

Representative Karen Kwan proposes the following substitute bill:

SENSITIVE MATERIALS IN SCHOOLS

2022 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Ken Ivory

Senate Sponsor: _____

LONG TITLE

General Description:

This bill prohibits certain sensitive instructional materials in public schools.

Highlighted Provisions:

This bill:

- ▶ defines certain instructional materials as sensitive materials;
- ▶ prohibits sensitive materials in a public school;
- ▶ requires the State Board of Education (state board) to, in consultation with the Office of the Attorney General, provide guidance and training to public schools on identifying sensitive materials;
- ▶ requires a local education agency to include parents who are reflective of a school's community when determining whether an instructional material is sensitive material;
- ▶ requires the state board to report to the Education Interim Committee and the Government Operations Interim Committee on:
 - implementation and compliance with the certain provisions; and
 - complaints a local education agency or the state board receives regarding a violation of provisions in this bill;
- ▶ permits the state board to hire a library specialist;



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

28 **Money Appropriated in this Bill:**

29 This bill appropriates in fiscal year 2023:

- 30 ▶ to the State Board of Education - System Standards and Accountability, as an
- 31 ongoing appropriation:
- 32 • from the Uniform School Fund, \$150,000.

33 **Other Special Clauses:**

34 None

35 **Utah Code Sections Affected:**

36 AMENDS:

37 **53E-4-202**, as last amended by Laws of Utah 2021, Chapters 84 and 345

38 **53E-4-403**, as last amended by Laws of Utah 2019, Chapter 186

39 ENACTS:

40 **53G-10-103**, Utah Code Annotated 1953



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

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

44 **53E-4-202. Core standards for Utah public schools.**

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

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

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

- 54 (i) a particular curriculum or instructional material; or
- 55 (ii) a model curriculum or instructional material.

56 (2) The state board shall, in establishing the core standards for Utah public schools:

57 (a) identify the basic knowledge, skills, and competencies each student is expected to
58 acquire or master as the student advances through the public education system; and

59 (b) align with each other the core standards for Utah public schools and the
60 assessments described in Section [53E-4-303](#).

61 (3) The basic knowledge, skills, and competencies identified pursuant to Subsection
62 (2)(a) shall increase in depth and complexity from year to year and focus on consistent and
63 continual progress within and between grade levels and courses in the basic academic areas of:

64 (a) English, including explicit phonics, spelling, grammar, reading, writing,
65 vocabulary, speech, and listening; and

66 (b) mathematics, including basic computational skills.

67 (4) Before adopting core standards for Utah public schools, the state board shall:

68 (a) publicize draft core standards for Utah public schools on the state board's website
69 and the Utah Public Notice website created under Section [63A-16-601](#);

70 (b) invite public comment on the draft core standards for Utah public schools for a
71 period of not less than 90 days; and

72 (c) conduct three public hearings that are held in different regions of the state on the
73 draft core standards for Utah public schools.

74 (5) LEA governing boards shall design their school programs, that are supported by
75 generally accepted scientific standards of evidence, to focus on the core standards for Utah
76 public schools with the expectation that each program will enhance or help achieve mastery of
77 the core standards for Utah public schools.

78 (6) Except as provided in [~~Section~~] Sections [53G-10-103](#) and [53G-10-402](#), each school
79 may select instructional materials and methods of teaching, that are supported by generally
80 accepted scientific standards of evidence, that the school considers most appropriate to meet
81 the core standards for Utah public schools.

82 (7) The state may exit any agreement, contract, memorandum of understanding, or
83 consortium that cedes control of the core standards for Utah public schools to any other entity,
84 including a federal agency or consortium, for any reason, including:

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

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

- 88 (c) the agreement, contract, memorandum of understanding, or consortium:
89 (i) was entered into in violation of Chapter 3, Part 8, Implementing Federal or National
90 Education Programs, or Title 63J, Chapter 5, Federal Funds Procedures Act;
91 (ii) conflicts with Utah law;
92 (iii) requires Utah student data to be included in a national or multi-state database;
93 (iv) requires records of teacher performance to be included in a national or multi-state
94 database; or
95 (v) imposes curriculum, assessment, or data tracking requirements on home school or
96 private school students.

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

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

103 **53E-4-403. Commission's evaluation of instructional materials --**
104 **Recommendation by the state board.**

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

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

109 (3) Unsatisfactory instructional materials may be removed from the list of
110 recommended instructional materials at any time within the period applicable to the
111 instructional materials.

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

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

116 or

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

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

120 **53G-10-103. Sensitive instructional materials.**

121 (1) As used in this section:

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

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

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

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

128 (b) "LEA governing board" means:

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

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

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

132 (c) "Library specialist" means the individual the state board hires as described in
133 Subsection (5).

134 (d) "Material" means the same as that term is defined in Section [76-10-1201](#).

135 (e) "Minor" means any person less than 18 years old.

136 (f) "Public school" means:

137 (i) a district school;

138 (ii) a charter school; or

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

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

141 (A) in a classroom;

142 (B) in a school library; or

143 (C) on school property.

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

147 (A) an assembly;

148 (B) a guest lecture;

149 (C) a live presentation; or

150 (D) an event.

151 (h) (i) "Sensitive material" means an instructional material that is pornographic or

152 indecent material as that term is defined in Section [76-10-1235](#).

153 (ii) "Sensitive material" does not include an instructional material:

154 (A) that an LEA selects under Section [53G-10-402](#);

155 (B) for medical courses;

156 (C) for family and consumer science courses; or

157 (D) for another course the state board exempts in state board rule.

158 (2) (a) Sensitive materials are prohibited in the school setting.

159 (b) A public school may not:

160 (i) adopt, use, distribute, provide a student access to, or maintain in the school setting,

161 sensitive materials; or

162 (ii) permit a speaker or presenter in the school setting to display or distribute sensitive

163 materials.

164 (3) An LEA shall include parents who are reflective of the members of the school's

165 community when determining if an instructional material is sensitive material.

166 (4) The state board shall:

167 (a) in consultation with the Office of the Attorney General, provide guidance and

168 training to support public schools in identifying instructional materials that meet the definition

169 of sensitive materials under this section; and

170 (b) report to the Education Interim Committee and the Government Operations Interim

171 Committee, at or before the November 2022 interim meeting, on implementation and

172 compliance with this section, including:

173 (i) any policy the state board or an LEA adopts to implement or comply with this

174 section;

175 (ii) any rule the state board makes to implement or comply with this section; and

176 (iii) any complaints an LEA or the state board receives regarding a violation of this

177 section, including:

178 (A) action taken in response to a complaint described in this Subsection (4)(b)(iii); and

179 (B) if an LEA retains an instructional material for which the LEA or the state board

180 receives a complaint, the LEA's rationale for retaining the instructional material.

- 181 (5) The state board may hire a library specialist to:
- 182 (a) assist LEAs in complying with the requirements of this section; and
- 183 (b) carry out other duties as assigned by the state board.

184 Section 4. **Appropriation.**

185 The following sums of money are appropriated for the fiscal year beginning July 1,
 186 2022, and ending June 30, 2023. These are additions to amounts previously appropriated for
 187 fiscal year 2023. Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures
 188 Act, the Legislature appropriates the following sums of money from the funds or accounts
 189 indicated for the use and support of the government of the state of Utah.

190 ITEM 1

191 To State Board of Education -- System Standards and Accountability

192 <u>From Uniform School Fund</u>	<u>\$150,000</u>
-------------------------------------	------------------

193 Schedule of Programs:

194 <u>Teaching and Learning</u>	<u>\$150,000</u>
----------------------------------	------------------

195 The Legislature intends that the State Board of Education use the appropriation under
 196 this item to hire a library specialist as described in Section [53G-10-103](#).