

HB0366S01 compared with HB0366

~~text~~ shows text that was in HB0366 but was deleted in HB0366S01.

inserted text shows text that was not in HB0366 but was inserted into HB0366S01.

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Representative Keven J. Stratton proposes the following substitute bill:

EDUCATION ~~{SOVEREIGNTY AND CURRICULUM~~

~~}~~TRANSPARENCY

2022 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Keven J. Stratton

Senate Sponsor: _____

LONG TITLE

General Description:

This bill amends provisions regarding curriculum transparency~~{ and sovereignty}~~.

Highlighted Provisions:

This bill:

- ▶ requires local governing boards to ~~{implement}~~continue and encourage methods to ~~{provide}~~ensure curriculum transparency;~~{~~
→ ~~emphasizes state sovereignty and individual liberty in public education;}~~ and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

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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~~

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

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

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

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

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

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

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

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

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

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

(b) promote and encourage full and active participation and involvement of parents at

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all public schools~~].~~

~~}]~~~~(3) (a) The public education system shall.~~ and
(c) include continue and encourage measures to ensure transparency in curriculum use, development, and organization.

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

~~(b) Local governing boards shall:~~

~~(i) determine the best methods to provide to parents and students the transparency described in Subsection (3)(a); and~~

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

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

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

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

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

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

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

~~(iii) As described in Sections 53E-2-201 and 53G-10-204:~~

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

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

~~(iv) As described in Subsection 53E-2-201(2), the Legislature, state and local school boards, and charter school governing boards shall respect, protect, and further the interests of~~

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parents in children's public education.

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

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

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