

SCHOOL GENDER IDENTITY POLICIES

2023 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Todd D. Weiler

House Sponsor: Stephanie Gricius

LONG TITLE

General Description:

This bill enacts provisions ensuring a parent's access to information related to a parent's child, including gender identity.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ requires each school and each local governing board to ensure a parent's right to access the education record of the parent's child; and
- ▶ prohibits a school or local education agency from prohibiting a parent's access to the education record of the parent's child.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a special effective date.

Utah Code Sections Affected:

ENACTS:

53E-9-205, Utah Code Annotated 1953

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

Section 1. Section **53E-9-205** is enacted to read:

53E-9-205. Parental right to student information.

29 (1) As used in this section:
30 (a) "Education record" means the same as that term is defined in Section 53E-9-204.
31 (b) "Gender identity" means the same as that term is defined in Section 34A-5-102.
32 (c) "Parent" means a parent or legal guardian with legal custody of the child in
33 question.
34 (d) "Sex" means the biological, physical condition of being male or female, determined
35 by an individual's genetics and anatomy at birth.
36 (2) In accordance with Section 53E-2-201, each school and each local governing board
37 shall ensure that no policy or action of the school or LEA:
38 (a) except as provided in Subsection 53E-9-203(6), operates to shield a student's
39 education record from the student's parent; and
40 (b) interferes with a parent's:
41 (i) fundamental parental right and primary responsibility to direct the education of the
42 parent's child; and
43 (ii) freedom of access to information regarding the parent's child.
44 (3) Notwithstanding any other provision of law, a school or LEA may not:
45 (a) prohibit a parent of a child from accessing the child's education record; or
46 (b) without written parental consent make changes to a student's education record
47 regarding a student's gender identity that does not conform with the student's sex.
48 Section 2. **Effective date.**
49 If approved by two-thirds of all the members elected to each house, this bill takes effect
50 upon approval by the governor, or the day following the constitutional time limit of Utah
51 Constitution, Article VII, Section 8, without the governor's signature, or in the case of a veto,
52 the date of veto override.