

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

**DIGITAL SCHOOL CURRICULUM 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;
- ▶ requires certain notice provisions in contracts with vendors for digital instructional



26 material; and  
27       ▶ requires vendors to provide notice of any change to digital instructional material  
28 that may constitute sensitive material.

29 **Money Appropriated in this Bill:**

30       None

31 **Other Special Clauses:**

32       This bill provides a special effective date.

33 **Utah Code Sections Affected:**

34 ENACTS:

35       **53G-10-104**, Utah Code Annotated 1953

36 REPEALS:

37       **53G-10-101**, as enacted by Laws of Utah 2018, Chapter 3



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

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

41       **53G-10-104. Digital instructional material reviews -- Reporting.**

42       (1) As used in this section:

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

46       (b) "Sensitive material" means the same as that term is defined in Section **53G-10-103**.

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

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

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

55       (i) review the alleged sensitive material;

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

57 (iii) communicate the notice and the principal's review of the material to the LEA,  
58 including any individual or group the LEA designates to oversee sensitive material evaluations  
59 within the LEA.

60 (3) No later than 30 days after the day on which the LEA receives a communication  
61 from a principal described in Subsection (2)(b), the local governing board shall:

62 (a) evaluate the relevant digital instructional material to determine whether the material  
63 constitutes sensitive material;

64 (b) make a determination as to whether the material constitutes sensitive material;

65 (c) if the material constitutes sensitive material:

66 (i) (A) eliminate the chapter or section of the digital instructional material containing  
67 the sensitive material from the LEA's curriculum; or

68 (B) take other measures to mitigate the accessibility and impact of the material;

69 (ii) provide the notice to the vendor that the material violates state law; and

70 (iii) report to the state board regarding:

71 (A) the notice described in Subsection (2); and

72 (B) the local governing board's determination described in Subsection (3)(b); and

73 (d) communicate, either directly or through the relevant principal, the local governing  
74 board's determination described in Subsection (3)(b) to the individual who made the initial  
75 notice described in Subsection (2).

76 (4) The state board:

77 (a) shall compile and maintain a dynamic centralized list of reported violations and  
78 associated vendors as LEAs report under Subsection (3)(c) that the state board makes available  
79 to LEAs and the public to assist in maintaining state curriculum standards; and

80 (b) may make rules, in accordance with Title 63G, Chapter 3, Utah Administrative  
81 Rulemaking Act, to establish procedures for the reporting of sensitive material violations under  
82 Subsection (3)(c).

83 (5) (a) In any contract for a vendor to provide digital instructional material into which  
84 the state board or an LEA enters on or after July 1, 2023, the state board or LEA shall ensure  
85 that the contract contains notice provisions regarding this section and the requirements and  
86 prohibitions regarding sensitive material in this part.

87 (b) A vendor shall notify the relevant LEA or state board with which the vendor

88 contracts of any update, modification, or addition to the digital instructional material the  
89 vendor provides, including links to other material or websites from within the digital  
90 instructional material, that may constitute sensitive material.

91 (c) An LEA or the state board may remove a chapter or section of digital instructional  
92 material that is found, through the processes described in Subsections (3) and (4) or the vendor  
93 notice described in Subsection (5), to contain sensitive material from the relevant curriculum.

94 Section 2. **Repealer.**

95 This bill repeals:

96 Section **53G-10-101**, Title.

97 Section 3. **Effective date.**

98 This bill takes effect on July 1, 2023.