

Instructional Resources: *Evaluation and Selection of Supplemental 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 an individual responsible for the procurement of the material or an individual who has made the request or a family member of the individual making the request.

[Utah Code § 53G-10-103\(4\)\(c\)\(i\) \(2024\)](#)

[Utah Admin. Rules R277-628-3\(1\)\(a\)\(vi\). \(c\) \(August 7, 2024\)](#)

Supplemental material adoption—

Learning material which constitutes sensitive 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\(27\)\(d\) \(2024\)](#)

[Utah Admin. Rules R277-628-3\(1\)\(a\)\(i\) \(August 7, 2024\)](#)

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. meets the requirements of Utah Code § 53E-2-204.1;
9. is not prohibited discriminatory practice as described in Utah Code § 53B-1-118;
10. is consistent with the principles of individual freedom as defined in Utah Code § 53G-10-206; and
11. is of acceptable technical quality.

[Utah Admin. Rules R277-469-6\(1\) \(July 8, 2024\)](#)

Parental exemption from objectionable supplemental material—

Whether or not an item of supplemental material constitutes sensitive 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 for sensitive material—

Requests for review of supplemental material for sensitive material are limited as follows:

1. Personal interest requirement
 - a. A student currently enrolled in and attending a District school;
 - b. A parent or guardian of a student currently enrolled in and attending a District school;
 - c. A District employee; or
 - d. A member of the Board of Education.
2. Limits on request after unsuccessful challenges
 - a. An “unsuccessful challenge” means that an instructional material (including but not limited to supplemental material) is determined not to be sensitive material and is retained after an allegation that it contains sensitive material.
 - b. After an individual has made three unsuccessful challenges in a given school year, the individual may not request sensitive material review for the remainder of that school year.

[Utah Code § 53G-10-103\(3\)\(a\) \(2024\)](#)

[Utah Code § 53G-10-103\(3\)\(b\) \(2024\)](#)

An individual who desires review of the supplemental material for sensitive material must complete the Request for Review of Supplemental Material 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 person is eligible to request review.

Upon receipt of a request for sensitive materials review from an eligible individual, the principal or designee and another District administrator who has responsibility regarding curriculum will make an initial determination as to whether the request presents a plausible claim that the supplemental material constitutes sensitive material, including whether the request includes excerpts and other evidence to support the allegation. If those two individuals determine that the request presents a plausible claim that the supplemental material constitutes sensitive material, the school shall proceed with review of the material and shall immediately remove the material from any school setting that provides student access to the material until the review process is complete.

[Utah Code § 53G-10-103\(4\)\(a\) \(2024\)](#)

[Utah Admin. Rules R277-628-3\(1\)\(a\)\(iv\) \(August 7, 2024\)](#)

The principal or designee shall designate two District employees and one parent to evaluate the request and the challenged material and determine if the challenged material constitutes objective sensitive material. The individuals designated may not include anyone responsible for procurement of the materials or the individual who requested the review but may include the District employees who performed the initial review. If the challenged material is determined to be objective sensitive material then the school shall ensure that the material remains inaccessible to students in any school setting.

[Utah Code § 53G-10-103\(4\)\(b\) \(2024\)](#)

[Utah Admin. Rules R277-628-3\(1\)\(a\)\(v\), \(vi\) \(August 7, 2024\)](#)

If the material is determined to not be objective sensitive material, the principal or designee shall establish a supplemental material review committee to review the material to determine whether it constitutes subjective sensitive material. During review by the supplemental material review committee, the school shall allow access to the challenged material to any student whose parent gives consent for the student to access the challenged material.

[Utah Code § 53G-10-103\(4\)\(c\)\(i\), \(ii\) \(2024\)](#)

In conducting a requested review, the primary purpose of the supplemental material review committee shall be to determine whether the item constitutes subjective sensitive material and shall prioritize protecting children from the harmful effects of illicit pornography over other considerations. 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).

[Utah Code § 53G-10-103\(2\)\(c\) \(2024\)](#)
[Utah Admin. Rules R277-628-3\(1\)\(a\)\(iii\) \(August 7, 2024\)](#)

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 constitutes subjective sensitive material, the committee shall determine whether the material meets any of the three tests for subjective sensitive material set out in the definition in Policy EEE.

If the committee determines that the item constitutes subjective sensitive material, then the item shall be designated as no longer approved for use and removed from use. If an item is determined to be sensitive material and removed from use, all copies of the material shall be physically removed and as applicable deleted from electronic storage. The District shall inform vendors and publishers regarding the decision. Sensitive materials removed from student access may not be sold or distributed but shall be legally disposed of.

[Utah Code § 53G-10-103\(4\)\(c\)\(iii\) \(2024\)](#)
[Utah Admin. Rules R277-628-3\(1\)\(a\)\(vii\) \(August 7, 2024\)](#)

If the committee determines that the item does not constitute subjective sensitive material, then the committee may, but is not required to, proceed to other considerations as set out in the following paragraphs.

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](#). The report shall be made within 30 days of the determination unless an appeal of the determination is in process.

[Utah Code § 53G-10-103\(4\)\(d\) \(2024\)](#)
[Utah Admin. Rules R277-628-4\(3\) \(August 7, 2024\)](#)

Any individual who is eligible to request a review for sensitive material may appeal a determination to the Board of Education. An appeal can be made regarding an objective sensitive material determination or a subjective sensitive material and can be made whether the decision was to remove or retain the material. The appeal

shall be in writing, shall be submitted to the Board of Education within 30 days of the determination, and shall explain why the individual believes the determination was incorrect. In considering the appeal, the Board of Education may make use of whatever information it finds appropriate, including the committee report. The Board of Education's decision on the appeal shall be made by vote in public meeting. In making the decision, the Board of Education shall clearly identify the rationale for its decision and the determination on each component of the standards used in deciding the appeal (including the statutory standards and any additional policy standards the Board of Education may use). The District shall report the results of the appeal to the Utah State Board of Education using the website identified above promptly following conclusion of the appeal.

[Utah Code § 53G-10-103\(5\) \(2024\)](#)

[Utah Admin. Rules R277-628-4\(3\) \(August 7, 2024\)](#)

Compensation for additional employee time—

If a District employee participating in sensitive materials review is required to do so outside of contract hours, the District shall compensate the employee for the additional time spent participating in the review.

[Utah Admin. Rules R277-628-3\(1\)\(e\) \(August 7, 2024\)](#)

Request for Review of Supplemental Material

1. Requester: _____ School: _____
Address: _____ City: _____ Zip: _____
Email: _____ Phone: _____
2. Qualifying personal interest category or categories: _____
3. Classroom using material: _____
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. Sensitive material can be found at the following location or locations (page, chapter, link, timestamp, etc.)

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

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 _____