POLICY 4016

Evaluation and Selection of Instructional Material

A. Definitions

1. The following definitions apply in this policy:

   a. "Learning material" means any learning material or resource used to deliver or support a student's learning, including textbooks, reading materials, videos, digital materials, websites, and other online applications.

      Utah Code § 53G-4-402(27)(a)(i) (2026)

   b. "Instructional material" means learning material which is approved by the Board of Education for use in District schools. It does not include learning material used in a concurrent enrollment, advanced placement, or international baccalaureate program or class or another class with required instructional material that is not subject to selection by the Board of Education.

      Utah Code § 53G-4-402(27)(a)(ii) (2026)
      Utah Code § 53G-10-103(1)(a) (2025)

   c. "Supplemental material" means learning material that an educator selects for classroom use which the Board of Education has not considered and adopted, approved, or prohibited for classroom use.

      Utah Code § 53G-4-402(27)(a)(iii) (2026)

   d. "School setting" means on school property (including but not limited to classrooms or a school library) or (regardless of location) an activity sponsored by the District or a school but which is conducted by an organization which is not part of the District. Such activities can include but are not limited to an assembly, a guest lecture, a live presentation, or another event.

      Utah Code § 53G-10-103(1)(f) (2026)

e. "Sensitive material" means instructional material that constitutes objective sensitive material or subjective sensitive material but does not include instructional material:

1) which is within the scope of and adopted by the Board of Education under Policy 4088 Special Programs: Student Internships; or

2) for a concurrent enrollment course which would be objective sensitive material or subjective sensitive material but where a parent receives notice from the course provider of the material before enrollment of the parent's child and the parent gives consent by enrolling the child; or

3) for medical courses; or

4) for family and consumer science courses; or

5) for another course exempted by Utah State Board of Education Rule.

Utah Code § 53G-10-103(1)(h)(ii) (2025)

f. "Objective sensitive material" means instructional material which includes any description or depiction of:

1) Human genitals in a state of sexual stimulation or arousal; or

2) Acts of human masturbation, sexual intercourse, or sodomy; ~~or~~

3) Fondling or other erotic touching of human genitals or pubic region; or

4) Obscene animal abuse material.

Utah Code § 53G-10-103(1)(e) (2025)
Utah Code § 76-5c-207(1)(a)(i)(A), (B), (C), (5) (2025)
Utah Code § 76-5c-208(1)(a)(iii) (2026)

g. "Subjective sensitive material" means instructional material that meets any of the following:

1) Any description or representation, in whatsoever form, of nudity, sexual conduct, sexual excitement, or sadomasochistic abuse which, taken as a whole, appeals to the prurient interest in sex of minors, is patently offensive to the prevailing standards in the adult community as a whole

with respect to what is suitable material for minors, and taken as a whole does not have serious value for minors (which includes only serious literary, artistic, political, or scientific value for minors);

2) A material or performance which the average person, applying contemporary community standards, finds that, taken as a whole, appeals to prurient interest in sex, is patently offensive in the description of nudity, sexual conduct, sexual excitement, sadomasochistic abuse, or excretion, and does not have serious literary, artistic, political, or scientific value; or

3) fondling or other erotic touching of the human buttock or female breast, where the material as a whole does not have serious value for minors.

Utah Code § 53G-10-103(1)(h)(iii) (2025)
Utah Code § 76-5c-207(1)(a) (2025)
Utah Code § 76-5c-208(1)(a) (2026)
Utah Code § 76-5c-101(7), (14) (2026)
Utah Code § 76-5c-207(1)(a)(i)(D) (2025)

h. "Nudity" means the showing of the human male or female genitals, pubic area, or buttocks, with less than an opaque covering, or the showing of the female breast with less than an opaque covering, or any portion of the female breast below the top of the areola; or the depiction of covered male genitals in a discernibly turgid state.

Utah Code § 76-5c-101(12) (2065)

i. "Sexual conduct" means acts of masturbation, sexual intercourse, or any touching of an individual's clothed or unclothed genitals, pubic area, buttocks, or, if the individual is a female, breast, whether alone or between members of the same or opposite sex or between humans and animals in an act of apparent or actual sexual stimulation or gratification.

Utah Code § 76-5c-101(17) (2026)

j. "Sexual excitement" means a condition of the human male or female genitals when in a state of sexual stimulation or arousal, or the sensual experiences of humans engaging in or witnessing sexual conduct or activity.

Utah Code § 76-5c-101(18) (2026)

k. "Sadomasochistic abuse" means flagellation or torture by or upon a person who is nude or clad in undergarments, a mask, or in a revealing or bizarre costume or the condition of being fettered, bound, or otherwise physically restrained on the part of an individual clothed in this way.

Utah Code § 76-5c-101(6) (2026)

l. "Appeals to the prurient interest" means erotic in some significant way to the average person and having the capacity to provoke sexual responses over and beyond those that would be characterized as normal.

m. "Age appropriate" means generally suitable for students of the same age or level of social, emotional, and cognitive development when taking into consideration the ages of all minors who could be exposed to the material.

n. "Instructional material review committee" means a committee formed at the District or school level, as determined by the Superintendent, appointed as needed and consisting of an administrator or administrators, educators, and at least two parents. An administrator member of the committee shall serve as the committee chair. Parents appointed to an instructional material review committee shall be reflective of the members of the relevant school community and shall have a student who attends a District school. The instructional material review committee may not include an individual responsible for the procurement of the material being reviewed and may not include an individual who requested the review.

Utah Code § 53G-10-103(4)(c)(i) (2025)
Utah Admin. Rules R277-468-3(1), (2) (November 7, 2024)
Utah Admin. Rules R277-628-3(1)(a)(vi), (c) (August 7, 2024)

B. Adoption of Instructional Material

1. Except for adoption of instructional material within the scope of Policy 4105 Sex Education, the following process shall be followed in adopting instructional material for use in the District or a particular school in the District. The Superintendent or Superintendent's designee shall determine what learning material to recommend to the Board of Education for approval for use, taking into consideration recommendations and requests from District and school administrators and educators and after considering input and recommendations from an instructional material review committee. Depending on where the learning material being considered will be used, the instructional material review committee may be formed for the District as a whole, or for all the schools at a

particular level of instruction (elementary, middle school or junior high, or high school), or for a specific school.

2. After receiving recommendations from the Superintendent, the Board shall adopt or approve instructional material in an open and regular meeting of the Board. Before adopting or approving the material, the Board shall hold at least two public meetings on the Superintendent's recommendations at which parents of District students and District educators have the opportunity to express views and opinions on the recommendations. Prior to these meetings, the District shall post the recommended material online to allow public review or (for copyrighted materials) shall make the recommended material available at a District location for public review.

3. Subject to the foregoing hearing process, learning material which has been designated by the State Board of Education as within any of that Board's "Recommended" categories may be approved for use in the District. Learning material which has been designated by the State Board of Education as "Reviewed, but not recommended" may not be approved for use in the District.

    a. In determining whether to recommend learning material for adoption, the instructional material review committee and the Superintendent may consider whether the learning material:

    b. is consistent with the Utah core requirements;

    c. is mapped and aligned to the Utah core and state assessments (if planned for use as primary instructional materials);

    d. is high-quality, research-based, and proven to be effective in supporting student learning;

    e. provides an objective and balanced viewpoint on issues;

    f. includes enrichment and extension possibilities;

    g. is appropriate to varying levels of learning;

    h. is accurate and factual;

    i. is arranged chronologically or systematically, or both;

j. is not prohibited discriminatory practice as described in Utah Code § 53H-1-504;

k. is consistent with the principles of individual freedom as defined in Utah Code § 53G-10-206; and

l. is of acceptable technical quality.

Utah Code § 53E-4-403(4) (2024)
Utah Code § 53G-4-402(27)(a), (c) (2026)
Utah Admin. Rules R277-468-3(1) (November 7, 2022)
Utah Admin. Rules R277-469-3(2) (December 8, 2025)
Utah Admin. Rules R277-469-6(1) (December 8, 2025)
Utah Admin. Rules R277-469-7(1) (December 8, 2025)

m. Learning material cannot be approved for use in the District or used in District schools if the material contains sensitive material as defined in this policy.

Utah Code § 53G-10-103(2)(a) (2025)
Utah Admin. Rules R277-468-2(1) (November 7, 2022)
Utah Admin. Rules R277-469-3(2)(c) (December 8, 2025)
Utah Admin. Rules R277-628-3(1)(a)(i) (August 7, 2024)

n. Before purchasing learning material, the District shall require the proposed vendor to provide a detailed core curriculum alignment relating to the material. Contracts with publishers for purchase of learning material shall include National Instructional Materials Accessibility Standard contract language and shall require that the publisher provide material consistent with Utah Code and administrative rules.

Utah Admin. Rules R277-469-3(4) (December 8, 2025)

C. Contract Requirements for Online or Digital Learning Material

1. If the District contracts with another party to provide online or digital learning material, the contract shall require the provider to give notice to the District anytime the provider makes a material change to the content of the material (excluding regular informational updates on current events).

Utah Code § 53G-4-402(27)(e) (2026)

D. Supplemental Material

1. Supplemental material shall be selected by educators as provided by Policy 4018 Evaluation and Selection of Supplemental Material.

   Utah Code § 53G-4-402(27)(d) (2026)

E. Review of instructional material for sensitive material

   1. Requests for review of instructional material for sensitive material are limited as follows:

      a. Personal interest requirement. The following may request review of instructional material:

         1) A student currently enrolled in and attending a District school;

         2) A parent or guardian of a student currently enrolled in and attending a District school;

         3) A District employee; or

         4) A member of the Board of Education

            Utah Code § 53G-10-103(3)(a) (2025)

      b. Limits on request after unsuccessful challenges

         1) An “unsuccessful challenge” means that an instructional material is determined not to be sensitive material and is retained after an allegation that it contains sensitive material.

         2) 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)(b) (2026)

   2. An individual who desires review of instructional material for sensitive material must complete the Request for Review of Instructional Material form and provide it to the Superintendent or Superintendent’s designee. The Superintendent or designee shall make an initial determination whether the form has been fully completed and the person is eligible request a review. If so, the Superintendent

or designee shall establish a District instructional material review committee to conduct the review.

3. Upon receipt of a request for sensitive materials review from an eligible individual, the Superintendent 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 instructional 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 instructional material constitutes sensitive material, the District shall proceed with review of the material and shall immediately remove the instructional 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) (2025)
   Utah Admin. Rules R277-628-3(1)(a)(v), (vi) (August 7, 2024)

4. The Superintendent or designee shall assign one or more administrators to evaluate the request and the challenged material and determine if the challenged material constitutes objective sensitive material. If the challenged material is determined to be objective sensitive material, then the District shall ensure that the material remains inaccessible to students in any school setting.

   Utah Code § 53G-10-103(4)(b) (2025)
   Utah Admin. Rules R277-628-3(1)(a)(v), (vi) (August 7, 2024)

5. If the material is determined to not be objective sensitive material, the Superintendent or designee shall establish a District instructional material review committee to review the material to determine whether it constitutes subjective sensitive material. During review by the instructional material review committee, the District 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) (2025)

6. In conducting a requested review, the primary purpose of the District instructional 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 instructional material is age-appropriate and whether the prior approval 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) (2025)
Utah Admin. Rules R277-628-3(1)(a)(iii) (August 7, 2024)

7. After the chair of the District instructional 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.

8. 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 above.

9. If the committee determines that the item constitutes subjective sensitive material, then the item shall be designated as no longer approved for use in the District and removed from student access in the school setting (regardless of whether the student's parent has consented to the student having access to the material). 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) (2025)
   Utah Admin. Rules R277-628-3(1)(a)(vii) (August 7, 2024)

10. 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.

11. 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 above in light of the prevailing standards in the adult community with regard to what is appropriate for children of that age.

12. The committee may also elect to reconsider the prior District approval of the item. In doing so, the committee shall consider the factors set forth above for initial approval of instructional material.

13. 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.

14. After the committee issues its report, the Superintendent or designee 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)(b)(iii) (2025)
    Utah Admin. Rules R277-628-4(3) (August 7, 2024)

15. 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) (2025)
    Utah Admin. Rules R277-628-4(3) (August 7, 2024)

F. Compensation for additional employee time

1. 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 Instructional Material

1. Requester: _____ School: _____
   Address: _____ City: _____ Zip: _____
   Email: _____ Phone: _____

2. Brief statement explaining the request: _____
   _____
   _____
   _____

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

4. Title: _____

5. Author or Producer: _____

6. Sensitive material can be found at the following location or locations (page, chapter, link, timestamp, etc.) _____

7. Other reasons (age appropriateness, other) that the item should be removed from use or restricted in 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_____