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# 4H.B. 197 School Material Amendments

*Clarify statewide consistency and require proactive local review of instructional materials.*

## H.B. 197 At a Glance

- Prohibits an LEA from making available for student use any instructional material that has been removed statewide under the existing statutory process
- Requires each LEA to review instructional material before adding it to the LEA's collection to ensure it does not contain sensitive material
- Maintains the current statutory process for challenging and reviewing sensitive materials
- Prohibits a vendor from selling or promoting goods or services through digital instructional material provided to a contracting entity
- Preserves local school board review and appeal authority

## Rumor vs Truth

### **This creates a new book ban process**

**Truth: No new processes will be created**

This relies on the existing statutory review process for determining sensitive material and ensures that once material is removed statewide under that process, it is not reintroduced elsewhere.

### **Schools lose local control**

**Truth: Local schools and governing boards still conduct reviews, hear appeals, and make determinations.**

The bill simply ensures consistency once the statewide threshold has been met.

### **This adds major new burdens**

**Truth: This just requires review of instructional materials before they are added to collections.**

This proactive step is intended to prevent future disputes and ensure compliance with existing law.

### **This targets vendors unfairly**

**Truth: The bill clarifies that vendors may not sell or promote goods or services through digital instructional materials provided to schools.**

Instructional platforms are to remain focused on education.



**4HB 197 reinforces existing law, ensures statewide consistency once material is removed, requires proactive local review before adding materials, and sets clear boundaries for vendors while preserving local decision-making authority.**



## PERFORMANCE AUDIT

### AUDIT REQUEST

The Legislative Audit Subcommittee prioritized an audit of the policies and processes for addressing concerns about pornographic, or sensitive, materials in schools. *Utah Code* also requires the Office of the Legislative Auditor General to review the sensitive materials process in schools. During this audit, we reviewed a sample of local education agency (LEA) policies and procedures to understand the implementation of the sensitive materials statute.

### BACKGROUND

In 2022, the Legislature enacted the first sensitive materials law that required LEAs to have processes in place to determine if materials in schools were sensitive. LEAs created policies to facilitate book challenges and remove materials. In 2024, the Legislature updated the statute to define objective and subjective sensitive materials and clarify review procedures, after which LEAs updated their policies under guidance of the new law.

## SENSITIVE MATERIALS IN SCHOOLS



### KEY FINDINGS

- ✓ 1.1 Inconsistent Use of Keyword Filtering Could Allow Searches For Potentially Sensitive Materials
- ✓ 2.1 Local Education Agencies Are Mostly Adhering to the 2024 Sensitive Materials Statute
- ✓ 2.2 Local Education Agencies Generally Lack Proactive Standards For Selecting Appropriate Library Materials
- ✓ 3.1 There Are Not Enough Policies Guiding Classroom Libraries



### RECOMMENDATIONS

- ✓ 1.1 The Legislature could consider the policy question of whether to require Local Education Agencies to decrypt and use blocked keyword lists within Utah's Online School Library and any other educational databases with internal search functions.
- ✓ 2.1 The Legislature could consider the policy question of whether to require Local Education Agencies to have a policy for library book selection processes.
- ✓ 3.1 Local Education Agencies should create and implement policies and processes to ensure communication with all school staff regarding sensitive materials processes, and utilize tools offered by the Utah State Board of Education to do so.
- ✓ 3.2 Local Education Agencies should create and implement policies for selecting books for, and maintaining classroom library collections.

### *Statewide Filtering Systems Allow Some Concerning Keyword Searches, but Block Inappropriate Results*

While all Local Education Agencies (LEAs) use filtering software, not all LEAs use additional filtering to block keywords that may lead to potentially