

Representative Tim Jimenez proposes the following substitute bill:

INDIVIDUAL FREEDOM IN PUBLIC EDUCATION

2023 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Tim Jimenez

Senate Sponsor: _____

LONG TITLE

General Description:

This bill prohibits the use of instructional materials and classroom instruction that are inconsistent with the principles of inalienable rights, equal opportunity, and individual merit.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ broadens a provision regarding prayer or religious devotionals;
- ▶ requires the State Board of Education (state board), local education agencies

(LEAs), and staff to ensure that instructional materials and classroom instruction:

- are not inconsistent with certain principles; or
- do not incentivize or force a student to ~~Ĥ~~ **[confront]** change ~~Ĥ~~ a sincerely held

belief, value, or

standard;

- ▶ prohibits the state board, LEAs, and staff from:
 - allowing the use of certain instructional materials and classroom instruction; or
 - adopting certain policies;
- ▶ prohibits the state board and the State Instructional Materials Commission from

recommending certain instructional materials;

1st Sub. H.B. 427



- 26 ▶ prohibits the state board from developing certain core standards;
- 27 ▶ requires the state board to:
 - 28 • ensure compliance with this bill; and
 - 29 • create a model policy; and
- 30 ▶ makes technical and conforming changes.

31 **Money Appropriated in this Bill:**

32 None

33 **Other Special Clauses:**

34 This bill provides a special effective date.

35 **Utah Code Sections Affected:**

36 AMENDS:

37 **53G-10-202**, as last amended by Laws of Utah 2019, Chapter 293

38 ENACTS:

39 **53G-10-206**, Utah Code Annotated 1953



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

42 Section 1. Section **53G-10-202** is amended to read:

43 **53G-10-202. Maintaining constitutional freedom in the public schools.**

44 (1) [~~Any~~] Except as provided in Section 53G-10-206, any instructional activity,
45 performance, or display which includes examination of or presentations about religion, political
46 or religious thought or expression, or the influence thereof on music, art, literature, law,
47 politics, history, or any other element of the curriculum, including the comparative study of
48 religions, which is designed to achieve [~~secular~~] academic educational objectives included
49 within the context of a course or activity and conducted in accordance with applicable rules or
50 policies of the state and LEA governing boards, may be undertaken in the public schools.

51 (2) No aspect of cultural heritage, political theory, moral theory, or societal value shall
52 be included within or excluded from public school curricula for the primary reason that it
53 affirms, ignores, or denies religious belief, religious doctrine, a religious sect, or the existence
54 of a spiritual realm or supreme being.

55 (3) Public schools may not sponsor or deny the practice of prayer or religious
56 devotionals.

57 (4) School officials and employees may not use their positions to endorse, promote, or
58 disparage a particular religious, denominational, sectarian, agnostic, or atheistic belief or
59 viewpoint.

60 Section 2. Section **53G-10-206** is enacted to read:

61 **53G-10-206. Educational freedom.**

62 (1) As used in this section:

63 (a) (i) "Administrative personnel" means any LEA or state board staff personnel who
64 have system-wide, LEA-wide, or school-wide functions and who perform management
65 activities, including:

66 (A) developing broad policies for LEA or state-level boards; and

67 (B) executing developed policies through the direction of personnel at any level within
68 the state or LEA.

69 (ii) "Administrative personnel" includes state, LEA, or school superintendents,
70 assistant superintendents, deputy superintendents, school principals, assistant principals,
71 directors, executive directors, network directors, cabinet members, subject area directors, grant
72 coordinators, specialty directors, career center directors, educational specialists, technology
73 personnel, technology administrators, and others who perform management activities.

74 (b) (i) "Instructional personnel" means an individual whose function includes the
75 provision of:

76 (A) direct or indirect instructional services to students;

77 (B) direct or indirect support in the learning process of students; or

78 (C) direct or indirect delivery of instruction, training, coaching, evaluation, or
79 professional development to instructional or administrative personnel.

80 (ii) "Instructional personnel" includes:

81 (A) the state board, LEAs, schools, superintendents, boards, administrators,
82 administrative staff, teachers, classroom teachers, facilitators, coaches, proctors, therapists,
83 counselors, student personnel services, librarians, media specialists, associations, affiliations,
84 committees, contractors, vendors, consultants, advisors, outside entities, community
85 volunteers, para-professionals, public-private partners, trainers, mentors, specialists, and staff;
86 or

87 (B) any other employees, officials, government agencies, educational entities, persons,

88 or groups for whom access to students is facilitated through, or not feasible without, the public
 89 education system.

90 (2) The state board, the State Instructional Materials Commission, and each LEA shall

90a Ĥ→ : ←Ĥ

91 Ĥ→ (a) ←Ĥ ensure that instructional and curricular materials are consistent with:

92 Ĥ→ [(a)] (i) ←Ĥ the principle that all individuals are equal before the law and have
 92a inalienable

93 rights; and

94 Ĥ→ [(b)] (ii) ←Ĥ the following principles of individual freedom:

95 Ĥ→ [(i)] (A) ←Ĥ that no individual is inherently racist, sexist, or oppressive, whether
 95a consciously or

96 unconsciously, solely by virtue of the individual's race, sex, or sexual orientation;

97 Ĥ→ [(ii)] (B) ←Ĥ that no race is inherently superior or inferior to another race;

98 Ĥ→ [(iii)] (C) ←Ĥ that no person should be subject to discrimination or adverse treatment
 98a solely or

99 partly on the basis of the individual's race, color, national origin, religion, disability, sex, or
 100 sexual orientation;

101 Ĥ→ [(iv)] (D) ←Ĥ that meritocracy or character traits, including hard work ethic, are not
 101a racist but

102 fundamental to the right to pursue happiness and to be rewarded for industry; and

103 Ĥ→ [(v)] (E) ←Ĥ that an individual, by virtue of the individual's race or sex, does not bear
 104 responsibility for actions that other members of the same race or sex committed in the past or
 105 present Ĥ→ [] ; and

105a **(b) allow an educator to facilitate an age-appropriate discussion or use age-appropriate**
 105b **instructional or curricular materials to teach about sexism, slavery, racial oppression, racial**
 105c **segregation, and racial discrimination, including topics relating to the enactment and**
 105d **enforcement of laws resulting in sexism, racial oppression, racial segregation, and racial**
 105e **discrimination.** ←Ĥ

106 (3) The state board, an LEA, or a member of administrative or instructional personnel
 107 may not:

108 (a) subject a student to instruction that incentivizes or forces the student to Ĥ→ [confront]
 108a change ←Ĥ a

109 sincerely held belief, value, or standard that is taught in the student's home;

110 (b) subject a member of administrative or instructional personnel to instruction,☹

111 training, coaching, or professional development concepts that incentivize or force the
112 individual to ~~H~~→ [confront] change ←~~H~~ a sincerely held belief, value, or standard that the
112a individual holds;

113 (c) allow instructional personnel or administrative personnel to use instructional,
114 auxiliary, or curricular materials or to:

115 (i) expose a student to an environment, displays, or instruction that incentivizes or
116 forces a student to ~~H~~→ [confront] change ←~~H~~ a sincerely held belief, value, or standard that is
116a taught in the
117 student's home; or

118 (ii) attempt to persuade a student to a point of view that is inconsistent with:

119 (A) the principles described in Subsection (2); or
120 (B) the standards that the state board develops in accordance with Section [53E-3-301](#);

121 and

122 (d) implement policies or programs, or allow instructional personnel or administrative
123 personnel to implement policies or programs, with content that is inconsistent with the
124 principles described in Subsection (2).

125 (4) (a) The State Instructional Materials Commission may not recommend to the state
126 board instructional materials under Section [53E-4-403](#) that violate this section or are
127 inconsistent with the principles described in Subsection (2).

128 (b) Staff of the state board may not recommend to the state board instructional
129 materials that violate this section or are inconsistent with the principles described in Subsection
130 (2).

131 (5) The state board and state superintendent may not develop core standards under
132 Section [53E-3-301](#) that violate this section or are inconsistent with the principles described in
133 Subsection (2).

134 (6) No later than July 31, 2023, the state board shall:

135 (a) create a model policy for LEA adoption in accordance with this section; and

136 (b) ensure that all materials and standards comply with this section.

137 **Section 3. Effective date.**

138 This bill takes effect on July 1, 2023.