

1 **PARENTAL RIGHTS IN PUBLIC EDUCATION**

2 2022 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: John D. Johnson**

5 House Sponsor: _____

7 **LONG TITLE**

8 **General Description:**

9 This bill addresses the rights of parents, and the sovereignty of the state, with respect to
10 public education.

11 **Highlighted Provisions:**

12 This bill:

- 13 ▶ recognizes and exercises state sovereignty in public education;
- 14 ▶ recognizes, exercises, and protects the rights and responsibilities of parents in the
15 education of their children; and
- 16 ▶ grants parents the right to opt out or withdraw their children from objectionable
17 matters and materials.

18 **Money Appropriated in this Bill:**

19 None

20 **Other Special Clauses:**

21 None

22 **Utah Code Sections Affected:**

23 ENACTS:

24 **53E-2-401**, Utah Code Annotated 1953

25 **53E-2-402**, Utah Code Annotated 1953

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



28 Section 1. Section **53E-2-401** is enacted to read:

29 **53E-2-401. Education -- Rights of parents -- State sovereignty.**

30 (1) (a) Public education is an essential and fundamental element of state sovereignty.

31 (b) There is no valid authority or basis for:

32 (i) direct or indirect involvement, management, or control of state or local education by
33 the federal government or a national organization; or

34 (ii) mandates, programs, or policies of the federal government, or a national
35 organization, relating to state or local education.

36 (2) (a) Parents have the primary authority and responsibility for the education of the
37 parents' children, as recognized and protected under this section and Sections [53E-2-201](#) and
38 [53G-10-204](#).

39 (b) The role of state and local government is to support and assist, rather than to
40 interfere or conflict with, the primary authority of parents for the education of the parents'
41 children.

42 (3) In accordance with Section [53E-2-201](#), the Legislature, state and local school
43 boards, charter school governing boards, and all public schools shall respect, protect, and
44 further the interests of parents in their children's education.

45 (4) A parent has legal standing to seek and obtain judicial and other legal relief, as
46 needed, to exercise and secure the parental rights described in this section.

47 (5) Individual liberty and state sovereignty in relation to local public education
48 includes all:

49 (a) curriculum, textbooks, and other educational materials;

50 (b) teacher training; and

51 (c) rules, policies, courses of study, agreements, and programs relating to local public
52 education.

53 (6) The state may reject any attempt by the federal government or a national
54 organization to direct or interfere with state sovereignty with respect to public education.

55 (7) As provided in this section, and in accordance with Subsection [53E-2-201\(1\)\(c\)](#),
56 parents and families are represented by their elected representatives, and act directly, and
57 indirectly through their elected representatives, to exercise the rights described in this section
58 as secured by the United States Constitution and the Utah Constitution.

59 (8) The freedom of speech of an elected official of the state, as a representative of the
60 people, may not be restricted or impaired by a government officer or government entity,
61 including a governing body of which the elected official is a member.

62 Section 2. Section **53E-2-402** is enacted to read:

63 **53E-2-402. Right to protect child from objectionable instruction or material.**

64 (1) In accordance with the rights and responsibilities of a parent, as described in
65 Section [53E-2-401](#), a parent may opt out and withdraw the parent's child from the use of, or
66 participation in, any public education matter or material that the parent determines
67 objectionable, including curriculum, subject matter, textbooks, or activities identified by a
68 parent as objectionable.

69 (2) School administration may not retaliate against a parent for exercising a right
70 described in Subsection (1).