

HB0527S01 compared with HB0527

~~{deleted text}~~ shows text that was in HB0527 but was deleted in HB0527S01.

inserted text shows text that was not in HB0527 but was inserted into HB0527S01.

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Representative Tim Jimenez proposes the following substitute bill:

PUBLIC EMPLOYEE ~~{GENDER-SPECIFIC}~~ GENDER-SPECIFIC

LANGUAGE

REQUIREMENTS

2024 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Tim Jimenez

Senate Sponsor: _____

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 ~~{has}~~ implements a rule or policy ~~{requiring an employee to}~~ on the use of gender-specific language ~~{to accommodate another~~

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~~individual~~ accommodations to exempt ~~the~~ 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:

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

ENACTS:

67-21-3.3, Utah Code Annotated 1953

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

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

53G-10-206. Educational freedom.

(1) As used in this section:

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

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

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

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

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

(A) direct or indirect instructional services to students;

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

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

(ii) "Instructional personnel" includes:

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

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

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

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

(ii) the following principles of individual freedom:

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

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

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

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

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

(b) Nothing in this section prohibits instruction regarding race, color, national origin,

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religion, disability, or sex in a manner that is consistent with the principles described in Subsection (2)(a).

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

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

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

(c) pursue disciplinary action against an individual who is instructional personnel or administrative personnel solely because the individual, in relation to a student, referred to the student by:

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

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

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

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

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

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

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

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

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

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

(a) requires an employee to use gender-specific language to accommodate another

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~~individual's personal gender-specific language preference~~, ~~the employer's rule or policy shall exempt from disciplinary action an employee described in Subsection (1)(a) and (b)~~; ~~or (b) prohibits an employee from using gender-specific language to accommodate another individual's personal gender-specific language preference.~~

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

Section 3. **Effective date.**

This bill takes effect on May 1, 2024.