

# **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



School Libraries

Board Review of Appeals on LEA Library Materials Decisions

Voluntary request for implementation data

# 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
- [R277-468](#), Parents Review of Public Education Curriculum and Review of Complaint Process
- [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)”

# Instructions for LEAs to consider when creating a Library Materials Policy

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.”

# Utah Public Education: Where Should I Start?

I have a QUESTION...

**Start Local**

I have a CONCERN...

**SEARCH**  
ONLINE SCHOOL DIRECTORY:  
[schools.utah.gov/schoolsdirectory](http://schools.utah.gov/schoolsdirectory)

**CONTACT**  
YOUR SCHOOL or LOCAL EDUCATION AGENCY ADMIN

**CONTACT**  
Utah State Board of Education (USBE)  
801-538-7500

**CONTACT**  
USBE Department or Program  
[schools.utah.gov/departments](http://schools.utah.gov/departments)

*LEA or Local Education Agency refers to school districts and charter schools.*

**For Emergency Safety Concerns and additional tips, see page 2.**

**CONTACT**  
YOUR STUDENT'S TEACHER

**THEN**  
PRINCIPAL or SCHOOL DIRECTOR

**THEN**  
LOCAL EDUCATION AGENCY ADMIN

**THEN**  
LOCAL EDUCATION AGENCY BOARD

**CONTACT**  
**PUBLIC EDUCATION HOTLINE**  
Email: [audit@schools.utah.gov](mailto:audit@schools.utah.gov)  
Web: [schools.utah.gov](http://schools.utah.gov)  
Call: 801-538-7813  
Mail: Utah State Board of Education  
Internal Audit Department  
PO Box 144200  
SLC, Utah 84114-4200

# 15 USBE Hotline Concerns

# 2 Board Review of Appeals

per R277-123-6

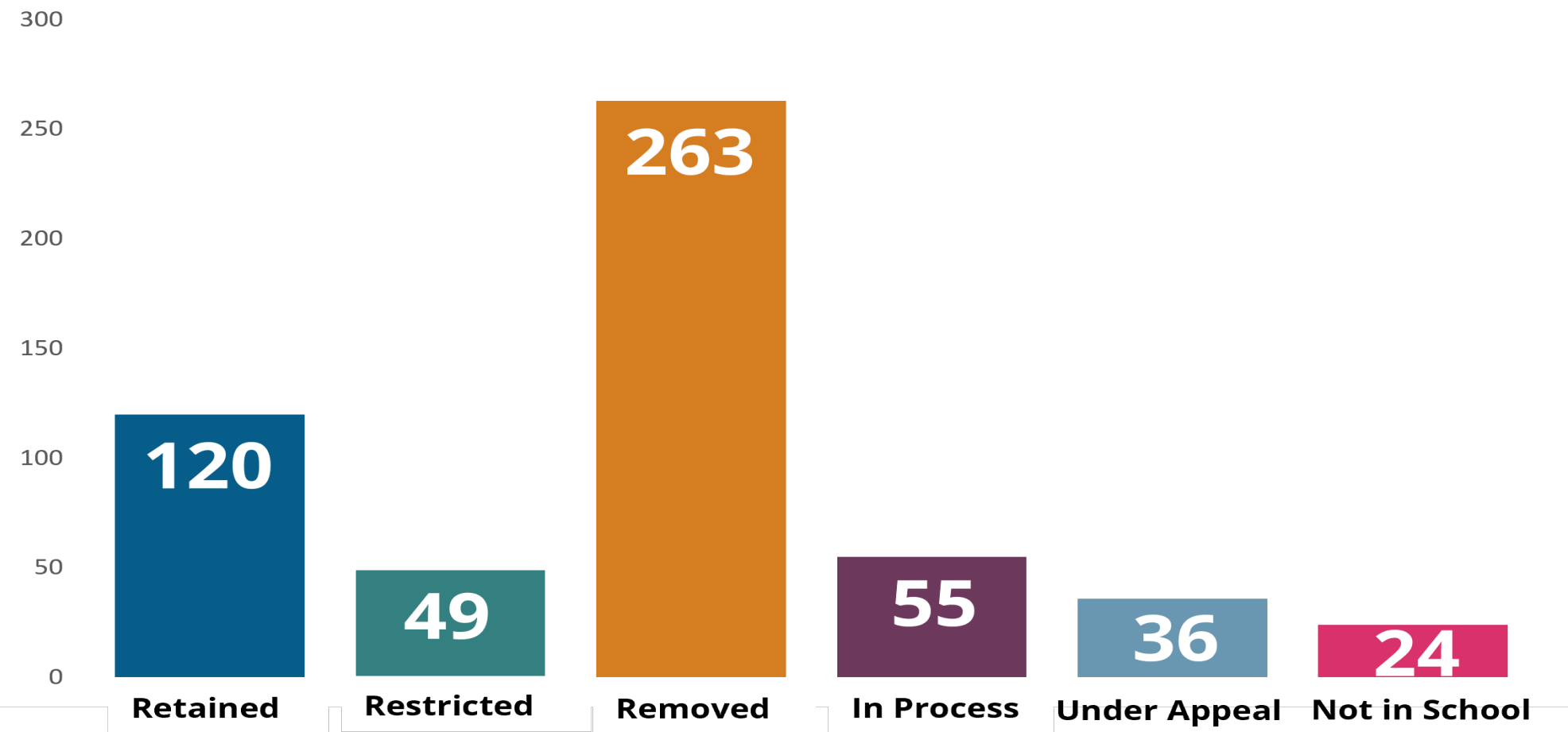


# LEA Reporting to USBE

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

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# Questions