

Media Clips

H.B. 29 Sensitive Material Review Amendments

Sponsor: Rep. Ken Ivory (R-West Jordan)

Position: We oppose H.B. 29

Status: Passed House, introduced in Senate



Deseret News



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Overview:

H.B. 29 would:

- Define two categories instructional materials that can be investigated and removed from Utah's public schools:
 - *Objective sensitive materials:* Instructional materials deemed so pornographic or indecent that they violate the "bright line" rule as defined in [Utah code 76-10-1227](#). This is the worst category.
 - *Subjective sensitive materials:* Instructional materials deemed pornographic or indecent that do not violate the "bright line" rule but are deemed to have no serious literary, artistic, political, or scientific value. This is the less-worse category.
- Require school districts to remove instructional materials from schools if a preliminary valuation determines they be either objective or subjective "sensitive materials." Also requires the district to undertake a full review of the material.
- Allow these people to challenge materials: 1) state and local elected officials representing the school district, 2) enrolled students, 3) district employees, and 4) parent of a student enrolled in the district.
- Requires all school districts in the state to remove books or materials that meet the "objective sensitive materials" definition after they are banned by three school districts, or one school district and five charter schools.
- Require school districts to conduct a review, including parents in the process, of materials not deemed "objective sensitive materials." This review is to determine if these materials are "subjective sensitive materials."
- During this review, students may access the materials with parental permission. If the review process determines the books qualify as "subjective sensitive materials," the books must be completely removed from student access.
- Require school districts to report to the State Board of Education on all allegations and investigations of sensitive materials.
- School boards must vote in a public meeting to decide the outcome of the sensitive material review appeal.

Background:

H.B. 29 is the second bill proposed by Rep. Ivory dealing with "sensitive materials" in three years. His first bill, [H.B. 374 from 2022](#), required school districts to set up committees of parents and staff to review challenged books and follow guidance from the Utah Attorney General's office. But when legislative committee hearings held during the summer of 2023 informed Rep. Ivory that several Utah school districts were not following his vision of the initial bill, he decided more legislation was required. Additionally, the high-profile example of the Bible being

challenged in the Davis School District highlighted how Ivory's initial system could be hijacked with embarrassing results.

As a result, Rep. Ivory proposed the new book banning process outlined in H.B. 29 that reduces opportunities for school districts and review committees to slow down the review process or retain books on library shelves. This new bill establishes a step-by-step process that ensures that most challenged books will be temporary or permanently removed from student access. H.B. 29 also allows the book banning decisions by a handful of school districts to remove books in all districts across the state—removing local control and accountability.

Talking Points:

- H.B. 29 is a solution looking for a problem. Since the passage of H.B. 374 in 2022, over 262 books have been removed across 17 school districts in Utah. The problem isn't that too few books have been banned—but that removing books from school libraries is already too easy.
- Lawmakers use the term "criminal porn" to make it seem like the books being removed have no redeeming value. Instead, books already banned in Utah deal with serious issues such as sex trafficking ("Tricks" by Ellen Hopkins) and rape ("The Bluest Eye" by Nobel-prize winning author, Toni Morrison).
- The majority of books removed from Utah schools address racial or LGBTQ themes, and many are written by people of color. Just because some parents don't want their children exposed to diverse authors and topics does not give them the right to deny these perspectives to everyone else.
- H.B. 29 requires school districts to remove materials from student access after a preliminary review, a step that denies students access to essential educational content without due process.
- The vast majority of book challenges are being pushed by a small group of people. As of December 2022, of the 205 book challenges filed in the Granite School District, one couple instigated 199 of them.
- By allowing individuals to challenge instructional materials, this bill gives a small group of people veto power over lessons and curriculum for the entire district. We should not allow book banners to exercise power over every child's education.
- H.B. 29 overrides the authority of local school boards by allowing a small number of school districts or charter schools to ban books in every district across the state. This measure prevents local schools from selecting the books and materials that are best suited for their students and community.