Section 21. Section **53H-1-504** is amended to read:
- 943 **53H-1-504 (Effective 07/01/26). Prohibited discriminatory practices --**  
 944 **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  
949 Basis of Sex.
- 950 (b) "Personal identity [~~characteristics~~] characteristic" means an individual's race, color,  
951 ethnicity, sex, sexual orientation, national origin, religion, or gender identity.
- 952 (c)(i) "Prohibited discriminatory practice" means engaging in or maintaining a policy,  
953 procedure, practice, program, office, initiative, or required training that, based on  
954 an individual's personal identity [~~characteristics~~] characteristic:
- 955 (A) promotes the differential treatment of an individual without an important  
956 government interest;
- 957 (B) influences the employment decisions of an individual other than through the  
958 use of neutral hiring processes with regard to a personal identity [~~characteristics~~]  
959 characteristic and in accordance with federal law;
- 960 (C) influences an individual's admission to, advancement in, or graduation from  
961 an institution, the public education system, or an academic program; or
- 962 (D) influences an individual's participation in an institution-sponsored or public  
963 education system-sponsored program.
- 964 (ii) "Prohibited discriminatory practice" [~~also means~~] includes engaging in or  
965 maintaining a policy, procedure, practice, program, office, initiative, or required  
966 training that:
- 967 (A) asserts that one personal identity characteristic is inherently superior or  
968 inferior to another personal identity characteristic;
- 969 (B) asserts that an individual, by virtue of the individual's personal identity [  
970 ~~characteristics~~] characteristic, is inherently privileged, oppressed, racist, sexist,  
971 oppressive, or a victim, whether consciously or unconsciously;
- 972 (C) asserts that an individual should be discriminated against in violation of Title  
973 VI, Title VII, and Title IX, receive adverse treatment, be advanced, or receive  
974 beneficial treatment because of the individual's personal identity [~~characteristics~~]  
975 characteristic;
- 976 (D) asserts that an individual's moral character is determined by the individual's  
977 personal identity [~~characteristics~~] characteristic;
- 978 (E) asserts that an individual, by virtue of the individual's personal identity [  
979 ~~characteristics~~] characteristic, bears responsibility for actions committed in the  
980 past by other individuals with the same personal identity [~~characteristics~~]

- 981 characteristic;
- 982 (F) asserts that an individual should feel discomfort, guilt, anguish, or other  
 983 psychological distress solely because of the individual's personal identity [  
 984 ~~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  
 987 relationships and struggles among racial groups;
- 988 (I) promotes resentment between, or resentment of, individuals by virtue of [~~their~~]  
 989 the individuals' personal identity characteristics;
- 990 (J) ascribes values, morals, or ethical codes, privileges, or beliefs to an individual  
 991 because of the individual's [~~race, color, ethnicity, sex, sexual orientation,~~  
 992 ~~national origin, or gender identity~~] personal identity characteristic;
- 993 (K) considers an individual's personal identity [~~characteristics~~] characteristic in  
 994 determining receipt of state financial aid or other state financial assistance,  
 995 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  
 999 to prohibited discrimination or harassment[-] ; or
- 1000 (B) policies or procedures that promote intellectual diversity that do not otherwise  
 1001 constitute a prohibited discriminatory practice.
- 1002 (d) "Student success and support" means a description of an office, division,  
 1003 employment position, or other unit of an institution [~~established or maintained to~~  
 1004 provide] that provides support, guidance, and resources that equip all students,  
 1005 including all students at higher risk of not completing a certificate or degree, with  
 1006 experiences and opportunities for success in each student's academic and career  
 1007 goals, and without excluding individuals on the basis of an individual's personal  
 1008 identity [~~characteristics~~] characteristic.
- 1009 (e) "Title VI" means Title VI of the Civil Rights Act of 1964, 42 U.S.C. Sec. 2000d et  
 1010 seq.
- 1011 (f) "Title VII" means Title VII of the Civil Rights Act of 1964, 42 U.S.C. Sec. 2000e et  
 1012 seq.
- 1013 (g) "Title IX" means Title IX of the Education Amendments of 1972, 20 U.S.C. Sec.  
 1014 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 [
- 1018 ~~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
- 1020 institution established to implement, develop, plan, or promote campus policies,
- 1021 procedures, practices, programs, or initiatives, regarding a prohibited discriminatory [
- 1022 ~~practices] practice~~; or
- 1023 (d) employ or assign an employee or a third-party whose duties [~~for an institution-~~
- 1024 include coordinating, creating, developing, designing, implementing, organizing,
- 1025 planning, or promoting policies, programming, training, practices, activities, and
- 1026 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
- 1029 support;
- 1030 [~~(b)~~] (ii) publish the titles and syllabi of all mandatory courses, seminars, classes,
- 1031 workshops, and training sessions on the institution's website in an online database
- 1032 that is readily searchable by the public;
- 1033 [~~(c)~~] (iii) annually train employees on the separation of personal political advocacy
- 1034 from an institution's business and employment activities;
- 1035 [~~(d)~~] (iv) develop strategies, including inviting speakers, to promote viewpoint
- 1036 diversity; and
- 1037 [~~(e)~~] (v) establish policies and procedures to include opportunities for education and
- 1038 research on free speech and civic education.
- 1039 [~~(4)~~] (b) The board shall report to the Higher Education Appropriations Subcommittee on
- 1040 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
- 1042 to support an institution's student success and support program in accordance with
- 1043 this section.
- 1044 [~~(6)~~] (4)(a) On or before January 1, 2025, the board shall contract with a third-party
- 1045 contractor, in accordance with Title 63G, Chapter 6a, Utah Procurement Code, to
- 1046 conduct a campus expression climate survey of each institution:
- 1047 (i) to assess student, faculty, and staff perceptions of and experiences with an
- 1048 institution's campus environment that measures the student's, faculty member's,

- 1049 and staff member's perception of and experience with an institution's campus  
1050 environment; and
- 1051 (ii) that measures the student's, faculty member's, and staff member's perception of  
1052 and experience with campus policy and practice regarding freedom of speech and  
1053 academic freedom at the institution.
- 1054 (b) The board shall collect the results of each campus expression climate survey under  
1055 Subsection ~~[(6)]~~ (4)(a) and submit the results to the Office of Legislative Research  
1056 and General Counsel beginning on or before July 1.
- 1057 ~~[(7)]~~ ~~(c)~~~~[(a)]~~ (i) The Office of Legislative Research and General Counsel shall provide  
1058 a summary report on the data collected from the campus expression climate  
1059 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;  
1062 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  
1065 General Counsel shall provide a comprehensive report of the campus expression  
1066 climate surveys to the Education Interim Committee.
- 1067 ~~[(8)]~~ (5)(a) Nothing in this section requires an individual to respond to a campus  
1068 expression climate survey.
- 1069 ~~[(9)]~~ (b) Nothing in this section limits or prohibits an institution's authority to establish  
1070 policies that:
- 1071 ~~[(a)]~~ (i) are necessary to comply with state or federal law, including laws relating to  
1072 prohibited discrimination or harassment;
- 1073 ~~[(b)]~~ (ii) require disclosure of an employee's academic research, classroom teaching,  
1074 or coursework; or
- 1075 ~~[(c)]~~ (iii) require for employment, tenure, or promotion to disclose or discuss the  
1076 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  
1081 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
- 1089                organization, staff member or staff organization, or student club or
- 1090                organization invites to speak, virtually or in person, at the institution, including
- 1091                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
- 1094                prohibited discriminatory practice if the grant has been reviewed and approved
- 1095                by the institution's board of trustees; or
- 1096                ~~[(ii)]~~ (B) an institution to engage in a prohibited discriminatory practice if the grant
- 1097                has been reviewed and approved by the board;
- 1098            ~~[(e)]~~ (vi) requirements necessary for an institution to establish or maintain eligibility
- 1099                for any federal program; or
- 1100            ~~[(f)]~~ (vii) private scholarships administered by an institution.
- 1101            ~~[(4)]~~ (b) Notwithstanding any other provision of this chapter or of Chapter 3,
- 1102            Institutions of Higher Education Generally, the University of Utah may take any
- 1103            action required for the University of Utah to comply with the terms of an agreement
- 1104            entered into between the University of Utah and the Ute Indian Tribe before July 1,
- 1105            2024.
- 1106            ~~[(12)]~~ (7)(a) The board shall conduct a biennial review of an institution of higher
- 1107            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
- 1110                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,
- 1113                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
- 1115                plan to cure the violation.
- 1116            ~~[(13)]~~ (8) On or before November 1 of each year, the board shall ~~[prepare and submit a~~

1117 ~~report to the Higher Education Appropriations Subcommittee] include in the board's~~  
 1118 ~~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 [  
 1121 ~~(12)(b)] (7)(b).~~

1122 ~~[(14)] (9)(a)~~ On or before December 1 of each year, the Higher Education Appropriations  
 1123 Subcommittee shall:

- 1124 ~~[(a)] (i)~~ report the findings under Subsections ~~[(4)] (3)(b)~~ and ~~[(13)] (8)~~ to the  
 1125 Legislature; and  
 1126 ~~[(b)] (ii)~~ make appropriation recommendations about an institution's compliance with  
 1127 this section.

1128 ~~[(15)] (b)~~ The Legislature may withhold future state appropriations to an institution that  
 1129 fails to cure a violation of this section within the time provided under Subsection [  
 1130 ~~(12)(b)] (7)(b).~~

1131 ~~[(16)] (10)~~ The board shall make rules in accordance with Title 63G, Chapter 3, Utah  
 1132 Administrative Rulemaking Act, to establish a procedure for accepting and processing  
 1133 an individual's complaint against an institution for an alleged violation of this section.  
 1134 Section 22. Section **53H-6-302** is enacted to read:

1135 **53H-6-302 (Effective 07/01/26). Public policy events at state institutions of higher**  
 1136 **education.**

1137 (1) As used in this section:

- 1138 (a) "Debate" means an event at which two or more presenters advocate for opposing or  
 1139 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  
 1142 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  
 1145 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  
 1148 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,
- 1153 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
- 1159 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
- 1168 differing viewpoints.
- 1169 (b) Nothing in this section prohibits an institution from inviting an individual speaker or
- 1170 a panel who articulates a singular or specific perspective, as described in Subsection
- 1171 53H-1-504(3)(a)(iv).
- 1172 Section 23. Section **67-27-107** is amended to read:
- 1173 **67-27-107 (Effective 07/01/26). Prohibition on the use of certain submissions by**
- 1174 **governmental employers -- Exceptions.**
- 1175 (1) As used in this section:
- 1176 (a)(i) "Governmental employer" means any department, division, agency,
- 1177 commission, board, council, committee, authority, municipality, county, political
- 1178 subdivision, or any other institution of the state.
- 1179 (ii) "Governmental employer" does not mean a local education agency or institution
- 1180 of higher education.
- 1181 (b)[(†)] "Prohibited submission" means [~~a submission, statement, or document that~~
- 1182 ~~requires an individual to articulate the individual's position, view, contribution,~~
- 1183 ~~effort, or experience regarding a policy, program, or initiative that promotes~~
- 1184 ~~differential treatment based on an individual's personal identity characteristics,] the~~

- 1185 same as that term is defined in Section ~~[53H-1-504]~~ 53H-1-502.
- 1186 [(ii) "Prohibited submission" includes a submission, statement, or document that
- 1187 relates to a policy, program, or initiative regarding:]
- 1188 [(A) anti-racism;]
- 1189 [(B) bias;]
- 1190 [(C) critical race theory;]
- 1191 [(D) implicit bias;]
- 1192 [(E) intersectionality;]
- 1193 [(F) prohibited discriminatory practice, as that term is defined in Section
- 1194 53H-1-504; or]
- 1195 [(G) racial privilege.]
- 1196 [(iii) "Prohibited submission" does not include a submission, statement, or document
- 1197 for an employment position if the submission, statement, or document relates to a
- 1198 bona fide occupational qualification for the position.]
- 1199 (2) Except as provided in Subsection (4), a governmental employer may not require,
- 1200 request, solicit, or compel a prohibited submission as a certification or condition before
- 1201 taking action with respect to:
- 1202 (a) employment, including decisions regarding:
- 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
- 1218 eligible.

- 1219 (3) A governmental employer may not grant any form of preferential consideration to an  
 1220 individual who, with or without solicitation from the governmental employer, provides a  
 1221 prohibited submission for any action described in Subsection (2).
- 1222 (4) If federal law requires a governmental employer to accept or require a prohibited  
 1223 submission, the governmental employer:  
 1224 (a) may accept the prohibited submission only to the extent required under federal law;  
 1225 and  
 1226 (b) shall limit consideration of the information contained in the prohibited submission to  
 1227 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  
 1229 establish policies that are necessary to comply with state or federal law, including laws  
 1230 relating to prohibited discrimination or harassment.

1231 Section 24. Section **67-27-108** is amended to read:

1232 **67-27-108 (Effective 07/01/26). Prohibition on the use of certain training by**  
 1233 **governmental employers -- Exceptions.**

- 1234 (1) As used in this section:  
 1235 (a) "Governmental employer" means the same as that term is defined in Section  
 1236 67-27-107.  
 1237 (b)(i) "Prohibited training" means a mandatory instructional program [~~and related~~  
 1238 ~~materials that~~] that:  
 1239 (A) a governmental employer requires the governmental employer's current or  
 1240 prospective employees to attend[~~that promote~~] ; and  
 1241 (B) promotes a prohibited discriminatory [~~practices~~] practice as that term is  
 1242 defined in Section 53H-1-504.  
 1243 (ii) "Prohibited training" includes an in-person or online seminar, discussion group,  
 1244 workshop, other program, or related materials.
- 1245 (2) A governmental employer may not require prohibited training.
- 1246 (3) Nothing in this section limits or prohibits a governmental employer's authority to  
 1247 establish policies that are necessary to comply with state or federal law, including laws  
 1248 relating to prohibited discrimination or harassment.

1249 Section 25. Section **67-27-109** is amended to read:

1250 **67-27-109 (Effective 07/01/26). Prohibited discriminatory practices --**  
 1251 **Restrictions -- Reporting.**

- 1252 (1) As used in this section:

- 1253 (a) "Executive agency director" means the executive agency director of an executive  
1254 department agency who, at the direction of the governor, carries out state business.
- 1255 (b) "Governmental employer" means the same as that term is defined in Section  
1256 67-27-107.
- 1257 (c) "Personal identity [~~characteristics~~] characteristic" means the same as that term is  
1258 defined in Section 53H-1-504.
- 1259 (d) "Prohibited discriminatory practice" means the same as that term is defined in  
1260 Section 53H-1-504.
- 1261 (2)(a) This section does not apply to a federal grant or program that would otherwise  
1262 require a governmental employer to engage in a prohibited discriminatory practice if  
1263 the grant or program has been reviewed and approved by the governmental  
1264 employer's executive director, legislative body, or governing body, as that term is  
1265 defined in Section 10-1-104.
- 1266 (b) A governmental employer's executive director, legislative body, or governing body  
1267 shall report the reviewed and approved federal grant or program under Subsection  
1268 (2)(a) to the Executive Appropriations Committee.
- 1269 (3) A governmental employer may not engage in a prohibited discriminatory [~~practices~~]  
1270 practice.
- 1271 (4) Nothing in this section limits or prohibits a governmental employer from:
- 1272 (a) as required or permitted by state law:
- 1273 (i) establishing or maintaining an office, division, or employment position to  
1274 implement, develop, plan, or promote practices relating to a personal identity [  
1275 ~~characteristics~~] characteristic if the office, division, or employment position is not  
1276 engaging in a prohibited discriminatory [~~practices~~] practice; or
- 1277 (ii) employing or assigning an employee or a third-party whose duties [~~for~~  
1278 ~~governmental employer~~] include coordinating, creating, developing, designing,  
1279 implementing, organizing, planning, or promoting policies, programming,  
1280 training, practices, activities, and procedures relating to a personal identity [  
1281 ~~characteristics~~] characteristic if the employee or the third-party is not engaging in a  
1282 prohibited discriminatory [~~practices~~] practice;
- 1283 (b) establishing policies that are necessary to comply with state or federal law, including  
1284 laws relating to prohibited discrimination or harassment; or
- 1285 (c) establishing policies that are necessary to comply with state law enacted on or before  
1286 July 1, 2024.

1287           ~~[(5)(a) Beginning on July 1, 2024, each executive agency director shall conduct a~~  
1288                   ~~thorough review of existing agency programs and offices to determine if the program~~  
1289                   ~~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  
1291   the compliance of agency programs and offices under ~~[Subsection (5)(a) to the governor.]~~  
1292   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,~~  
1295                   ~~interim committee meeting; and]~~

1296           ~~[(ii) the Legislative Management Committee upon request.~~

1297           Section 26. **Effective Date.**

1298           This bill takes effect on July 1, 2026.