

UINTAH SCHOOL DISTRICT POLICY ACTION REVIEW

1st Reading	11/09/22	New	
2nd Reading	12/14/22	Revised	X
Approved	12/14/22	Substitute	

006.0100 EVALUATION AND SELECTION OF INSTRUCTIONAL MATERIALS

REVISES POLICY 006.0100 Selection and Adoption of Instructional Materials (LAST APPROVED 3/13/2007)

1.0 GENERAL POLICY STATEMENT

1.1 This policy provides for consistent selection of instructional materials to provide balanced, relevant, age appropriate, and varied resources for students. It also sets the foundation for a fair and reasonable process to identify materials for restrictions or removal from schools due to sensitive materials which is not allowed by [Utah Code § 53G-10-103\(1\)\(a\) \(2022\)](#)

2.0 DEFINITIONS

2.1 The following definitions apply in this policy:

2.1.1 “Instructional material” means information, regardless of format, which is used either (a) as or in place of textbooks to deliver instruction to students within the state curriculum framework or (b) to support a student’s learning in the school setting. It may include reading materials, handouts, videos, digital materials, websites, online applications, and live presentations. Also includes anything which is or may be used as a means of communication, including for example something printed or written or any picture, drawing, photograph, motion picture, or pictorial representation, or any statue or other figure, or any recording or transcription, or any mechanical, chemical, or electrical reproduction.
[Utah Code § 53G-10-103\(1\)\(a\) \(2022\)](#)

2.1.2 “Sensitive material” means instructional material that is pornographic or indecent material as the term defined in Section 76-10-1235

2.1.2.1 “Sensitive material” does not include instructional material:

2.1.2.1.1 that an LEA selects under Section 53G-10-402;

2.1.2.1.2 for medical courses;

2.1.2.1.3 for family and consumer science courses; or

2.1.2.1.4 for another course the state board exempts in state board rule

2.1.3 Any material or performance is pornographic if:

2.1.3.1 The average person, applying contemporary community standards, finds that, taken as a whole, it appeals to the prurient interest in sex;

2.1.3.2 It is patently offensive in the description or depiction of nudity, sexual conduct, sexual excitement, sadomasochistic abuse, or excretion;

2.1.3.3 Taken as a whole it does not have serious literary, artistic, political, or scientific value.

3.0 ADOPTION OF INSTRUCTIONAL MATERIALS

3.1 The Superintendent or Superintendent's designee shall create a process to determine what instructional materials are approved for use in the district or in a particular school in the district.

3.2 The Superintendent or Superintendent's designee shall create an instructional materials adoption process, which shall be followed when adopting instructional materials.

3.3 Instructional materials which have been designated by the State Board of Education as within any of that Board's "Recommended" categories are approved for use in the district subject to considerations of economy and uniformity in materials within the district or schools. Instructional materials which have been designated by the State Board of Education as "Reviewed, but not recommended" may not be used in the district.

3.3.1 <https://usbe.midaseducation.com/rims>

3.4 Any instructional materials which have not been reviewed by the State Board of Education may be approved by the Superintendent for use in the district upon a determination that the materials are appropriate to teach the Utah core requirements. Instructional materials cannot be approved for use in the district or used in District schools if the materials contain any pornographic or indecent material as defined in this policy. [*Utah Code § 53G-10-103\(2\) \(2022\)*](#)

3.4.1 <https://usbe.midaseducation.com/rims>

3.5 Parental Exemption from Objectionable Instructional Materials

3.5.1 Whether or not an item of instructional materials contains pornographic or indecent material, a parent or guardian may by timely request exempt the child of the parent or guardian from a requirement to read or review an item of instructional material if the parent or guardian finds the material objectionable. In the case, the child shall be provided with an alternate selection without penalty.

3.5.2 The district recognizes the right of parents under state law to restrict their child's access to materials the parent deems inappropriate. However, parents do not have the right to make that determination on behalf of other parents and students.

3.6 Prior to purchasing primary instructional materials, the district shall require the proposed vendor to provide a detailed core curriculum alignment relating to the materials. Contracts with publishers for purchase of instructional materials shall

include National Instructional Materials Accessibility Standard contract language.
Utah Admin. Rules R277-469-7(2), (3) (January 9, 2018)

4.0 REVIEW OF DISTRICT-APPROVED INSTRUCTIONAL MATERIALS

4.1 Requests for review of District-approved instructional materials are limited as follows:

- 4.1.1.1 A student currently enrolled in and attending a District school;
- 4.1.1.2 A parent or guardian of a student currently enrolled in and attending a District school;
- 4.1.1.3 A District employee; or
- 4.1.1.4 A member of the Board of Education.

4.2 Limits on frequency

- 4.2.1 Each individual may submit up to two Sensitive Materials Review Requests each academic year.
- 4.2.2 Any item which has been subject to review, reviewed under this policy, and retained may not be subject to another request for review for at least three years.

4.3 Preconditions to request for review

- 4.3.1 Any adult who wishes to file a request for review must first read or review the instructional material to reasonably understand the content before filing the request (students are not to be required, requested, or encouraged to complete reading or reviewing instructional material in which they have discovered content they believe is sensitive material).
- 4.3.2 If the requirements and conditions for review are met, an individual who desires review must complete the District's Sensitive Materials Review Form, which can be found on the USD website under "curriculum". The Superintendent or designee shall make an initial determination whether the requirements for requesting review have been met. If so, the Superintendent or designee shall establish a District sensitive materials review committee to conduct the review. At least two members of the committee shall be chairs of school community councils.
- 4.3.3 In conducting a requested review, the primary purpose of the district sensitive materials review committee shall be to determine whether the item contains pornographic or indecent material. Prior to engaging in any discussions with other committee members or participating in any decision making, each committee member shall read the item in its entirety (for written items) or review the item as a whole (for non-written items).
- 4.3.4 If the committee determines that the item contains pornographic or indecent material, then the item shall be designated as no longer approved for use in the District and removed from District schools. [Utah Code § 53G-10-103\(2\) \(2022\)](#)

4.3.5 After the committee has made its determinations, it shall prepare a written report which explains its findings and the grounds for its findings. A copy of the report shall be provided to the person who requested the review.

4.3.6 After the committee issues its report, the chair of the committee shall report the results of the review to the Utah State Board of Education using the reporting tool provided by the State Board at [this website](#). *Utah Code § 53G-10-103(4)(b)(iii) (2022)*

4.4 Status of Materials While Under Review

4.4.1 A material's access level will be consistent until a final determination is made regarding the material.