

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

LONG TITLE

General Description:

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

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ requires a local education agency's local governing board to:
 - make a determination regarding digital instructional material that is alleged to violate state law within a certain time period; 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 material; and
- ▶ requires vendors to provide notice of any change to digital instructional material that may constitute sensitive material.

Money Appropriated in this Bill:



26 None

27 **Other Special Clauses:**

28 This bill provides a special effective date.

29 **Utah Code Sections Affected:**

30 ENACTS:

31 **53G-10-104**, Utah Code Annotated 1953

32 REPEALS:

33 **53G-10-101**, as enacted by Laws of Utah 2018, Chapter 3



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

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

37 **53G-10-104. Digital instructional material reviews -- Reporting.**

38 (1) As used in this section:

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

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

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

45 (2) No later than 45 days after the day on which the LEA receives notice that a digital
46 instructional material includes or constitutes sensitive material, the LEA shall:

47 (a) complete the LEA's sensitive material review process in accordance with the LEA's
48 policies and this part; and

49 (b) if the material constitutes sensitive material:

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

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

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

54 (iii) report to the state board regarding:

55 (A) the notice described in this Subsection (2); and

56 (B) the LEA's determination described in Subsection (2)(b); and

57 (c) communicate, either directly or through the relevant principal, the LEA's
58 determination regarding the sensitive material to the individual who made the initial notice
59 described in this Subsection (2).

60 (3) The state board:

61 (a) shall compile and maintain a dynamic centralized list of reported violations and
62 associated vendors as LEAs report under Subsection (2)(c) that the state board makes available
63 to LEAs and the public to assist in maintaining state curriculum standards; and

64 (b) may make rules, in accordance with Title 63G, Chapter 3, Utah Administrative
65 Rulemaking Act, to establish procedures for the reporting of sensitive material violations under
66 Subsection (2)(c).

67 (4) (a) In any contract for a vendor to provide digital instructional material into which
68 the state board or an LEA enters on or after July 1, 2023, the state board or LEA shall ensure
69 that the contract contains notice provisions:

70 (i) regarding this section and the requirements and prohibitions regarding sensitive
71 material in this part; and

72 (ii) that include a warning that, in addition to other penalties, a vendor who distributes
73 sensitive material to minors may be criminally liable under Section [76-10-1206](#) for dealing in
74 material harmful to minors.

75 (b) A vendor shall notify the relevant LEA or state board with which the vendor
76 contracts of any update, modification, or addition to the digital instructional material the
77 vendor provides, including links to other material or websites from within the digital
78 instructional material, that may constitute sensitive material.

79 (c) An LEA or the state board may remove a chapter or section of digital instructional
80 material that is found, through the processes described in Subsections (2) and (3) or the vendor
81 notice described in Subsection (4)(b), to contain sensitive material from the relevant
82 curriculum.

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.