

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 provisions regarding the accessibility of sensitive material through digital instructional material in a school setting.

Highlighted Provisions:

This bill:

- defines a term;
- requires a local education agency (LEA) to:
 - send certain communications to the State Board of Education;
 - screen instructional material;
 - adopt certain policies; and
 - ensure tools that allow access to digital instructional material include a filter;
- prohibits a vendor from:
 - advertising to a student through instructional material; and
 - including certain live links or website addresses in instructional material; 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-10-103, as last amended by Laws of Utah 2025, Chapter 173

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

Section 1. Section **53G-10-103** is amended to read:

29 **53G-10-103 . Sensitive instructional materials.**

30 (1) As used in this section:

31 (a)(i) "Instructional material" means a material, regardless of format, used:

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

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

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

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

38 (b) "LEA governing board" means:

39 (i) for a school district, the local school board;

40 (ii) for a charter school, the charter school governing board; or

41 (iii) for the Utah Schools for the Deaf and the Blind, the state board.

42 (c) "Material" means the same as that term is defined in Section 76-5c-101.

43 (d) "Minor" means any person less than 18 years old.

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

48 (f) "Public school" means:

49 (i) a district school;

50 (ii) a charter school; or

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

52 (g)(i) "School setting" means, for a public school:

53 (A) in a classroom;

54 (B) in a school library; or

55 (C) on school property.

56 (ii) "School setting" includes the following activities that an organization or
57 individual or organization outside of a public school conducts, if a public school
58 or an LEA sponsors or requires the activity:

59 (A) an assembly;

60 (B) a guest lecture;

61 (C) a live presentation; or

62 (D) an event.

- 63 (h)(i) "Sensitive material" means an instructional material that constitutes objective
64 sensitive material or subjective sensitive material.
- 65 (ii) "Sensitive material" does not include an instructional material:
66 (A) that an LEA selects under Section 53G-10-402;
67 (B) for a concurrent enrollment course that contains sensitive material and for
68 which a parent receives notice from the course provider of the material before
69 enrollment of the parent's child and gives the parent's consent by enrolling the
70 parent's child;
71 (C) for medical courses;
72 (D) for family and consumer science courses; or
73 (E) for another course the state board exempts in state board rule.
- 74 (iii) "Subjective sensitive material" means an instructional material that constitutes
75 pornographic or indecent material, as that term is defined in Section 76-5c-208,
76 under the following factor-balancing standards:
77 (A) material that is harmful to minors under Section 76-5c-101;
78 (B) material that is pornographic under Section 76-5c-101; or
79 (C) material that includes certain fondling or other erotic touching under
80 Subsection 76-5c-207(1)(a)(i)(D).
- 81 (i) "Vendor" means an entity that provides digital instructional material to students in a
82 school setting:
83 (i) under a contract with a contracting entity; or
84 (ii) through donating the digital instructional material.
- 85 (2)(a) Sensitive materials are prohibited in the school setting.
- 86 (b) A public school or an LEA may not:
87 (i) adopt, use, distribute, provide a student access to, or maintain in the school setting,
88 sensitive materials; or
89 (ii) permit a speaker or presenter in the school setting to display or distribute
90 sensitive materials.
- 91 (c) In evaluating, selecting, or otherwise considering action related to a given
92 instructional material under this section, each public school and each LEA shall
93 prioritize protecting children from the harmful effects of illicit pornography over
94 other considerations in evaluating instructional material.
- 95 (d) If an instructional material constitutes objective sensitive material:
96 (i) a public school or an LEA is not required to engage in a review under a subjective

97 sensitive material standard; and

98 (ii) the outcome of a subjective sensitive material evaluation has no bearing on the
99 non-discretionary objective sensitive material conclusion.

100 (3)(a) Except as provided in Subsection (3)(b), the following individuals may initiate a
101 sensitive material review under this section:

102 (i) an employee of the relevant LEA;

103 (ii) a student who is enrolled in the relevant LEA;

104 (iii) a parent of a child who is enrolled in the relevant LEA; or

105 (iv) a member of the relevant LEA governing board.

106 (b)(i) As used in this Subsection (3)(b), "unsuccessful challenge" means an allegation
107 that a given instructional material constitutes sensitive material that the LEA
108 concludes to be erroneous, either on direct review or on appeal to the LEA
109 governing board, resulting in the retention of the given instructional material.

110 (ii) Notwithstanding Subsection (3)(a), after an individual makes three unsuccessful
111 challenges during a given academic year, the individual may not trigger a
112 sensitive material review under this section during the remainder of the given
113 academic year.

114 (4) Upon receipt of an allegation from an individual described in Subsection (3)(a), an LEA
115 shall:

116 (a)(i) make an initial determination as to whether the allegation presents a plausible
117 claim that the challenged instructional material constitutes sensitive material,
118 including whether the allegation includes excerpts and other evidence to support
119 the allegation; and

120 (ii) if the LEA determines that the allegation presents a plausible claim that the
121 challenged instructional material constitutes sensitive material under Subsection
122 (4)(a)(i), immediately remove the challenged material from any school setting that
123 provides student access to the challenged material until the LEA completes the
124 LEA's full review of the challenged material under this section;

125 (b)(i) engage in a review of the allegations and the challenged instructional material
126 using the objective sensitive material standards; and

127 (ii) if the LEA makes a determination that the challenged instructional material
128 constitutes objective sensitive material, ensure that the material remains
129 inaccessible to students in any school setting;

130 (c) only if the LEA makes a determination that the challenged instructional material

- 131 does not constitute objective sensitive material:
- 132 (i) review the allegations and the challenged instructional material under the
- 133 subjective material standards, ensuring that the review includes parents who are
- 134 reflective of the members of the school's community when determining if an
- 135 instructional material is subjective sensitive material;
- 136 (ii) allow student access to the challenged instructional material during the LEA's
- 137 subjective sensitive material review if the student's parent gives consent regarding
- 138 the specific challenged instructional material; and
- 139 (iii) if the LEA makes a determination that the challenged instructional material
- 140 constitutes subjective sensitive material, ensure that the material is inaccessible to
- 141 students in any school setting, including the termination of the parent consent
- 142 option described in Subsection (4)(c)(ii); and
- 143 (d) communicate to the state board[-] :
- 144 (i) the allegation[~~-and~~] ;
- 145 (ii) the LEA's final determination regarding the allegation and the challenged
- 146 instructional material[-] ; and
- 147 (iii) if the challenged instructional material is digital material, the vendor providing
- 148 access to the digital material.
- 149 (5)(a) An individual described in Subsection (3)(a) may appeal an LEA's decision
- 150 regarding a sensitive material review, regardless of whether the LEA removed or
- 151 retained the challenged instructional material, to the LEA governing board.
- 152 (b) An LEA governing board shall vote in a public board meeting to decide the outcome
- 153 of a sensitive material review appeal, clearly identifying:
- 154 (i) the board's rationale for the decision; and
- 155 (ii) the board's determination on each component of the statutory and any additional
- 156 policy standards the board uses to reach the board's conclusions.
- 157 (6) An LEA governing board may not enact rules or policies that prevent the LEA
- 158 governing board from:
- 159 (a) revisiting a previous decision;
- 160 (b) reviewing a recommendation of LEA personnel or a parent-related committee
- 161 regarding a challenged instructional material; or
- 162 (c) reconsidering a challenged instructional material if the LEA governing board
- 163 receives additional information regarding the material.
- 164 (7)(a) Except as provided in Subsection (7)(d), if the threshold described in Subsection

- 165 (7)(b) is met, each LEA statewide shall remove the relevant instructional material
166 from student access.
- 167 (b) The requirement described in Subsection (7)(a) to remove a given material from
168 student access applies if the following number of LEAs makes a determination that a
169 given instructional material constitutes objective sensitive material:
- 170 (i) at least three school districts; or
171 (ii) at least two school districts and five charter schools.
- 172 (c) The state board shall:
- 173 (i) aggregate allegations and LEA determinations described in Subsection (4)(d); and
174 (ii) no later than 10 school days after the day on which the condition described in
175 Subsection (7)(b) occurs, communicate to all LEAs the application of the
176 requirement described in Subsection (7)(a) to remove the material from student
177 access.
- 178 (d)(i) When the threshold described in Subsection (7)(b) is met for a given
179 instructional material, in addition to making the communication described in
180 Subsection (7)(c), the state board may:
- 181 (A) place the material on the agenda of a public board meeting within 60 days
182 after the day on which the state board makes the communication to LEAs
183 under Subsection (7)(c); and
184 (B) at the specified state board meeting, vote to overturn the application of the
185 requirement described in Subsection (7)(a) to remove a given material from
186 student access statewide.
- 187 (ii) If the state board votes to overturn the application of the statewide removal
188 requirement described in Subsection (7)(a) under Subsection (7)(d)(i):
- 189 (A) the statewide removal requirement described in Subsection (7)(a) no longer
190 applies;
191 (B) an LEA may choose to return the given material to student access; and
192 (C) nothing affects the findings of an LEA governing board regarding removal of
193 the given material within the board's LEA.
- 194 (e) This Subsection (7) applies to sensitive materials that LEAs remove from student
195 access, regardless of whether:
- 196 (i) the sensitive material determinations occur in the same academic year; or
197 (ii) a sensitive material determination occurred before July 1, 2024.
- 198 (8) The state board shall:

- 199 (a) in consultation with the Office of the Attorney General, provide guidance and
200 training to support public schools in identifying instructional materials that meet the
201 definition of sensitive materials under this section;
- 202 (b) establish a process through which an individual described in Subsection (3)(a) may
203 report to the state board an allegation that an LEA is out of compliance with this
204 section; and
- 205 (c) annually report to the Education Interim Committee, at or before the November
206 interim meeting, on implementation and compliance with this section, including:
- 207 (i) any policy the state board or an LEA adopts to implement or comply with this
208 section;
- 209 (ii) any rule the state board makes to implement or comply with this section; and
- 210 (iii) any complaints an LEA or the state board receives regarding a violation of this
211 section, including:
- 212 (A) action taken in response to a complaint described in this Subsection (8)(c)(iii);
- 213 (B) if an LEA retains an instructional material for which the LEA or the state
214 board receives a complaint, the LEA's rationale for retaining the instructional
215 material; and
- 216 (C) compliance failures that the state board identifies through the reporting
217 process described in Subsection (8)(b) and other investigations or research.
- 218 (9) The state shall defend, indemnify, and hold harmless a person acting under color of state
219 law to enforce this section for any claims or damages, including court costs and attorney
220 fees, that:
- 221 (a) a person brings or incurs as a result of this section; and
- 222 (b) is not covered by the person's insurance policies or any coverage agreement that the
223 State Risk Management Fund issues.
- 224 (10) Subject to prioritization of the Audit Subcommittee created in Section 36-12-8, the
225 Office of the Legislative Auditor General shall:
- 226 (a) conduct an audit of each school district's compliance with this section, ensuring the
227 completion of all school district audits before November 2028; and
- 228 (b) annually report to the Education Interim Committee regarding completed sensitive
229 material audits under this Subsection (10).
- 230 (11) Each LEA shall:
- 231 (a) screen each instructional material an LEA adds to the LEA's collection of
232 instructional materials for sensitive materials;

- 233 (b) before the beginning of the 2026-2027 school year, adopt a policy for the selection of
234 instructional materials that prevents potentially sensitive materials from entering a
235 school, including:
236 (i) materials in the school library;
237 (ii) artificial intelligence tools the state board provides; and
238 (iii) digital instructional materials; and
239 (c) ensure that each device, database, or service a school or LEA provides that allows a
240 student to access digital instructional materials includes a filter or other software
241 service:
242 (i) that prohibits access to sensitive material;
243 (ii) that uses blocked keyword lists; and
244 (iii) for which LEA personnel decrypt websites to ensure the efficacy of the filtering,
245 including any online school library and other encrypted websites that students
246 commonly access.

247 (12) A vendor may not:

- 248 (a) advertise a product or service to a student when the student is using instructional
249 materials the vendor provides;
250 (b) allow a third-party to advertise products or services to a student, either through direct
251 advertisement, or through the inclusion of advertising content within the instructional
252 materials; or
253 (c) include live links or website addresses in the materials the vendor provides to sites or
254 materials that:
255 (i) contain objective sensitive material;
256 (ii) are not educationally focused; or
257 (iii) advertise a product or service.

258 Section 2. **Effective Date.**

259 This bill takes effect on July 1, 2026.