

<b>DESCRIPTOR TERM:</b>  <b>Instructional Program</b>	<b>Millard District Policy</b> <b>File Code: 5183</b>  <b>Approved: 09-08-22</b>
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## **Evaluation and Selection of Other Instructional Materials**

### **A. Definitions—**

In addition to the definitions in Policy 5180, the following definitions apply in this policy:

1. “Material” means anything which is or may be used as a means of communication, including for example something printed or written or any picture, drawing, photograph, motion picture, or pictorial representation, or any statue or other figure, or any recording or transcription, or any mechanical, chemical, or electrical reproduction.  
[\*Utah Code § 76-10-1201\(7\) \(2013\)\*](#)
2. “Other instructional material” means instructional material made available to students in a school setting but not in a particular classroom or as part of the school library collection.  
[\*Utah Code § 53G-10-103\(1\)\(a\), \(f\) \(2022\)\*](#)
3. “School other instructional 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 instructional material review committee shall be reflective of the members of the relevant school community. The school other instructional material review committee considering a particular request may not 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\(3\) \(2022\)\*](#)
4. “District other instructional 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 instructional material review committee shall be reflective of the members of the District community. The District other instructional material review committee considering a particular request may not include a member of the school other instructional 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—**

Whether or not an item of other instructional material 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 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 instructional material in response to request—**

Requests for review of other instructional materials are limited as follows:

1. Personal interest requirement
  - a. A student may request review of other instructional materials presented in a school where the student is currently enrolled and attending.
  - b. A parent or guardian may request review of other instructional materials presented in a school where a child of the parent or guardian is currently enrolled and attending.
  - c. A District employee may request review of other instructional materials presented in a school where the employee has professional responsibilities.
  - d. A member of the Board of Education may request review of other instructional materials presented 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 other instructional 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 Other Instructional Materials 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 a other instructional materials review committee to conduct the review.

In conducting a requested review, the primary purpose of the other instructional materials review committee shall be to determine whether the item contains pornographic or indecent material. However, the committee may also evaluate whether the materials are age-appropriate and whether the use of the materials 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).

After the chair of the other instructional materials 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 5180.

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 5180 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.

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 instructional materials review committee to a District other instructional materials 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\(2\) \(2022\)](#)

If no District review is requested as described below, the chair of the school other instructional 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\(4\)\(b\)\(iii\) \(2022\)](#)

**D. Review by District other instructional materials review committee—**

An individual who obtained review of an item by a school other instructional materials 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 instructional materials review committee. The chair of a school other instructional materials 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 instructional materials review committee.

The individual seeking review by a District other instructional materials review committee shall complete the Request for District Review of Other Instructional Materials 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 instructional materials 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 instructional materials review committee to conduct the review.

The status of the item as determined by the school other instructional materials review committee (retained or removed) shall remain in place during review by the District other instructional materials review committee.

In conducting a requested review, the primary purpose of the District other instructional materials 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 instructional materials 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 materials are age-appropriate and whether the use of the materials 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 District other instructional materials 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 5180 (including as appropriate standards relating to nudity with respect to older students). The committee may consider the report of the school other instructional materials review committee but is not bound by that report and is to conduct an independent review and assessment of the item.

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\(2\) \(2022\)](#)

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.

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.

After the District other instructional materials 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\(4\)\(b\)\(iii\) \(2022\)](#)

The determination of the District other instructional materials review committee is final and may not be further appealed.

**Request for Review of Other Instructional Materials**

1. Requester: \_\_\_\_\_ School: \_\_\_\_\_  
Address: \_\_\_\_\_ City: \_\_\_\_\_ Zip: \_\_\_\_\_  
Email: \_\_\_\_\_ Phone: \_\_\_\_\_
2. Qualifying personal interest category or categories: \_\_\_\_\_
3. Educator 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 5183 in  
order to obtain review. Initial: \_\_\_\_\_
13. I have met with the educator using the material as required by Policy 5183. 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 \_\_\_\_\_

**Request for District Review of Other Instructional Materials**

1. Requester: \_\_\_\_\_ School: \_\_\_\_\_  
Address: \_\_\_\_\_ City: \_\_\_\_\_ Zip: \_\_\_\_\_  
Email: \_\_\_\_\_ Phone: \_\_\_\_\_
2. Qualifying personal interest category or categories:  
\_\_\_\_\_
3. Purpose of review:  Challenge school review result  Extend school review result to all schools
4. Date of school other instructional materials review committee report: \_\_\_\_\_
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 5183 in order to obtain review. 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 \_\_\_\_\_