Sensitive Materials
Implementation Update
Education Interim Committee | June 2023
Overview

• Board Responsibilities
• USBE Guidance & Support
• Instructions for LEAs to consider when creating a Library Materials Policy
• Hotline Concerns
• R277-128-6 Board Review of Appeals
• LEA Reporting
• LEA Implementation Updates
Board Responsibilities
Section 53G-10-103

(4) The state board shall:
(a) in consultation with the Office of Attorney General, provide guidance and training to support public schools in identifying instructional materials that meet the definition of sensitive materials under this section; and
(b) report to the Education Interim Committee and the Government Operations Interim Committee, at or before the November 2022 Interim meeting, on implementation efforts and compliance with this section; and
(i) any policy the state board or an LEA adopts to implement or comply with this section;
(ii) any rule the state board makes to implement or comply with this section; and
(iii) any complaints an LEA or the state board receives regarding a violation of this section, including:
   (A) action taken in response to a complaint described in this Subsection (4)(b)(iii); and
   (B) if an LEA retains an instructional material for which the LEA or state board receives a complaint, the LEAs rationale for retaining an instructional material.
USBE Guidance

- Feb 3, 2022: Board Approved R277-628
- Jul 26, 2022: Board Approved Model Policy
- Sep 8, 2022: LEA Library Policies Approval Deadline
- Oct 1, 2022: Board Report to Education Interim Committee Implementation & Compliance
- Oct 19, 2022: Board Survey (1st) to LEAs
- Jan 2023: Voluntary request for implementation data
- June 2023: Board Survey (2nd) to LEAs

School Libraries
Board Policies and Rules

Instructions for LEAs to consider when creating a Library Materials Policy: https://www.schools.utah.gov/file/bac6e85f-fecf-4558-9222-2ee8690bd507

New or Amended Related Rules:

- **R277-628**, School Libraries (enacted prior to passage of HB 374)
- **R277-123**, Process for Members of the Public to Report Violations of Statute and Board Rule
- **R277-469**, Instructional Materials Commission Operating Procedures
What does USBE support look like?

- Individual One-On-One virtual meetings with LEA library supervisors/directors across the state
- Q&A with LEA Leaders & Educators with guidance from LEA legal counsel according to LEA individual policies
- Presentation to TCC board (Utah Technology Coordinators Council) on both R277-628 & 53G-10-103 and how it pertains to digital materials.
- Q&A with Teacher Preparation Higher Education Faculty
Instructions for LEAs to consider when creating a Library Materials Policy

“v. parents of current students at the school that number at least one more than the LEA employees on the Committee including parents reflective of the school community as required in Subsection 53G-10-103(3)”
In deciding sensitive material, committees must:

1. consider all elements of the definitions of pornographic or indecent materials as defined in Utah Code Sections 76-10-1235, 76-10-1201, 76-10-1203, and 76-10-1227; and

2. whether the material is age appropriate due to vulgarity or violence.”  

(UCA § 80-2-308 (1)(b))
Instructions for LEAs to consider when creating a Library Materials Policy

“In deciding whether the material is age appropriate due to vulgarity, violence, or content, the Committee must consider the material taken as a whole and consider whether it has serious literary, artistic, political, or scientific value for minors, which may include the following objective criteria:

1. reliable, expert reviews of the material or other objective sources;
2. committee members’ experience and background; and
3. community standards.”
15 USBE Hotline Concerns
2 Board Review of Appeals
per R277-123-6
LEA Reporting to USBE

October 2022*
January 2023
June 2023

*Report fulfilled Utah Code Requirement (UCA § 53G-10-103 (4)(b))
2022 – 2023 District / School with Decision Made*

Count of District / Schools Decisions

*June 2023 Survey
What We Know

School personnel, local boards, USBE and parents are all vested in getting this complex process right.
Possible Next Steps

- Review implementation
- Increased access to information on LEA determinations
- Updates to defined terms and provide LEAs with guidance on measurements
- Potential access to statewide resources to support LEA implementation
USBE Contacts

Jennie Earl
Board Vice-Chair
Jennie.earl@schools.utah.gov

Darin Nielsen
Assistant Superintendent, Public Instruction
darin.nielsen@schools.utah.gov

Davina Sauthoff
Library Media Specialist
davina.sauthoff@schools.utah.gov
Questions