

**Effective 5/4/2022**

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

(1) As used in this section:

- (a)
  - (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 the school setting.
  - (ii) "Instructional material" includes reading materials, handouts, videos, digital materials, websites, online applications, and live presentations.
- (b) "LEA governing board" means:
  - (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.
- (c) "Material" means the same as that term is defined in Section 76-10-1201.
- (d) "Minor" means any person less than 18 years old.
- (e) "Public school" means:
  - (i) a district school;
  - (ii) a charter school; or
  - (iii) the Utah Schools for the Deaf and the Blind.
- (f)
  - (i) "School setting" means, for a public school:
    - (A) in a classroom;
    - (B) in a school library; or
    - (C) on school property.
  - (ii) "School setting" includes the following activities that an organization or individual or organization outside of a public school conducts, if a public school or an LEA sponsors or requires the activity:
    - (A) an assembly;
    - (B) a guest lecture;
    - (C) a live presentation; or
    - (D) an event.
- (g)
  - (i) "Sensitive material" means an instructional material that is pornographic or indecent material as that term is defined in Section 76-10-1235.
  - (ii) "Sensitive material" does not include an instructional material:
    - (A) that an LEA selects under Section 53G-10-402;
    - (B) for medical courses;
    - (C) for family and consumer science courses; or
    - (D) for another course the state board exempts in state board rule.

- (2)
- (a) Sensitive materials are prohibited in the school setting.
  - (b) A public school may not:
    - (i) adopt, use, distribute, provide a student access to, or maintain in the school setting, sensitive materials; or
    - (ii) permit a speaker or presenter in the school setting to display or distribute sensitive materials.

- (3) An LEA shall include parents who are reflective of the members of the school's community when determining if an instructional material is sensitive material.
- (4) 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; and
  - (b) report to the Education Interim Committee and the Government Operations Interim Committee, at or before the November 2022 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 (4)(b)(iii); and
      - (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.

Enacted by Chapter 377, 2022 General Session