Davis School District Policy and Procedures

Subject: 4I-204 Sensitive Instructional Materials
Index: Instructional Programs
Draft: ~~January 21, 2025~~October 27, 2026

1. PURPOSE AND PHILOSOPHY

In evaluating, selecting, or considering instructional material, the Board of Education for the Davis School District (Board) shall prioritize protecting children from the harmful effects of illicit pornography over other considerations in evaluating instructional materials. This policy is adopted to establish a clear process for review, identification and removal of any sensitive instructional material as defined in Utah Code Ann. §53G-10-103.

2. POLICY

The District and its schools may not adopt, use, distribute, provide a student access to, or maintain in the school setting, sensitive instructional materials; or permit a speaker or presenter in the school setting to display or distribute sensitive materials as defined in Utah Code Ann. §53G-10-103.

3. SENSITIVE MATERIALS REVIEW PROCESS

If a parent, student, employee, or Board member feels that a specific instructional material, as defined in this policy, contains sensitive material, they may request that the material be considered for removal.

3.1 Responsibilities

3.1.1. The District Teaching and Learning Director or designee will oversee the processing of all Sensitive Materials Review Requests.

3.1.2. The ~~District~~ Teaching and Learning Director shall establish an Objective Sensitive Materials Review Committee (Objective Committee), and one or more Subjective Sensitive Materials Review Committees (Subjective Committees).

~~3.1.3. Each Objective Committee includes:~~
- ~~[a] a facilitator appointed by the Superintendent who oversees and supports the committee's process and serves as a non-voting member of the committee;~~
- ~~[b] a District administrator appointed by the Superintendent;~~
- ~~[c] a licensed teacher who is teaching English Language Arts or other relevant subject in a District school;~~
- ~~[d] a librarian who works in a District school; and~~
- ~~[e] four parents with students enrolled in a District school.~~

~~3.1.4.~~3.1.3. Each Objective Committee and each Subjective Committee includes:
- [a] a facilitator who oversees and supports the committee's process and serves as a non-voting member of the committee;
- [b] at least one educator or administrator working in a District department or school;
- [c] a licensed teacher who is teaching ~~English Language Arts or other relevant subject~~ in a District school;
- [d] a librarian who works in a District school; and

[e] four parents with students enrolled in a District school.

~~3.1.5.~~3.1.4. ~~Except as noted in 3.1.3 [a] and [b], e~~Employee members of committees will be selected by the ~~District~~ Teaching and Learning Director.

~~3.1.6. Each school community council will select a parent to be included in the Appointed Parent Pool each year.~~

~~[a] Two parent members on the Objective Committee and two parent members on each Subjective Committee will be randomly selected from the Appointed Parent Pool.~~

~~[b] The Teaching and Learning Director will provide procedural guidance to community councils as they select a parent who represents the school community for inclusion in the Appointed Parent Pool.~~

~~[c] If there are insufficient applications to complete the random selection process, remaining parent positions will be selected from the Lottery Parent Pool.~~

3.1.5. Parent members of committees will be randomly selected through a lottery process overseen by the Teaching and Learning Director.

~~3.1.7. Parents of students in the District may submit a form each year requesting inclusion in the Lottery Parent Pool.~~

~~[a] Two parent members on the Objective Committee and two parent members on each Subjective Committee will be randomly selected from the Lottery Parent Pool.~~

~~[b] If there are insufficient applications to complete the random selection process, remaining parent positions will be selected from the Appointed Parent Pool.~~

~~3.1.8.~~3.1.6. Objective Committees will meet monthly throughout the school year when review requests are pending completion. As determined by the Teaching and Learning Director, Objective Committees may continue their service for more than one school year, or they may be disbanded at the end of a school year.

~~3.1.9.~~3.1.7. The Teaching and Learning Director will determine the number of active Subjective Committees needed. As determined by the Teaching and Learning Director, Subjective Committees may convene and disband throughout the year to expedite the requested reviews. Subjective Committees may continue their service for more than one review during a school year, or they may be disbanded at the conclusion of a review. Subjective Committees are disbanded at the end of a school year.

3.2. Requests for Review

3.2.1. "Standing" means a requester's right to request a sensitive materials review for instructional materials and is limited to the following:

[a] Students currently enrolled and attending a school in the District.
[b] Parents and guardians of students who are currently enrolled and attending a school in the District.
[c] District employees.
[d] School Board members.

3.2.2. A person with standing may submit a Sensitive Materials Review Request for a specific instructional material.

[a] The request must be submitted using the District's Sensitive Materials Review Request Form.

~~[a]~~[b] If the facilitator determines that the submitted form contains incomplete information, the facilitator will return it to the submitter as invalid.

~~[b] Information provided on the form must reflect the person's own words and perspectives. If a form is submitted with external links or incomplete information, the facilitator will return it as invalid until corrected and resubmitted.~~

3.2.3. If a specific instructional material is the subject of multiple Sensitive Materials Review Requests prior to the completion of the initial review process, the facilitator will share information from all requests with the Objective or Subjective Committee for consideration.

3.2.4. Notwithstanding section 3.2.1, after an individual makes three unsuccessful Sensitive Materials Review Requests or appeals during a given school year, the individual may not trigger a sensitive material review or appeal under this policy during the remainder of the given school year.

[a] If the individual had submitted requests or appeals which, at the time of the person's third unsuccessful request or appeal, have not been presented to the respective committee (Objective, Subjective, or Appeals),, those requests or appeals will not be considered.

[b] If the individual had submitted requests or appeals which, at the time of the person's third unsuccessful request or appeal, have been presented to the respective committee, those requests or appeals will continue through the review process.

~~3.2.4.~~ To facilitate 3.2.4[a] and 3.2.4[b], if an individual submits multiple requests or appeals, they will be presented to the respective committee in the order they were submitted. Any reviews which were suspended from a prior year will be considered as a submission for the current year and processed in the order they were submitted.

3.3. ~~**Timeline and Decisions**~~

3.3.1. Objective Committees will make a determination for a reviewed instructional material as follows:

[a] Removed: the determination to prohibit access in a school setting to the reviewed instructional material for all students.

[b] Under Further Review: the determination to allow access in a school setting for students with written parent permission while the instructional material is reviewed in its entirety by a Subjective Committee.

3.3.2. Subjective Committees will make a determination for a reviewed instructional material as follows:

[a] Retained: the determination to maintain access in a school setting to the reviewed instructional material for all students.

[b] Removed: the determination to prohibit access in a school setting to the reviewed instructional material for all students.

3.3.3. Since instructional materials differ widely, the time required to complete the review process will differ depending on the material under review.

[a] Objective Committee reviews will ideally be completed within 30 school

days of the review request, but may take longer depending on the volume of pending reviews. ~~If this timeframe is not possible, the facilitator will communicate the adjusted timeline to the person submitting the request.~~

[b] Subjective Committee reviews require additional time. For these reviews, the committee's facilitator will establish a reasonable ~~n~~ estimated timeline to allow for completion of the review.

~~[b]~~[c] The person who submitted a request may contact the Teaching and Learning Director to request an estimated timeline for completion of the review process. ~~and communicate the timeline to the person who submitted the request~~.

~~[c]~~[d] If a review cannot be completed prior to the end of a school year, the review process may be suspended at the end of the school year and resume when the following school year begins.

3.3.4. Objective and Subjective Committee members will vote anonymously, and the committee's decision will be determined by majority vote.

3.3.5. Objective and Subjective Committee members will be asked to offer an anonymous statement of rationale for their vote.

3.3.6. Determinations to remove sensitive material will stand indefinitely or until changes in Utah code or this policy require reconsideration. Determinations to retain a material will stand for the three full school years following the decision; during which time the material may not be reviewed again. As an exception, the Board may initiate reconsideration of any previous determination by board action in an open and public meeting.

3.3.7. The Teaching and Learning Director or designee will communicate committee decisions and rationale to the requestor and all appropriate school personnel ~~within 10 school days of the~~as soon as possible following the decision.

3.3.8. The Teaching and Learning Director or designee will maintain an online list of all instructional materials that are reviewed and the associated determination with anonymous votes and rationale statements ~~of rationale~~ from committee members ~~within 10 school days of the~~as soon as possible following the decision.

3.3.9. The Teaching and Learning Director will establish procedures to facilitate the prompt resale, recycling, or disposal of instructional materials which are identified for removal.

3.4. **Review Process and Considerations**

3.4.1. The Teaching and Learning Director or designee will acknowledge receipt of each review request to the requestor ~~within 10 school days of~~ as soon as possible following submission.

3.4.2. The Teaching and Learning Director or designee will maintain an online list of instructional materials under review which includes an invitation for patrons to submit written comment during the first 10 school days of the review process. Public comment will be accepted from any community member who lives within the geographic boundary of the District or any District employee.

3.4.3. At each meeting, the Objective Committee will consider new requests for which the comment period has ended. If the number of requests exceeds the number

which can be reviewed during the meeting, the facilitator may determine to address some requests in the following meeting of the Objective Committee.

3.4.4 The Objective Committee conducts reviews for all requests to determine whether instructional materials under review contain objective sensitive material as defined by Utah Code Ann. §53G-10-103(1)(e), under the standards described in §76-5c-207(1)(A), (B), or (C). ~~§76-10-1227(1)(a)(i), (ii), or (iii).~~

[a] If, after a review by the Objective Committee, a challenged material is determined to contain objective sensitive material ~~as defined by Utah Code Ann. §76-10-1227(1)(a)(i), (ii), or (iii)~~, the material will be removed immediately from all schools in the District.

[b] If a material is determined to not contain objective sensitive ~~material as defined by Utah Code Ann. §76-10-1227(1)(a)(i), (ii), or (iii)~~, the material will be advanced for further review by a Subjective Committee.

3.4.5 Subjective Committees will convene as soon as possible after an instructional material is advanced for further review by the Objective Committee. The facilitator will schedule meetings as needed for the Subjective Committee to review the material in its entirety, discuss the request, and make a determination.

3.4.6 Subjective Committees will determine whether the instructional material constitutes subjective sensitive material as defined by Utah Code Ann. §53G-10-103 and this policy.

3.4.7 In deciding whether a reviewed instructional material contains subjective sensitive material, the Subjective Committee shall consider all definitions of subjective sensitive material defined in Utah Code Ann. §53G-10-103 which were not already considered by the Objective Committee. The Subjective Committee shall include consideration of any serious literary, artistic, political, or scientific value of the material as a whole for minors.

3.4.8 In determining whether an instructional material has serious literary, artistic, political, or scientific value for minors, the Subjective Committee shall use their own experience and background and an assessment of community standards as they consider:

~~[c]~~[a] the work as a whole; and
~~[d]~~[b] timeliness and/or permanence of the work in the community; and
~~[e]~~[c] readability and accessibility for intended audience; and
~~[f]~~[d] artistic or literary quality and style; and
~~[g]~~[e] reliable reviews of the material from objective sources; and
~~[h]~~[f] serious value does not mean any value.

3.4.9 If, after a review by the Subjective Committee, an instructional material is determined to contain subjective sensitive material ~~consistent with Utah Code Ann. §53G-10-103~~, the material will be removed immediately from all schools in the District.

~~[i]~~

3.4.10 The Teaching and Learning Director will assure that Objective and Subjective Committee members receive the following:

[a] training on the requirements identified in this policy; and
[b] all materials necessary to complete the review process including the

complete work under review, the Sensitive Materials Review Request Form, and text of all comments provided during the comment period.

~~will receive training from the Teaching and Learning Director, District Legal Counsel, and the Assistant Superintendent over Teaching and Learning on the requirements identified in this policy. Materials for this training will be published on the Teaching and Learning website.~~

3.4.11 ~~Objective and Subjective Committee members will receive the following materials as needed to complete the review process:~~

~~[j] the complete work which is being reviewed;~~

~~[k] a copy of the submitted Sensitive Materials Review Request Form;~~

~~[l] a copy of this policy;~~

~~[m] relevant information about the title compiled by the facilitator; and~~

~~[n] text of all comments provided during the comment period.~~

3.4.12 ~~The facilitator of Objective and Subjective Committees will ensure that committee members' anonymous votes and statements of rationale are retained and submitted to the Teaching and Learning Director or designee along with a statement of the committee's final determination.~~

~~3.5.~~1.2. **Status of Materials While Under Review**

~~3.5.1.~~1.2.1. When a request is received, two district administrators appointed by the Superintendent and one board member appointed by the Board President will preview the request to determine if it presents a plausible claim that the instructional material constitutes sensitive material. If they determine that the request presents a plausible claim, student access to the material will be removed until completion of the review process.

~~3.5.2.~~1.2.2. If a committee's decision is appealed, the status resulting from the committee's decision will continue until the appeal process is completed.

~~3.6.~~1.3. **Privacy of Individuals**

~~3.6.1.~~1.3.1. The identity of a person submitting a request for review or appeal will not be disclosed publicly or to members of the Objective or Subjective Committees.

~~3.6.2.~~ The identity of Objective and Subjective Committee members will not be disclosed publicly or to the person who requested the review. The Committee member's role, vote, and statements of rationale will be retained, but their identity will not be noted in the documentation of the committee's work. ~~Committee facilitators will receive instruction on their responsibilities related to documentation of the committee's work and open records laws.~~

1.3.2. **4. APPEAL PROCESS**

4.1 ~~The original requestor or another~~An individual with standing may appeal the

determination of an Objective or Subjective Committee, using the District's Sensitive Material Appeal Request Form according to the following guidelines:

4.1.1 An appeal may be submitted regardless of whether the instructional material was removed or retained by the committee.

4.1.2 An appeal may not be submitted by a member of the Objective or Subjective Committee that reviewed the material

4.1.4 An appeal must be submitted within 30 school days of the date when the committee's original determination was posted to the website.

4.1.5 An appeal request must state how the ~~rationale or~~ outcome of the review process violates policy or clearly articulate why a further review of the material in question is justified. ~~If an appeal request is submitted with external links or incomplete information, the facilitator may return it as invalid until corrected and resubmitted.~~

4.1.6 If the facilitator determines that the submitted form contains incomplete information, the facilitator will return it to the submitter as invalid.

4.2 If no appeal is submitted in accordance with 4.1, the determination is final for the reviewed instructional material.

4.3 In accordance with Board Policy *1B-015 Election and Duties of Board President and Vice-President*, the Board President will appoint an Appeals Committee consisting of three Board members.

4.4 The Assistant Superintendent over Teaching and Learning will provide all materials needed for the appeals process. ~~including the following:~~

~~[a] a copy of the material;~~

~~[b] a copy of the original Sensitive Materials Review Request Form;~~

~~[c] a statement of Objective Subjective Committee determinations;~~

~~[d] Objective and Subjective Committee member votes and statements of rationale; and~~

~~[e] text of all comments provided during the comment period.~~

4.5 ~~In consultation with the~~The Assistant Superintendent over Teaching and Learning will assure that the appeals process is completed within a reasonable time. The person who submitted the appeal may contact the Assistant Superintendent for Teaching and Learning to request an estimated timeline for completion of the appeal process. ~~, the Appeals Committee will determine the timeline for completion of the appeal process. Ideally, the timeline will allow for completion of the appeal process within 60 school days of the conclusion of the appeal window. If a 60-day timeline will not be possible, the Assistant Superintendent will communicate the adjusted timeline to the person submitting the request.~~

4.6 The status of an instructional material will remain consistent during the appeal process.

4.7 The Appeals Committee will make a recommendation for an appealed material as follows:

4.7.1 Retained: the determination to maintain access in a school setting to the reviewed instructional material for all students.

4.7.2 Removed: the determination to prohibit access in a school setting to the reviewed instructional material for all students.

4.8 The recommendation of the Appeals Committee will be determined by majority vote.

4.9 The Appeals Committee will present their recommendation and rationale to the full Board for approval as a business item during a public Board meeting where the final ~~decision on the appeal and rationale for the decision~~ will be determined by majority vote of the Board.

4.10 The Director of Teaching and Learning or designee will inform the requestor and appropriate school personnel of the results of the appeal ~~within 15 school days of the~~as soon as possible following the decision.

5. STATEWIDE REMOVAL OF INSTRUCTIONAL MATERIALS

5.1 Notwithstanding determinations made based on this policy, any instructional material identified for statewide removal according to Utah Code Ann. §53G-10-103(7) will be removed from student access in all schools. Such removal will be implemented as soon as reasonably possible after communication from Utah State Board of Education (USBE) is received.

5.2 If the USBE overturns the statewide removal of an instructional material, and the material has not been determined to contain sensitive materials according to this policy, district policies and processes governing acquisition and use of instructional materials will determine student access to the material. (*See 4I-200* Instructional Materials Management and *4I-202 School Library Media Centers*)

6. COMMUNICATION AND TRAINING

6.1 Communication

6.1.1 The District Teaching and Learning Director will maintain a website which contains the following information:

[a] The District's Sensitive Materials Review Request Form;

[b] The District's Sensitive Materials Appeal Request Form;

[c] This policy and any related state laws or policies;~~Information on how to request membership on an Objective or Subjective Committee;~~

~~[d] This policy and related procedure documents;~~

~~[e] A list of ongoing appeals;~~

[~~f~~d] The final determination for all completed reviews including whether the material was retained or removed, and whether any removed material was determined to have objective or subjective sensitive material.

[e] A list of all completed objective reviews, subjective reviews, or appeals with the following information (if applicable):~~ and appeals with~~

(i) determination;

(ii) date of determination;

(iii) rationale statement;

(iv) committee vote tallies; and

(v) anonymous comments from committee members.~~the date, decision, vote tallies, rationale statement for the decision, and anonymous comments from committee members;~~

[~~g~~e] ~~A list of any instructional material removed indicating whether the material was determined to have objective or subjective sensitive material.~~

6.1.2 The Director of Teaching and Learning or designee will assure compliance with all Utah State Board of Education reporting requirements regarding sensitive

materials.

6.2 Training

The District Teaching and Learning Department shall ensure that all employees with responsibility for selecting instructional materials receive training on this policy and its supporting procedures.

DEFINITIONS

"Instructional material" means a material, regardless of format, used: 1) as or in place of textbooks to deliver curriculum within the state curriculum framework for courses of study by students; or 2) to support a student's learning in any school setting. "Instruction materials" includes reading materials, handouts, videos, digital materials, websites, online applications, and live presentations. "Instructional material" does not mean exclusively library materials.

"Objective sensitive material" means an instruction material that constitutes pornographic or indecent material, as that term is defined in Utah Code Ann. §76-10-1235, under the non-discretionary standards described in Utah Code Ann. §76-10-1227(1)(a)(i), (ii), or (iii).

"Sensitive material" means an instructional material that constitutes objective sensitive material or subjective sensitive material. "Sensitive material" does not include an instructional material that an LEA selects under Utah Code Ann. §53G-10-402; for 1) a concurrent enrollment course that contains sensitive material and for which a parent receives notice from the course provider of the material before enrollment of the parent's child and gives the parent's consent by enrolling the parent's child; 2) medical courses; 3) family and consumer science courses; or 4) another course the state board exempts in state board rule.

"Subjective sensitive material" means an instructional material that constitutes pornographic or indecent material, as that term is defines in Utah Code Ann. §76-10-1235, under the following factor-balancing standards: 1) material that is harmful to minors under Utah Code Ann. §76-10-1201; 2) material that is pornographic under Utah Code Ann. §76-10-1203; or 3) material that includes certain fondling or other erotic touching under Utah Code Ann. §76-10-1227(1)(a)(iv).

"Unsuccessful challenge" means an allegation that a given instructional material constitutes sensitive material that the LEA concludes to be erroneous, either on direct review or on appeal to the LEA governing board, resulting in the retention of the given instructional material.

RELATED POLICIES AND GUIDANCE DOCUMENTS

11IR-107 Recognizing Constitutional Freedoms in Public Schools
Attorney General's Memo June 1, 2022

Sensitive Materials Website

Sensitive Materials Review | Davis District

REFERENCES

Utah Code Section §53G-10-103 - Sensitive Instructional Materials
Utah Code R277-700 - The Elementary and Secondary School General Core

DOCUMENT HISTORY
Adopted: May 7, 2019
Revised: January 21 2025: Moved sensitive material review section in policy 4I-202 School Library Media Centers into a new stand-alone policy. Implement clarifications needed after passage of HB29.
Revised: November 17, 2026: Updated policy to align with practice.