

**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: Michael S. Kennedy

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**LONG TITLE**

**General Description:**

This bill ensures that all instructional materials and classroom instruction are consistent 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 consistent with certain principles;

- ▶ prohibits the state board, LEAs, and staff from:
  - allowing the use of instructional materials and classroom instruction that are inconsistent with certain principles; or
  - adopting policies that are inconsistent with certain principles;

▶ prohibits the state board and the State Instructional Materials Commission from recommending instructional materials that are inconsistent with certain principles;

and

- ▶ makes technical and conforming changes.



26 **Money Appropriated in this Bill:**

27 None

28 **Other Special Clauses:**

29 This bill provides a special effective date.

30 **Utah Code Sections Affected:**

31 AMENDS:

32 **53G-10-202**, as last amended by Laws of Utah 2019, Chapter 293

33 ENACTS:

34 **53G-10-206**, Utah Code Annotated 1953



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

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

38 **53G-10-202. Maintaining constitutional freedom in the public schools.**

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

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

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

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

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

56 **53G-10-206. Educational freedom.**

57 (1) As used in this section:

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

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

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

64 (ii) "Administrative personnel" includes state, LEA, or school superintendents,  
65 assistant superintendents, deputy superintendents, school principals, assistant principals,  
66 directors, executive directors, network directors, cabinet members, subject area directors, grant  
67 coordinators, specialty directors, career center directors, educational specialists, technology  
68 personnel, technology administrators, and others who perform management activities.

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

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

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

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

75 (ii) "Instructional personnel" includes:

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

82 (B) any other employees, officials, government agencies, educational entities, persons,  
83 or groups for whom access to students is facilitated through, or not feasible without, the public  
84 education system.

85 (2) (a) ~~Ŝ→ [The state board ~~Ĥ→ ], the State Instructional Materials Commission,] ~~←Ĥ and~~~~~~

85a1 ~~each~~

85a ~~LEA ~~Ĥ→ ], within the respective purview of each entity, ~~←Ĥ~~~~~~

86 ~~shall ensure that the state's public education system, including any] Each LEA shall provide an~~

86a ~~annual assurance to the state board that the LEA's ~~←Ŝ~~ professional learning,~~

87 ~~administrative functions, displays, ~~Ŝ→ and ~~←Ŝ~~ instructional and curricular materials ~~Ŝ→ [;is]~~~~~~

87a ~~are ~~←Ŝ~~ consistent with the~~

88 following principles of individual freedom:

89 (i) the principle that all individuals are equal before the law and have ~~§~~ **[inalienable]**

89a unalienable ~~←§~~

90 rights; and

91 (ii) the following principles of individual freedom:

92 (A) that no individual is inherently racist, sexist, or oppressive, whether consciously or  
 93 unconsciously, solely by virtue of the individual's race, sex, or sexual orientation;

94 (B) that no race is inherently superior or inferior to another race;

95 (C) that no person should be subject to discrimination or adverse treatment solely or  
 96 partly on the basis of the individual's race, color, national origin, religion, disability, sex, or  
 97 sexual orientation;

98 (D) that meritocracy or character traits, including hard work ethic, are not racist nor  
 99 associated with or inconsistent with any racial or ethnic group; and

100 (E) that an individual, by virtue of the individual's race or sex, does not bear  
 101 responsibility for actions that other members of the same race or sex committed in the past or  
 102 present.

103 (b) Nothing in this section prohibits instruction regarding race, color, national origin,  
 104 religion, disability, or sex in a manner that is consistent with the principles described in  
 105 Subsection (2)(a).

106 (3) The state board ~~§~~ **[§]** or ~~←§~~ **[§]** an LEA ~~§~~ **[§]** ~~or a member of administrative or~~  
 106a ~~instructional personnel]~~ ~~←§~~

107 may not:

108 (a) attempt to persuade a student or instructional or administrative personnel to a point  
 109 of view that is inconsistent with the principles described in Subsection (2)(a); or

110 (b) implement policies or programs, or allow instructional personnel or administrative  
 111 personnel to implement policies or programs, with content that is inconsistent with the  
 112 principles described in Subsection (2)(a).

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

116 (5) The state board and state superintendent may not develop or continue to use core  
 117 standards under Section [53E-3-301](#) ~~§~~ **[§]** or ~~←§~~ **[§]** professional learning ~~§~~ **[§]** ~~or instructional~~

117a materials] ←<sup>H</sup> that are

118 inconsistent with the principles described in Subsection (2)(a).

119           Section 3. **Effective date.**

120           This bill takes effect on July 31, 2023.