

Reference for Participation Waiver Amendments HB 348 (2023)—Rep. Cheryl Acton

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| Promotes fair treatment of all students in the classroom | Creates a clear picture of the school’s role in recognizing and upholding a student’s right of conscience | Supports parents’ primary role in the education of their children | Respects important differences of beliefs |
| Encourages responsiveness from the school to student and parent concerns | Protects teachers who unintentionally violate a student’s conscience by bringing issues promptly to their attention | Builds trust and good will between teachers, parents, and students by promoting positive, open communication | Promotes a learning environment free from discrimination and harassment |
| 1 | Our Utah State Constitution in Article I, Section 4. Religious liberty states clearly: <i>“The rights of conscience shall NEVER be infringed.”</i> <i>—Students do not check their consciences at the school doors—</i> | | |
| 2 | Respecting the rights of conscience and religious belief is a foundational principle of a civilized society. | | |
| 3 | No one, including children, would want to be forced to do something that violates their deeply held beliefs. | | |
| 4 | This bill gives the benefit of the doubt to children, to parents, and to teachers, when a genuine issue arises in school regarding religious belief or right of conscience. | | |
| 5 | In the rare event an alternative cannot be found that’s satisfactory to a student and parent, the schools have flexibility to simply not count a student’s non-participation against him or her. | | |
| 6 | Teachers are smart. They already differentiate instruction for a variety of reasons—there’s no reason to not differentiate in other ways for rights of conscience and religious belief to foster healthy and positive learning environments for students. | | |
| 7 | The state cannot second-guess a child’s or parent’s conscience or religious belief. <i>As with claims under the Free Exercise Clause, RFRA does not permit a court to inquire into the reasonableness of a religious belief, including into the adherent’s assessment of the religious connection between a belief asserted and what the between a belief asserted and what the government forbids, requires, or prevents. (Hobby Lobby, 134 S. Ct. at 2778.) If the proffered belief is sincere, it is not the place of the government or a court to second-guess it.</i> <i>—Department of Justice, Federal Law Protections for Religious Liberty, October 18, 2017</i> | | |
| 8 | This bill simply protects a child’s right, or a parent’s right to act on a child’s behalf, to not participate in an aspect of school that would violate their conscience or religious belief. | | |
| 9 | “Individuals and organizations do not give up their religious-liberty protections by providing or receiving social services, education, or healthcare; by seeking to earn or earning a living; by employing others to do the same; by receiving government grants or contracts, or by otherwise interacting with federal, state, or local governments.” <i>—Department of Justice, Federal Law Protections for Religious Liberty, October 18, 2017</i> | | |
| 10 | Children need protection in the very moment their rights of conscience or religious beliefs are infringed. | | |
| 11 | This bill accounts for the need for good-faith approaches that won’t result in repeat violations of conscience or religious belief, and recognizes the students and parents as the final arbiters of their own consciences. | | |
| 12 | Teachers can’t possibly know how certain aspects of school may negatively affect conscience or religious belief, so instead of making them second guess their content, it is left to students or parents to inform the teacher of this eventuality so teachers can work with them to find a solution that does not violate the right of conscience or religious belief as determined by a parent or child. | | |

