Effective 5/4/2022
Superseded 7/1/2024
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.