

## **H.B. 303 -School Curriculum Requirements**

**Sponsor:** Jeff Stenquist (R-Sandy)

**Position:** We oppose H.B. 303

**Status:** Assigned to House Education Committee

### **Overview:**

H.B. 303 would:

- Expand restrictions on school employees from endorsing or disparaging a religious viewpoint to include symbols, images, or language related to the following topics:
  - political or social belief or viewpoints
  - sexual orientation or gender identity
- Add new restrictions to prevent school employees from encouraging students to reconsider or change their viewpoints on the following topics:
  - religious, denominational, sectarian, agnostic, or atheistic beliefs
  - political or social belief or viewpoint
  - sexual orientation or gender identity

### **Background:**

In 2023, Rep. Stenquist introduced a bill ([H.B. 550](#)) that was modeled after the “Don’t Say Gay” bill from Florida. H.B. 550 would have banned discussions of sexuality, sexual orientation, and gender identity in grade K-3 classrooms. It was immediately challenged by Equality Utah and other groups due to its singular exclusion of LGBTQ topics from the classroom. After Rep. Stenquist amended the bill to remove mentions of sexual orientation and gender identity, it failed to advance during the 2023 session.

H. B. 303, introduced in 2024 as “School Curriculum Requirements,” retains the prohibition of discussions about sexual orientation or gender identity by school employees. But it expands this prohibition to all K-12 grades and prevents the display of symbols or images in schools on social, political, or religious topics. While the bill includes exceptions for religious clothing, family photos, and flags or symbols related to relevant curriculum, it could create a serious chilling effect on school officials worried their comments or responses to students could be considered an endorsement or disparagement of one of the prohibited topics.

When a version of this bill was discussed at the [November 2023 Education Interim Committee](#) meeting, lawmakers and members of the public identified many scenarios where this bill would fail to distinguish between political speech and personal belief. For example, Sen. Lincoln Fillmore (see *QR code above for video*) questioned if a teacher could display a Ukrainian flag on their desk if he was Ukrainian. But could he display the same flag, Sen. Fillmore asked, if he served an LDS mission in Ukraine? What about an Israeli flag? All of these examples raised the difficult question of when does personal identity or belief cross over into political speech? These comments made it clear that school districts would face significant challenges in writing guidelines to enforce the subjective requirements of this bill. After public comment, the committee voted not to advance the bill. However, Rep. Stenquist still introduced the bill in the 2024 session.



Sen. Fillmore’s analysis of H.B. 303 at 11/23 interim hearing

## Talking Points:

- This bill forces teachers to police their speech when students raise questions related to political and social issues that commonly occur in classroom situations. Teachers will feel like they need to consult an attorney before responding to questions from students.
- For example, if a student is being bullied on the playground because of their religious beliefs or having two moms or two dads, this bill would prevent a teacher from effectively being able to comfort and reassure the distressed student—removing a crucial way for educators to make schools safe places to learn.
- By excluding “symbols” as well as images and language, this will would prohibit the display of Pride flags and other symbols of safe spaces for LGBTQ students in Utah public schools.
- This bill is trying to over-regulate classroom discussions by creating a minefield of topics and responses that scare teachers away from saying anything.
- Let’s be clear: The motivation of this bill is to remove any acknowledgement and support for LGBTQ students in Utah’s public schools.
- The confusing approach taken by this bill could allow the same symbol—for example, a Ukrainian flag—to be considered both a personal symbol and a political viewpoint—with the difference between the two very hard to determine by a local school district.
- It is impossible for legislation to anticipate and resolve all the scenarios involving classroom speech and symbols that would be called into question by this approach. By taking this over-regulated approach, this bill will create more problems and challenges than currently exist.