

Flag Display Amendments

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Trevor Lee

LONG TITLE**General Description:**

This bill allows a local education agency to display certain flags in a public school or charter school facility or grounds under certain circumstances and provides a remedy for a violation.

Highlighted Provisions:

This bill:

- defines terms;
- allows a local education agency to display in a public school or charter school facility or grounds the following flags:
 - the official United States flag;
 - an official Utah state flag;
 - a POW/MIA flag;
 - a flag that cannot be disturbed or altered;
 - a flag that represents an Indian tribe;
 - a flag that represents a city, county, municipality, or political subdivision of the state;
 - a current and official flag of a country or subdivision of that country;
 - a flag that represents a Utah college or university;
 - an official public school flag; or
 - a flag that represents a branch, unit, or division of the United States military;
- allows a public school or charter school to temporarily display a flag in a classroom that is a part of approved course curriculum; and
- allows an organization authorized to use a public school or charter school facility to temporarily display the organization's flag while the organization is using the public school or charter school facility.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

ENACTS:

53G-7-211.5, Utah Code Annotated 1953

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

Section 1. Section **53G-7-211.5** is enacted to read:

53G-7-211.5 . Display of flags on school grounds -- Severability --

Indemnification -- Enforcement.

(1) As used in this section:

(a) "Display a flag" means to place a flag in a prominent location where the flag can easily be seen.

(b) "LEA" means the same as that term is defined in Section 53E-1-102.

(2) An LEA may not display a flag in a district school, charter school, or Utah Schools for the Deaf and Blind facility in or on school grounds except:

(a) the official flag of the United States described in Title 4 U.S.C., Ch. 1, The Flag, and in accordance with Section 53G-7-211;

(b) an official Utah state flag as described in Title 63G, Chapter 1, Part 5, State Flags;

(c) a flag that cannot be disturbed or altered;

(d) the National League of Families POW/MIA flag as described in 36 U.S.C. Sec. 902;

(e) a flag that represents an Indian tribe as defined in federal law;

(f) a flag that represents a city, municipality, county, or political subdivision of the state, as those terms are defined in Sections 10-1-104, 10-2-301, 17-50-101, and 17B-1-102;

(g) a flag that represents a branch, unit, or division of the United States military;

(h) a current and official flag of a country or subdivision of the country;

(i) a flag that represents a Utah college or university, as those terms are defined in Section 53B-1-102;

(j) a flag that is temporarily displayed as a part of school curriculum;

(k) an official public school flag; or

(l) a flag of an organization authorized to use a public school facility at the location and during the time in which the organization is authorized to use the public school facility.

(3) A parent or legal guardian of a student who is enrolled and attends, or who is eligible to enroll in and attend, a public school, charter school, or the Utah Schools for the Deaf and Blind, may bring an action in the appropriate state court of competent jurisdiction

66 for an alleged violation of this section.

67 (4)(a) Notwithstanding Subsection (3), before filing an action for an alleged violation of
68 this section, a parent or legal guardian of a student shall provide written notification
69 of the alleged violation to the appropriate LEA governing board, as defined in
70 Section 53E-1-102.

71 (b) The LEA governing board shall make a diligent and good faith effort to resolve the
72 alleged violation within 10 days from the day the parent or legal guardian of a student
73 provides written notice of the alleged violation to the LEA governing board.

74 (5) Nothing in this section limits an LEA's authority related to student expression under
75 applicable federal or state law.

76 (6) The attorney general shall defend and the state shall indemnify and hold harmless a
77 person acting under color of state law to enforce this part for any claims or damages,
78 including court costs and attorney fees, that:

79 (a) arise as a result of this part; and

80 (b) are not covered by the person's insurance policies or by any coverage agreement
81 issued by the State Risk Management Fund.

82 (7) If any provision of this section or the application of any provision of this section to any
83 person or circumstance is held invalid by a final decision of a court of competent
84 jurisdiction, the remainder of this section shall be given effect without the invalidated
85 provision or application.

86 (8) The provisions of this section are severable.

87 **Section 2. Effective date.**

88 This bill takes effect on May 7, 2025.