

## POLICY 4019

### Evaluation of Other Learning Material

#### A. Definitions

1. In addition to the definitions in [Policy 4016 Evaluation and Selection of Instruction Material](#), the following definitions apply in this policy:

- a. "Other learning material" means **learning instructional** material made available to students in a school setting but which is not **approved by the Board of Education under Policy 4016 instructional material**, supplemental material, or library material as defined under Policies [4016](#), [4017 Evaluation and Selection of Library Material](#), and [4018 Evaluation and Selection of Supplemental Material](#).

- b. "School other learning 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. An administrator member of the committee shall serve as the committee chair. Parents appointed to another learning material review committee shall be reflective of the members of the relevant school community. The school other learning material review committee considering a particular request may not include either an individual **who originally selected responsible for procurement of** the material or the 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\(1\)\(a\)\(vi\), \(c\) \(August 7, 2024\)](#)

- ~~c. "District other learning material review committee" means a committee formed at the District level, appointed as needed and consisting of a District administrator or administrators, educators from at least two other schools of the same level (high school, middle or junior high, or elementary) as the school where the request arises, and at least three parents with students enrolled in and attending other District schools of the same level. An~~

~~administrator member of the committee shall serve as the committee chair. Parents appointed to a District other learning material review committee shall be reflective of the members of the District community. The District other learning material review committee considering a particular request may not include a member of the school other learning material review committee who considered the original request, nor may it include either an individual who originally selected the material or the individual who has made the request or a family member of the individual making the request.~~

~~Utah Code § 53G-10-103(3) (2022)~~

## B. Parental Exemption from Objectionable Materials

1. Whether or not an item of other learning material ~~contains pornographic or indecent~~ 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 the item if the parent or guardian finds the material objectionable. In that case, the child shall be provided with an alternate selection without penalty.

## C. Review of Other Learning Material ~~for Sensitive Material in Response to Request~~

1. Requests for review of other learning material ~~for sensitive material~~ are limited as follows:
  - a. Personal interest requirement
    - 1) A student ~~currently enrolled in and attending a District school may request review of other learning material presented in a school where the student is currently enrolled and attending;~~
    - 2) A parent or guardian ~~of a student currently enrolled in and attending a District school may request review of other learning material presented in a school where a child of the parent or guardian is currently enrolled and attending.;~~
    - 3) A District employee ~~may request review of other learning material presented in a school where the employee has professional responsibilities.;~~

- 4) A member of the Board of Education ~~may request review of other learning material presented in a school within the local school board district the Board member represents.~~

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

2. ~~Limits on request after unsuccessful challenges review~~

- a. ~~An “unsuccessful challenge” means that an instructional material (including but not limited to other learning material) is determined not to be sensitive material and is retained after an allegation that it contains sensitive material. Any item which has been reviewed under this policy and retained may not be subject to another review for at least three years.~~
- 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\(3\)\(b\) \(2024\)](#)

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).~~
- b. ~~Before filing a request for review of an item of other learning 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.~~
4. ~~If after meeting with the administrator the~~ An individual who desires wishes to request review of the other learning material must ~~item, the individual shall~~

complete the Request for Review of Other Learning Material form and provide it to the principal of the school where the material is presented. 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 another learning material review committee to conduct the review~~ the individual is eligible to request review.

5. Upon receipt of a request for sensitive materials review from an eligible individual, the principal or designee ~~and another school employee selected by the principal~~ will make an initial determination as to whether the request presents a plausible claim that the other learning 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 other learning 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\(1\)\(a\)\(iv\) \(August 7, 2024\)](#)

6. The principal or designee shall ~~assign one or more administrators or educators designate two school 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 school 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\(1\)\(a\)\(v\), \(vi\) \(August 7, 2024\)](#)

7. If the material is determined to not be objective sensitive material, the principal or designee shall establish an other learning material review committee to review the material to determine whether it constitutes subjective sensitive material. During review by the other learning 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\(4\)\(c\)\(i\), \(ii\) \(2024\)](#)

8. In conducting a requested review, the primary purpose of the other learning material review committee shall be to determine whether the item ~~contains pornographic or indecent~~ 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. An item may not be removed because of disagreement with the item's content relating to politics, religion, nationalism, or other matters of opinion. 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\(1\)\(a\)\(iii\) \(August 7, 2024\)](#)

9. After the chair of the other learning 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.
10. In determining whether the item ~~contains pornographic or indecent~~ constitutes subjective sensitive 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 4016](#).
11. If the committee determines that the item ~~contains pornographic or indecent~~ 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\(1\)\(a\)\(vii\) \(August 7, 2024\)](#)

12. If the committee determines that the item does not ~~contain pornographic or indecent~~ constitute subjective sensitive material, then the committee may, but is not required to, proceed to other considerations as set out in the following paragraphs.
13. 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 4016](#) in light of the prevailing standards in the adult community with regard to what is appropriate for children of that age.
14. The committee may also elect to consider whether the use of the material should be discontinued in light of all appropriate factors.
15. 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.
16. ~~If the committee determines that the item contains pornographic or indecent material, then the item shall be removed from use permanently or pending the outcome of an appeal from the school other learning material review committee to a District other learning material review committee. If the committee determines that the item does not contain pornographic or indecent material, then the item shall be retained.~~

[Utah Code § 53G-10-103\(2\) \(2022\)](#)

17. ~~If no District review is requested as described below,~~ The chair of the school other learning 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\(3\) \(August 7, 2024\)](#)

#### ~~D. Review By District Other Learning Material Review Committee~~

- ~~1. An individual who obtained review of an item by a school other learning material review committee and who is dissatisfied with the school committee's determination or wishes to have a determination that the item contains pornographic or indecent material applied to all schools in the District may request review by a District other learning material review committee. The chair of a school other learning material review committee may also, upon a determination that it would be beneficial to have a District-wide determination about whether the item contains pornographic or indecent material, request review by a District other learning material review committee.~~
- ~~2. The individual seeking review by a District other learning material review committee shall complete the Request for District Review of Other Learning Material form and provide it to the superintendent or superintendent's designee. The form must be submitted within 30 days of the report from the school other learning material review committee. The superintendent or superintendent'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 superintendent or designee shall establish a District other learning material review committee to conduct the review.~~
- ~~3. The status of the item as determined by the school other learning material review committee (retained or removed) shall remain in place during review by the District other learning material review committee.~~
- ~~4. In conducting a requested review, the primary purpose of the District other learning material review committee shall be to determine whether the item contains pornographic or indecent material. However, where the item being reviewed is located in a school serving younger students (an elementary school or a middle school or junior high school) and the concern relates to nudity, the District other learning material review committee may consider whether the item constitutes pornographic or indecent material for older students (students in middle school or junior high or high school as applicable). 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).~~

- ~~5. After the chair of the District other learning 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.~~
- ~~6. 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 4016 (including as appropriate standards relating to nudity with respect to older students). The committee may consider the report of the school other learning material review committee but is not bound by that report and is to conduct an independent review and assessment of the item.~~
- ~~7. If the committee determines that the item contains pornographic or indecent material, then the committee shall either direct that the item be removed from all schools within the District or, if the committee determines that an item with nudity is not pornographic or indecent material with regard to older students, may limit the removal to elementary and/or middle or junior high schools, according to the committee's determination. 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)~~

- ~~8. 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.~~
- ~~9. The committee may also elect to consider whether the use of the material should be discontinued in light of all appropriate factors.~~

10. ~~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.~~
11. ~~After the District other learning material review 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\(4\)\(b\)\(iii\) \(2022\)](#)~~

12. ~~The determination of the District other learning material review committee is final and may not be further appealed. 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\(3\) \(August 7, 2024\)](#)~~

#### E. 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.

Policy 4019  
Adopted  
February 14, 2024  
First Reading  
November 13, 2024  
Second Reading  
December 11, 2024

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

**Request for Review of Other Learning Material**

Requester: \_\_\_\_\_ School: \_\_\_\_\_  
Address: \_\_\_\_\_ City: \_\_\_\_\_ Zip: \_\_\_\_\_  
Email: \_\_\_\_\_ Phone: \_\_\_\_\_

~~Qualifying personal interest category or categories: \_\_\_\_\_~~

Educator using material: \_\_\_\_\_

Brief statement explaining the request: \_\_\_\_\_  
\_\_\_\_\_

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

Title: \_\_\_\_\_

Author or Producer: \_\_\_\_\_

~~Are you a student?  Yes  No (If yes, do not finish reviewing the material)~~

~~Have you read or reviewed the entire material?  Yes  No (Not required of students)~~

The ~~pornographic or indecent sensitive~~ material can be found at the following location or locations (page, chapter, link, timestamp, etc.) \_\_\_\_\_

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

~~I understand that I must meet the personal interest requirement set out in Policy 4018 in order to obtain review. Initial: \_\_\_\_\_~~

~~I have met with the educator using the material as required by Policy 4018. Initial: \_\_\_\_\_~~

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

Policy 4019  
Adopted  
February 14, 2024  
First Reading  
November 13, 2024  
Second Reading  
December 11, 2024

Signed on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ at \_\_\_\_\_  
(Day) (Month) (Year) (City or other location and  
state/country)  
Printed Name \_\_\_\_\_  
Signature \_\_\_\_\_

**Request for District Review of Other Learning Material**

Requester: \_\_\_\_\_ School: \_\_\_\_\_  
Address: \_\_\_\_\_ City: \_\_\_\_\_ Zip: \_\_\_\_\_  
Email: \_\_\_\_\_ Phone: \_\_\_\_\_

Qualifying personal interest category or categories: \_\_\_\_\_

Purpose of review: \_\_\_ Challenge school review result \_\_\_ Extend school review  
result to all schools

Date of school other learning material review committee report: \_\_\_\_\_

Type of material: \_\_\_ Book (Print) \_\_\_ E-Book (Digital) \_\_\_ Audio Book \_\_\_ Movie \_\_\_  
Magazine

\_\_\_ Other Audio Recording \_\_\_ Digital Resource \_\_\_ Game \_\_\_ Newspaper \_\_\_ Other

Title: \_\_\_\_\_

Author or Producer: \_\_\_\_\_

Are you a student? \_\_\_ Yes \_\_\_ No (If yes, do not finish reviewing the material)

Have you read or reviewed the entire material? \_\_\_ Yes \_\_\_ No (Not required of  
students)

The pornographic or indecent material can be found at the following location or  
locations (page, chapter, link, timestamp, etc.) \_\_\_\_\_

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

I understand that I must meet the personal interest requirement set out in Policy 4018 in  
order to obtain review. Initial: \_\_\_\_\_

Policy 4019  
Adopted  
February 14, 2024  
First Reading  
November 13, 2024  
Second Reading  
December 11, 2024

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 \_\_\_\_\_