

**Representative Tim Jimenez** proposes the following substitute bill:

**PUBLIC EMPLOYEE GENDER-SPECIFIC LANGUAGE  
REQUIREMENTS**

2024 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Tim Jimenez**

Senate Sponsor: \_\_\_\_\_

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**LONG TITLE**

**General Description:**

This bill prohibits certain employment action against a public employee.

**Highlighted Provisions:**

This bill:

- ▶ prohibits the State Board of Education, an LEA, or a public employer from taking disciplinary action against an employee for using gender-specific language in certain circumstances;

- ▶ requires a public employer that implements a rule or policy on the use of gender-specific language accommodations to exempt an employee from disciplinary action in certain circumstances; and

- ▶ makes technical changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:



26 **53G-10-206**, as enacted by Laws of Utah 2023, Chapter 294

27 ENACTS:

28 **67-21-3.3**, Utah Code Annotated 1953

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

31 Section 1. Section **53G-10-206** is amended to read:

32 **53G-10-206. Educational freedom.**

33 (1) As used in this section:

34 (a) (i) "Administrative personnel" means any LEA or state board staff personnel who  
35 have system-wide, LEA-wide, or school-wide functions and who perform management  
36 activities, including:

37 (A) developing broad policies for LEA or state-level boards; and

38 (B) executing developed policies through the direction of personnel at any level within  
39 the state or LEA.

40 (ii) "Administrative personnel" includes state, LEA, or school superintendents,  
41 assistant superintendents, deputy superintendents, school principals, assistant principals,  
42 directors, executive directors, network directors, cabinet members, subject area directors, grant  
43 coordinators, specialty directors, career center directors, educational specialists, technology  
44 personnel, technology administrators, and others who perform management activities.

45 (b) (i) "Instructional personnel" means an individual whose function includes the  
46 provision of:

47 (A) direct or indirect instructional services to students;

48 (B) direct or indirect support in the learning process of students; or

49 (C) direct or indirect delivery of instruction, training, coaching, evaluation, or  
50 professional development to instructional or administrative personnel.

51 (ii) "Instructional personnel" includes:

52 (A) the state board, LEAs, schools, superintendents, boards, administrators,  
53 administrative staff, teachers, classroom teachers, facilitators, coaches, proctors, therapists,  
54 counselors, student personnel services, librarians, media specialists, associations, affiliations,  
55 committees, contractors, vendors, consultants, advisors, outside entities, community  
56 volunteers, para-professionals, public-private partners, trainers, mentors, specialists, and staff;

57 or

58 (B) any other employees, officials, government agencies, educational entities, persons,  
59 or groups for whom access to students is facilitated through, or not feasible without, the public  
60 education system.

61 (2) (a) Each LEA shall provide an annual assurance to the state board that the LEA's  
62 professional learning, administrative functions, displays, and instructional and curricular  
63 materials, are consistent with the following principles of individual freedom:

64 (i) the principle that all individuals are equal before the law and have unalienable  
65 rights; and

66 (ii) the following principles of individual freedom:

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

69 (B) that no race is inherently superior or inferior to another race;

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

73 (D) that meritocracy or character traits, including hard work ethic, are not racist nor  
74 associated with or inconsistent with any racial or ethnic group; and

75 (E) that an individual, by virtue of the individual's race or sex, does not bear  
76 responsibility for actions that other members of the same race or sex committed in the past or  
77 present.

78 (b) Nothing in this section prohibits instruction regarding race, color, national origin,  
79 religion, disability, or sex in a manner that is consistent with the principles described in  
80 Subsection (2)(a).

81 (3) The state board or an LEA may not:

82 (a) attempt to persuade a student or instructional or administrative personnel to a point  
83 of view that is inconsistent with the principles described in Subsection (2)(a); ~~or~~

84 (b) implement policies or programs, or allow instructional personnel or administrative  
85 personnel to implement policies or programs, with content that is inconsistent with the  
86 principles described in Subsection (2)(a); ~~or~~

87 (c) pursue disciplinary action against an individual who is instructional personnel or

88 administrative personnel solely because the individual, in relation to a student, referred to the  
89 student by:

90 (i) the student's birth name or biological gender in good faith; or

91 (ii) the name or gender preferred by the student, or the student's parent or guardian.

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

95 (5) The state board and state superintendent may not develop or continue to use core  
96 standards under Section 53E-3-301 or professional learning that are inconsistent with the  
97 principles described in Subsection (2)(a).

98 Section 2. Section 67-21-3.3 is enacted to read:

99 **67-21-3.3. Gender-specific language preference -- Employer action.**

100 (1) An employer may not pursue disciplinary action against an employee who:

101 (a) in good faith, uses a pronoun or other gender-specific language in relation to  
102 another individual that aligns or conflicts with the individual's personal gender-specific  
103 language preference; or

104 (b) because of the employee's sincerely held religious or moral belief, uses a pronoun  
105 or other gender-specific language in relation to another individual that aligns or conflicts with  
106 the individual's personal gender-specific language preference.

107 (2) An employer shall exempt from disciplinary action an employee described in  
108 Subsection (1)(a) or (b) if the employer implements a rule or policy that:

109 (a) requires an employee to use gender-specific language to accommodate another  
110 individual's personal gender-specific language preference; or

111 (b) prohibits an employee from using gender-specific language to accommodate  
112 another individual's personal gender-specific language preference.

113 (3) An employer that implements a rule or policy described in Subsection (2)(a) or (b)  
114 shall notify the employee in writing of the applicable exemptions described in this section.

115 Section 3. **Effective date.**

116 This bill takes effect on May 1, 2024.

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