

HB0348S02 compared with HB0348

~~{deleted text}~~ shows text that was in HB0348 but was deleted in HB0348S02.

inserted text shows text that was not in HB0348 but was inserted into HB0348S02.

DISCLAIMER: This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will NOT be completely accurate. Therefore, you need to read the actual bills. This automatically generated document could contain inaccuracies caused by: limitations of the compare program; bad input data; or other causes.

~~{CURRICULUM}~~ Representative Cheryl K. Acton proposes the following substitute bill:

PARTICIPATION WAIVER ~~{REQUIREMENTS}~~ AMENDMENTS

2023 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Cheryl K. Acton

Senate Sponsor: _____

LONG TITLE

General Description:

This bill ~~{repeals the requirement for}~~ clarifies how a school ~~{to require}~~ responds when a student refrains from participation in ~~{certain curriculum or an activity when a waiver of participation is requested}~~ school due to a student's or a student's parent's religious belief or right of conscience.

Highlighted Provisions:

This bill:

- ▶ ~~{repeals the requirement for a school to require a student to participate in curriculum or in an activity that interferes with a student's religion or conscience when a waiver of}~~ defines terms;
- ▶ clarifies how a school responds when a student refrains from participation ~~{is requested}~~ in school due to a student's or a student's parent's religious belief or right

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of conscience, consistent with Utah Constitution, Article I, Section 4;

- ▶ grants the State Board of Education rulemaking authority; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

53G-10-203, as renumbered and amended by Laws of Utah 2018, Chapter 3

53G-10-205, as last amended by Laws of Utah 2019, Chapter 293

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

Section 1. Section 53G-10-203 is amended to read:

53G-10-203. Expressions of belief -- Discretionary time.

(1) Expression of personal beliefs by a student participating in school-directed curricula or activities may not be prohibited or penalized unless the expression unreasonably interferes with order or discipline, threatens the well-being of persons or property, or violates concepts of civility or propriety appropriate to a school setting.

(2) (a) As used in this section, "discretionary time" means noninstructional time during which a student is free to pursue personal interests.

(b) Free exercise of voluntary religious practice or freedom of speech by students during discretionary time shall not be denied unless the conduct unreasonably interferes with the ability of school officials to maintain order and discipline, unreasonably endangers persons or property, or violates concepts of civility or propriety appropriate to a school setting.

(3) Any limitation under ~~[Sections 53G-10-203 and 53G-10-205]~~ this section on student expression, practice, or conduct shall be by the least restrictive means necessary to satisfy the school's interests ~~[as stated in those sections]~~, or to satisfy another specifically identified compelling governmental interest.

Section ~~{1}~~2. Section **53G-10-205** is amended to read:

53G-10-205. Waivers of participation.

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(1) As used in this section[, "school"]:

(a) ~~["school"]~~ "School" means a public school.

(b) "Student" means a public school student in ~~grades 5~~ kindergarten through grade

12.

~~[(2) If a parent of a student, or a secondary student, If a student or a student's parent] determines that the student's participation in a portion of the curriculum or in an activity would require the student to affirm or deny a religious belief or right of conscience, or engage or refrain from engaging in a practice forbidden or required in the exercise of a religious right or right of conscience, the parent or the secondary student the student or the student's parent may request:~~

~~[(a) a waiver of the requirement to participate; or]~~

~~[(b) a reasonable alternative that requires reasonably equivalent performance by the student of the secular objectives of the curriculum or activity in question.]~~

~~[(3) The school shall]~~

~~[(3)] (2) (a) In accordance with Utah Constitution, Article I, Section 4, a student may refrain from participation in any aspect of school that violates a religious belief or right of conscience of the student.~~

~~(b) A school may not, in any aspect of school:~~

~~(i) require or incentivize a student to affirm or deny a student or a student's parent's religious belief or right of conscience;~~

~~(ii) engage a student in a practice that violates or is contrary to a student's or a student's parent's religious belief or right of conscience; and~~

~~(iii) penalize or discriminate against a student for refraining from participation due to the student's or the student's parent's religious belief or right of conscience.~~

~~(3) [The school shall] When a student refrains from participating in any aspect of school that violates the student's or the student's parent's religious belief or right of conscience, the school:~~

~~(a) shall promptly notify a student's parent [if the secondary] student makes a request under Subsection (2).~~

~~];~~

~~(b) may offer an alternative that does not violate the student's or the student's parent's~~

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religious belief or right of conscience; and

(c) may not require the student or the student's parent to explain, defend, or justify the student's or the student's parent's religious belief or right of conscience.

(4) A student's parent may waive the student's participation in any aspect of school that violates the student's or the student's parent's religious belief or right of conscience.

(5) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the state board shall make rules consistent with this section.

~~[(4) If a request is made under Subsection (2), the school shall:]~~

~~[(a) waive the participation requirement; ~~{ or }~~]~~

~~[(b) provide a reasonable alternative to the requirement ~~{ }~~; or] ~~{ }~~~~

~~[(c) notify the requesting party that participation is required.]~~

~~[(5) The school shall ensure that the provisions of Subsection 53G-10-203(3) are met in connection with any required participation under Subsection (4)(c).]~~

~~[(6) ~~{ (5) }~~ A student's academic or citizenship performance may not be penalized if the ~~{ }~~secondary ~~{ }~~ student or the student's parent chooses to exercise a religious right or right of conscience in accordance with the provisions of this section.]~~