

Instructional Resources: *Evaluation and Selection of Classroom Material*

Definitions—

In addition to the definitions in Policy EEE, the following definitions apply in this policy:

1. “Supplemental material review committee” means a committee formed at the school level, appointed as needed and consisting of a school administrator or administrators, two educators from the school, and at least two parents with students enrolled in and attending the school. For a committee at a middle school or junior high or high school, at least one of the educators shall be licensed in the same area as the educator teaching in the classroom in question. An administrator member of the committee shall serve as the committee chair. Parents appointed to a supplemental material review committee shall be reflective of the members of the relevant school community. The supplemental material review committee considering a particular request may not include either the educator whose supplemental material is in question or an individual who has made the request or a family member of the individual making the request.

Utah Code § 53G-10-103(3) (2022)

Supplemental material adoption—

Learning material which contains pornographic or indecent material or which is otherwise prohibited by state law or State Board of Education rule may not be used as supplemental material. Apart from those restrictions, an educator may adopt supplemental material based on the educator’s professional judgment that the material is helpful in achieving instructional goals and is appropriate for the class where the material will be used.

Utah Code § 53G-4-402(26)(d) (2023)

In adopting supplemental material, it is recommended that the educator consider whether the material:

1. is consistent with the Utah core requirements;
2. meets an appropriate instructional purpose;
3. is appropriate for the age, emotional development, ability level, and social development of the students being taught;
4. provides an objective and balanced viewpoint on issues;
5. is appropriate to varying levels of learning;
6. is accurate and factual;
7. is arranged chronologically or systematically, or both;

8. reflects the pluralistic character and culture of the American people and provides accurate representation of diverse ethnic groups;
9. is free from sexual, ethnic, age, gender, or disability bias and stereotyping; and
10. is of acceptable technical quality.

Utah Admin. Rules R277-469-6(1) (February 8, 2023)

Parental exemption from objectionable supplemental material—

Whether or not an item of supplemental 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 supplemental material if the parent or guardian finds the material objectionable. In that case, the child shall be provided with an alternate selection without penalty.

Review of supplemental material in response to request—

Requests for review of supplemental materials are limited as follows:

1. Personal interest requirement
 - a. A student may request review of supplemental material in a classroom or class where the student is currently enrolled and attending.
 - b. A parent or guardian may request review of supplemental material in a classroom or class where a child of the parent or guardian is currently enrolled and attending.
 - c. A member of the Board of Education may request review of supplemental material in a classroom or class in a school within the local school board district the Board member represents.
2. Limits on review
 - a. Any item which has been reviewed under this policy and retained may not be subject to another review for at least three years.
3. Preconditions to review
 - a. Any adult who wishes to file a request for review of an item under this policy must first read or review the material as a whole before filing the request (students are not to be required, requested, or encouraged to complete reading or reviewing material in which they have discovered content they believe is pornographic or indecent material).
 - b. Before filing a request for review of an item of supplemental material, the individual shall first meet with the educator using the material, who shall if able explain the intended purpose and use of the material in question.
 - c. If the educator is unable to provide this information or the individual is not satisfied with the information provided, the individual shall then meet with the principal (or a school administrator designated by the principal) regarding the concern.

If after meeting with the administrator the individual wishes to request review

of the item, the individual shall complete the Request for Review of Supplemental Materials form and provide it to the principal of the school where the classroom with the material is located. The principal or principal's designee shall make an initial determination whether the form has been fully completed and the requirements for requesting review have been met. If so, the principal or designee shall establish a supplemental material review committee to conduct the review.

In conducting a requested review, the primary purpose of the supplemental materials review committee shall be to determine whether the item contains pornographic or indecent material. However, the committee may also evaluate whether the material is age-appropriate and whether the use of the material should be reconsidered in light of all appropriate factors. The committee's determinations shall be made by majority vote of the members of the committee. 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).

After the chair of the supplemental material review committee has confirmed that all members of the committee have reviewed the item in question, the chair shall schedule such meetings as are necessary for the committee to discuss the item and make its determinations.

In determining whether the item contains pornographic or indecent material, the committee shall determine whether the material meets any of the four tests for pornographic or indecent material set out in the definition in Policy EEE.

If the committee determines that the item contains pornographic or indecent material, then the item shall be designated as no longer approved for use and removed from use. If the committee determines that the item does not contain pornographic or indecent material, then the committee may, but is not required to, proceed to other considerations as set out in the following paragraphs.

Utah Code § 53G-10-103(2) (2022)

The committee may elect to evaluate whether the item should be removed from all use or restricted in use based on considerations of age appropriate use. In this evaluation, the committee shall use the definition of "age appropriate" set forth in Policy EEE in light of the prevailing standards in the adult community with regard to what is appropriate for children of that age.

The committee may also elect to consider whether the use of the materials should be discontinued in light of all appropriate factors.

After the committee has made its determination, 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.

The chair of the supplemental material review 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)

The determination of the supplemental material review committee is final and may not be further appealed.

Request for Review of Supplemental Materials

1. Requester: _____ School: _____
Address: _____ City: _____
Zip: _____
Email: _____ Phone: _____
2. Qualifying personal interest category or categories:

3. Classroom using materials:

4. Brief statement explaining the request:

5. Type of material: Book (Print) E-Book (Digital) Audio Book Movie Magazine
 Other Audio Recording Digital Resource Game Newspaper Other
6. Title:

7. Author or Producer:

8. Are you a student? Yes No (If yes, do not finish reviewing the material)
9. Have you read or reviewed the entire material? Yes No (Not required of students)
10. The pornographic or indecent material can be found at the following location or locations (page, chapter, link, timestamp, etc.)

11. Other reasons (age appropriateness, other) that the item should be removed from use:

12. I understand that I must meet the personal interest requirement set out in Policy EEEB in order to obtain review. Initial: _____

13. I have met with the educator using the material as required by Policy EEEB. Initial: _____

I declare under criminal penalty under the law of Utah that the foregoing is true and correct.

Signed on the ____ day of _____, _____ at

(Day) (Month) (Year) (City or other location and state/country)

Printed Name _____

Signature _____