

Senator John D. Johnson proposes the following substitute bill:

PARENTAL RIGHTS IN PUBLIC EDUCATION

2022 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: John D. Johnson

House Sponsor: _____

LONG TITLE

General Description:

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

Highlighted Provisions:

This bill:

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

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

ENACTS:

53E-2-401, Utah Code Annotated 1953

53E-2-402, Utah Code Annotated 1953



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

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

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

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

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

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

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

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

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

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

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

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

(b) teacher training; and

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

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

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

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

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

61 **53E-2-402. Right to protect child from objectionable instruction or material.**

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

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