

PUBLIC EDUCATION CURRICULUM REQUIREMENTS

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 is inconsistent with the principles of inalienable rights, equal opportunity, and individual merit.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ requires local education agencies (LEAs) to:
 - ensure that instructional materials and classroom instruction are not inconsistent with certain principles; and
 - allow an educator to facilitate an age-appropriate discussion or use age-appropriate resources regarding race and sexism;
- ▶ prohibits LEAs from:
 - allowing the use of certain instructional materials and classroom instruction; or
 - adopting certain policies;
- ▶ prohibits the state instructional materials commission from recommending certain instructional materials;
- ▶ prohibits the state board from developing certain core standards; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:



28 None

29 **Other Special Clauses:**

30 This bill provides a special effective date.

31 **Utah Code Sections Affected:**

32 AMENDS:

33 **53G-10-202**, as last amended by Laws of Utah 2019, Chapter 293

34 ENACTS:

35 **53G-10-206**, Utah Code Annotated 1953



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

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

39 **53G-10-202. Maintaining constitutional freedom in the public schools.**

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

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

51 (3) Public schools may not sponsor prayer or religious 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, "educator" means the same as that term is defined in
58 Section 53E-6-102 and any school or LEA employee.

59 (2) An LEA shall:

60 (a) ensure that instructional and curricular materials are consistent with:

61 (i) the principle that all individuals are equal before the law and have inalienable
62 rights; and

63 (ii) the following principles of individual freedom:

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

66 (B) that no race is inherently superior to another race;

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

69 (D) that meritocracy or character traits, including hard work ethic, are not racist but
70 fundamental to the right to pursue happiness and to be rewarded for industry;

71 (E) that an individual, by virtue of the individual's race or sex, does not bear
72 responsibility for actions that other members of the same race or sex committed in the past; and

73 (F) that an individual should not be made to feel discomfort, guilt, anguish, or any
74 other form of psychological distress on account of the individual's race; and

75 (b) allow an educator to facilitate an age-appropriate discussion or use age-appropriate
76 instructional or curricular materials to teach about sexism, slavery, racial oppression, racial
77 segregation, and racial discrimination, including topics relating to the enactment and
78 enforcement of laws resulting in sexism, racial oppression, racial segregation, and racial
79 discrimination.

80 (3) An LEA may not:

81 (a) allow an educator to use instructional or curricular materials or to provide
82 classroom instruction to indoctrinate or persuade students to a point of view that is inconsistent
83 with:

84 (i) the principles described in Subsection (2); or

85 (ii) the standards that the state board develops in accordance with Section [53E-3-301](#);
86 and

87 (b) implement policies or programs with content that:

88 (i) reflects unfairly upon an individual because of the individual's race, color, creed,
89 national origin, ancestry, gender, religion, disability, socioeconomic status, or occupation; or

90 (ii) is inconsistent with the principles described in Subsection (2).

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

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

97 Section 3. **Effective date.**

98 This bill takes effect on July 1, 2023.