

1 **SENSITIVE MATERIALS IN SCHOOLS**

2 2022 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Ken Ivory**

5 Senate Sponsor: Todd D. Weiler

6 Cosponsors: Rex P. Shipp

7 Adam Robertson Keven J. Stratton

Travis M. Seegmiller



9 **LONG TITLE**

10 **General Description:**

11 This bill prohibits certain sensitive instructional materials in public schools.

12 **Highlighted Provisions:**

13 This bill:

- 14 ▶ defines certain instructional materials as sensitive materials;
- 15 ▶ prohibits sensitive materials in a public school;
- 16 ▶ requires the State Board of Education (state board) to, in consultation with the  
17 Office of the Attorney General, provide guidance and training to public schools on  
18 identifying sensitive materials;
- 19 ▶ requires a local education agency to include parents who are reflective of a school's  
20 community when determining whether an instructional material is sensitive  
21 material;
- 22 ▶ requires the state board to report to the Education Interim Committee and the  
23 Government Operations Interim Committee on:
  - 24 • implementation and compliance with certain provisions; and
  - 25 • complaints a local education agency or the state board receives regarding a  
26 violation of provisions in this bill;

- 27           ▶ defines terms; and
- 28           ▶ makes technical and conforming changes.

29 **Money Appropriated in this Bill:**

30           None

31 **Other Special Clauses:**

32           None

33 **Utah Code Sections Affected:**

34 AMENDS:

35           **53E-4-202**, as last amended by Laws of Utah 2021, Chapters 84 and 345

36           **53E-4-403**, as last amended by Laws of Utah 2019, Chapter 186

37 ENACTS:

38           **53G-10-103**, Utah Code Annotated 1953



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

41           Section 1. Section **53E-4-202** is amended to read:

42           **53E-4-202. Core standards for Utah public schools.**

43           (1) (a) In establishing minimum standards related to curriculum and instruction  
44 requirements under Section **53E-3-501**, the state board shall, in consultation with local school  
45 boards, school superintendents, teachers, employers, and parents implement core standards for  
46 Utah public schools that will enable students to, among other objectives:

- 47           (i) communicate effectively, both verbally and through written communication;
- 48           (ii) apply mathematics; and
- 49           (iii) access, analyze, and apply information.

50           (b) Except as provided in this public education code, the state board may recommend  
51 but may not require a local school board or charter school governing board to use:

- 52           (i) a particular curriculum or instructional material; or
- 53           (ii) a model curriculum or instructional material.

- 54 (2) The state board shall, in establishing the core standards for Utah public schools:  
55 (a) identify the basic knowledge, skills, and competencies each student is expected to  
56 acquire or master as the student advances through the public education system; and  
57 (b) align with each other the core standards for Utah public schools and the  
58 assessments described in Section [53E-4-303](#).
- 59 (3) The basic knowledge, skills, and competencies identified pursuant to Subsection  
60 (2)(a) shall increase in depth and complexity from year to year and focus on consistent and  
61 continual progress within and between grade levels and courses in the basic academic areas of:  
62 (a) English, including explicit phonics, spelling, grammar, reading, writing,  
63 vocabulary, speech, and listening; and  
64 (b) mathematics, including basic computational skills.
- 65 (4) Before adopting core standards for Utah public schools, the state board shall:  
66 (a) publicize draft core standards for Utah public schools on the state board's website  
67 and the Utah Public Notice website created under Section [63A-16-601](#);  
68 (b) invite public comment on the draft core standards for Utah public schools for a  
69 period of not less than 90 days; and  
70 (c) conduct three public hearings that are held in different regions of the state on the  
71 draft core standards for Utah public schools.
- 72 (5) LEA governing boards shall design their school programs, that are supported by  
73 generally accepted scientific standards of evidence, to focus on the core standards for Utah  
74 public schools with the expectation that each program will enhance or help achieve mastery of  
75 the core standards for Utah public schools.
- 76 (6) Except as provided in [~~Section~~] Sections [53G-10-103](#) and [53G-10-402](#), each school  
77 may select instructional materials and methods of teaching, that are supported by generally  
78 accepted scientific standards of evidence, that the school considers most appropriate to meet  
79 the core standards for Utah public schools.
- 80 (7) The state may enter any agreement, contract, memorandum of understanding, or

81 consortium that cedes control of the core standards for Utah public schools to any other entity,  
82 including a federal agency or consortium, for any reason, including:

83 (a) the cost of developing or implementing the core standards for Utah public schools;

84 (b) the proposed core standards for Utah public schools are inconsistent with  
85 community values; or

86 (c) the agreement, contract, memorandum of understanding, or consortium:

87 (i) was entered into in violation of Chapter 3, Part 8, Implementing Federal or National  
88 Education Programs, or Title 63J, Chapter 5, Federal Funds Procedures Act;

89 (ii) conflicts with Utah law;

90 (iii) requires Utah student data to be included in a national or multi-state database;

91 (iv) requires records of teacher performance to be included in a national or multi-state  
92 database; or

93 (v) imposes curriculum, assessment, or data tracking requirements on home school or  
94 private school students.

95 (8) The state board shall submit a report in accordance with Section [53E-1-203](#) on the  
96 development and implementation of the core standards for Utah public schools, including the  
97 time line established for the review of the core standards for Utah public schools by a standards  
98 review committee and the recommendations of a standards review committee established under  
99 Section [53E-4-203](#).

100 Section 2. Section **53E-4-403** is amended to read:

101 **53E-4-403. Commission's evaluation of instructional materials --**  
102 **Recommendation by the state board.**

103 (1) Semi-annually after reviewing the evaluations of the commission, the state board  
104 shall recommend instructional materials for use in the public schools.

105 (2) The standard period of time instructional materials shall remain on the list of  
106 recommended instructional materials shall be five years.

107 (3) Unsatisfactory instructional materials may be removed from the list of

108 recommended instructional materials at any time within the period applicable to the  
109 instructional materials.

110 (4) Except as provided in [~~Section~~] Sections 53G-10-103 and 53G-10-402, each school  
111 shall have discretion to select instructional materials for use by the school. A school may  
112 select:

113 (a) instructional materials recommended by the state board as provided in this section;

114 or

115 (b) other instructional materials the school considers appropriate to teach the core  
116 standards for Utah public schools.

117 Section 3. Section **53G-10-103** is enacted to read:

118 **53G-10-103. Sensitive instructional materials.**

119 (1) As used in this section:

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

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

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

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

126 (b) "LEA governing board" means:

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

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

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

130 (c) "Material" means the same as that term is defined in Section 76-10-1201.

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

132 (e) "Public school" means:

133 (i) a district school;

134 (ii) a charter school; or

- 135 (iii) the Utah Schools for the Deaf and the Blind.
- 136 (f) (i) "School setting" means, for a public school:
- 137 (A) in a classroom;
- 138 (B) in a school library; or
- 139 (C) on school property.
- 140 (ii) "School setting" includes the following activities that an organization or individual
- 141 or organization outside of a public school conducts, if a public school or an LEA sponsors or
- 142 requires the activity:
- 143 (A) an assembly;
- 144 (B) a guest lecture;
- 145 (C) a live presentation; or
- 146 (D) an event.
- 147 (g) (i) "Sensitive material" means an instructional material that is pornographic or
- 148 indecent material as that term is defined in Section [76-10-1235](#).
- 149 (ii) "Sensitive material" does not include an instructional material:
- 150 (A) that an LEA selects under Section [53G-10-402](#);
- 151 (B) for medical courses;
- 152 (C) for family and consumer science courses; or
- 153 (D) for another course the state board exempts in state board rule.
- 154 (2) (a) Sensitive materials are prohibited in the school setting.
- 155 (b) A public school may not:
- 156 (i) adopt, use, distribute, provide a student access to, or maintain in the school setting,
- 157 sensitive materials; or
- 158 (ii) permit a speaker or presenter in the school setting to display or distribute sensitive
- 159 materials.
- 160 (3) An LEA shall include parents who are reflective of the members of the school's
- 161 community when determining if an instructional material is sensitive material.

162           (4) The state board shall:  
163           (a) in consultation with the Office of the Attorney General, provide guidance and  
164 training to support public schools in identifying instructional materials that meet the definition  
165 of sensitive materials under this section; and  
166           (b) report to the Education Interim Committee and the Government Operations Interim  
167 Committee, at or before the November 2022 interim meeting, on implementation and  
168 compliance with this section, including:  
169           (i) any policy the state board or an LEA adopts to implement or comply with this  
170 section;  
171           (ii) any rule the state board makes to implement or comply with this section; and  
172           (iii) any complaints an LEA or the state board receives regarding a violation of this  
173 section, including:  
174           (A) action taken in response to a complaint described in this Subsection (4)(b)(iii); and  
175           (B) if an LEA retains an instructional material for which the LEA or the state board  
176 receives a complaint, the LEA's rationale for retaining the instructional material.