

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

29 **53G-10-202. Maintaining constitutional freedom in the public schools -**

30 **Viewpoint neutrality.**

31 (1) Except as provided in this section and Section 53G-10-206, any instructional  
32 activity, performance, or display which includes examination of or presentations about religion,  
33 political or religious thought or expression, or the influence thereof on music, art, literature,  
34 law, politics, history, or any other element of the curriculum, including the comparative study  
35 of religions, which is designed to achieve academic educational objectives included within the  
36 context of a course or activity and conducted in accordance with applicable rules or policies of  
37 the state and LEA governing boards, may be undertaken in the public schools.

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

42 (3) Public schools may not sponsor or deny the practice of prayer or religious  
43 devotionals.

44 (4) (a) School officials and employees may not:

45 (i) use [their positions] the official's or employee's position, through instruction,  
46 materials, or a display of symbols, images, or language to endorse, promote, or disparage a  
47 particular:

48 (A) religious, denominational, sectarian, agnostic, or atheistic belief or viewpoint[-];

49 (B) political or social belief or viewpoint; or

50 (C) viewpoint regarding sexual orientation or gender identity; or

51 (ii) invite, suggest, or encourage a student to reconsider or change the student's:

52 (A) religious, denominational, sectarian, agnostic, or atheistic belief or viewpoint;

53 (B) political or social belief or viewpoint; or

54 (C) sexual orientation or gender identity.

55 (b) Nothing in this Subsection (4) prohibits an individual from:

56 (i) wearing religious clothing ~~H~~→ , jewelry, ←~~H~~ or accessories that are central to the  
56a individual's sincerely

57 held religious belief;

58 (ii) displaying personal photographs of the individual's family members;

59 (iii) displaying the flag of the United States of America, the state, or another nation or  
60 state ~~H→~~ **[that is related to the relevant approved curriculum]** ~~←H~~ ; ~~H→~~ **[or]** ~~←H~~

61 (iv) discussing an age-appropriate topic or displaying an age-appropriate image or  
62 symbol that:

63 (A) is a component of an approved curriculum; and

64 (B) does not endorse, promote, or disparage as described in Subsection (4)(a) ~~H→~~ **[:] ; or**

64a **(v) complying with Section 53G-10-204.** ~~←H~~

65 (c) The state shall defend, indemnify, and hold harmless a person acting under color of  
66 state law to enforce this Subsection (4) for any claims or damages, including court costs and  
67 attorney fees, that:

68 (i) are brought or incurred as a result of this Subsection (4); and

69 (ii) are not covered by the person's insurance policies or by any coverage agreement

70 that the State Risk Management Fund issued.

71 **Section 2. Effective date.**

72 This bill takes effect on July 1, 2024.