

86 (B) for a concurrent enrollment course that contains sensitive material and for which a
 87 parent receives notice from the course provider of the material before ~~§~~→ [enrolling] enrollment of
 87a the parent's child ←~~§~~ and gives the
 88 parent's consent by enrolling ~~§~~→ the parent's child ←~~§~~ :
 89 [~~B~~] (C) for medical courses;
 90 [~~C~~] (D) for family and consumer science courses; or
 91 [~~D~~] (E) for another course the state board exempts in state board rule.
 92 (iii) "Subjective sensitive material" means an instructional material that constitutes
 93 pornographic or indecent material, as that term is defined in Section 76-10-1235, under the
 94 following factor-balancing standards:
 95 (A) material that is harmful to minors under Section 76-10-1201;
 96 (B) material that is pornographic under Section 76-10-1203; or
 97 (C) material that includes certain fondling or other erotic touching under Subsection
 98 76-10-1227(1)(a)(iv).
 99 (2) (a) Sensitive materials are prohibited in the school setting.
 100 (b) A public school or an LEA may not:
 101 (i) adopt, use, distribute, provide a student access to, or maintain in the school setting,
 102 sensitive materials; or
 103 (ii) permit a speaker or presenter in the school setting to display or distribute sensitive
 104 materials.
 105 (c) In evaluating, selecting, or otherwise considering action related to a given
 106 instructional material under this section, each public school and each LEA shall prioritize
 107 protecting children from the harmful effects of illicit pornography over other considerations in
 108 evaluating instructional material.
 109 (d) If an instructional material constitutes objective sensitive material:
 110 (i) a public school or an LEA is not required to engage in a review under a subjective
 111 sensitive material standard; and
 112 (ii) the outcome of a subjective sensitive material evaluation has no bearing on the
 113 non-discretionary objective sensitive material conclusion.
 114 (3) (a) Except as provided in Subsection (3)(b), the following individuals may initiate a
 115 sensitive material review under this section:
 116 (i) an employee of the relevant LEA;

148 material[-];

149 (ii) allow student access to the challenged instructional material during the LEA's
150 subjective sensitive material review if the student's parent gives consent regarding the specific
151 challenged instructional material; and

152 (iii) if the LEA makes a determination that the challenged instructional material
153 constitutes subjective sensitive material, ensure that the material is inaccessible to students in
154 any school setting, including the termination of the parent consent option described in
155 Subsection (4)(c)(ii); and

156 (d) communicate to the state board the allegation and the LEA's final determination
157 regarding the allegation and the challenged instructional material.

158 (5) (a) An individual described in Subsection (3)(a) may appeal an LEA's decision
159 regarding a sensitive material review, regardless of whether the LEA removed or retained the
160 challenged instructional material, to the LEA governing board.

161 (b) An LEA governing board shall vote in a public board meeting to decide the
162 outcome of a sensitive material review appeal, clearly identifying:

163 (i) the board's rationale for the decision; and

164 (ii) the board's determination on each component of the statutory and any additional
165 policy standards the board uses to reach the board's conclusions.

166 (6) An LEA governing board may not enact rules or policies that prevent the LEA
167 governing board from:

168 (a) revisiting a previous decision;

169 (b) reviewing a recommendation of LEA personnel or a parent-related committee
170 regarding a challenged instructional material; or

171 (c) reconsidering a challenged instructional material if the LEA governing board
172 receives additional information regarding the material.

173 (7) (a) If the threshold described in Subsection (7)(b) is met, each LEA statewide shall
174 remove the material from student access unless the LEA governing board:

175 (i) places the given instructional material on an LEA governing board agenda within 60
176 days after the day on which the LEA receives a notification from the state board described in
177 Subsection (7)(c); and

178 (ii) at the specified LEA governing board meeting, votes to ~~§~~ → [remove or] ← ~~§~~ retain the