

Representative Ken Ivory proposes the following substitute bill:

SENSITIVE MATERIALS IN SCHOOLS

2022 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Ken Ivory

Senate Sponsor: _____

LONG TITLE

General Description:

This bill prohibits certain sensitive instructional materials in public schools.

Highlighted Provisions:

This bill:

- ▶ defines certain instructional materials as sensitive materials;
- ▶ prohibits sensitive materials in a public school;
- ▶ requires the State Board of Education (state board) to, in consultation with the Office of the Attorney General, provide guidance and training to public schools on identifying sensitive materials;
- ▶ requires the state board to report to the Education Interim Committee and the Government Operations Interim Committee on implementation and compliance with the certain provisions;
- ▶ defines terms; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None



26 **Utah Code Sections Affected:**

27 AMENDS:

28 **53E-4-202**, as last amended by Laws of Utah 2021, Chapters 84 and 345

29 **53E-4-403**, as last amended by Laws of Utah 2019, Chapter 186

30 ENACTS:

31 **53G-10-103**, Utah Code Annotated 1953



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

34 Section 1. Section **53E-4-202** is amended to read:

35 **53E-4-202. Core standards for Utah public schools.**

36 (1) (a) In establishing minimum standards related to curriculum and instruction
37 requirements under Section **53E-3-501**, the state board shall, in consultation with local school
38 boards, school superintendents, teachers, employers, and parents implement core standards for
39 Utah public schools that will enable students to, among other objectives:

- 40 (i) communicate effectively, both verbally and through written communication;
- 41 (ii) apply mathematics; and
- 42 (iii) access, analyze, and apply information.

43 (b) Except as provided in this public education code, the state board may recommend
44 but may not require a local school board or charter school governing board to use:

- 45 (i) a particular curriculum or instructional material; or
- 46 (ii) a model curriculum or instructional material.

47 (2) The state board shall, in establishing the core standards for Utah public schools:

- 48 (a) identify the basic knowledge, skills, and competencies each student is expected to
49 acquire or master as the student advances through the public education system; and
- 50 (b) align with each other the core standards for Utah public schools and the
51 assessments described in Section **53E-4-303**.

52 (3) The basic knowledge, skills, and competencies identified pursuant to Subsection
53 (2)(a) shall increase in depth and complexity from year to year and focus on consistent and
54 continual progress within and between grade levels and courses in the basic academic areas of:

- 55 (a) English, including explicit phonics, spelling, grammar, reading, writing,
56 vocabulary, speech, and listening; and

- 57 (b) mathematics, including basic computational skills.
- 58 (4) Before adopting core standards for Utah public schools, the state board shall:
- 59 (a) publicize draft core standards for Utah public schools on the state board's website
60 and the Utah Public Notice website created under Section [63A-16-601](#);
- 61 (b) invite public comment on the draft core standards for Utah public schools for a
62 period of not less than 90 days; and
- 63 (c) conduct three public hearings that are held in different regions of the state on the
64 draft core standards for Utah public schools.
- 65 (5) LEA governing boards shall design their school programs, that are supported by
66 generally accepted scientific standards of evidence, to focus on the core standards for Utah
67 public schools with the expectation that each program will enhance or help achieve mastery of
68 the core standards for Utah public schools.
- 69 (6) Except as provided in [~~Section~~] [Sections 53G-10-103 and 53G-10-402](#), each school
70 may select instructional materials and methods of teaching, that are supported by generally
71 accepted scientific standards of evidence, that the school considers most appropriate to meet
72 the core standards for Utah public schools.
- 73 (7) The state may exit any agreement, contract, memorandum of understanding, or
74 consortium that cedes control of the core standards for Utah public schools to any other entity,
75 including a federal agency or consortium, for any reason, including:
- 76 (a) the cost of developing or implementing the core standards for Utah public schools;
- 77 (b) the proposed core standards for Utah public schools are inconsistent with
78 community values; or
- 79 (c) the agreement, contract, memorandum of understanding, or consortium:
- 80 (i) was entered into in violation of Chapter 3, Part 8, Implementing Federal or National
81 Education Programs, or Title 63J, Chapter 5, Federal Funds Procedures Act;
- 82 (ii) conflicts with Utah law;
- 83 (iii) requires Utah student data to be included in a national or multi-state database;
- 84 (iv) requires records of teacher performance to be included in a national or multi-state
85 database; or
- 86 (v) imposes curriculum, assessment, or data tracking requirements on home school or
87 private school students.

88 (8) The state board shall submit a report in accordance with Section 53E-1-203 on the
89 development and implementation of the core standards for Utah public schools, including the
90 time line established for the review of the core standards for Utah public schools by a standards
91 review committee and the recommendations of a standards review committee established under
92 Section 53E-4-203.

93 Section 2. Section 53E-4-403 is amended to read:

94 **53E-4-403. Commission's evaluation of instructional materials --**
95 **Recommendation by the state board.**

96 (1) Semi-annually after reviewing the evaluations of the commission, the state board
97 shall recommend instructional materials for use in the public schools.

98 (2) The standard period of time instructional materials shall remain on the list of
99 recommended instructional materials shall be five years.

100 (3) Unsatisfactory instructional materials may be removed from the list of
101 recommended instructional materials at any time within the period applicable to the
102 instructional materials.

103 (4) Except as provided in [Section] Sections 53G-10-103 and 53G-10-402, each school
104 shall have discretion to select instructional materials for use by the school. A school may
105 select:

106 (a) instructional materials recommended by the state board as provided in this section;
107 or

108 (b) other instructional materials the school considers appropriate to teach the core
109 standards for Utah public schools.

110 Section 3. Section 53G-10-103 is enacted to read:

111 **53G-10-103. Sensitive instructional materials.**

112 (1) As used in this section:

113 (a) (i) "Instructional material" means a material, regardless of format, used:

114 (A) as or in place of textbooks to deliver curriculum within the state curriculum
115 framework for courses of study by students; or

116 (B) to support a student's learning in the school setting.

117 (ii) "Instructional material" includes reading materials, handouts, videos, digital
118 materials, websites, online applications, and live presentations.

- 119 (b) "LEA governing board" means:
- 120 (i) for a school district, the local school board;
- 121 (ii) for a charter school, the charter school governing board; or
- 122 (iii) for the Utah Schools for the Deaf and the Blind, the state board.
- 123 (c) "Material" means the same as that term is defined in Section [76-10-1201](#).
- 124 (d) "Minor" means any person less than 18 years old.
- 125 (e) "Public school" means:
- 126 (i) a district school;
- 127 (ii) a charter school; or
- 128 (iii) the Utah Schools for the Deaf and the Blind.
- 129 (f) (i) "School setting" means, for a public school:
- 130 (A) in a classroom;
- 131 (B) in a school library; or
- 132 (C) on school property.
- 133 (ii) "School setting" includes the following activities that an organization or individual
- 134 or organization outside of a public school conducts, if a public school or an LEA sponsors or
- 135 requires the activity:
- 136 (A) an assembly;
- 137 (B) a guest lecture;
- 138 (C) a live presentation; or
- 139 (D) an event.
- 140 (g) (i) "Sensitive material" means an instructional material that:
- 141 (A) contains a drawing, depiction, or image of:
- 142 (I) actual or simulated sexual conduct; or
- 143 (II) sexually explicit conduct;
- 144 (B) contains a discussion, description, or representation of:
- 145 (I) sexual conduct, including sexual conduct involving a minor; or
- 146 (II) sexually explicit conduct.
- 147 (ii) "Sensitive material" does not include instructional materials:
- 148 (A) that an LEA selects under Section [53G-10-402](#);
- 149 (B) for medical courses;

- 150 (C) for family and consumer science courses; or
151 (D) for another course the state board exempts in state board rule.
152 (h) "Sexual conduct" means the same as that term is defined in Section [76-10-1201](#).
153 (i) "Sexually explicit conduct" means the same as that term is defined in Section
154 [76-5b-103](#).
155 (2) (a) Sensitive materials are prohibited in the school setting.
156 (b) A public school may not:
157 (i) adopt, use, distribute, provide a student access to, or maintain in the school setting,
158 sensitive materials; or
159 (ii) permit a speaker or presenter in the school setting to display or distribute sensitive
160 materials.
161 (3) The state board shall:
162 (a) in consultation with the Office of the Attorney General, provide guidance and
163 training to support public schools in identifying instructional materials that meet the definition
164 of sensitive materials under this section; and
165 (b) report to the Education Interim Committee and the Government Operations Interim
166 Committee, at or before the November 2022 interim meeting, on implementation and
167 compliance with this section, including:
168 (i) any policy the state board or an LEA adopts to implement or comply with this
169 section; and
170 (ii) any rule the state board makes to implement or comply with this section.