

R277. Education, Administration.

R277-628. ~~[School Libraries]~~Sensitive Materials.

R277-628-1. Authority, ~~and Purpose~~, and Oversight Category.

(1) This rule is authorized by:

(a) Utah Constitution Article X, Section 3, which vests general control and supervision over public education in the Board;

(b) Subsection 53E-3-501(1)(c)(v), which requires the Board to establish rules and minimum standards for public schools including ~~[school libraries]~~ instructional materials; and

(c) Subsection 53E-3-401(4), which allows the Board to make rules to execute the Board's duties and responsibilities under the Utah Constitution and state law.

(2) The purpose of this rule is to:

(a) provide the minimum standards for an LEA's ~~[library]~~ instructional materials policies and accompanying procedures for ~~[library]~~ instructional material selection and reconsideration[-]; ~~[to prioritize protecting children from the harmful effects of illicit pornography over other considerations in evaluating instructional materials];~~

(b) provide a process for statewide removal of objective sensitive materials; and

(c) provide a process for compliance and reporting.

(3) This Rule R277-628 is categorized as Category 3 as described in Rule R277111.

R277-628-2. Definitions.

(1) "~~[Library]~~ Instructional material" means ~~[any digital, including audio or visual media, or physical text contained within a school library's collection]~~ the same as defined in 53G-10-103(1).

(2) "Objective sensitive materials" means the same as the term is defined in 53G-10-103(1).

(3) "School community parent" is a parent who has a student currently attending the school where the challenged instructional material is being reviewed in accordance with Subsection 53G-10-103(4).

(4) "School setting" means the same as the term is defined in Subsection 53G-10-103(1).

(5) "Sensitive Materials" means an instructional material that constitutes objective sensitive material or subjective sensitive material.

(6) "Subjective sensitive materials" means the same as the term is defined in Subsection 53G-10-103(1)

~~[(2) "School library" means the location, both physical and virtual, where library materials are housed and administered by professional staff hired to oversee the selection, maintenance, and access to school library materials.]~~

R277-628-3. Policy and Accompanying Procedures for School ~~Library~~ Instructional Material Selection and Reconsideration.

(1) On or before September 1, ~~[2022]~~2024 each LEA shall:

(a) establish a policy and accompanying procedures for the selection and reconsideration of ~~[library]~~instructional materials selected for a school~~[s library]~~ that~~[-is]~~:

(i) is consistent with current state~~[-and federal]~~ law, including Section 53G-10-103, 53G-4-402 and 53G-5-404;~~[-and]~~~~[-includes]~~

(ii) does not prevent an LEA from:

(A) revisiting a previous decision;

(B) reviewing a recommendation of LEA personnel or an LEA committee made up of school community parents regarding a challenged instructional material;
or

(C) reconsidering a challenged instructional material if the LEA governing board receives additional information regarding the material;

(iii) prioritizes protecting children from the harmful effects of illicit pornography over other considerations in evaluating instructional materials; and

~~[(ii)]~~(iv) designates two or more LEA employees responsible for making the initial objective sensitive material determination as described in 53G-10-103(4);~~[-and]~~

(v) provides a process for designating three or more members including one parent and may include the designees from the initial review, for the Objective Sensitive materials review using the objective sensitive material standards, and

(vi) develop a policy related to conflict of interest in association with membership on a review committee – ex. Those responsible for procurement or the individual who brought the challenge

(v) outlines a process for disposing of removed materials that consider:

(A) the physical removal of the material, and

(B) communicating with vendors and publishers regarding the decision.

(C) sensitive materials removed from student access may not be sold or distributed to a minor.

(b) ensure each school within the LEA complies with the LEA's policy and accompanying procedures for the selection and reconsideration of ~~[library]~~instructional materials selected for a school~~['s library]~~as described in Subsection (1)(a)~~[-]~~; and

(c) ensure the review of subjective instructional materials includes school community parents.

(d) shall provide an online platform for library materials consistent with 53G-4-402.

(2) The Superintendent ~~[shall provide a model policy]~~may provide a guidance document for use by an LEA in developing an LEA's policy and accompanying procedures described in Subsection (1).

R277-628-4. LEA Reporting and Compliance.

(1) For challenges prior to July 1, 2024 an LEA shall report to the Board a removal of the material based on the final objective sensitive material determination, of