

**Representative Melissa G. Ballard** proposes the following substitute bill:

**DIGITAL INSTRUCTIONAL MATERIAL REQUIREMENTS**

2023 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Melissa G. Ballard**

Senate Sponsor: Lincoln Fillmore

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**LONG TITLE**

**General Description:**

This bill establishes a process for notification and reporting of digital instructional material and associated vendors that allegedly violate state law.

**Highlighted Provisions:**

This bill:

- ▶ defines terms;
- ▶ establishes a process for a student, parent, or employee of a local education agency (LEA) to notify a school principal of digital instructional material that allegedly violates state law;
- ▶ requires the relevant principal to review the material and communicate the notice to the local governing board;
- ▶ requires the local governing board to:
  - make a determination regarding the material; and
  - report digital instructional material that violates state law to the State Board of Education (state board);
- ▶ requires the state board to maintain a central public list of digital instructional material and associated vendors that are reported to violate state law; and
- ▶ requires certain notice provisions in contracts with vendors for digital instructional



26 material.

27 **Money Appropriated in this Bill:**

28 None

29 **Other Special Clauses:**

30 This bill provides a special effective date.

31 **Utah Code Sections Affected:**

32 ENACTS:

33 **53G-10-104**, Utah Code Annotated 1953

34 REPEALS:

35 **53G-10-101**, as enacted by Laws of Utah 2018, Chapter 3



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

38 Section 1. Section **53G-10-104** is enacted to read:

39 **53G-10-104. Digital instructional material reviews -- Reporting.**

40 (1) As used in this section:

41 (a) "Digital instructional material" means any instructional material, as that term is  
42 defined in Section [53E-4-401](#), that is digital, including instructional software programs, online  
43 or local applications, and other electronic material.

44 (b) "Sensitive material" means the same as that term is defined in Section [53G-10-103](#).

45 (c) "Vendor" means an entity with which the state board or an LEA contracts to  
46 provide digital instructional material to students.

47 (2) (a) A student, a student's parent, or an LEA employee may notify the principal of  
48 the relevant school with a course through which the student, parent, or employee encounters  
49 digital instructional material that the student, parent, or employee alleges to constitute or  
50 contain sensitive material.

51 (b) No later than 10 days after the day on which the principal receives a notice  
52 described in Subsection (2)(a), the principal shall:

53 (i) review the alleged sensitive material;

54 (ii) advise the relevant educator regarding the use of the material; and

55 (iii) communicate the notice and the principal's review of the material to the LEA.

56 (3) No later than 30 days after the day on which the LEA receives a communication

57 from a principal described in Subsection (2)(b), the local governing board shall:  
58 (a) evaluate the relevant digital instructional material to determine whether the material  
59 constitutes sensitive material;  
60 (b) make a determination as to whether the material constitutes sensitive material;  
61 (c) if the material constitutes sensitive material:  
62 (i) (A) eliminate the chapter or section of the digital instructional material containing  
63 the sensitive material from the LEA's curriculum; or  
64 (B) take other measures to mitigate the accessibility and impact of the material;  
65 (ii) provide the notice to the vendor that the material violates state law; and  
66 (iii) report to the state board regarding:  
67 (A) the notice described in Subsection (2); and  
68 (B) the local governing board's determination described in Subsection (3)(b); and  
69 (d) communicate, either directly or through the relevant principal, the local governing  
70 board's determination described in Subsection (3)(b) to the individual who made the initial  
71 notice described in Subsection (2).  
72 (4) The state board:  
73 (a) shall compile and maintain a dynamic centralized list of reported violations and  
74 associated vendors as LEAs report under Subsection (3)(c) that the state board makes available  
75 to LEAs and the public to assist in maintaining state curriculum standards; and  
76 (b) may make rules, in accordance with Title 63G, Chapter 3, Utah Administrative  
77 Rulemaking Act, to establish procedures for the reporting of sensitive material violations under  
78 Subsection (3)(c).  
79 (5) In any contract for digital instructional material into which the state board or an  
80 LEA enters with a vendor on or after January 1, 2024, the state board or LEA shall ensure that  
81 the contract contains notice provisions regarding this section and state law regarding sensitive  
82 material.  
83 **Section 2. Repealer.**  
84 This bill repeals:  
85 Section **53G-10-101**, Title.  
86 **Section 3. Effective date.**  
87 This bill takes effect on July 1, 2023.

