

**PUBLIC SCHOOL INSTRUCTIONAL MATERIAL**

**REQUIREMENTS**

2023 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Lincoln Fillmore**

House Sponsor: Melissa G. Ballard

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**LONG TITLE**

**General Description:**

This bill addresses requirements related to the approval of materials for classroom use and certain policies.

**Highlighted Provisions:**

This bill:

- ▶ defines terms;
- ▶ requires a process for a local school board or charter school governing board to follow if the board chooses to adopt or approve instructional materials for classroom use across the school district or charter school;
- ▶ requires local school boards and charter school governing boards to adopt policies to provide guidance to educators on the use of certain learning materials that have not been adopted or approved under the open process; ~~§~~ ~~and~~ ~~§~~ ~~§~~

~~§~~ ~~§~~ [f] ▶ **requires that contracts for online or digital learning materials include a requirement**

**for notice if the provider changes the content of the materials; and [f] [§] §**

- ▶ makes technical and conforming changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

S.B. 55



214 program, in coordination with schools in that district. A school may refer a student to a youth  
 215 court or a comparable restorative justice program in accordance with Section 53G-8-211.

216 (24) (a) As used in this Subsection (24):

217 (i) "Learning material" means any learning material or resource used to deliver or  
 218 support a student's learning, including textbooks, reading materials, videos, digital materials,  
 219 websites, and other online applications.

220 (ii) (A) "Instructional material" means learning material that a local school board  
 221 adopts and approves for use within the LEA.

222 (B) "Instructional material" does not include ~~it~~ news media or ~~it~~ learning material  
 222a used in a concurrent  
 223 enrollment, advanced placement, or international baccalaureate program or class or another  
 224 class with required instructional material that is not subject to selection by the local school  
 225 board.

226 (iii) "Supplemental material" means learning material that:

227 (A) an educator selects for classroom use; and

228 (B) a local school board has not considered and adopted, approved, or prohibited for  
 229 classroom use within the LEA.

230 (b) A local school board shall:

231 ~~[(a)]~~ (i) make ~~curriculum~~ instructional material that the school district uses readily  
 232 accessible and available for a parent to view;

233 ~~[(b)]~~ (ii) annually notify a parent of a student enrolled in the school district of how to  
 234 access the information described in Subsection ~~[(24)(a)]~~ (24)(b)(i); and

235 ~~[(c)]~~ (iii) include on the school district's website information about how to access the  
 236 information described in Subsection ~~[(24)(a)]~~ (24)(b)(i).

237 (c) In selecting and approving instructional materials for use in the classroom, a local  
 238 school board shall:

239 (i) establish an open process, involving educators and parents of students enrolled in  
 240 the LEA, to review and recommend instructional materials for board approval; and

241 (ii) ensure that under the process described in Subsection (24)(c)(i), the board:

242 (A) before the meetings described in Subsection (24)(c)(ii)(B), posts the recommended  
 243 learning material online to allow for public review or, for copyrighted material, make the  
 244 recommended learning material available at the LEA for public review;

245 (B) before adopting or approving the recommended instructional materials, holds at  
 246 least two public meetings on the recommendation that provides an opportunity for educators  
 247 whom the LEA employs and parents of students enrolled in the LEA to express views and  
 248 opinions on the recommendation; and

249 (C) adopts or approves the recommended instructional materials in an open and regular  
 250 board meeting.

251 (d) A local school board shall adopt a supplemental materials policy that provides  
 252 flexible guidance to educators on the selection of supplemental materials or resources that an  
 253 educator reviews and selects for classroom use using the educator's professional judgment,  
 254 including whether any process or permission is required before classroom use of the materials  
 255 or resources.

256 ~~H→~~ [~~S→~~] [f] (e) If an LEA contracts with another party to provide online or digital  
 256a materials, the  
 257 LEA shall include in the contract a requirement that the provider give notice to the LEA any  
 258 time that the provider makes a material change to the content of the online or digital materials.

259 ~~(f)~~ [f] [~~e←S~~] ~~←H~~ Nothing in this Subsection (24) requires a local school board to  
 259a review all  
 259a learning  
 260 materials used within the LEA.

261 Section 2. Section **53G-5-404** is amended to read:

262 **53G-5-404. Requirements for charter schools.**

263 (1) A charter school shall be nonsectarian in its programs, admission policies,  
 264 employment practices, and operations.

265 (2) A charter school may not charge tuition or fees, except those fees normally charged  
 266 by other public schools.

267 (3) A charter school shall meet all applicable federal, state, and local health, safety, and  
 268 civil rights requirements.

269 (4) (a) A charter school shall:

270 (i) make the same annual reports required of other public schools under this public  
 271 education code, including an annual financial audit report described in Section 53G-4-404;

272 (ii) ensure that the charter school meets the data and reporting standards described in  
 273 Section 53E-3-501; and

274 (iii) use fund and program accounting methods and standardized account codes capable  
 275 of producing financial reports that comply with:

369 websites, and other online applications.

370 (ii) (A) "Instructional material" means learning material that a charter school governing  
 371 board adopts and approves for use within the charter school.

372 (B) "Instructional material" does not include ~~H~~→ news media or ←~~H~~ learning material  
 372a used in a concurrent  
 373 enrollment, advanced placement, or international baccalaureate program or class or another  
 374 class with required instructional material that is not subject to selection by the charter school  
 375 governing board.

376 (iii) "Supplemental material" means learning material that:

377 (A) an educator selects for classroom use; and

378 (B) a charter school governing board has not considered and adopted, approved, or  
 379 prohibited for classroom use within the charter school.

380 (b) A charter school shall:

381 ~~(a)~~ (i) make ~~[curriculum]~~ instructional material that the charter school uses readily  
 382 accessible and available for a parent to view;

383 ~~(b)~~ (ii) annually notify a parent of a student enrolled in the charter school of how to  
 384 access the information described in Subsection ~~[(14)(a)] (14)(b)(i); and~~

385 ~~(c)~~ (iii) include on the charter school's website information about how to access the  
 386 information described in Subsection ~~[(14)(a)] (14)(b)(i).~~

387 (c) In selecting and approving instructional materials for use in the classroom, a charter  
 388 school governing board shall:

389 (i) establish an open process, involving educators and parents of students enrolled in  
 390 the charter school, to review and recommend instructional materials for board approval; and

391 (ii) ensure that under the process described in Subsection (14)(c)(i), the charter school  
 392 governing board:

393 (A) before the public meetings described in Subsection (14)(c)(ii)(B), posts the  
 394 recommended learning materials online to allow for public review or, for copyrighted material,  
 395 make the recommended learning material available at the charter school for public review;

396 (B) before adopting or approving the recommended instructional materials, holds at  
 397 least two public meetings on the recommendation that provide an opportunity for educators  
 398 whom the charter school employs and parents of students enrolled in the charter school to  
 399 express views and opinions on the recommendation; and

400 (C) adopts or approves the recommended instructional materials in an open and regular  
401 board meeting.

402 (d) A charter school governing board shall adopt a supplemental materials policy that  
403 provides flexible guidance to educators on the selection of supplemental materials or resources  
404 that an educator reviews and selects for classroom use using the educator's professional  
405 judgment, including whether any process or permission is required before classroom use of the  
406 materials or resources.

407 **H→ [S→] [f] (e) If a charter school contracts with another party to provide online or digital**  
408 **materials, the charter school shall include in the contract a requirement that the provider give**  
409 **notice to the charter school any time that the provider makes a material change to the content of**  
410 **the online or digital materials.**

411 (f) [f] [~~e~~←S] ←H Nothing in this Subsection (14) requires a charter school governing  
411a1 board to  
411a review  
412 all learning materials used within the charter school.