

Nicholeen P. Peck proposes the following substitute bill:

School Materials Amendments

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Nicholeen P. Peck

Senate Sponsor: Keven J. Stratton

LONG TITLE

General Description:

This bill amends and enacts provisions regarding the accessibility of sensitive material through digital instructional material in a school setting.

Highlighted Provisions:

This bill:

- defines terms;
- includes information regarding sensitive material in the information the state board provides through a certain parent portal;
- requires each local education agency (LEA) to:
 - provide certain information to parents at the time of student registration each year;
 - provide certain information to school staff;
 - utilize certain tools to identify sensitive material;
 - prioritize certain books in a school library; and
 - maintain a section on the homepage of the LEA's website regarding sensitive material reporting;
- requires the state board, an LEA, or the Utah Education and Telehealth Network (UETN) to rescind certain contracts if a vendor does not remove access to digital sensitive material after a number of instances;
- requires the state board, an LEA, or UETN to:
 - remove access to digital instructional material that a vendor provides after a certain threshold of violations;
 - provide certain notice to each vendor with which the entity contracts to provide digital instructional material in a school setting;
 - provide a certain service to an LEA; and
 - ensure that any database or school-provided device which a student may access uses a

filter or other software to prohibit access to sensitive material;

- creates a private right of action; and
- makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a special effective date.

Utah Code Sections Affected:

AMENDS:

53G-6-806, as last amended by Laws of Utah 2024, Chapter 21

53G-10-103, as last amended by Laws of Utah 2025, Chapter 173

ENACTS:

53G-10-308, Utah Code Annotated 1953

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

Section 1. Section **53G-6-806** is amended to read:

53G-6-806 . Parent portal.

(1) As used in this section:

(a) "Parent portal" means the posting the state board is required to provide under this section.

(b) "School" means a public elementary or secondary school, including a charter school.

(2)(a) The state board shall post information that allows a parent of a student enrolled in a school to:

- (i) access an LEA's policies required by Sections 53G-9-203 and 53G-9-605;
- (ii) be informed of resources and steps to follow when a student has been the subject, perpetrator, or bystander of bullying, cyber-bullying, hazing, retaliation, or abusive conduct such as:
 - (A) resources for the student, including short-term mental health services;
 - (B) options for the student to make changes to the student's educational environment;
 - (C) options for alternative school enrollment;
 - (D) options for differentiated start or stop times;
 - (E) options for differentiated exit and entrance locations; and
 - (F) the designated employee for an LEA who addresses incidents of bullying,

- 63 cyber-bullying, hazing, retaliation, and abusive conduct;
- 64 (iii) be informed of the steps and resources for filing a grievance with a school or
- 65 LEA regarding bullying, cyber-bullying, hazing, or retaliation;
- 66 (iv) be informed of the steps and resources for seeking accommodations under the
- 67 Americans with Disabilities Act of 1990, 42 U.S.C. Sec. 12101 et seq.;
- 68 (v) be informed of the steps and resources for seeking accommodations under state or
- 69 federal law regarding religious accommodations;
- 70 (vi) receive information regarding the reporting of sensitive material, as described in
- 71 Section 53G-10-103;
- 72 ~~[(vi)]~~ (vii) be informed of the steps and resources for filing a grievance for an alleged
- 73 violation of state or federal law, including:
- 74 (A) Title VI of the Civil Rights Act of 1964, 42 U.S.C. Sec. 2000d-2000d-4;
- 75 (B) Title IX of the Education Amendments of 1972, 20 U.S.C. Sec. 1681-1688;
- 76 (C) Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. Sec. 794; and
- 77 (D) Title II of the Americans with Disabilities Act of 1990, 42 U.S.C. Sec.
- 78 12131-12165;
- 79 ~~[(vii)]~~ (viii) receive information about constitutional rights and freedoms afforded to
- 80 families in public education;
- 81 ~~[(viii)]~~ (ix) be informed of how to access an internal audit hotline if established by the
- 82 state board; and
- 83 ~~[(ix)]~~ (x) be informed of services for military families.
- 84 (b) In addition to the information required under Subsection (2)(a), the state board:
- 85 (i) shall include in the parent portal:
- 86 (A) the comparison tool created under Section 53G-6-805;
- 87 (B) school level safety data, including data points described in Section 53E-3-516;
- 88 and
- 89 (C) a link to the public safety portal described in Section 63A-16-1002; and
- 90 (ii) may include in the parent portal other information that the state board determines
- 91 is helpful to parents.
- 92 (3)(a) The state board shall post the parent portal at a location that is easily located by a
- 93 parent.
- 94 (b) The state board shall update the parent portal at least annually.
- 95 (c) In accordance with state and federal law, the state board may collaborate with a
- 96 third-party to provide safety data visualization in comparison to other states' data.

(4) An LEA shall annually notify each of the following of how to access the parent portal:

(a) a parent of a student; and

(b) a teacher, principal, or other professional staff within the LEA.

Section 2. Section **53G-10-103** is amended to read:

53G-10-103 . Sensitive instructional materials.

(1) As used in this section:

(a) "Contracting entity" means the entity, including the LEA governing board, the state board, or UETN, that contracts with a vendor for a given digital instructional material, including a digital database.

~~[(a)]~~ (b)(i) "Instructional material" means a material, regardless of format, used:

(A) as or in place of textbooks to deliver curriculum within the state curriculum framework for courses of study by students; or

(B) to support a student's learning in any school setting.

(ii) "Instructional material" includes reading materials, handouts, videos, digital materials, websites, online applications, and live presentations.

(iii) "Instructional material" does not mean exclusively library materials.

~~[(b)]~~ (c) "LEA governing board" means~~[:]~~ the same as that term is defined in Section 53E-1-102.

~~[(i) for a school district, the local school board;]~~

~~[(ii) for a charter school, the charter school governing board; or]~~

~~[(iii) for the Utah Schools for the Deaf and the Blind, the state board.]~~

~~[(e)]~~ (d) "Material" means the same as that term is defined in Section 76-5c-101.

~~[(d)]~~ (e) "Minor" means any person less than 18 years old.

~~[(e)]~~ (f) "Objective sensitive material" means an instructional material that constitutes pornographic or indecent material, as that term is defined in Section 76-5c-208, under the non-discretionary standards described in Subsections 76-5c-207(1)(a)(i)(A), (B), or (C).

~~[(f)]~~ (g) "Public school" means:

(i) a district school;

(ii) a charter school; or

(iii) the Utah Schools for the Deaf and the Blind.

~~[(g)]~~ (h)(i) "School setting" means, for a public school:

(A) in a classroom;

(B) in a school library; or

- 131 (C) on school property.
- 132 (ii) "School setting" includes the following activities that an organization or
- 133 individual or organization outside of a public school conducts, if a public school
- 134 or an LEA sponsors or requires the activity:
- 135 (A) an assembly;
- 136 (B) a guest lecture;
- 137 (C) a live presentation; or
- 138 (D) an event.
- 139 ~~[(h)]~~ (i)(i) "Sensitive material" means an instructional material that constitutes
- 140 objective sensitive material or subjective sensitive material.
- 141 (ii) "Sensitive material" does not include an instructional material:
- 142 (A) that an LEA selects under Section 53G-10-402;
- 143 (B) for a concurrent enrollment course that contains sensitive material and for
- 144 which a parent receives notice from the course provider of the material before
- 145 enrollment of the parent's child and gives the parent's consent by enrolling the
- 146 parent's child;
- 147 (C) for medical courses;
- 148 (D) for family and consumer science courses; or
- 149 (E) for another course the state board exempts in state board rule.
- 150 (iii) "Subjective sensitive material" means an instructional material that constitutes
- 151 pornographic or indecent material, as that term is defined in Section 76-5c-208,
- 152 under the following factor-balancing standards:
- 153 (A) material that is harmful to minors under Section 76-5c-101;
- 154 (B) material that is pornographic under Section 76-5c-101; or
- 155 (C) material that includes certain fondling or other erotic touching under
- 156 Subsection 76-5c-207(1)(a)(i)(D).
- 157 (j) "UETN" means the Utah Education and Telehealth Network, created in Section
- 158 53H-4-213.1.
- 159 (k) "Vendor" means an entity that provides digital instructional material to students in a
- 160 school setting:
- 161 (i) under a contract with a contracting entity; or
- 162 (ii) through donating the digital instructional material.
- 163 (2)(a) Sensitive materials are prohibited in the school setting.
- 164 (b) A public school or an LEA may not:

- 165 (i) adopt, use, distribute, provide a student access to, or maintain in the school setting,
166 sensitive materials; or
- 167 (ii) permit a speaker or presenter in the school setting to display or distribute
168 sensitive materials.
- 169 (c) In evaluating, selecting, or otherwise considering action related to a given
170 instructional material under this section, each public school and each LEA shall
171 prioritize protecting children from the harmful effects of illicit pornography over
172 other considerations in evaluating instructional material.
- 173 (d) If an instructional material constitutes objective sensitive material:
- 174 (i) a public school or an LEA is not required to engage in a review under a subjective
175 sensitive material standard; and
- 176 (ii) the outcome of a subjective sensitive material evaluation has no bearing on the
177 non-discretionary objective sensitive material conclusion.
- 178 (3)(a) Except as provided in Subsection (3)(b), the following individuals may initiate a
179 sensitive material review under this section:
- 180 (i) an employee of the relevant LEA;
- 181 (ii) a student who is enrolled in the relevant LEA;
- 182 (iii) a parent of a child who is enrolled in the relevant LEA; or
- 183 (iv) a member of the relevant LEA governing board.
- 184 (b)(i) As used in this Subsection (3)(b), "unsuccessful challenge" means an allegation
185 that a given instructional material constitutes sensitive material that the LEA
186 concludes to be erroneous, either on direct review or on appeal to the LEA
187 governing board, resulting in the retention of the given instructional material.
- 188 (ii) Notwithstanding Subsection (3)(a), after an individual makes three unsuccessful
189 challenges during a given academic year, the individual may not trigger a
190 sensitive material review under this section during the remainder of the given
191 academic year.
- 192 (4) Upon receipt of an allegation from an individual described in Subsection (3)(a), an LEA
193 shall:
- 194 (a)(i) make an initial determination as to whether the allegation presents a plausible
195 claim that the challenged instructional material constitutes sensitive material,
196 including whether the allegation includes excerpts and other evidence to support
197 the allegation; and
- 198 (ii) if the LEA determines that the allegation presents a plausible claim that the

- 199 challenged instructional material constitutes sensitive material under Subsection
200 (4)(a)(i), immediately remove the challenged material from any school setting that
201 provides student access to the challenged material until the LEA completes the
202 LEA's full review of the challenged material under this section;
- 203 (b)(i) engage in a review of the allegations and the challenged instructional material
204 using the objective sensitive material standards; and
- 205 (ii) if the LEA makes a determination that the challenged instructional material
206 constitutes objective sensitive material, ensure that the material remains
207 inaccessible to students in any school setting;
- 208 (c) only if the LEA makes a determination that the challenged instructional material
209 does not constitute objective sensitive material:
- 210 (i) review the allegations and the challenged instructional material under the
211 subjective material standards, ensuring that the review includes parents who are
212 reflective of the members of the school's community when determining if an
213 instructional material is subjective sensitive material;
- 214 (ii) allow student access to the challenged instructional material during the LEA's
215 subjective sensitive material review if the student's parent gives consent regarding
216 the specific challenged instructional material; and
- 217 (iii) if the LEA makes a determination that the challenged instructional material
218 constitutes subjective sensitive material, ensure that the material is inaccessible to
219 students in any school setting, including the termination of the parent consent
220 option described in Subsection (4)(c)(ii); and
- 221 (d) communicate to the state board[-] :
- 222 (i) the allegation[-and-] ;
- 223 (ii) the LEA's final determination regarding the allegation and the challenged
224 instructional material[-] ; and
- 225 (iii) if the challenged instructional material is digital material, the vendor providing
226 access to the digital material.
- 227 (5)(a) An individual described in Subsection (3)(a) may appeal an LEA's decision
228 regarding a sensitive material review, regardless of whether the LEA removed or
229 retained the challenged instructional material, to the LEA governing board.
- 230 (b) An LEA governing board shall vote in a public board meeting to decide the outcome
231 of a sensitive material review appeal, clearly identifying:
- 232 (i) the board's rationale for the decision; and

- 233 (ii) the board's determination on each component of the statutory and any additional
234 policy standards the board uses to reach the board's conclusions.
- 235 (6) An LEA governing board may not enact rules or policies that prevent the LEA
236 governing board from:
- 237 (a) revisiting a previous decision;
- 238 (b) reviewing a recommendation of LEA personnel or a parent-related committee
239 regarding a challenged instructional material; or
- 240 (c) reconsidering a challenged instructional material if the LEA governing board
241 receives additional information regarding the material.
- 242 (7)(a) Except as provided in Subsection (7)(d), if the threshold described in Subsection
243 (7)(b) is met, each LEA statewide shall remove the relevant instructional material
244 from student access.
- 245 (b) The requirement described in Subsection (7)(a) to remove a given material from
246 student access applies if the following number of LEAs makes a determination that a
247 given instructional material constitutes objective sensitive material:
- 248 (i) at least three school districts; or
- 249 (ii) at least two school districts and five charter schools.
- 250 (c) The state board shall:
- 251 (i) aggregate allegations and LEA determinations described in Subsection (4)(d); and
- 252 (ii) no later than 10 school days after the day on which the condition described in
253 Subsection (7)(b) occurs, communicate to all LEAs the application of the
254 requirement described in Subsection (7)(a) to remove the material from student
255 access.
- 256 (d)(i) When the threshold described in Subsection (7)(b) is met for a given
257 instructional material, in addition to making the communication described in
258 Subsection (7)(c), the state board may:
- 259 (A) place the material on the agenda of a public board meeting within 60 days
260 after the day on which the state board makes the communication to LEAs
261 under Subsection (7)(c); and
- 262 (B) at the specified state board meeting, vote to overturn the application of the
263 requirement described in Subsection (7)(a) to remove a given material from
264 student access statewide.
- 265 (ii) If the state board votes to overturn the application of the statewide removal
266 requirement described in Subsection (7)(a) under Subsection (7)(d)(i):

- (A) the statewide removal requirement described in Subsection (7)(a) no longer applies;
- (B) an LEA may choose to return the given material to student access; and
- (C) nothing affects the findings of an LEA governing board regarding removal of the given material within the board's LEA.
- (e) This Subsection (7) applies to sensitive materials that LEAs remove from student access, regardless of whether:
- (i) the sensitive material determinations occur in the same academic year; or
- (ii) a sensitive material determination occurred before July 1, 2024.
- (f) Each LEA, the state board, and UETN shall remove student access that the LEA, state board, or UETN facilitates to any material that a vendor provides if three separate items of digital instructional material that the vendor provides are subject to statewide removal under this section.
- (8) The state board shall:
- (a) in consultation with the Office of the Attorney General, provide guidance and training to support public schools in identifying instructional materials that meet the definition of sensitive materials under this section;
- (b) establish a process through which an individual described in Subsection (3)(a) may report to the state board an allegation that an LEA is out of compliance with this section;[-and]
- (c) annually report to the Education Interim Committee, at or before the November interim meeting, on implementation and compliance with this section, including:
- (i) any policy the state board or an LEA adopts to implement or comply with this section;
- (ii) any rule the state board makes to implement or comply with this section; and
- (iii) any complaints an LEA or the state board receives regarding a violation of this section, including:
- (A) action taken in response to a complaint described in this Subsection (8)(c)(iii);
- (B) if an LEA retains an instructional material for which the LEA or the state board receives a complaint, the LEA's rationale for retaining the instructional material; and
- (C) compliance failures that the state board identifies through the reporting process described in Subsection (8)(b) and other investigations or research[-] ;
- (d) on an annual basis, develop and make available to each LEA a consolidated list of

books that have been subject to removal or restriction from student access in public schools; and

(e) provide a service to an LEA:

(i) to vet each instructional material an LEA adds to the LEA's collection of instructional materials; or

(ii) to qualify one established book reviewer that will provide the service without cost to the state board that:

(A) identifies relevant page numbers and excerpts that potentially contain sensitive material; and

(B) uses technology, including artificial intelligence assisted analysis, to screen the instructional materials described in Subsection (8)(e)(i) for a violation of this section.

(9) The state shall defend, indemnify, and hold harmless a person acting under color of state law to enforce this section for any claims or damages, including court costs and attorney fees, that:

(a) a person brings or incurs as a result of this section; and

(b) is not covered by the person's insurance policies or any coverage agreement that the State Risk Management Fund issues.

(10) Subject to prioritization of the Audit Subcommittee created in Section 36-12-8, the Office of the Legislative Auditor General shall:

(a) conduct an audit of each school district's compliance with this section, ensuring the completion of all school district audits before November 2028; and

(b) annually report to the Education Interim Committee regarding completed sensitive material audits under this Subsection (10).

(11) Each LEA shall:

(a) at the time of student registration each year, provide to parents a direct link to the LEA's website that addresses sensitive material reporting described in Subsection (11)(b);

(b) use the list described in Subsection (8)(d) as a reference tool when reviewing library materials or instructional materials the LEA maintains;

(c) provide training to each school on how to utilize the artificial intelligence tool the state board provides under Subsection (8)(e);

(d) ensure that the LEA website maintains an easily accessible and clearly visible section on the website's homepage for reporting violations of law regarding sensitive

- 335 material;
- 336 (e) use communication and training tools the state board provides to implement the
- 337 requirements of this section;
- 338 (f) adopt a policy to ensure timely communication with all school staff regarding:
- 339 (i) the LEA's process for identifying, reviewing, and addressing sensitive materials in
- 340 accordance with this section; and
- 341 (ii) any updates, determinations, or guidance the local school board or state board
- 342 issues relating to sensitive materials;
- 343 (g) before the beginning of the 2026-2027 school year, adopt a policy for the selection of
- 344 instructional materials that prevent potentially sensitive materials from entering a
- 345 school, including:
- 346 (i) materials in the school library;
- 347 (ii) artificial intelligence tools the state board provides; and
- 348 (iii) digital instructional materials; and
- 349 (h) ensure that each LEA or school-provided device, database, or service that allows a
- 350 student to access digital instructional material includes a filter or other software
- 351 service:
- 352 (i) that prohibits access to sensitive material;
- 353 (ii) that uses blocked keyword lists; and
- 354 (iii) for which LEA personnel decrypt websites to ensure the efficacy of the filtering,
- 355 including any online school library and other encrypted websites that students
- 356 commonly access.
- 357 (12)(a) The state board, an LEA, and UETN may refuse donations of materials by a
- 358 vendor or nonprofit if the materials contain sensitive material.
- 359 (b)(i) In either of the following instances, the vendor shall eliminate the segment of
- 360 the digital instructional material containing the objective sensitive material or
- 361 otherwise remove access to the sensitive material:
- 362 (A) for material under a contract of an LEA, the LEA governing board
- 363 determining that the digital instructional material is or contains objective
- 364 sensitive material; or
- 365 (B) for material under a contract of the state board or UETN, an LEA reporting to
- 366 the state board that the LEA governing board has determined that the digital
- 367 instructional material is or contains objective sensitive material.
- 368 (ii) A contracting entity shall, without any penalty or any further financial obligation,

- 369 rescind or otherwise terminate a contract for a vendor to provide instructional
370 material into which the contracting entity enters on or after July 1, 2027, after
371 three instances of a vendor failing to comply with Subsection (12)(b)(i).
- 372 (c) In any contract for a vendor to provide digital instructional material for which the
373 parties negotiate terms and into which the parties enter on or after July 1, 2027, the
374 contracting entity shall ensure that the contract contains:
- 375 (i) notice provisions regarding the requirements and prohibitions regarding digital
376 sensitive material in this section, including any relevant rule or policy of the
377 contracting entity;
- 378 (ii) provisions prohibiting vendors from, when a student is using instructional
379 material:
- 380 (A) advertising products or services to the student; or
381 (B) allowing a third-party to advertise products or services to the student, either
382 through direct advertisement or through the inclusion of advertising content
383 within the instructional material;
- 384 (iii) provisions prohibiting vendors from including live links or website addresses to
385 sites or material outside the vendor's material that:
- 386 (A) contain objective sensitive material;
387 (B) are not educationally focused;
388 (C) advertise products or services; or
389 (D) do not align with the state's academic core standards the state board
390 establishes; and
- 391 (iv) provisions requiring the vendor to notify the contracting entity of any update,
392 modification, or addition to the digital instructional material the vendor provides
393 that contains or constitutes objective sensitive material, including links to other
394 material or websites from within the digital instructional material.
- 395 (d) Before accepting donated digital instructional materials from a vendor, an LEA, the
396 state board, or UETN shall provide notice to the vendor of the requirements and
397 prohibitions regarding sensitive material in this section.
- 398 (e) For digital instructional material that is found, through the processes described in this
399 section, to contain sensitive material the state board, an LEA, or UETN shall:
- 400 (i) remove the segment of digital instructional material from the relevant curriculum;
401 or
402 (ii) require the vendor to remove the segment of digital instructional material from

the relevant curriculum.

(13)(a) A parent whose student is exposed to objective sensitive material, as the objective sensitive material process described in Subsection (4)(b) determines, has a private right of action against the LEA or vendor responsible for knowingly retaining the objective sensitive material and exposing the student to the objective sensitive material under this section.

(b) If a parent prevails in an action under Subsection (13)(a):

(i) the court shall:

(A) award reasonable costs to the parent; and

(B) require the defendant to pay the parent's attorney fees; and

(ii) the parent may recover:

(A) actual damages; and

(B) liquidated damages of \$500 for each instance of objective sensitive material to which the parent's student is exposed in violation of this section.

(c) Notwithstanding Subsection (13)(a), a parent may not bring a civil action against an employee of the LEA in the employee's individual capacity.

Section 3. Section **53G-10-308** is enacted to read:

53G-10-308 . Academic rigor of books in a school library.

(1) As used in this section, "academically rigorous" means content that meaningfully advances core academic standards by requiring sustained comprehension, analysis, and subject-matter learning beyond materials intended primarily for entertainment.

(2) An LEA shall require a school within the LEA to:

(a) ensure the acquisition and accessibility of academically rigorous books including primary sources and scholarly works focused on:

(i) United States history; and

(ii) Utah history;

(b) maintain a collection of biographies on the founders and other historically influential figures who have shaped the course of United States and Utah history;

(c) when choosing textbooks and curriculum, ensure alignment of all collections with state standards; and

(d) adopt a policy on the procurement of school library materials and resources that is designed to acquire academically rigorous school materials including the materials described in Subsections (2)(a) and (2)(b).

Section 4. **Effective Date.**

437 This bill takes effect on July 1, 2026.