

Representative Ken Ivory proposes the following substitute bill:

SCHOOL MATERIALS AMENDMENTS

2024 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Ken Ivory

Senate Sponsor: _____

LONG TITLE

General Description:

This bill concerns school meetings.

Highlighted Provisions:

This bill:

▶ prohibits an LEA governing board from prohibiting the public display or recitation of certain material in a meeting of the board if the material is available to student access within the LEA; and

▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a special effective date.

Utah Code Sections Affected:

AMENDS:

53G-10-103, as enacted by Laws of Utah 2022, Chapter 377

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

Section 1. Section **53G-10-103** is amended to read:



- 26 **53G-10-103. Sensitive instructional materials.**
- 27 (1) As used in this section:
- 28 (a) (i) "Instructional material" means a material, regardless of format, used:
- 29 (A) as or in place of textbooks to deliver curriculum within the state curriculum
- 30 framework for courses of study by students; or
- 31 (B) to support a student's learning in the school setting.
- 32 (ii) "Instructional material" includes reading materials, handouts, videos, digital
- 33 materials, websites, online applications, and live presentations.
- 34 (b) "LEA governing board" means:
- 35 (i) for a school district, the local school board;
- 36 (ii) for a charter school, the charter school governing board; or
- 37 (iii) for the Utah Schools for the Deaf and the Blind, the state board.
- 38 (c) "Material" means the same as that term is defined in Section [76-10-1201](#).
- 39 (d) "Minor" means any person less than 18 years old.
- 40 (e) "Public school" means:
- 41 (i) a district school;
- 42 (ii) a charter school; or
- 43 (iii) the Utah Schools for the Deaf and the Blind.
- 44 (f) (i) "School setting" means, for a public school:
- 45 (A) in a classroom;
- 46 (B) in a school library; or
- 47 (C) on school property.
- 48 (ii) "School setting" includes the following activities that an organization or individual
- 49 or organization outside of a public school conducts, if a public school or an LEA sponsors or
- 50 requires the activity:
- 51 (A) an assembly;
- 52 (B) a guest lecture;
- 53 (C) a live presentation; or
- 54 (D) an event.
- 55 (g) (i) "Sensitive material" means an instructional material that is pornographic or
- 56 indecent material as that term is defined in Section [76-10-1235](#).

- 57 (ii) "Sensitive material" does not include an instructional material:
- 58 (A) that an LEA selects under Section 53G-10-402;
- 59 (B) for medical courses;
- 60 (C) for family and consumer science courses; or
- 61 (D) for another course the state board exempts in state board rule.
- 62 (2) (a) Sensitive materials are prohibited in the school setting.
- 63 (b) A public school may not:
- 64 (i) adopt, use, distribute, provide a student access to, or maintain in the school setting,
- 65 sensitive materials; or
- 66 (ii) permit a speaker or presenter in the school setting to display or distribute sensitive
- 67 materials.
- 68 (3) An LEA shall include parents who are reflective of the members of the school's
- 69 community when determining if an instructional material is sensitive material.
- 70 (4) The state board shall:
- 71 (a) in consultation with the Office of the Attorney General, provide guidance and
- 72 training to support public schools in identifying instructional materials that meet the definition
- 73 of sensitive materials under this section; and
- 74 (b) report to the Education Interim Committee and the Government Operations Interim
- 75 Committee, at or before the November 2022 interim meeting, on implementation and
- 76 compliance with this section, including:
- 77 (i) any policy the state board or an LEA adopts to implement or comply with this
- 78 section;
- 79 (ii) any rule the state board makes to implement or comply with this section; and
- 80 (iii) any complaints an LEA or the state board receives regarding a violation of this
- 81 section, including:
- 82 (A) action taken in response to a complaint described in this Subsection (4)(b)(iii); and
- 83 (B) if an LEA retains an instructional material for which the LEA or the state board
- 84 receives a complaint, the LEA's rationale for retaining the instructional material.
- 85 (5) An LEA governing board may not prohibit or restrict the public display of an image
- 86 or the public recitation of text in a public meeting of the board if the image or text is an excerpt
- 87 from instructional material that is available to student access in a school setting within the

88 LEA.

89 Section 2. **Effective date.**

90 This bill takes effect on July 1, 2024.