

Senator Todd D. Weiler proposes the following substitute bill:

SCHOOL DISTRICT 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 information regarding the parent's child; and
- ▶ prohibits a school or local education agency from prohibiting a parent's access to information regarding 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



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

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

28 **53E-9-205. Parental right to student information.**

29 (1) As used in this section:

30 (a) "Gender identity" means the same as that term is defined in Section [34A-5-102](#).

31 (b) "Sex" means the biological, physical condition of being male or female, determined
32 by an individual's genetics and anatomy at birth.

33 (2) In accordance with Section [53E-2-201](#), each school and each local governing board
34 shall ensure that no policy or action of the school or LEA:

35 (a) operates to shield any student's information from the student's parent; and

36 (b) interferes with a parent's:

37 (i) fundamental parental right and primary responsibility to direct the education of the
38 parent's child; and

39 (ii) freedom of access to information regarding the parent's child.

40 (3) Notwithstanding any other provision of law, a school or LEA may not:

41 (a) prohibit a parent with legal custody of a child from accessing the child's education
42 records or other information related to the child in the school's or LEA's possession; or

43 (b) without written parental consent make changes to a student's education records or
44 other information related to the child in the school's or LEA's possession regarding a student's
45 gender identity that does not conform with the student's sex.

46 Section 2. **Effective date.**

47 If approved by two-thirds of all the members elected to each house, this bill takes effect
48 upon approval by the governor, or the day following the constitutional time limit of Utah
49 Constitution, Article VII, Section 8, without the governor's signature, or in the case of a veto,
50 the date of veto override.