

Senator Keith Grover proposes the following substitute bill:

EQUAL OPPORTUNITY INITIATIVES

2024 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Katy Hall

Senate Sponsor: Keith Grover

LONG TITLE

General Description:

This bill prohibits an institution of higher education, the public education system, and a governmental employer from taking certain actions and engaging in discriminatory practices.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ prohibits an institution of higher education, the public education system, and a governmental employer from:

- requiring an individual, before, during, or after admission or employment, to provide certain submissions or attend certain training that promotes differential treatment;

- using an individual's certain characteristics in decisions regarding aspects of employment or education; and

- engaging in certain practices;

- ▶ requires the Utah Board of Higher Education (board), the State Board of Education (state board), ~~and~~ the state auditor, and executive agency directors to ~~ensure~~ review and report compliance with certain requirements;

- ▶ prohibits an institution of higher education, the state board, and a governmental

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- 26 employer from establishing or maintaining an office that engages in certain practices;
- 27 ▶ requires an institution of higher education to:
 - 28 • contract with a third party to conduct campus climate surveys;
 - 29 • provide certain training; and
 - 30 • collect and send the surveys to the Office of Legislative Research and General
- 31 Counsel (OLRGC);
 - 32 ▶ requires OLRGC to provide campus climate survey summaries to the Education
- 33 Interim Committee at certain times;
 - 34 ▶ provides for certain measures of legislative oversight;
 - 35 ▶ appropriates funding for a certain institution of higher education program;
 - 36 ▶ provides that an individual may submit a complaint for noncompliance to:
 - 37 • for an institution, the board; or
 - 38 • for public education, the state board;
 - 39 ▶ provides limited exceptions to the prohibitions in this bill; and
 - 40 ▶ makes technical and conforming changes.

41 **Money Appropriated in this Bill:**

42 None

43 **Other Special Clauses:**

44 This bill provides a special effective date.

45 **Utah Code Sections Affected:**

46 AMENDS:

- 47 **53B-1-301**, as last amended by Laws of Utah 2023, Chapter 374
- 48 **53E-1-201**, as last amended by Laws of Utah 2023, Chapters 1, 328 and 380
- 49 **67-3-1**, as last amended by Laws of Utah 2023, Chapters 16, 330, 353, and 480

50 ENACTS:

- 51 **53B-1-116**, Utah Code Annotated 1953
- 52 **53B-1-117**, Utah Code Annotated 1953
- 53 **53B-1-118**, Utah Code Annotated 1953
- 54 **53E-3-1101**, Utah Code Annotated 1953
- 55 **53G-2-103**, Utah Code Annotated 1953
- 56 **53G-2-104**, Utah Code Annotated 1953

- 57 [53G-2-105](#), Utah Code Annotated 1953
- 58 [67-27-105](#), Utah Code Annotated 1953
- 59 [67-27-106](#), Utah Code Annotated 1953
- 60 [67-27-107](#), Utah Code Annotated 1953

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

63 Section 1. Section **53B-1-116** is enacted to read:

64 **53B-1-116. Prohibition on the use of certain submissions in higher education --**

65 **Exceptions.**

66 (1) As used in this section, "prohibited submission" means the same as that term is
67 defined in Section [67-27-105](#).

68 (2) Except as provided in Subsections (4) and (6), an institution may not require,
69 request, solicit, or compel a prohibited submission as a certification or condition before taking
70 action with respect to:

71 (a) employment, including decisions regarding:

72 (i) hiring;

73 (ii) terms of employment;

74 (iii) benefits;

75 (iv) compensation;

76 (v) seniority status;

77 (vi) tenure or continuing status;

78 (vii) promotion;

79 (viii) performance reviews;

80 (ix) transfer;

81 (x) termination; or

82 (xi) appointment;

83 (b) admission to, advancement in, or graduation from an institution or an academic
84 program;

85 (c) participation in an institution-sponsored program; or

86 (d) qualification for or receipt of state financial aid or other state financial assistance.

87 (3) An institution may not grant any form of preferential consideration to an individual

88 who, with or without solicitation from the institution, provides a prohibited submission for
89 consideration for any action described in Subsection (2).

90 (4) If federal law requires an institution to accept or require a prohibited submission,
91 the institution:

92 (a) may accept the prohibited submission only to the extent required under federal law;
93 and

94 (b) shall limit consideration of the information contained in the prohibited submission
95 to the extent necessary to satisfy the requirement under federal law.

96 (5) For a required prohibited submission under Subsection (4), an institution shall:

97 (a) prepare a report to the institution's governing board detailing the circumstances
98 under which a prohibited submission is required; and

99 (b) publish the report described in Subsection (5)(a) on the institution's governing
100 board website in a conspicuous location.

101 (6) Nothing in this section limits or prohibits an institution's authority to establish
102 policies that:

103 (a) are necessary to comply with state or federal law, including laws relating to
104 prohibited discrimination or harassment;

105 (b) require disclosure of an employee's academic research, classroom teaching, or
106 coursework; or

107 (c) require an applicant for employment, tenure, or promotion to disclose or discuss the
108 applicant's:

109 (i) research;

110 (ii) teaching agenda;

111 (iii) artistic creations; or

112 (iv) pedagogical approaches or experiences with students of all learning abilities.

113 (7) (a) Beginning on July 1, 2025, the board shall conduct a biennial review of an
114 institution of higher education's compliance with this section as follows:

115 (i) for 2025, on each institution of higher education; and

116 (ii) for 2026, and every year after, on one-half of the degree granting institutions of
117 higher education and one-half of the technical colleges.

118 (b) If the board identifies a violation of this section, the board shall:

119 (i) on or before 30 days after the day on which the board identifies the violation, work
120 with the institution to create a remediation plan; and

121 (ii) provide the institution 180 days after the day of the creation of the remediation plan
122 to cure the violation.

123 (8) On or before November 1 of each year, the board shall prepare and submit a report
124 to the Higher Education Appropriations Subcommittee on:

125 (a) the review process and each institution's compliance determination; or

126 (b) if a violation is identified, the remediation plan and progress under Subsection
127 (7)(b).

128 (9) The Legislature may withhold future state appropriations to an institution that fails
129 to cure a violation of this section within the time provided under Subsection (7)(b).

130 (10) The board shall make rules in accordance with Title 63G, Chapter 3, Utah
131 Administrative Rulemaking Act, to establish a procedure for accepting and processing an
132 individual's complaint against an institution for an alleged violation of this section.

133 Section 2. Section **53B-1-117** is enacted to read:

134 **53B-1-117. Prohibition on the use of certain training in higher education --**

135 **Exceptions.**

136 (1) As used in this section:

137 (a) "Prohibited training" means a mandatory instructional program and related
138 materials that an institution requires the institution's employees, prospective employees,
139 students, or prospective students, to attend that promote prohibited discriminatory practices as
140 that term is defined in Section [53B-1-118](#).

141 (b) "Prohibited training" includes an in-person or online seminar, discussion group,
142 workshop, other program, or related materials.

143 (2) An institution may not require prohibited training.

144 (3) An institution shall annually train the institution's faculty and staff on academic
145 freedom and freedom of speech in accordance with state or federal law.

146 (4) Nothing in this section limits or prohibits an institution's authority to establish
147 policies that are necessary to comply with state or federal law, including laws relating to
148 prohibited discrimination or harassment.

149 (5) (a) Beginning on July 1, 2025, the board shall conduct a biennial review of an

150 institution of higher education's compliance with this section as follows:

151 (i) for 2025, on each institution of higher education; and

152 (ii) for 2026, and every year after, on one-half of the institutions of higher education
153 and one-half of the technical colleges.

154 (b) If the board identifies a violation of this section, the board shall:

155 (i) on or before 30 days after the day on which the board identifies the violation, work
156 with the institution to create a remediation plan; and

157 (ii) provide the institution 180 days after the day of the creation of the remediation plan
158 to cure the violation.

159 (6) On or before November 1 of each year, the board shall prepare and submit a report
160 to the Higher Education Appropriations Subcommittee on:

161 (a) the review process and each institution's compliance determination; or

162 (b) if a violation is identified, the remediation plan and progress under Subsection

163 (5)(b).

164 (7) The Legislature may withhold future state appropriations to an institution that fails
165 to cure a violation of this section within the time provided under Subsection (5)(b).

166 (8) The board shall make rules in accordance with Title 63G, Chapter 3, Utah
167 Administrative Rulemaking Act, to establish a procedure for accepting and processing an
168 individual's complaint against an institution for an alleged violation of this section.

169 Section 3. Section **53B-1-118** is enacted to read:

170 **53B-1-118. Prohibited discriminatory practices -- Restrictions -- Campus climate**
171 **survey -- Exceptions.**

172 (1) As used in this section:

173 (a) "Important government interest" means a governmental purpose relating to athletic
174 competition or athletic safety in public education or privacy.

175 (b) "Personal identity characteristics" means an individual's race, color, ethnicity, sex,
176 sexual orientation, national origin, religion, or gender identity.

177 (c) (i) "Prohibited discriminatory practice" means engaging in or maintaining a policy,
178 procedure, practice, program, office, initiative, or required training that, based on an
179 individual's personal identity characteristics:

180 (A) promotes the differential treatment of an individual without an important

181 government interest;

182 (B) influences the employment decisions of an individual other than through the use of
183 neutral hiring processes with regard to personal identity characteristics and in accordance with
184 federal law;

185 (C) influences an individual's admission to, advancement in, or graduation from an
186 institution, the public education system, or an academic program; or

187 (D) influences an individual's participation in an institution-sponsored or public
188 education system-sponsored program.

189 (ii) "Prohibited discriminatory practice" also means engaging in or maintaining a
190 policy, procedure, practice, program, office, initiative, or required training that:

191 (A) asserts that one personal identity characteristic is inherently superior or inferior to
192 another personal identity characteristic;

193 (B) asserts that an individual, by virtue of the individual's personal identity
194 characteristics, is inherently privileged, oppressed, racist, sexist, oppressive, or a victim,
195 whether consciously or unconsciously;

196 (C) asserts that an individual should be discriminated against in violation of

196a §→ Title VI, ←§ Title VII §→, ←§

197 and Title IX, receive adverse treatment, be advanced, or receive beneficial treatment because of
198 the individual's personal identity characteristics;

199 (D) asserts that an individual's moral character is determined by the individual's
200 personal identity characteristics;

201 (E) asserts that an individual, by virtue of the individual's personal identity
202 characteristics, bears responsibility for actions committed in the past by other individuals with
203 the same personal identity characteristics;

204 (F) asserts that an individual should feel discomfort, guilt, anguish, or other
205 psychological distress solely because of the individual's personal identity characteristics;

206 (G) asserts that meritocracy is inherently racist or sexist;

207 (H) asserts that socio-political structures are inherently a series of power relationships
208 and struggles among racial groups;

209 (I) promotes resentment between, or resentment of, individuals by virtue of their
210 personal identity characteristics;

211 (J) ascribes values, morals, or ethical codes, privileges, or beliefs to an individual

212 because of the individual's race, color, ethnicity, sex, sexual orientation, national origin, or
 213 gender identity;

214 (K) considers an individual's personal identity characteristics in determining receipt of
 215 state financial aid or other state financial assistance, including a scholarship award or tuition
 216 waiver; or

217 (L) is referred to or named diversity, equity, and inclusion.

218 (iii) "Prohibited discriminatory practice" does not include policies or procedures
 219 required by state or federal law, including laws relating to prohibited discrimination or
 220 harassment.

221 (d) "Student success and support" means an office, division, employment position, or
 222 other unit of an institution established or maintained to provide support, guidance, and
 223 resources that equip all students, including all students at higher risk of not completing a
 224 certificate or degree, with experiences and opportunities for success in each student's academic
 225 and career goals, and without excluding individuals on the basis of an individual's personal
 226 identity characteristics.

227 (e) ~~Ŝ~~ → "Title VI" means Title VI of the Civil Rights Act of 1964, 42 U.S.C. Sec. 2000d
 227a et seq.

227b (f) ~~←Ŝ~~ "Title VII" means Title VII of the Civil Rights Act of 1964, 42 U.S.C. Sec. 2000e et
 228 seq.

229 Ŝ → ~~[(f)] (g) ←Ŝ "Title IX" means Title IX of the Education Amendments of 1972, 20 U.S.C.~~
 229a Sec.
 230 1681 et seq.

231 (2) An institution may not:

232 (a) ~~Ŝ~~ → **engage in prohibited discriminatory practices;**

232a (b) ~~←Ŝ~~ take, express, or assert a position or opinion on subjects described in Subsection
 233 [67-27-105\(1\)\(b\)\(ii\)](#);

234 Ŝ → ~~[(b)] (c) ←Ŝ establish or maintain an office, division, employment position, or other unit~~
 234a of an

235 institution established to implement, develop, plan, or promote campus policies, procedures,
 236 practices, programs, or initiatives, regarding prohibited discriminatory practices; or

237 Ŝ → ~~[(e)] (d) ←Ŝ employ or assign an employee or a third-party whose duties for an~~
 237a institution

238 include coordinating, creating, developing, designing, implementing, organizing, planning, or
 239 promoting policies, programming, training, practices, activities, and procedures relating to
 240 prohibited discriminatory practices.

241 (3) An institution shall:

242 (a) ensure that all students have access to programs providing student success and

243 support;

244 (b) publish the titles and syllabi of all mandatory courses, seminars, classes,
245 workshops, and training sessions on the institution's website in an online database readily
246 searchable by the public;

247 (c) annually train employees on the separation of personal political advocacy from an
248 institution's business and employment activities;

249 (d) develop strategies, including inviting speakers, to promote viewpoint diversity; and

250 (e) establish policies and procedures to include opportunities for education and
251 research on free speech and civic education.

252 (4) Beginning on or before July 1, 2025, the board shall report to the Higher Education
253 Appropriations Subcommittee on the status and allocation of appropriated funds for student
254 success and support.

255 (5) The Legislature shall, in a line item appropriation, appropriate ongoing funding to
256 support an institution's student success and support program in accordance with this section.

257 (6) (a) On or before January 1, 2025, the board shall contract with a third-party
258 contractor, in accordance with Title 63G, Chapter 6a, Utah Procurement Code, to conduct a
259 campus expression climate survey of each institution:

260 (i) to assess student, faculty, and staff perceptions of and experiences with an
261 institution's campus environment that measures the student's, faculty member's, and staff
262 member's perception of and experience with an institution's campus environment; and

263 (ii) that measures the student's, faculty member's, and staff member's perception of and
264 experience with campus policy and practice regarding freedom of speech and academic
265 freedom at the institution.

266 (b) The board shall collect the results of each campus expression climate survey under
267 Subsection (6) and submit the results to the Office of Legislative Research and General
268 Counsel beginning on or before July 1.

269 (7) (a) The Office of Legislative Research and General Counsel shall provide a
270 summary report on the data collected from the campus expression climate surveys to the
271 Education Interim Committee on or before:

272 (i) November 1, 2027, for reports received in years 2025, 2026, and 2027;

273 (ii) November 1, 2030, for reports received in years 2028, 2029, and 2030; and

274 (iii) November 1, 2033, for reports received in years 2031, 2032, and 2033.

275 (b) On or before November 1, 2035, the Office of Legislative Research and General
276 Counsel shall provide a comprehensive report of the campus expression climate surveys to the
277 Education Interim Committee.

278 (8) Nothing in this section requires an individual to respond to a campus expression
279 climate survey.

280 (9) Nothing in this section limits or prohibits an institution's authority to establish
281 policies that:

282 (a) are necessary to comply with state or federal law, including laws relating to
283 prohibited discrimination or harassment;

284 (b) require disclosure of an employee's academic research, classroom teaching, or
285 coursework; or

286 (c) require for employment, tenure, or promotion to disclose or discuss the applicant's:

287 (i) research;

288 (ii) teaching agenda;

289 (iii) artistic creations; or

290 (iv) pedagogical approaches or experiences with students of all learning abilities.

291 (10) This section does not apply to:

292 (a) requirements necessary for athletic and accreditation compliance;

293 (b) academic research;

294 (c) academic course teaching in the classroom;

295 (d) a grant that would otherwise require:

296 (i) a department, office, division, or other unit of an institution to engage in a
297 prohibited discriminatory practice if the grant has been reviewed and approved by the
298 institution's board of trustees; or

299 (ii) an institution to engage in a prohibited discriminatory practice if the grant has been
300 reviewed and approved by the board; ~~§~~ ~~→~~ ~~or~~ ~~←~~ ~~§~~

301 (e) requirements necessary for an institution to establish or maintain eligibility for any
302 federal program ~~§~~ ~~→~~ ~~;~~ ~~or~~

302a **(f) private scholarships administered by an institution.** ~~←~~ ~~§~~

303 (11) Notwithstanding any other provision of this part, the University of Utah may take
304 any action required for the University of Utah to comply with the terms of an agreement

305 entered into between the University of Utah and the Ute Indian Tribe before July 1, 2024.

306 (12) (a) Beginning on July 1, 2025, the board shall conduct a biennial review of an
307 institution of higher education's compliance with this section as follows:

308 (i) for 2025, on each institution of higher education; and

309 (ii) for 2026, and every year after, on one-half of the degree granting institutions of
310 higher education and one-half of the technical colleges.

311 (b) If the board identifies a violation of this section, the board shall:

312 (i) on or before 30 days after the day on which the board identifies the violation, work
313 with the institution to create a remediation plan; and

314 (ii) provide the institution 180 days after the day of the creation of the remediation plan
315 to cure the violation.

316 (13) On or before November 1 of each year, the board shall prepare and submit a report
317 to the Higher Education Appropriations Subcommittee on:

318 (a) the review process and each institution's compliance determination; or

319 (b) if a violation is identified, the remediation plan and progress under Subsection
320 (11)(b).

321 (14) On or before December 1 of each year, the Higher Education Appropriations
322 Subcommittee shall:

323 (a) report the findings under Subsections (4) and (12) to the Legislature; and

324 (b) make appropriation recommendations about an institution's compliance with this
325 section.

326 (15) The Legislature may withhold future state appropriations to an institution that fails
327 to cure a violation of this section within the time provided under Subsection (11)(b).

328 (16) The board shall make rules in accordance with Title 63G, Chapter 3, Utah
329 Administrative Rulemaking Act, to establish a procedure for accepting and processing an
330 individual's complaint against an institution for an alleged violation of this section.

331 Section 4. Section **53B-1-301** is amended to read:

332 **53B-1-301. Reports to and actions of the Higher Education Appropriations**
333 **Subcommittee.**

334 (1) In accordance with applicable provisions and Section **68-3-14**, the following
335 recurring reports are due to the Higher Education Appropriations Subcommittee:

- 336 (a) the reports described in Sections 53B-1-116, 53B-1-117, and 53B-1-118;
- 337 (b) the reports described in Sections 34A-2-202.5, 53B-30-206, and 59-9-102.5 by the
338 Rocky Mountain Center for Occupational and Environmental Health;
- 339 ~~(b)~~ (c) the report described in Section 53B-7-101 by the board on recommended
340 appropriations for higher education institutions, including the report described in Section
341 53B-8-104 by the board on the effects of offering nonresident partial tuition scholarships;
- 342 ~~(c)~~ (d) the report described in Section 53B-7-704 by the Department of Workforce
343 Services and the Governor's Office of Economic Opportunity on targeted jobs;
- 344 ~~(d)~~ (e) the reports described in Section 53B-7-705 by the board on performance;
- 345 ~~(e)~~ (f) the report described in Section 53B-8-201 by the board on the Opportunity
346 Scholarship Program;
- 347 ~~(f)~~ (g) the report described in Section 53B-8d-104 by the Division of Child and
348 Family Services on tuition waivers for wards of the state;
- 349 ~~(g)~~ (h) the report described in Section 53B-13a-103 by the board on the Utah Promise
350 Program;
- 351 ~~(h)~~ (i) the report described in Section 53B-17-201 by the University of Utah
352 regarding the Miners' Hospital for Disabled Miners;
- 353 ~~(i)~~ (j) the report described in Section 53B-26-202 by the Medical Education Council
354 on projected demand for nursing professionals;
- 355 ~~(j)~~ (k) the report described in Section 53B-35-202 regarding the Higher Education
356 and Corrections Council; and
- 357 ~~(k)~~ (l) the report described in Section 53E-10-308 by the State Board of Education
358 and board on student participation in the concurrent enrollment program.
- 359 (2) In accordance with applicable provisions and Section 68-3-14, the following
360 occasional reports are due to the Higher Education Appropriations Subcommittee:
- 361 (a) upon request, the information described in Section 53B-8a-111 submitted by the
362 Utah Educational Savings Plan;
- 363 (b) a proposal described in Section 53B-26-202 by an eligible program to respond to
364 projected demand for nursing professionals; and
- 365 (c) a report in 2023 from Utah Valley University and the Utah Fire Prevention Board
366 on the fire and rescue training program described in Section 53B-29-202.

367 (3) In accordance with applicable provisions, the Higher Education Appropriations
368 Subcommittee shall complete the following:

369 (a) an appropriation recommendation described in Section 53B-1-118 regarding
370 compliance with Subsections 53B-1-118(5) and (13);

371 (b) as required by Section 53B-7-703, the review of performance funding described in
372 Section 53B-7-703;

373 ~~(b)~~ (c) an appropriation recommendation described in Section 53B-26-202 to fund a
374 proposal responding to projected demand for nursing professionals; and

375 ~~(c)~~ (d) review of the report described in Section 63B-10-301 by the University of
376 Utah on the status of a bond and bond payments specified in Section 63B-10-301.

377 Section 5. Section 53E-1-201 is amended to read:

378 **53E-1-201. Reports to and action required of the Education Interim Committee.**

379 (1) In accordance with applicable provisions and Section 68-3-14, the following
380 recurring reports are due to the Education Interim Committee:

381 (a) the report described in Section 9-22-109 by the STEM Action Center Board,
382 including the information described in Section 9-22-113 on the status of the computer science
383 initiative and Section 9-22-114 on the Computing Partnerships Grants Program;

384 (b) the prioritized list of data research described in Section 53B-33-302 and the report
385 on research and activities described in Section 53B-33-304 by the Utah Data Research Center;

386 (c) the report described in Section 35A-15-303 by the State Board of Education on
387 preschool programs;

388 (d) the report described in Section 53B-1-402 by the Utah Board of Higher Education
389 on career and technical education issues and addressing workforce needs;

390 (e) the annual report of the Utah Board of Higher Education described in Section
391 53B-1-402;

392 (f) the reports described in Section 53B-28-401 by the Utah Board of Higher Education
393 regarding activities related to campus safety;

394 (g) the State Superintendent's Annual Report by the state board described in Section
395 53E-1-203;

396 (h) the annual report described in Section 53E-2-202 by the state board on the strategic
397 plan to improve student outcomes;

398 (i) the report described in Section [53E-8-204](#) by the state board on the Utah Schools for
399 the Deaf and the Blind;

400 (j) the report described in Section [53E-10-703](#) by the Utah Leading through Effective,
401 Actionable, and Dynamic Education director on research and other activities;

402 (k) the report described in Section [53F-2-522](#) regarding mental health screening
403 programs;

404 (l) the report described in Section [53F-4-203](#) by the state board and the independent
405 evaluator on an evaluation of early interactive reading software;

406 (m) the report described in Section [63N-20-107](#) by the Governor's Office of Economic
407 Opportunity on UPSTART;

408 (n) the reports described in Sections [53F-5-214](#) and [53F-5-215](#) by the state board
409 related to grants for professional learning and grants for an elementary teacher preparation
410 assessment;

411 (o) upon request, the report described in Section [53F-5-219](#) by the state board on the
412 Local Innovations Civics Education Pilot Program;

413 (p) the report described in Section [53F-5-405](#) by the State Board of Education
414 regarding an evaluation of a partnership that receives a grant to improve educational outcomes
415 for students who are low income;

416 (q) the report described in Section [53B-35-202](#) regarding the Higher Education and
417 Corrections Council;

418 (r) the report described in Section [53G-7-221](#) by the State Board of Education
419 regarding innovation plans;

420 (s) the annual report described in Section [63A-2-502](#) by the Educational Interpretation
421 and Translation Service Procurement Advisory Council; and

422 (t) the reports described in Section [53F-6-412](#) regarding the Utah Fits All Scholarship
423 Program.

424 (2) In accordance with applicable provisions and Section [68-3-14](#), the following
425 occasional reports are due to the Education Interim Committee:

426 (a) the report described in Section [35A-15-303](#) by the School Readiness Board by
427 November 30, 2020, on benchmarks for certain preschool programs;

428 (b) in 2027, 2030, 2033, and 2035, the reports described in Sections [53B-1-116](#),

429 [53B-1-117](#), and [53B-1-118](#);

430 ~~[(b)]~~ (c) the report described in Section [53B-28-402](#) by the Utah Board of Higher
431 Education on or before the Education Interim Committee's November 2021 meeting;

432 ~~[(c)]~~ (d) if required, the report described in Section [53E-4-309](#) by the state board
433 explaining the reasons for changing the grade level specification for the administration of
434 specific assessments;

435 ~~[(d)]~~ (e) if required, the report described in Section [53E-5-210](#) by the state board of an
436 adjustment to the minimum level that demonstrates proficiency for each statewide assessment;

437 ~~[(e)]~~ (f) in 2022 and in 2023, on or before November 30, the report described in
438 Subsection [53E-10-309\(5\)](#) related to the PRIME pilot program;

439 ~~[(f)]~~ (g) the report described in Section [53E-10-702](#) by Utah Leading through Effective,
440 Actionable, and Dynamic Education;

441 ~~[(g)]~~ (h) if required, the report described in Section [53F-2-513](#) by the state board
442 evaluating the effects of salary bonuses on the recruitment and retention of effective teachers in
443 high poverty schools;

444 ~~[(h)]~~ (i) the report described in Section [53F-5-210](#) by the state board on the Educational
445 Improvement Opportunities Outside of the Regular School Day Grant Program;

446 ~~[(i)]~~ (j) upon request, a report described in Section [53G-7-222](#) by an LEA regarding
447 expenditure of a percentage of state restricted funds to support an innovative education
448 program;

449 ~~[(j)]~~ (k) the report described in Section [53G-7-503](#) by the state board regarding fees
450 that LEAs charge during the 2020-2021 school year;

451 ~~[(k)]~~ (l) the reports described in Section [53G-11-304](#) by the state board regarding
452 proposed rules and results related to educator exit surveys; and

453 ~~[(l)]~~ (m) the report described in Section [26B-5-113](#) by the Office of Substance Use and
454 Mental Health, the State Board of Education, and the Department of Health and Human
455 Service regarding recommendations related to Medicaid reimbursement for school-based health
456 services.

457 Section 6. Section [53E-3-1101](#) is enacted to read:

458 **53E-3-1101. Prohibited discriminatory practices -- Restrictions - Reporting.**

459 (1) As used in this section, "prohibited discriminatory practice" means the same as that

460 term is defined in Section 53B-1-118.

461 (2) The state board may not:

462 (a) establish or maintain an office, division, or employment position established to
463 implement, develop, plan, or promote policies, procedures, practices, programs, or initiatives,
464 regarding prohibited discriminatory practices; or

465 (b) employ or assign an employee or a third-party whose duties for the state board
466 include coordinating, creating, developing, designing, implementing, organizing, planning, or
467 promoting policies, programming, training, practices, activities, and procedures relating to
468 prohibited discriminatory practices.

469 (3) Nothing in this section limits or prohibits the state board's authority to establish
470 policies that are necessary to comply with state or federal law, including laws relating to
471 prohibited discrimination or harassment.

472 (4) The state board shall provide an update to the Education Interim Committee and
473 Public Education Appropriations Subcommittee on the state board's compliance with this
474 section at or before:

475 (a) the Education Interim Committee's November interim committee meeting; and

476 (b) the Public Education Appropriations Subcommittee December interim
477 subcommittee meeting.

478 Section 7. Section **53G-2-103** is enacted to read:

479 **53G-2-103. Prohibition on the use of certain submissions in public education --**
480 **Exceptions.**

481 (1) As used in this section, "prohibited submission" means the same as that term is
482 defined in Section 67-27-105.

483 (2) Except as provided in Subsections (4) and (6), an LEA may not require, request,
484 solicit, or compel a prohibited submission as a certification or condition before taking action
485 with respect to:

486 (a) employment, including decisions regarding:

487 (i) hiring;

488 (ii) terms of employment;

489 (iii) benefits;

490 (iv) compensation;

- 491 (v) seniority status;
492 (vi) tenure or continuing status;
493 (vii) promotion;
494 (viii) performance reviews;
495 (ix) transfer;
496 (x) termination; or
497 (xi) appointment;
498 (b) enrollment or graduation from the LEA;
499 (c) participation in LEA-sponsored programs; or
500 (d) qualification for or receipt of state financial aid or other state financial assistance.
501 (3) An LEA may not grant any form of preferential consideration to an individual who,
502 with or without solicitation from the LEA, provides a prohibited submission for consideration
503 for any action described in Subsection (2).
504 (4) If federal law requires an LEA to accept or require a prohibited submission, the
505 LEA:
506 (a) may accept the prohibited submission only to the extent required under federal law;
507 and
508 (b) shall limit consideration of the information contained in the prohibited submission
509 to the extent necessary to satisfy the requirement under federal law.
510 (5) For a required prohibited submission under Subsection (4), an LEA shall notify the
511 state board detailing the circumstances under which a prohibited submission under Subsection
512 (4) is required.
513 (6) Nothing in this section limits or prohibits an LEA's authority to establish policies
514 that:
515 (a) are necessary to comply with state or federal law, including laws relating to
516 prohibited discrimination or harassment; or
517 (b) require an applicant for employment, tenure, continuing status, or promotion to
518 disclose or discuss the applicant's:
519 (i) teaching record;
520 (ii) artistic creations; or
521 (iii) pedagogical approaches or experiences with students of all learning abilities.

522 (7) If the state board identifies a reported violation of this section, the state board shall
523 provide an update to the Education Interim Committee on an LEA's compliance with this
524 section at or before the Education Interim Committee's November interim committee meeting.

525 (8) An individual may bring a violation of this section to the state board in accordance
526 with the process described in Section [53E-3-401](#).

527 Section 8. Section **53G-2-104** is enacted to read:

528 **53G-2-104. Prohibition on the use of certain training in public education --**

529 **Exceptions.**

530 (1) As used in this section:

531 (a) "Prohibited training" means a mandatory instructional program and related
532 materials that an LEA requires the LEA's employees, prospective employees, students, or
533 prospective students, to attend that promote prohibited discriminatory practices as that term is
534 defined in Section [53B-1-118](#).

535 (b) "Prohibited training" includes an in-person or online seminar, discussion group,
536 workshop, other program, or related materials.

537 (2) An LEA may not require prohibited training.

538 (3) Nothing in this section limits or prohibits an LEA's authority to establish policies
539 that are necessary to comply with state or federal law, including laws relating to prohibited
540 discrimination or harassment.

541 (4) If the state board identifies a reported violation of this section, the state board shall
542 provide an update to the Education Interim Committee on an LEA's compliance with this
543 section at or before the Education Interim Committee's November interim committee meeting.

544 (5) An individual may bring a violation of this section to the state board in accordance
545 with the process described in Section [53E-3-401](#).

546 Section 9. Section **53G-2-105** is enacted to read:

547 **53G-2-105. Prohibited discriminatory practices -- Restrictions - Reporting.**

548 (1) As used in this section, "prohibited discriminatory practice" means the same as that
549 term is defined in Section [53B-1-118](#).

550 (2) An LEA may not:

551 (a) engage in prohibited discriminatory practices;

552 (b) establish or maintain an office, division, employment position, or other unit of an

553 institution established to implement, develop, plan, or promote campus policies, procedures,
554 practices, programs, or initiatives, regarding prohibited discriminatory practices; or

555 (c) employ or assign an employee or a third-party whose duties for an institution
556 include coordinating, creating, developing, designing, implementing, organizing, planning, or
557 promoting policies, programming, training, practices, activities, and procedures relating to
558 prohibited discriminatory practices.

559 (3) An LEA shall ensure that all students have access to programs providing student
560 success and support, as that term is defined in Section [53B-1-118](#).

561 (4) Nothing in this section limits or prohibits an LEA's authority to establish policies
562 that are necessary to comply with state or federal law, including laws relating to prohibited
563 discrimination or harassment.

564 (5) If the state board identifies a reported violation of this section, the state board shall
565 provide an update to the Education Interim Committee and the Public Education
566 Appropriations Subcommittee on an LEA's compliance with this section at or before the
567 Education Interim Committee's November interim committee meeting.

568 (6) An individual may bring a violation of this section to the state board in accordance
569 with the process described in Section [53E-3-401](#).

570 Section 10. Section **67-3-1** is amended to read:

571 **67-3-1. Functions and duties.**

572 (1) (a) The state auditor is the auditor of public accounts and is independent of any
573 executive or administrative officers of the state.

574 (b) The state auditor is not limited in the selection of personnel or in the determination
575 of the reasonable and necessary expenses of the state auditor's office.

576 (2) The state auditor shall examine and certify annually in respect to each fiscal year,
577 financial statements showing:

578 (a) the condition of the state's finances;

579 (b) the revenues received or accrued;

580 (c) expenditures paid or accrued;

581 (d) the amount of unexpended or unencumbered balances of the appropriations to the
582 agencies, departments, divisions, commissions, and institutions; and

583 (e) the cash balances of the funds in the custody of the state treasurer.

584 (3) (a) The state auditor shall:

585 (i) audit each permanent fund, each special fund, the General Fund, and the accounts of
586 any department of state government or any independent agency or public corporation as the law
587 requires, as the auditor determines is necessary, or upon request of the governor or the
588 Legislature;

589 (ii) perform the audits in accordance with generally accepted auditing standards and
590 other auditing procedures as promulgated by recognized authoritative bodies; and

591 (iii) as the auditor determines is necessary, conduct the audits to determine:

592 (A) honesty and integrity in fiscal affairs;

593 (B) accuracy and reliability of financial statements;

594 (C) effectiveness and adequacy of financial controls; and

595 (D) compliance with the law.

596 (b) If any state entity receives federal funding, the state auditor shall ensure that the
597 audit is performed in accordance with federal audit requirements.

598 (c) (i) The costs of the federal compliance portion of the audit may be paid from an
599 appropriation to the state auditor from the General Fund.

600 (ii) If an appropriation is not provided, or if the federal government does not
601 specifically provide for payment of audit costs, the costs of the federal compliance portions of
602 the audit shall be allocated on the basis of the percentage that each state entity's federal funding
603 bears to the total federal funds received by the state.

604 (iii) The allocation shall be adjusted to reflect any reduced audit time required to audit
605 funds passed through the state to local governments and to reflect any reduction in audit time
606 obtained through the use of internal auditors working under the direction of the state auditor.

607 (4) (a) Except as provided in Subsection (4)(b), the state auditor shall, in addition to
608 financial audits, and as the auditor determines is necessary, conduct performance and special
609 purpose audits, examinations, and reviews of any entity that receives public funds, including a
610 determination of any or all of the following:

611 (i) the honesty and integrity of all the entity's fiscal affairs;

612 (ii) whether the entity's administrators have faithfully complied with legislative intent;

613 (iii) whether the entity's operations have been conducted in an efficient, effective, and
614 cost-efficient manner;

615 (iv) whether the entity's programs have been effective in accomplishing the intended
616 objectives; and

617 (v) whether the entity's management, control, and information systems are adequate,
618 effective, and secure.

619 (b) The auditor may not conduct performance and special purpose audits,
620 examinations, and reviews of any entity that receives public funds if the entity:

621 (i) has an elected auditor; and

622 (ii) has, within the entity's last budget year, had the entity's financial statements or
623 performance formally reviewed by another outside auditor.

624 (5) The state auditor:

625 (a) shall administer any oath or affirmation necessary to the performance of the duties
626 of the auditor's office; and

627 (b) may:

628 (i) subpoena witnesses and documents, whether electronic or otherwise; and

629 (ii) examine into any matter that the auditor considers necessary.

630 (6) The state auditor may require all persons who have had the disposition or
631 management of any property of this state or its political subdivisions to submit statements
632 regarding the property at the time and in the form that the auditor requires.

633 (7) The state auditor shall:

634 (a) except where otherwise provided by law, institute suits in Salt Lake County in
635 relation to the assessment, collection, and payment of revenues against:

636 (i) persons who by any means have become entrusted with public money or property
637 and have failed to pay over or deliver the money or property; and

638 (ii) all debtors of the state;

639 (b) collect and pay into the state treasury all fees received by the state auditor;

640 (c) perform the duties of a member of all boards of which the state auditor is a member
641 by the constitution or laws of the state, and any other duties that are prescribed by the
642 constitution and by law;

643 (d) stop the payment of the salary of any state official or state employee who:

644 (i) refuses to settle accounts or provide required statements about the custody and
645 disposition of public funds or other state property;

646 (ii) refuses, neglects, or ignores the instruction of the state auditor or any controlling
647 board or department head with respect to the manner of keeping prescribed accounts or funds;
648 or

649 (iii) fails to correct any delinquencies, improper procedures, and errors brought to the
650 official's or employee's attention;

651 (e) establish accounting systems, methods, and forms for public accounts in all taxing
652 or fee-assessing units of the state in the interest of uniformity, efficiency, and economy;

653 (f) superintend the contractual auditing of all state accounts;

654 (g) subject to Subsection (8)(a), withhold state allocated funds or the disbursement of
655 property taxes from a state or local taxing or fee-assessing unit, if necessary, to ensure that
656 officials and employees in those taxing units comply with state laws and procedures in the
657 budgeting, expenditures, and financial reporting of public funds;

658 (h) subject to Subsection (9), withhold the disbursement of tax money from any county,
659 if necessary, to ensure that officials and employees in the county comply with Section
660 [59-2-303.1](#); and

661 (i) withhold state allocated funds or the disbursement of property taxes from a local
662 government entity or a limited purpose entity, as those terms are defined in Section [67-1a-15](#) if
663 the state auditor finds the withholding necessary to ensure that the entity registers and
664 maintains the entity's registration with the lieutenant governor, in accordance with Section
665 [67-1a-15](#).

666 (8) (a) Except as otherwise provided by law, the state auditor may not withhold funds
667 under Subsection (7)(g) until a state or local taxing or fee-assessing unit has received formal
668 written notice of noncompliance from the auditor and has been given 60 days to make the
669 specified corrections.

670 (b) If, after receiving notice under Subsection (8)(a), a state or independent local
671 fee-assessing unit that exclusively assesses fees has not made corrections to comply with state
672 laws and procedures in the budgeting, expenditures, and financial reporting of public funds, the
673 state auditor:

674 (i) shall provide a recommended timeline for corrective actions;

675 (ii) may prohibit the state or local fee-assessing unit from accessing money held by the
676 state; and

677 (iii) may prohibit a state or local fee-assessing unit from accessing money held in an
678 account of a financial institution by filing an action in district court requesting an order of the
679 court to prohibit a financial institution from providing the fee-assessing unit access to an
680 account.

681 (c) The state auditor shall remove a limitation on accessing funds under Subsection
682 (8)(b) upon compliance with state laws and procedures in the budgeting, expenditures, and
683 financial reporting of public funds.

684 (d) If a local taxing or fee-assessing unit has not adopted a budget in compliance with
685 state law, the state auditor:

686 (i) shall provide notice to the taxing or fee-assessing unit of the unit's failure to
687 comply;

688 (ii) may prohibit the taxing or fee-assessing unit from accessing money held by the
689 state; and

690 (iii) may prohibit a taxing or fee-assessing unit from accessing money held in an
691 account of a financial institution by:

692 (A) contacting the taxing or fee-assessing unit's financial institution and requesting that
693 the institution prohibit access to the account; or

694 (B) filing an action in district court requesting an order of the court to prohibit a
695 financial institution from providing the taxing or fee-assessing unit access to an account.

696 (e) If the local taxing or fee-assessing unit adopts a budget in compliance with state
697 law, the state auditor shall eliminate a limitation on accessing funds described in Subsection
698 (8)(d).

699 (9) The state auditor may not withhold funds under Subsection (7)(h) until a county has
700 received formal written notice of noncompliance from the auditor and has been given 60 days
701 to make the specified corrections.

702 (10) (a) The state auditor may not withhold funds under Subsection (7)(i) until the state
703 auditor receives a notice of non-registration, as that term is defined in Section [67-1a-15](#).

704 (b) If the state auditor receives a notice of non-registration, the state auditor may
705 prohibit the local government entity or limited purpose entity, as those terms are defined in
706 Section [67-1a-15](#), from accessing:

707 (i) money held by the state; and

708 (ii) money held in an account of a financial institution by:

709 (A) contacting the entity's financial institution and requesting that the institution
710 prohibit access to the account; or

711 (B) filing an action in district court requesting an order of the court to prohibit a
712 financial institution from providing the entity access to an account.

713 (c) The state auditor shall remove the prohibition on accessing funds described in
714 Subsection (10)(b) if the state auditor received a notice of registration, as that term is defined in
715 Section 67-1a-15, from the lieutenant governor.

716 (11) Notwithstanding Subsection (7)(g), (7)(h), (7)(i), (8)(b), (8)(d), or (10)(b), the
717 state auditor:

718 (a) shall authorize a disbursement by a local government entity or limited purpose
719 entity, as those terms are defined in Section 67-1a-15, or a state or local taxing or fee-assessing
720 unit if the disbursement is necessary to:

721 (i) avoid a major disruption in the operations of the local government entity, limited
722 purpose entity, or state or local taxing or fee-assessing unit; or

723 (ii) meet debt service obligations; and

724 (b) may authorize a disbursement by a local government entity, limited purpose entity,
725 or state or local taxing or fee-assessing unit as the state auditor determines is appropriate.

726 (12) (a) The state auditor may seek relief under the Utah Rules of Civil Procedure to
727 take temporary custody of public funds if an action is necessary to protect public funds from
728 being improperly diverted from their intended public purpose.

729 (b) If the state auditor seeks relief under Subsection (12)(a):

730 (i) the state auditor is not required to exhaust the procedures in Subsection (7) or (8);
731 and

732 (ii) the state treasurer may hold the public funds in accordance with Section 67-4-1 if a
733 court orders the public funds to be protected from improper diversion from their public
734 purpose.

735 (13) The state auditor shall:

736 (a) establish audit guidelines and procedures for audits of local mental health and
737 substance abuse authorities and their contract providers, conducted pursuant to Title 17,
738 Chapter 43, Part 2, Local Substance Abuse Authorities, Title 17, Chapter 43, Part 3, Local

739 Mental Health Authorities, Title 26B, Chapter 5, Health Care - Substance Use and Mental
740 Health, and Title 51, Chapter 2a, Accounting Reports from Political Subdivisions, Interlocal
741 Organizations, and Other Local Entities Act; and

742 (b) ensure that those guidelines and procedures provide assurances to the state that:

743 (i) state and federal funds appropriated to local mental health authorities are used for
744 mental health purposes;

745 (ii) a private provider under an annual or otherwise ongoing contract to provide
746 comprehensive mental health programs or services for a local mental health authority is in
747 compliance with state and local contract requirements and state and federal law;

748 (iii) state and federal funds appropriated to local substance abuse authorities are used
749 for substance abuse programs and services; and

750 (iv) a private provider under an annual or otherwise ongoing contract to provide
751 comprehensive substance abuse programs or services for a local substance abuse authority is in
752 compliance with state and local contract requirements, and state and federal law.

753 (14) (a) The state auditor may, in accordance with the auditor's responsibilities for
754 political subdivisions of the state as provided in Title 51, Chapter 2a, Accounting Reports from
755 Political Subdivisions, Interlocal Organizations, and Other Local Entities Act, initiate audits or
756 investigations of any political subdivision that are necessary to determine honesty and integrity
757 in fiscal affairs, accuracy and reliability of financial statements, effectiveness, and adequacy of
758 financial controls and compliance with the law.

759 (b) If the state auditor receives notice under Subsection 11-41-104(7) from the
760 Governor's Office of Economic Opportunity on or after July 1, 2024, the state auditor may
761 initiate an audit or investigation of the public entity subject to the notice to determine
762 compliance with Section 11-41-103.

763 (15) (a) The state auditor may not audit work that the state auditor performed before
764 becoming state auditor.

765 (b) If the state auditor has previously been a responsible official in state government
766 whose work has not yet been audited, the Legislature shall:

767 (i) designate how that work shall be audited; and

768 (ii) provide additional funding for those audits, if necessary.

769 (16) The state auditor shall:

770 (a) with the assistance, advice, and recommendations of an advisory committee
771 appointed by the state auditor from among special district boards of trustees, officers, and
772 employees and special service district boards, officers, and employees:

773 (i) prepare a Uniform Accounting Manual for Special Districts that:

774 (A) prescribes a uniform system of accounting and uniform budgeting and reporting
775 procedures for special districts under Title 17B, Limited Purpose Local Government Entities -
776 Special Districts, and special service districts under Title 17D, Chapter 1, Special Service
777 District Act;

778 (B) conforms with generally accepted accounting principles; and

779 (C) prescribes reasonable exceptions and modifications for smaller districts to the
780 uniform system of accounting, budgeting, and reporting;

781 (ii) maintain the manual under this Subsection (16)(a) so that the manual continues to
782 reflect generally accepted accounting principles;

783 (iii) conduct a continuing review and modification of procedures in order to improve
784 them;

785 (iv) prepare and supply each district with suitable budget and reporting forms; and

786 (v) (A) prepare instructional materials, conduct training programs, and render other
787 services considered necessary to assist special districts and special service districts in
788 implementing the uniform accounting, budgeting, and reporting procedures; and

789 (B) ensure that any training described in Subsection (16)(a)(v)(A) complies with Title
790 63G, Chapter 22, State Training and Certification Requirements; and

791 (b) continually analyze and evaluate the accounting, budgeting, and reporting practices
792 and experiences of specific special districts and special service districts selected by the state
793 auditor and make the information available to all districts.

794 (17) (a) The following records in the custody or control of the state auditor are
795 protected records under Title 63G, Chapter 2, Government Records Access and Management
796 Act:

797 (i) records that would disclose information relating to allegations of personal
798 misconduct, gross mismanagement, or illegal activity of a past or present governmental
799 employee if the information or allegation cannot be corroborated by the state auditor through
800 other documents or evidence, and the records relating to the allegation are not relied upon by

801 the state auditor in preparing a final audit report;

802 (ii) records and audit workpapers to the extent the workpapers would disclose the
803 identity of an individual who during the course of an audit, communicated the existence of any
804 waste of public funds, property, or manpower, or a violation or suspected violation of a law,
805 rule, or regulation adopted under the laws of this state, a political subdivision of the state, or
806 any recognized entity of the United States, if the information was disclosed on the condition
807 that the identity of the individual be protected;

808 (iii) before an audit is completed and the final audit report is released, records or drafts
809 circulated to an individual who is not an employee or head of a governmental entity for the
810 individual's response or information;

811 (iv) records that would disclose an outline or part of any audit survey plans or audit
812 program; and

813 (v) requests for audits, if disclosure would risk circumvention of an audit.

814 (b) The provisions of Subsections (17)(a)(i), (ii), and (iii) do not prohibit the disclosure
815 of records or information that relate to a violation of the law by a governmental entity or
816 employee to a government prosecutor or peace officer.

817 (c) The provisions of this Subsection (17) do not limit the authority otherwise given to
818 the state auditor to classify a document as public, private, controlled, or protected under Title
819 63G, Chapter 2, Government Records Access and Management Act.

820 (d) (i) As used in this Subsection (17)(d), "record dispute" means a dispute between the
821 state auditor and the subject of an audit performed by the state auditor as to whether the state
822 auditor may release a record, as defined in Section 63G-2-103, to the public that the state
823 auditor gained access to in the course of the state auditor's audit but which the subject of the
824 audit claims is not subject to disclosure under Title 63G, Chapter 2, Government Records
825 Access and Management Act.

826 (ii) The state auditor may submit a record dispute to the State Records Committee,
827 created in Section 63G-2-501, for a determination of whether the state auditor may, in
828 conjunction with the state auditor's release of an audit report, release to the public the record
829 that is the subject of the record dispute.

830 (iii) The state auditor or the subject of the audit may seek judicial review of a State
831 Records Committee determination under Subsection (17)(d)(ii), as provided in Section

832 [63G-2-404](#).

833 (18) If the state auditor conducts an audit of an entity that the state auditor has
834 previously audited and finds that the entity has not implemented a recommendation made by
835 the state auditor in a previous audit, the state auditor shall notify the Legislative Management
836 Committee through the Legislative Management Committee's audit subcommittee that the
837 entity has not implemented that recommendation.

838 (19) The state auditor shall, with the advice and consent of the Senate, appoint the state
839 privacy officer described in Section [67-3-13](#).

840 (20) Except as provided in Subsection (21), the state auditor shall report, or ensure that
841 another government entity reports, on the financial, operational, and performance metrics for
842 the state system of higher education and the state system of public education, including metrics
843 in relation to students, programs, and schools within those systems.

844 (21) (a) Notwithstanding Subsection (20), the state auditor shall conduct regular audits
845 of:

846 (i) the scholarship granting organization for the Special Needs Opportunity Scholarship
847 Program, created in Section [53E-7-402](#);

848 (ii) the State Board of Education for the Carson Smith Scholarship Program, created in
849 Section [53F-4-302](#); and

850 (iii) the scholarship program manager for the Utah Fits All Scholarship Program,
851 created in Section [53F-6-402](#).

852 (b) Nothing in this subsection limits or impairs the authority of the State Board of
853 Education to administer the programs described in Subsection (21)(a).

854 (22) The state auditor shall, based on the information posted by the Office of
855 Legislative Research and General Counsel under Subsection [36-12-12.1\(2\)](#), for each policy,
856 track and post the following information on the state auditor's website:

857 (a) the information posted under Subsections [36-12-12.1\(2\)\(a\)](#) through (e);

858 (b) an indication regarding whether the policy is timely adopted, adopted late, or not
859 adopted;

860 (c) an indication regarding whether the policy complies with the requirements
861 established by law for the policy; and

862 (d) a link to the policy.

863 (23) (a) A legislator may request that the state auditor conduct an inquiry to determine
 864 whether a government entity, government official, or government employee has complied with
 865 a legal obligation directly imposed, by statute, on the government entity, government official,
 866 or government employee.

867 (b) The state auditor may, upon receiving a request under Subsection (23)(a), conduct
 868 the inquiry requested.

869 (c) If the state auditor conducts the inquiry described in Subsection (23)(b), the state
 870 auditor shall post the results of the inquiry on the state auditor's website.

871 (d) The state auditor may limit the inquiry described in this Subsection (23) to a simple
 872 determination, without conducting an audit, regarding whether the obligation was fulfilled.

873 (24) The state auditor shall ~~§~~ → **[ensure] report** ← ~~§~~ compliance with Sections [67-27-105](#),
 873a [67-27-106](#),
 874 and [67-27-107](#) by:

875 (a) establishing a process to receive and ~~§~~ → **[investigate] audit** ← ~~§~~ each alleged violation;
 875a and

876 (b) reporting to the Legislative Management Committee, upon request, regarding the
 877 state auditor's ~~§~~ → **[enforcement] findings and recommendations** ← ~~§~~ under this Subsection
 877a ~~§~~ → ~~[(1)] (24)~~ ← ~~§~~ .

878 Section 11. Section **67-27-105** is enacted to read:

879 **67-27-105. Prohibition on the use of certain submissions by governmental**
 880 **employers -- Exceptions.**

881 (1) As used in this section:

882 (a) (i) "Governmental employer" means any department, division, agency, commission,
 883 board, council, committee, authority, municipalities, counties, political subdivisions, or any
 884 other institution of the state.

885 (ii) "Governmental employer" does not mean a local education agency or institution of
 886 higher education.

887 (b) (i) "Prohibited submission" means a submission, statement, or document that
 888 requires an individual to articulate the individual's position, view, contribution, effort, or
 889 experience regarding a policy, program, or initiative that promotes differential treatment based
 890 on an individual's personal identity characteristics, as that term is defined in Section
 891 [53B-1-118](#).

892 (ii) "Prohibited submission" includes a submission, statement, or document that relates
 893 to a policy, program, or initiative regarding:

- 894 (A) anti-racism;
- 895 (B) bias;
- 896 (C) critical race theory;
- 897 (D) implicit bias;
- 898 (E) intersectionality;
- 899 (F) prohibited discriminatory practice, as that term is defined in Section [53B-1-118](#); or
- 900 (G) racial privilege.

901 (iii) "Prohibited submission" does not include a submission, statement, or document
902 for an employment position if the submission, statement, or document relates to a bona fide
903 occupational qualification for the position.

904 (2) Except as provided in Subsection (4), a governmental employer may not require,
905 request, solicit, or compel a prohibited submission as a certification or condition before taking
906 action with respect to:

907 (a) employment, including decisions regarding:

- 908 (i) hiring;
- 909 (ii) terms of employment;
- 910 (iii) benefits;
- 911 (iv) compensation;
- 912 (v) seniority status;
- 913 (vi) tenure or continuing status;
- 914 (vii) promotion;
- 915 (viii) performance reviews;
- 916 (ix) transfer;
- 917 (x) termination; or
- 918 (xi) appointment; or

919 (b) admissions and aid, including:

- 920 (i) admission to any state program or course;
- 921 (ii) financial or other forms of state-administered aid or assistance; or
- 922 (iii) other benefits from the governmental employer for which an individual is eligible.

923 (3) A governmental employer may not grant any form of preferential consideration to
924 an individual who, with or without solicitation from the governmental employer, provides a

925 prohibited submission for any action described in Subsection (2).

926 (4) If federal law requires a governmental employer to accept or require a prohibited
 927 submission, the governmental employer:

928 (a) may accept the prohibited submission only to the extent required under federal law;
 929 and

930 (b) shall limit consideration of the information contained in the prohibited submission
 931 to the extent necessary to satisfy the requirement under federal law.

932 (5) Nothing in this section limits or prohibits a governmental employer's authority to
 933 establish policies that are necessary to comply with state or federal law, including laws relating
 934 to prohibited discrimination or harassment.

935 Section 12. Section **67-27-106** is enacted to read:

936 **67-27-106. Prohibition on the use of certain training by governmental employers**

937 **-- Exceptions.**

938 (1) As used in this section:

939 (a) "Governmental employer" means the same as that term is defined in Section
 940 [67-27-105](#).

941 (b) (i) "Prohibited training" means a mandatory instructional program and related
 942 materials that a governmental employer requires the governmental employer's current or
 943 prospective employees to attend that promote prohibited discriminatory practices as that term is
 944 defined in Section [53B-1-118](#).

945 (ii) "Prohibited training" includes an in-person or online seminar, discussion group,
 946 workshop, other program, or related materials.

947 (2) A governmental employer may not require prohibited training.

948 (3) Nothing in this section limits or prohibits a governmental employer's authority to
 949 establish policies that are necessary to comply with state or federal law, including laws relating
 950 to prohibited discrimination or harassment.

951 Section 13. Section **67-27-107** is enacted to read:

952 **67-27-107. Prohibited discriminatory practices -- Restrictions -- Reporting.**

953 (1) As used in this section:

954 (a) ~~§~~→ **"Executive agency director" means the executive agency director of an**
 954a **executive department agency who, at the direction of the governor, carries out state business.**

954b (b) ~~←~~§ "Governmental employer" means the same as that term is defined in Section
 955 [67-27-105](#).

956 ~~Ŝ~~ → ~~[(b)]~~ (c) ← ~~Ŝ~~ "Personal identity characteristics" means the same as that term is defined in

956a Section

957 53B-1-118.

958 ~~Ŝ~~ → ~~[(e)]~~ (d) ← ~~Ŝ~~ "Prohibited discriminatory practice" means the same as that term is defined

958a in

959 Section 53B-1-118.

960 (2) (a) This section does not apply to a federal grant or program that would otherwise
961 require a governmental employer to engage in a prohibited discriminatory practice if the grant
962 or program has been reviewed and approved by the governmental employer's executive
963 director, legislative body, or governing body, as that term is defined in Section 10-1-104.

964 (b) A governmental employer's executive director, legislative body, or governing body
965 shall report the reviewed and approved federal grant or program under Subsection (2)(a) to the
966 Executive Appropriations Committee.

967 (3) A governmental employer may not engage in prohibited discriminatory practices.

968 (4) Nothing in this section limits or prohibits a governmental employer from:

969 (a) as required or permitted by state law:

970 (i) establishing or maintaining an office, division, or employment position to
971 implement, develop, plan, or promote practices relating to personal identity characteristics if
972 the office, division, or employment position is not engaging in prohibited discriminatory
973 practices; or

974 (ii) employing or assigning an employee or a third-party whose duties for governmental
975 employer include coordinating, creating, developing, designing, implementing, organizing,
976 planning, or promoting policies, programming, training, practices, activities, and procedures
977 relating to personal identity characteristics if the employee or the third-party is not engaging in
978 prohibited discriminatory practices; ~~Ŝ~~ → ~~[or]~~ ← ~~Ŝ~~

979 (b) establishing policies that are necessary to comply with state or federal law,
980 including laws relating to prohibited discrimination or harassment ~~Ŝ~~ → [;] ; or

980a (c) establishing policies that are necessary to comply with state law enacted on or before July 1,
980b 2024.

980c (5) (a) Beginning on July 1, 2024, each executive agency director shall conduct a thorough
980d review of existing agency programs and offices to determine if the program or office is in
980e compliance with Subsection(3).🌀

980f **Ⓢ(b) On or before August 1, 2025, each executive agency director shall report on the**
980g **compliance**
980h **of agency programs and offices under Subsection (5)(a) to the governor.**
980i **(c) The governor shall provide the reports under Subsection (5)(b) to:**
980j **(i) the Government Operations Interim Committee at or before the November, 2025, interim**
980k **committee meeting; and**
980l **(ii) the Legislative Management Committee upon request.** ←Ŝ

981 Section 14. **Effective date.**

982 This bill takes effect on July 1, 2024.