

**EDUCATION SOVEREIGNTY AND CURRICULUM**

**TRANSPARENCY**

2022 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Keven J. Stratton**

Senate Sponsor: \_\_\_\_\_

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**LONG TITLE**

**General Description:**

This bill amends provisions regarding curriculum transparency and sovereignty.

**Highlighted Provisions:**

This bill:

- ▶ requires local governing boards to implement methods to provide curriculum transparency;
- ▶ emphasizes state sovereignty and individual liberty in public education; and
- ▶ makes technical changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**53E-2-201**, as last amended by Laws of Utah 2019, Chapter 186

**63G-16-101**, as enacted by Laws of Utah 2012, Chapter 38

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

Section 1. Section **53E-2-201** is amended to read:



28 **53E-2-201. Policy for Utah's public education system.**

29 (1) (a) The continuous cultivation of an informed and virtuous citizenry among  
30 succeeding generations is essential to the state and the nation.

31 (b) The state's public education system is established and maintained as provided in  
32 Utah Constitution, Article X, and this public education code.

33 (c) Parents have the primary responsibility for the education of their children and elect  
34 representatives in the Legislature and on state and local school boards to administer the state  
35 public education system, which provides extensive support and assistance. All children of the  
36 state are entitled to a free elementary and secondary public education as provided in Utah  
37 Constitution, Article X.

38 (d) Public schools fulfill a vital purpose in the education and preparation of informed  
39 and responsible citizens who:

- 40 (i) fully understand and lawfully exercise their individual rights and liberties;
- 41 (ii) become self-reliant and able to provide for themselves and their families; and
- 42 (iii) contribute to the public good and the health, welfare, and security of the state and  
43 the nation.

44 (2) In the implementation of all policies, programs, and responsibilities adopted in  
45 accordance with this public education code, the Legislature, the state board, local school  
46 boards, and charter school governing boards shall:

47 (a) respect, protect, and further the interests of parents in their children's public  
48 education; and

49 (b) promote and encourage full and active participation and involvement of parents at  
50 all public schools.

51 (3) (a) The public education system shall:

52 (i) include measures to ensure transparency in curriculum use, development, and  
53 organization; and

54 (ii) promote and maintain curriculum sovereignty, reflecting the doctrine that the  
55 federal government has no valid authority or basis for direct or indirect involvement,  
56 management, control, or mandates in local and state public education.

57 (b) Local governing boards shall:

58 (i) determine the best methods to provide to parents and students the transparency

59 described in Subsection (3)(a); and

60 (ii) annually report to the state board regarding the efforts described in Subsection  
61 (3)(b)(i).

62 Section 2. Section **63G-16-101** is amended to read:

63 **63G-16-101. State sovereignty and rights of set-off.**

64 (1) Pursuant to the Ninth and Tenth Amendments of the Constitution of the United  
65 States of America, the state of Utah does solemnly affirm its state sovereignty and fully and  
66 unconditionally reserves and asserts all rights and powers, directly and indirectly related to  
67 those rights and powers.

68 (2) This affirmation, reservation, and assertion includes rights and claims of set-off by  
69 the state of Utah for any amounts it claims to have been inequitably or unlawfully caused or  
70 imposed by the federal government.

71 (3) (a) (i) Public education is an essential and fundamental element of state sovereignty  
72 as described in this section.

73 (ii) The federal government has no valid authority or basis for direct or indirect  
74 involvement, management, control, or mandates in local and state public education.

75 (iii) As described in Sections [53E-2-201](#) and [53G-10-204](#):

76 (A) parents have primary authority and responsibility for the education of children; and

77 (B) the role of state and local governments is to support and assist parents in fulfilling  
78 the responsibility described in Subsection (3)(a)(iii)(A).

79 (iv) As described in Subsection [53E-2-201](#)(2), the Legislature, state and local school  
80 boards, and charter school governing boards shall respect, protect, and further the interests of  
81 parents in children's public education.

82 (b) (i) Individual liberty and state sovereignty, as applied to local public education,  
83 extends to all curriculum, textbooks, teacher training, education materials, courses of study,  
84 and programs.

85 (ii) The state, under the state's sovereignty, is free to reject any attempt by federal  
86 authority to require, direct, or mandate anything that conflicts with Subsection (3)(b)(i).

87 (c) As described in Subsections [53E-2-201](#)(c) and [53G-10-204](#)(2)(d), parents and  
88 families act directly and indirectly through elected representatives to exercise the blessings of  
89 liberty secured by the United States Constitution, the Utah Constitution, and this section.