Report No. 2025-11

A Performance Audit of

Sensitive Materials in Schools

A Review of Policies and Processes in Local Education Agencies

Office of the Legislative Auditor General

Report to the **UTAH LEGISLATURE**

LEGISLATIVE AUDITOR GENERAL
1975 - 2025

LEGISLATIVE AUDITOR GENERAL

50

1975 - 2025

Audit Subcommittee

President J. Stuart Adams, Co-Chair
President of the Senate

Senator Kirk Cullimore
Senate Majority Leader

Senator Luz Escamilla
Senate Minority Leader

Speaker Mike Schultz, Co-Chair
Speaker of the House

Representative Casey Snider
House Majority Leader

Representative Angela Romero
House Minority Leader

Audit Staff

Kade R. Minchey, Auditor General, CIA, CFE

Leah Blevins, Manager, CIA

Morgan Hagey, Lead Auditor

Brittni Anderson, Audit Staff

Office of the Legislative Auditor General

Kade R. Minchey, Legislative Auditor General

W315 House Building State Capitol Complex | Salt Lake City, UT 84114 | Phone: [redacted]

Audit Subcommittee of the Legislative Management Committee

President J. Stuart Adams, Co-Chair | Speaker Mike Schultz, Co-Chair

Senator Kirk Cullimore | Representative Casey Snider

Senator Luz Escamilla | Representative Angela Romero

June 18, 2025

TO: THE UTAH STATE LEGISLATURE

Transmitted herewith is our report:

"A Performance Audit of Sensitive Materials in Schools" [Report #2025-11].

An audit summary is found at the front of the report. The scope and objectives of the audit are included in the audit summary. In addition, each chapter has a corresponding chapter summary found at its beginning.

Utah Code 36-12-15.3(2) requires the Office of the Legislative Auditor General to designate an audited entity's chief officer. Because of the nature of the recommendations in this audit, there are no required audit responses or designated chief officer.

We will be happy to meet with appropriate legislative committees, individual legislators, and other state officials to discuss any item contained in the report in order to facilitate the implementation of the recommendations.

Sincerely,

Kade Minchey

Kade R. Minchey, CIA, CFE

Auditor General

[redacted]

Table of Contents

Introduction **1**

Chapter 1 Statewide Filtering Systems Allow Some Concerning Keyword Searches but Block Inappropriate Results **7**

1.1 Local Education Agencies Are Using Keyword Filtering Sparingly 7

Chapter 2 Clarification to the Sensitive Materials Code in 2024 Allowed Local Education Agencies to Comply More Easily **19**

2.1 Local Education Agencies Are Mostly Adhering to the 2024 Sensitive Materials Statute 19

2.2 Local Education Agencies Generally Lack Proactive Standards for Selecting Appropriate Library Materials 21

Chapter 3 Local Education Agencies Do Not Adequately Communicate With Teachers Regarding Sensitive Materials Processes **29**

3.1 There Are Not Enough Policies Guiding Classroom Libraries 29

Complete List of Audit Recommendations **37**

LEGISLATIVE AUDITOR GENERAL

AUDIT SUMMARY

REPORT 2025-11 | JUNE 2025

Office of the Legislative Auditor General | Kade R. Minchey, Auditor General

PERFORMANCE AUDIT

SENSITIVE MATERIALS IN SCHOOLS

AUDIT REQUEST

The Legislative Audit Subcommittee prioritized an audit of the policies and processes for addressing concerns about pornographic, or sensitive, materials in schools. ***Utah Code*** also requires the Office of the Legislative Auditor General to review the sensitive materials process in schools. During this audit, we reviewed a sample of local education agency (LEA) policies and procedures to understand the implementation of the sensitive materials statute.

BACKGROUND

In 2022, the Legislature enacted the first sensitive materials law that required LEAs to have processes in place to determine if materials in schools were sensitive. LEAs created policies to facilitate book challenges and remove materials. In 2024, the Legislature updated the statute to define objective and subjective sensitive materials and clarify review procedures, after which LEAs updated their policies under guidance of the new law.

KEY FINDINGS

- 1.1 Inconsistent Use of Keyword Filtering Could Allow Searches For Potentially Sensitive Materials
- 2.1 Local Education Agencies Are Mostly Adhering to the 2024 Sensitive Materials Statute
- 2.2 Local Education Agencies Generally Lack Proactive Standards For Selecting Appropriate Library Materials
- 3.1 There Are Not Enough Policies Guiding Classroom Libraries

RECOMMENDATIONS

- 1.1 The Legislature could consider the policy question of whether to require Local Education Agencies to decrypt and use blocked keyword lists within Utah's Online School Library and any other educational databases with internal search functions.
- 2.1 The Legislature could consider the policy question of whether to require Local Education Agencies to have a policy for library book selection processes.
- 3.1 Local Education Agencies should create and implement policies and processes to ensure communication with all school staff regarding sensitive materials processes, and utilize tools offered by the Utah State Board of Education to do so.
- 3.2 Local Education Agencies should create and implement policies for selecting books for, and maintaining classroom library collections.

Statewide Filtering Systems Allow Some Concerning Keyword Searches, but Block Inappropriate Results

While all Local Education Agencies (LEAs) use filtering software, not all LEAs use additional filtering to block keywords that may lead to potentially

REPORT SUMMARY

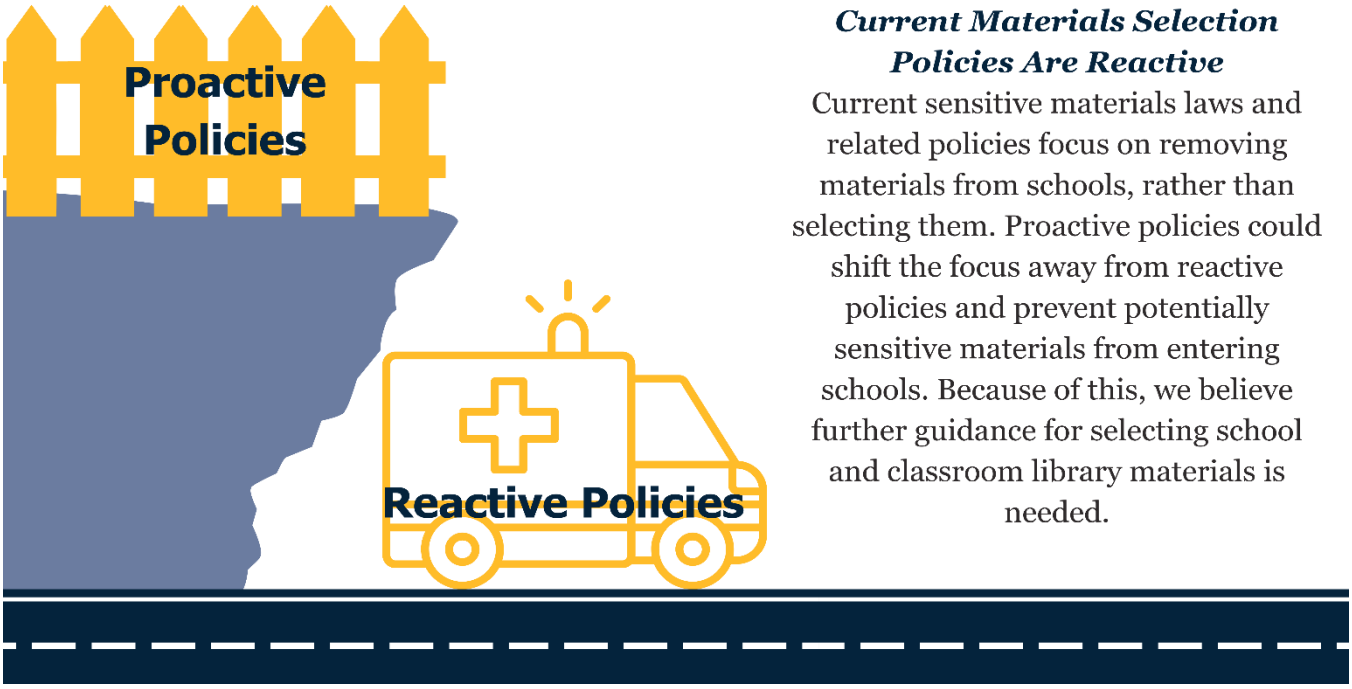
sensitive material. Those that do may not use the keyword filtering on state provided resources offered by the Utah Education Network, such as the Utah Online School Library (UOSL). While we did not find defined sensitive materials, some blocked keywords on UOSL did return search results. Inconsistent filtering increases the risk that students could access inappropriate content.

Clarification to the Sensitive Materials Code in 2024 Allowed Local Education Agencies to Comply More Easily

The majority of school districts have updated their instructional materials policies to comply with the sensitive materials law and reported to have removed the required books from their shelves. However, with a focus on removing materials, rather than ensuring sensitive materials never reach the schools, LEAs may experience reoccuring cyles of challenges to remove books.

Local Education Agencies Do Not Adequately Communicate with Teachers Regarding Sensitive Materials Processes

While we did not find any sensitive materials in classrooms, there is not enough guidance for teachers to select materials for their classroom libraries. Additionally, communication to teachers about the sensitive materials statute is inconsisitent throughout LEAs. The lack of classroom library selection policies and clear communication could inadvertently lead to sensitive materials in classrooms.



Current Materials Selection Policies Are Reactive

Current sensitive materials laws and related policies focus on removing materials from schools, rather than selecting them. Proactive policies could shift the focus away from reactive policies and prevent potentially sensitive materials from entering schools. Because of this, we believe further guidance for selecting school and classroom library materials is needed.

Introduction

In November 2024, our team began an audit of the sensitive materials review processes in schools. Additionally, current ***Utah Code*** requires the legislative auditor general to review sensitive materials processes in all school districts by 2028, at the discretion of the subcommittee.[1] Due to the audit scope prioritized by the Legislative Audit Subcommittee, our main focus was on the processes and policies across the state, involving an in-depth review of a sample of LEAs (15 districts and 2 charter schools). Additionally, we ensured all 41 school districts have sensitive materials policies in place.

Utah Code surrounding sensitive materials in schools has undergone two major revisions in the last five years. These revisions and their differences are important to understand, because they both set new requirements. It is important to clarify these revisions because many of the concerns expressed to us appear to be with the 2022 process. Some of these concerns were addressed in 2024.

Utah Code **surrounding sensitive materials in schools has undergone two major revisions in the last five years.**

In 2022, the Utah State Legislature amended ***Utah Code*** to define sensitive instructional materials as "material, (. . . [including] reading materials, handouts, videos, digital materials, websites, online applications, and live presentations) that is pornographic or indecent material . . . "[2] This statute also required local education agencies (LEAs) to have processes in place to determine if materials in classrooms and school libraries were sensitive.

In 2024, the Legislature then passed House Bill 29, which further changed Utah's sensitive instructional materials code. The bill defined both "objective" and "subjective" sensitive materials to clarify how LEAs were to review materials.[3]

[1] ***Utah Code*** 53G-10-103

[2] House Bill 374, 2022

[3] House Bill 29, 2024

Definitions in ***Utah Code*** for Objective and Subjective Sensitive Materials	Objective	Subjective
Pornographic	✓	✓
Harmful to minors	✓	✓
Appeals to prurient interest in sex	✓	✓
Patently offensive in the description or depiction of nudity etc.	✓	✓
Taken as a whole it does not have serious literary, artistic, political or scientific value	No consideration for serious value	✓

*Source: **Utah Code** 53G-10-103.*

The primary difference between an objective sensitive material review and a subjective sensitive material review is that an objective material is only determined based on the excerpts that are presented in the challenge as sensitive. Only if a material is not found to be objectively sensitive does it then undergo subjective review, which means the work is considered as a whole, (e.g., the review committee would read the challenged book in its entirety).

The changes in 2024 also added requirements for statewide removal of materials. If three school districts, or two school districts and five charters, remove a material as an objective sensitive material, then it is to be removed statewide. Only materials found to be objective sensitive materials count toward a statewide removal.

Throughout this audit, we were made aware of concerning content that might currently be found in LEA libraries, classrooms, and digital spaces. While we understand the importance of protecting children from the harmful effects of illicit pornography, because ***Utah Code*** only specifies requirements for removing materials, the findings of this audit center around the efficacy of these processes.

While we understand the importance of protecting children from the harmful effects of illicit pornography, because *Utah Code* only specifies requirements for removing materials, the findings of this audit center around the efficacy of these processes.

Our team also did not address the content of the removed books in LEAs, because the statute requires LEAs and/or schools to manage challenges at the local level.[4] Additionally, *Administrative Rule* requires that review committees include community parents in determining the sensitivity of a material. Thus, our focus was on the processes and procedures in place locally.

This audit has three chapters. Chapter One focuses on digital materials and internet filtering at the LEA level. Chapter Two explores sensitive materials in libraries, the processes for materials being added to libraries, and the challenge processes within LEAs. Chapter Three highlights teachers' classroom libraries and the general lack of processes for building and maintaining those materials.

[4] Only members of LEA communities may challenge materials for review, which initiates their LEAs' sensitive materials processes. Many LEAs reported that those presenting materials for review are often a small group of individuals presenting all the challenges within their districts.

BACKGROUND

While Local Educational Agencies (LEAs) use software to filter out inappropriate materials, keyword filtering is inconsistently applied and often not enabled for state-provided resources like the Utah's Online School Library (UOSL). To test whether filtering is working, we visited 17 LEAs and searched blocked keywords on Google and UOSL.

FINDING 1.1
LEAs Are Using Keyword Filtering Sparingly

RECOMMENDATION 1.1
The Legislature could consider the policy question of whether to require LEAs to decrypt and use blocked keyword lists within Utah's Online School Library and any other educational databases with internal search functions.

By default, LEA staff do not make most websites explicitly visible to filters. This means that the site is not being filtered for keyword searches.

Encrypted sites are not visible to the filters.

Decrypted sites are visible to the filters.

CONCLUSION

In LEAs we tested, the majority of the time, students can search for blocked keywords on UOSL and view search results despite filters being in place. It is important to note that auditors were never able to either find nor access any materials that would be considered pornographic or sensitive on UOSL. This lack of filtering creates inconsistent protections across LEAs and increases the risk that students could access inappropriate content in the future, particularly if database providers do not continue to self-regulate content effectively.

Chapter 1
Statewide Filtering Systems Allow Some Concerning Keyword Searches but Block Inappropriate Results

While Local Education Agencies (LEAs) use software to filter out inappropriate materials, they do not all use keyword filtering, including for state-provided resources like the Utah's Online School Library (UOSL).[5,6] To test whether their filters are working, we visited 17 LEAs and searched for blocked keywords on Google and UOSL. We did not find defined sensitive materials as a result for either test. However, in 14 LEAs, searches of blocked keywords on UOSL returned results, despite filters. While the search results are not considered objectively sensitive by LEAs, the results were primarily noneducational articles, such as choosing the best bikinis of the year. In three LEAs, the search itself was blocked because of their use of keyword filtering. Districts that have not used keyword filtering report that blocking materials is a time-and resource-consuming method; districts have assumed that the Utah Education Network/Utah Education and Telehealth Network (UETN)'s efforts to block inappropriate information on UOSL were sufficient. The Legislature could consider the policy question of whether to require LEAs to decrypt and use keyword filtering on UOSL and any other educational databases with internal search functions.

To test whether their filtering is working, we visited 17 LEAs and searched for blocked keywords on Google and UOSL. We did not find defined sensitive materials as a result for either test.

1.1 Local Education Agencies Are Using Keyword Filtering Sparingly

LEAs providing students with devices, such as computers and/or tablets, are required to have internet filtering in place. This filtering includes blocking materials that are obscene or pornographic. UETN manages the contracts with

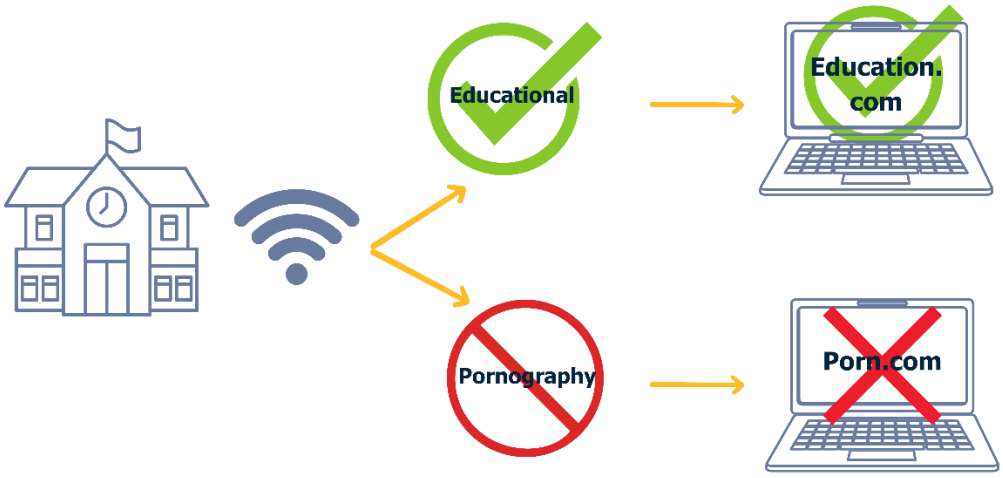
[5] LEAs can use keyword filtering (building a list of disallowed search terms), category filtering (blocking categories of websites), or both. These definitions will be discussed in more detail as the chapter continues.

[6] Utah's Online School Library (UOSL) is the term used throughout the audit to designate the databases hosted by Utah Education and Telehealth Network. These databases are also known as "Gale," "Go Gale," or "go.gale.com."

three filtering providers,[7] whose tools LEAs can use. These tools allow for multiple types of filtering, including category-based filtering and keyword filtering. While our tests were not able to discover objective sensitive materials as defined by statute, the filtering methods allowed search results that were not pornographic, some results contained no educational benefit.

Category filtering allows LEAs to block or allow categories of websites. For example, the category "pornography" would be blocked on student devices. This means that if a student attempted to visit a website that was categorized as "pornography," the website would be blocked.

Category Filtering Allows LEAs to Block Certain Websites Based On Category



Source: Auditor generated based on LEA IT reports.

All filtering products also offer keyword filtering, which works only for websites that IT personnel make visible to the filtering system, telling the filtering software to filter the website.[8] This process is called "decrypting a website."

[7] The three options UETN offers for filtering are IBoss, ContentKeeper, and Netsweeper. Each of these companies meet federal filtering requirements, and LEAs may choose among them or use another compliant product.

[8] Throughout the chapter, the term "a site visible to the filters" or "make visible to the filters" means the site has been decrypted for keyword filtering.

Encrypted sites are not visible to the filters.

Decrypted sites are visible to the filters.

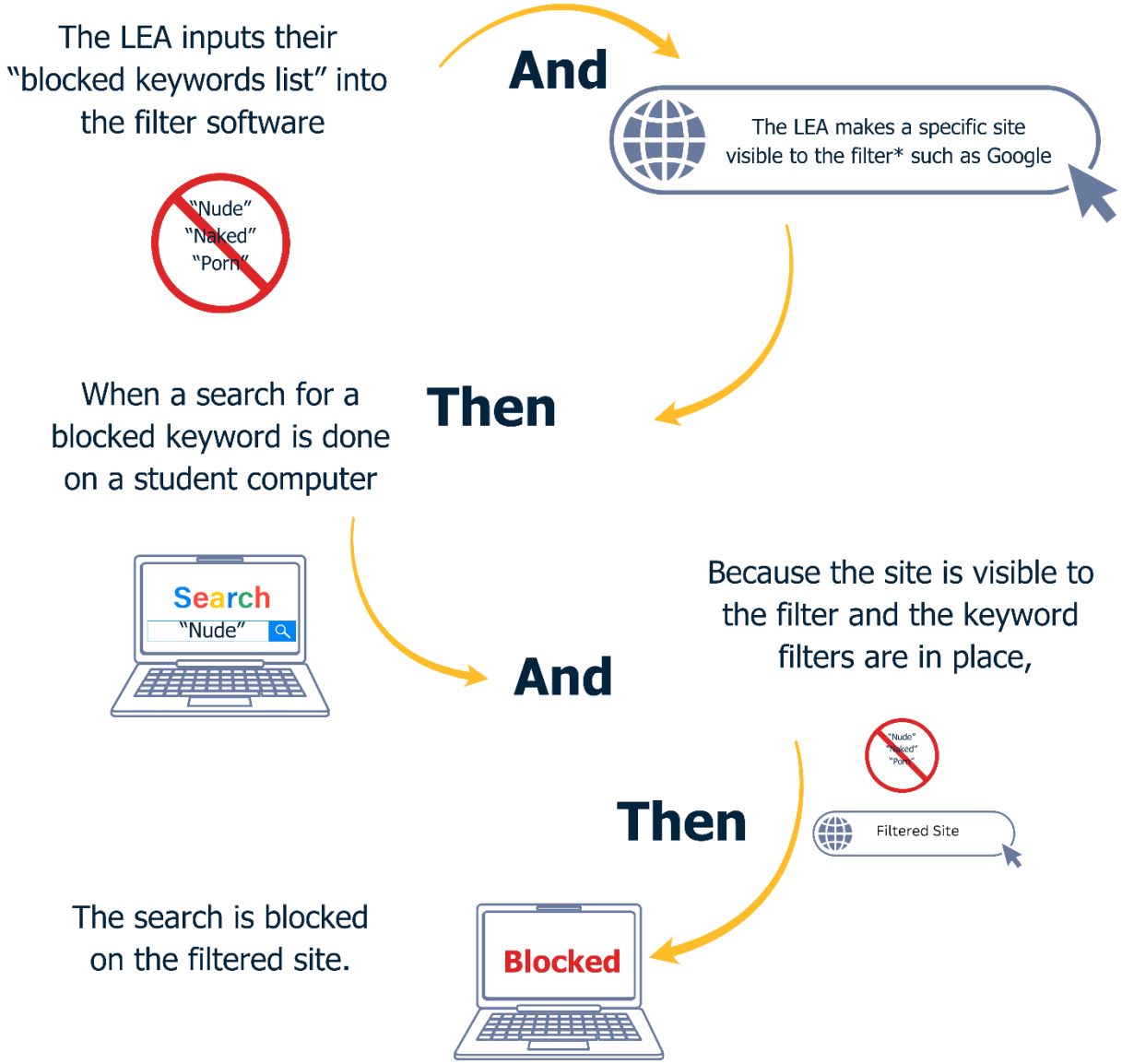
Source: Auditor generated based on an LEA IT personnel report.

By default, LEA staff do not make most websites explicitly visible to filters. This means that the site is not being filtered for keyword searches. Instead, LEA IT personnel rely on category filters to prevent students from visiting questionable sites. However, LEAs do make some sites visible to the filters, such as Google.

Keyword filtering on sites visible to the filter is based off a list that the LEA inputs into their filtering software. The list could contain words that if searched would lead a student to questionable content e.g. words like "nude," "naked," or "porn." If a student uses a school device on student Wi-Fi and searches a blocked keyword on a site visible to the filters, the filter should block the search.

As seen in the following figure, keyword filtering requires more management and oversight.

Keyword Filtering Only Works on Websites Visible to the Filters



*This process is called "decrypting a website."

Source: Auditor generated based on LEA IT personnel reports.

Keyword filtering will only work on a site that has been made visible to the filters. Even if an LEA has an extensive blocked keyword list, it will not block them across the internet at large. Only within those sites that are visible to the filters will the blocked keywords be blocked.

Keyword Filtering Is Only Effective on Utah's Online School Library When LEAs Make It Visible to the Filters

Based on legislative concerns, we visited 15 school districts and 2 charter schools and found that only 3 of the 17 LEAs effectively blocked all attempts to search for potentially sensitive materials within UOSL.[9] To test filters, we searched Google and UOSL for words and terms that LEAs reported were blocked due to their inappropriate nature.[10] In 14 LEAs filters failed to block keyword searches on UOSL. While none of the search results on UOSL were sensitive content, the searches themselves were allowed through the filter. If UOSL had been made visible to the filters, not even the search results would be visible. This would create a double layer of protection; if inappropriate information had gotten through UETN's filtering on UOSL, keyword filtering would ensure a search would not show that content.

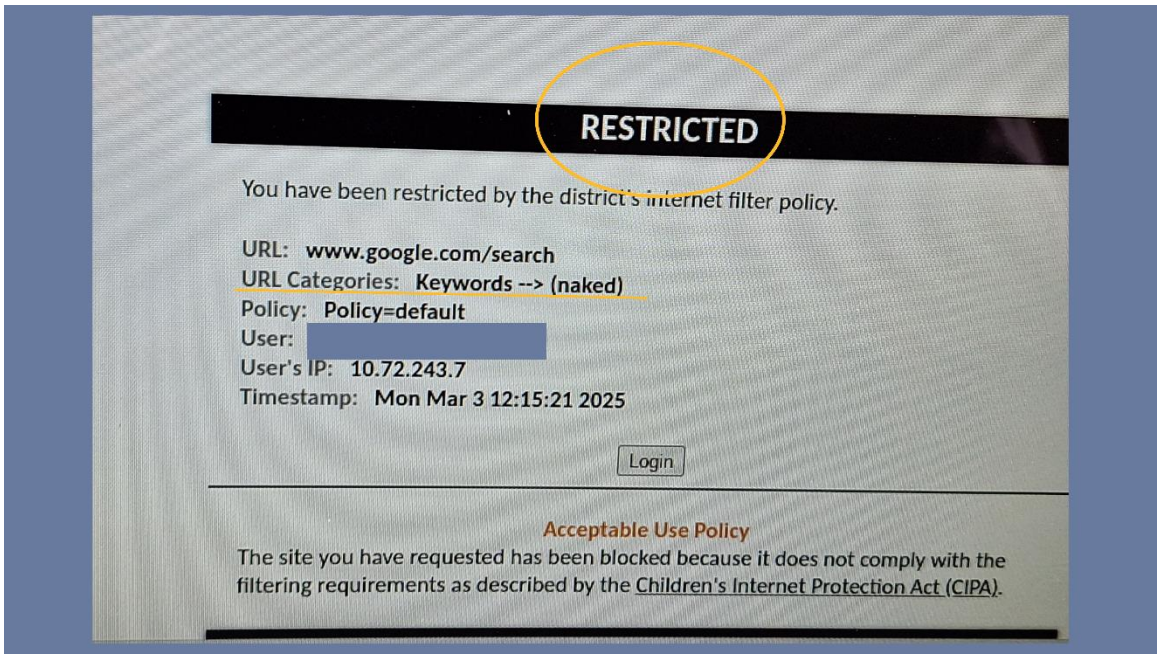
In 14 of 17 LEAs filters failed to block keyword searches on UOSL.

As seen in the following images, if a website has not been made visible to the filters and has a database or search function, the keywords will not be blocked, and that content can be searched within that site. This was found to be true on UOSL in all but three of the LEAs employing keyword filtering.

[9] Based on our audit test, two school districts and one charter were successfully blocking keyword searches in UOSL.

[10] Google has typically been made visible to the filters and should therefore successfully block keywords.

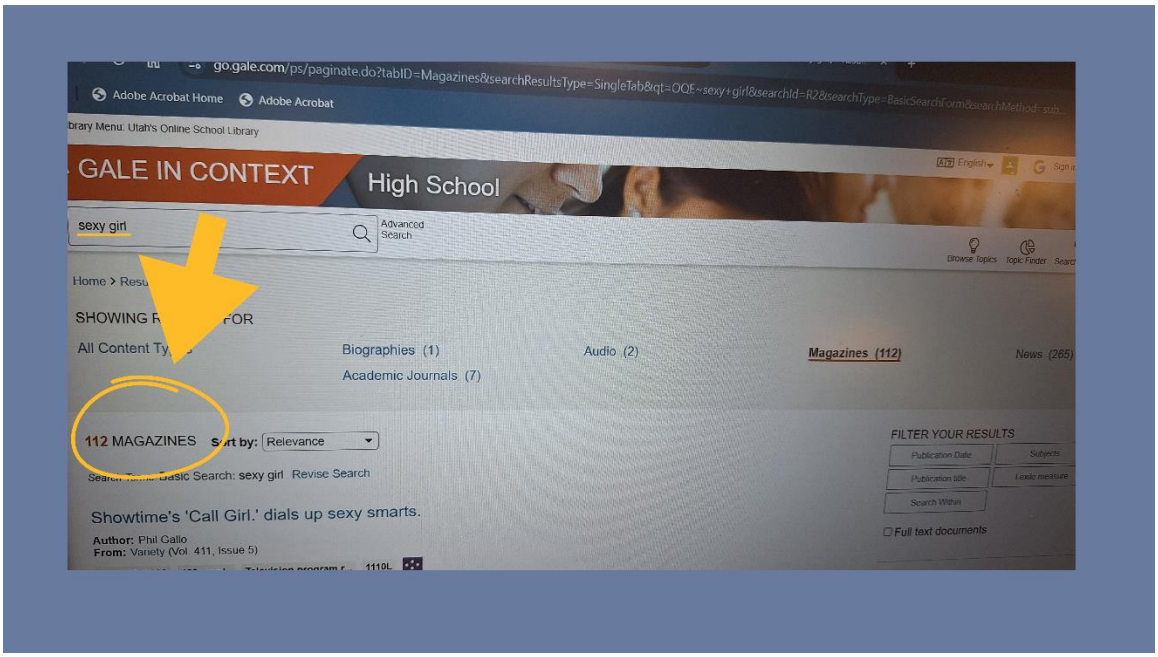
Figure 1.1 Because Google Is Visible to the Filters, this Search for a Blocked Keyword Was Not Allowed. There are no links for the student to click on.



Source: Auditor photo taken during LEA filter testing.

In our audit test, we tried to search for the same keywords on the UOSL database and on Google. Since Google had been made visible to the filters, the filters would catch and filter out the keyword search, whereas searches on UOSL would go through since UOSL had not made visible to the filters.

Figure 1.2 Because UOSL Is Not Visible to the Filters, This UOSL Search for a Blocked Keyword Was Not Filtered. None of the search results would meet the statutory definition of sensitive material. However, had keyword filtering been employed, the results would not show at all, helping prevent the possibility of sensitive material making its way through.



Source: Auditor photo taken during LEA filter testing.

In only three of the LEAs we visited was UOSL visible to the filters. In these cases, the search term would be blocked by the filter. But overall, LEAs have depended on UETN to ensure inappropriate content stays off the state-supplied UOSL, because UETN is required to do so.

Utah Code requires UETN[11] to ensure that any digital resource purchased or licensed through them and offered publicly to students has

> *" . . . safety policies and technology protection measures that:*
>
> *(a) Prohibit and prevent a public school student using the resource from sending, receiving, viewing, or downloading obscene or pornographic material; and*
>
> *(b) Filter or block access to obscene or pornographic material.*

[11] ***Utah Code*** 53B-17-109

UETN reports that part of their contracting and procurement process for UOSL resources includes requiring that databases agree to comply with the law.

To be compliant, UETN reports that part of their contracting and procurement process for UOSL resources includes requiring that databases agree to comply with the law.

Some LEAs Are Now Making Efforts to Employ Keyword Filters Within UOSL. Since our audit test, one LEA that had previously not made UOSL visible to the filters for keyword filtering reported that they have fixed the system so that keyword filtering will now catch blocked keywords. A second district reported that they will implement keyword filtering by the end of the 2024–2025 school year. A third reported that they believed the test results were based on a misconfiguration, and that a retest would yield different results.

LEAs generally select their filtering software from the options provided by UETN and manage all filtering at the local level. However, one LEA IT director reported that

> *Generally, if a resource is provided from the state, we as tech folks are going to have a high level of trust and likely not feel like the keyword blocking is necessary or worth the problems it can create.*

While many of our keyword searches yielded results on UOSL, during the testing, we accessed some non-sensitive materials that UETN reported should be blocked.[12] For example, when the term "sexy bikini" was searched, results included a magazine article about a famous model being "sexy" with the "best bikini." Another search showed an article about how to get a "bikini body." UETN reported that these types of results should not be accessible to students. Thus, there is space for UETN to do more with database filtering.

Considering UETN's work to ensure UOSL is safe, while weighing the importance of blocking inappropriate internet searches and results, the Legislature could consider the policy question of whether to require LEAs to decrypt and use blocked keyword lists within UOSL and any other educational databases with internal search functions.

[12] While not sensitive in nature, we consider the articles found to not be educational. UETN reported that content on UOSL should be educational.

RECOMMENDATION 1.1

The Legislature could consider the policy question of whether to require Local Education Agencies to decrypt and use blocked keyword lists within Utah's Online School Library and any other educational databases with internal search functions.

CHAPTER 2 Summary

Clarification to the Sensitive Materials Code in 2024 Allowed Local Education Agencies to Comply More Easily

BACKGROUND

In 2024, the Legislature updated its sensitive materials statute, a law allowing individuals to challenge materials for being potentially sensitive. The updates clarified the review processes and provided a way for books to be removed from schools statewide. This audit aimed to document how the sensitive materials process is being carried out in Local Education Agencies (LEAs).

FINDING 2.1
Local Education Agencies Are Mostly Adhering to the 2024 Sensitive Materials Statute

NO RECOMMENDATION

FINDING 2.2
Local Education Agencies Generally Lack Proactive Standards for Selecting Appropriate Library Materials

RECOMMENDATION 2.1
The Legislature could consider the policy question of whether to require Local Education Agencies to have a policy for library book selection processes.

CONCLUSION

While the sensitive materials removal process appears to be largely working, and LEAs are complying with statute, allowing more time for policy implementation and considering further policies for library materials selection could help LEAs as they work towards full compliance with ***Utah Code*** and *Administrative Rule.*

Chapter 2
Clarification to the Sensitive Materials Code in 2024 Allowed Local Education Agencies to Comply More Easily

The majority of school districts have updated their policies to be compliant with the 2024 statute for review and removal of "sensitive materials." Most charter schools also report that they are compliant with the new statute.[13] However, there are areas for improvement. Primarily, Local Education Agencies (LEAs) need more time to put practices in place and ensure their policies are effective. Additionally, better processes and guidance are needed for proactively selecting library materials.

2.1 Local Education Agencies Are Mostly Adhering to the 2024 Sensitive Materials Statute

Most LEAs have updated their sensitive materials policies to comply with the 2024 statute.[14] This statute defined objective and subjective sensitive material and added a statewide removal requirement.[15] We visited 15 districts, 17 librarians, 19 teachers, and 2 charter schools to determine whether they were following the current sensitive materials statute. We spoke to LEA personnel about their policies and intended processes, then we followed up with visits to schools to determine if district and state policies and processes were being followed. At the schools, we checked library catalogues to determine whether statewide removed books had actually been removed from their shelves. Aside from some minor compliance issues,

Aside from some minor compliance issues, schools were following the policies and procedures and reported to have removed the appropriate books from the shelf.

[13] USBE surveyed charter schools to note if their sensitive materials policy was updated. We didn't review overall charter compliance with the new requirements, because statute (***Utah Code*** 53G-10-102) requires our office to look at school districts, and we tried to focus on the largest number of students.

[14] We reviewed all school district policies to determine if the sensitive materials policies had been updated to comply with the new statute. We relied on USBE's reporting of charter schools' policy updates.

[15] In 2022, the Legislature passed House Bill (HB) 374, which prohibited sensitive materials in schools, and required Local Education Agencies to include parents who "are reflective of the school's community" in determining if materials were sensitive. In 2024, the Legislative further amended the requirements with the passing of HB 29. This new statute defined objective and subjective sensitive materials and added a statewide removal requirement.

schools were following the policies and procedures and reported to have removed the required books from the shelf.

We did not look for books containing potentially sensitive content that had not been challenged or removed statewide. Determining whether material is sensitive or not is an issue for which there are no agreed upon criteria even within the law, and the law was set up to apply those criteria in a local, group setting. As such, we could not adequately determine the sensitivity of material and didn't try to do so.

The compliance issues we noticed included the following:

- One district delays removal of challenged books until after challenge completion, contrary to statute.
- One district experienced confusion about reporting a book challenge outcome during the policy transition after the 2024 statute.

We believe the reported challenges, including compliance issues or keeping up with changes in the law, were mostly due to the statutory changes between 2022 and 2024.

Local Education Agencies Are Working On Implementing Legislative Changes

LEAs we spoke with report that policies and processes for sensitive materials in schools are functioning as laid out in ***Utah Code***. As mentioned above, there were only two minor issues discovered in the LEAs we met with. In fact, LEAs report preferring the clarity of the 2024 statute, which defines objective and subjective material, includes statewide removal requirements, and streamlines reviews.

However, school-level staff have reported lingering confusion about updated procedures for handling book challenges. This is likely due to rapid statutory changes between 2022 and 2024 and inconsistent training attendance. Librarians and school staff occasionally reported incorrect information or confusion regarding book challenges. Examples of this are depicted in the following graphic.[16]

---

[16] When a book is challenged and presents a plausible claim of sensitive materials, it is removed from schools. The book must first go through an "objective" review to see if it constitutes pornographic or indecent material. If the material is considered "objective sensitive material," it is reported to USBE and remains inaccessible to students. Books that do not meet the objective criteria go through a "subjective" review to see if the material, when taken as a whole, contains

Book Challenges

One librarian told us they do not remove books until after a challenge has occurred. Librarians also expressed concern about book challenges occurring without challengers reading the full material, a difference often seen between objective and subjective reviews.

Review Committees

A school administrator reported that there were no review groups ready for the sensitive materials review process, but the librarian reported that there were.

Challenge Process

An administrator reached out to district staff for help understanding what the procedure was for book challenges.

USBE is aware of these issues and is making efforts to ensure LEAs and schools are aware of the law, the ways to manage book challenges, and best practices for library book selection. However, because trainings are typically not required, some information may not be clearly disseminated.

We believe that, with time, all pertinent staff can be fully compliant with *Utah Code* and *Administrative Rule*.

Our findings indicate that the majority of LEAs, schools, and staff understand and are implementing requirements. The few inconsistencies found were due directly to confusion about the two different statutes. We believe that, with time, all pertinent staff can be fully compliant with ***Utah Code*** and *Administrative Rule*.

2.2 Local Education Agencies Generally Lack Proactive Standards for Selecting Appropriate Library Materials

LEAs have policies for removing sensitive materials but generally lack proactive standards for selecting appropriate library materials. Current policies prioritize removal rather than selection, increasing later workloads and ongoing sensitive material challenges. Implementing proactive library material selection policies may prevent sensitive materials from entering schools and later save time and resources due to book challenges.

Current Policies Focus on the Removal, Rather Than Selection, of Instructional Materials

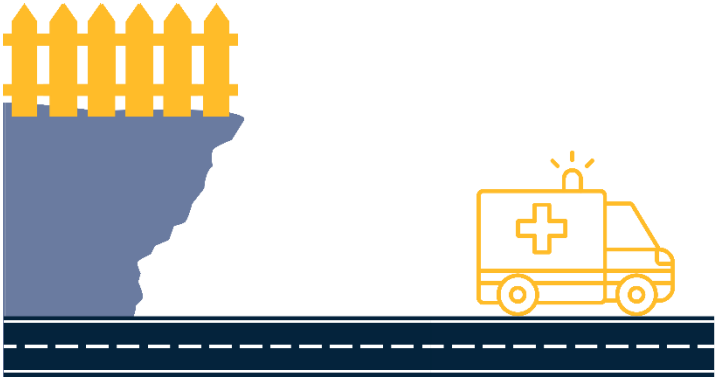
Public focus on removing questionable content from schools has driven recent changes to ***Utah Code***. There are social media groups and websites dedicated

---

pornographic or indecent material and has no serious literary, artistic, political, or scientific value. Books that meet this criteria must also be reported to USBE. For more detailed information, see the introduction to this report.

entirely to rating books based on content these groups find concerning and advocating for parents to challenge these books in their districts. Because of these concerns, policymakers have provided avenues for book removals, rather than ensuring concerning content never enters school libraries. This reactive focus could increase the load on LEAs and USBE to later review challenged books.

In an audit done by our office, titled *A Performance Audit of Curriculum and Teaching Training in Public Education (2022–12)*, we discussed the principle of "the ambulance at the bottom of the cliff and a fence around the top" and recommended proactive practices around curriculum selection and training for educators. This report echoes that sentiment. We believe that to help ensure libraries and schools are free of potentially sensitive materials, LEAs and school-level staff need more guidance regarding book selections.



Source: A Performance Audit of Curriculum and Teaching Training in Public Education (2022).

In ***Utah Code***,[17] the only requirement for library book selection regarding sensitive materials is the following:

> *Sensitive materials are prohibited in the school setting. A public school or an LEA may not: adopt, use, distribute, provide a student access to, or maintain in the school setting sensitive materials . . .*

Utah is not alone in wrestling with how best to manage sensitive materials. Other states have created policies surrounding sensitive materials in schools, including proactive approaches to bringing books into schools. Texas, for example, developed processes to select and remove library materials. However, the law also attempted to require library vendors to rate books for sexually explicit content and prohibited them from selling the content to school libraries. This part of the statute has been put on hold by courts after they determined it violated federal law. Utah can learn from other states' efforts and allow LEAs and school-level staff autonomy and opportunity to use their expertise, while also ensuring students are kept safe.

[17] ***Utah Code*** 53G-10-103

LEAs have policies in place to review instructional materials after they are placed in schools. These policies, including ones found in the new statute and *Administrative Rule,* focus on reactive rather than proactive approaches to instructional materials in the library. Currently, all 41 school districts have official library material selection policies. These policies frequently focus on various criteria librarians may use for selecting books, as seen in the graphic. However, a few school districts include additional approval processes for selecting books. For example, one school district's policy requires librarians to seek approval from a committee while selecting materials.

Source: Auditor generated using LEA library material selection policies.

With current book selection guidelines, librarians are often the primary staff members reviewing books for purchase. Schools may rely on their librarian's discretion, education, and training to select books. This puts the responsibility for ensuring that potentially sensitive materials don't enter the library primarily on the librarians. By creating a review process, librarians would have additional professional protection when or if books are challenged.[18] For example, one new librarian expressed apprehension about taking the position, due to fear around book selection and book challenges. Some librarians and school administrators have reported being verbally attacked when community members find books they see as offensive on library shelves or when a community member disagrees with the outcomes of the challenge process. A librarian reported that a parent stole a book and will not return it to the library because the parent didn't like the cover. In 2022, one LEA had a police report filed against it for the books in the library, the contents of which the complainant deemed inappropriate.

[18] According to *Administrative Rule* if a school professional is found to have knowingly provided students with a sensitive material, they will be referred to Utah Professional Practices Advisory Commission (UPPAC) for review. This could result in loss of licensure.

Establishing policies to prevent potentially sensitive materials from entering libraries could limit the difficulties librarians face in managing their collections amid public pressure.

Establishing policies to prevent potentially sensitive materials from entering libraries could limit the difficulties librarians face in managing their collections amid public pressure. Within their professional scope, some librarians are able to remove books from libraries without challenges, and are willing to do so when books may contain sensitive materials.[19] However, unless they have read every book in the library, or are already aware of the content, they may not know to remove material. Many librarians inherit library collections they did not curate and lack sufficient context about older books' content, which limits their ability to proactively identify sensitive material. Newer libraries may have purchased book packages from organizations to start their libraries, which may have inadvertently led to potentially sensitive materials in the library. If policies remain focused on the removal of materials, rather than proactively selecting materials, LEAs may experience recurring cycles of challenges that could be avoided with clearer front-end selection standards.

If policies remain focused on the removal of materials, rather than proactively selecting materials, LEAs may experience recurring cycles of challenges that could be avoided with clearer front-end selection standards.

LEAs desire local control and flexibility to choose their library materials and how materials are chosen. Because of the focus on removing rather than selecting books, and the time spent reviewing challenged materials, there are potentially sensitive materials being inadvertently added to school libraries. With more guidance from LEAs, books that initially enter schools may be less likely to later be deemed sensitive and removed from the shelves after going through the removal process. Therefore, we believe that the Legislature could consider the policy question of whether to require LEAs to have a policy for library book selection processes. While LEAs and school-level staff report managing the removal of challenged sensitive materials, there is still the opportunity to strengthen practices to prevent concerning material from being added to school libraries.

[19] Librarians can "weed" or deselect books. Some may be able to do so continuously, and some may do so once a year. Books may be removed for poor physical condition, lack of use, or inaccurate or dated information.

RECOMMENDATION 2.1

The Legislature could consider the policy question of whether to require Local Education Agencies to have a policy for library book selection processes.

CHAPTER 3 Summary

Local Education Agencies Do Not Adequately Communicate With Teachers Regarding Sensitive Materials Processes

BACKGROUND

Sensitive materials are prohibited in all school settings, including classroom libraries. However, Local Education Agency (LEA) focus has not been on classroom libraries. We spoke with several English language arts teachers to understand their comfort with the sensitive materials law and found communication about removed books varied among LEAs. Additionally, many school districts do not have classroom library selection policies.

FINDING 3.1
There Are Not Enough Policies Guiding Classroom Libraries

RECOMMENDATION 3.1
Local Education Agencies should create and implement policies and processes to ensure communication with all school staff regarding sensitive materials processes, and utilize tools offered by the Utah State Board of Education to do so.

RECOMMENDATION 3.2
Local Education Agencies should create and implement policies for selecting books for, and maintaining classroom library collections.

Examples of Classroom Library Policies

POLICY 1	POLICY 2	POLICY 3
Classroom libraries follow the school library selection policies. Books must be appropriate and have approval from the school principal and school community council.	Classroom teachers and their administrators are responsible to assure that reading materials in the classroom are appropriate. The materials should be appropriate, model a literary element, and text structures and features.	Classroom libraries are considered incidental and learning materials. Though the policy does not carve out specific instructions for classroom libraries, it does require the materials to follow district standards for instruction and learning materials.

CONCLUSION

Policies can provide teachers with protection. We believe that requiring Local Education Agencies to create communication policies can help inform all staff about the sensitive materials process. We also believe that establishing policies for curating classroom libraries will help alleviate teachers' concerns about making mistakes with the sensitive materials process.

Chapter 3
Local Education Agencies Do Not Adequately Communicate With Teachers Regarding Sensitive Materials Processes

3.1 There Are Not Enough Policies Guiding Classroom Libraries

Communication with teachers about statewide removed sensitive materials is absent or inconsistent across Local Education Agencies (LEAs). Additionally, many LEAs do not have policies to guide teachers in selecting books available in their classroom libraries for students to read. While we did not find any sensitive materials in classrooms,[20] there is not enough clear guidance for and communication with teachers, which could inadvertently lead to sensitive materials in classrooms. Conversations with English language arts (ELA) teachers[21] in seven school districts revealed that they worry about making mistakes related to the sensitive materials law. Policies can provide those teachers with protection, whereas a lack of policies leaves teachers vulnerable. We recommend LEAs establish policies for classroom library selections and clear lines of communication to ensure that teachers understand their responsibilities for curating content.[22]

English and Language Arts Teachers Have Varied Levels of Understanding of the Sensitive Materials Process

Public schools are restricted from providing access to sensitive materials, or materials that contain pornographic content. This includes teacher-curated classroom libraries.[23] We found communication to ELA teachers about sensitive material removals to be inconsistent and sometimes absent. Additionally, ELA teachers reported varied understanding of the sensitive material laws. Because of inconsistent communication and a lack of understanding of the statute, teachers could inadvertently have potentially sensitive materials in their classrooms.

---

[20] We viewed a sample of classroom libraries during our school visits.

[21] We recognize that other teachers, such as history teachers, may have classroom libraries. However, the scope of this audit focuses on English language arts teachers.

[22] Recommendations in this chapter will be followed up by selecting a sample of LEAs to review.

[23] Classroom libraries are books available in a teacher's classroom for students to self-select and read.

Several ELA teachers expressed varying degrees of discomfort with the sensitive materials law and maintaining classroom libraries.

We spoke with several ELA teachers who expressed varying degrees of discomfort with the sensitive materials law and maintaining classroom libraries. This can be explained in part by differing levels of communication from administrators to teachers across school districts when books are removed statewide.

When a book is pulled because of a statewide removal, USBE sends emails notifying LEAs about the removal, and this aspect of communication has been working. However, many LEAs do not have standardized policies for passing down USBE removal notifications to school-level staff, resulting in varied communication practices between schools. After USBE notifies LEAs to remove books, LEAs report that they disseminate the information (depending on the LEA) to school administrators,[24] school librarians, and teachers.

Unclear internal communication roles within schools contribute to confusion over who is responsible for informing school-level staff of statewide book removals.

Unclear internal communication roles within schools contribute to confusion over who is responsible for informing school-level staff of statewide book removals. In one school, the librarian was told that it is not her responsibility to inform ELA teachers about statewide removed books. However, the administrator at the same school reported receiving no communications from USBE and uncertainty of the level of communication at the LEA level.

We also spoke with a school administrator who said the school librarian notified ELA teachers of the book removals. The librarian of that school said it was the principal's responsibility to tell the ELA teachers and reported that they had been explicitly told it was not their responsibility. However, many teachers at the school asked the librarian to check their classrooms just to be safe. Finally, in another LEA, even though it is not policy for the librarian to ensure books are removed from classrooms, the librarian manages it.

In addition to the communication of removals, teachers reported incorrect information regarding criteria for statewide removals. Two teachers we spoke with believed that if one school district removed an objective sensitive material, it was to be removed statewide. Another teacher in a different district complained of the lack of transparency of books reported to USBE prior to being

[24] School administrators include principals, interim principals, assistant principals, and vice principals.

removed statewide. Because she teaches literature, most of the books she purchases are classroom sets, and she worried about the costs of the sets should books be removed statewide.[25]

Inconsistencies in communication could lead to teachers not being informed of necessary book removals, and, as a result, they may have sensitive materials in their classrooms.

These inconsistencies in communication could lead to teachers not being informed of necessary book removals, and, as a result, they may have sensitive materials in their classrooms. LEAs should create and implement policies to ensure consistent and wide-reaching communication with all LEA staff. USBE communicates to LEA staff and has other communication resources available for school-level staff. Because school-level staff report various inconsistencies, LEAs should also utilize the tools and resources available through USBE's Library and Media services to inform their policies. This includes trainings and email listservs offered through USBE regarding sensitive material processes.

The communication failures do not appear to be the result of intentional oversight. Rather, it appears that LEAs overlooked creating policies to disseminate information to all school-level staff, including those with classroom libraries. Additionally, LEA focus has not been on teachers' classroom materials. Without communication protocols, teachers may remain unaware of sensitive materials policies, which increases the risk of accidental noncompliance. Implementing policy changes to provide guardrails for teachers and direction within LEAs could help LEAs better support their staff through the sensitive materials process and prevent adverse consequences for inadvertently bringing potentially sensitive materials into schools.

RECOMMENDATION 3.1

Local Education Agencies should create and implement policies and processes to ensure communication with all school staff regarding sensitive materials processes, and utilize tools offered by the Utah State Board of Education to do so.

[25] LEAs are not made aware of books being removed until the statewide removal criteria are met.

LEAs Lack Policies for Building and Managing Classroom Library Collections

School districts often exclude classroom libraries from formal instructional materials policies, leaving teachers without clear guidance or vetting procedures for books they personally curate and provide to students. Because school districts haven't provided clear direction, teachers have autonomy and accountability for the books they choose for their classroom libraries. Teachers report feeling a lack of trust to do their job. However, in the case of sensitive materials, a lack of policy or procedures could leave teachers vulnerable to disciplinary action or community scrutiny. Our OLAG Best Practices model suggests determining when and where to allow for autonomy is an important question for developing policies.[26] Policies can provide teachers support and protection, but without clear guidance for classroom library materials selection, teachers are not protected by the guardrails that policies provide.

Without clear guidance for selecting classroom library materials, teachers are not protected by the guardrails that policies provide.

School district policies provide guidance for selecting instructional materials, which ***Utah Code*** defines as material used as or in place of textbooks to deliver curriculum or to support a student's learning in any school setting.[27] LEAs may further define instructional materials, but classroom libraries are not typically included under guidance for selecting them.

In addition to instructional material policies, all school districts provide some guidance for selecting library materials.[28] However, only 11 school districts have policies related to classroom libraries. These policies may require classroom libraries to be appropriate and model literary elements or text structures, and these policies often range in specificity and stringency. We detail three examples of policies and their existing requirements for classroom libraries on the next page.

---

[26] From OLAG's *The Best Practice Handbook: A Practical Guide for Utah Government.*

[27] ***Utah Code*** 53G-10-103

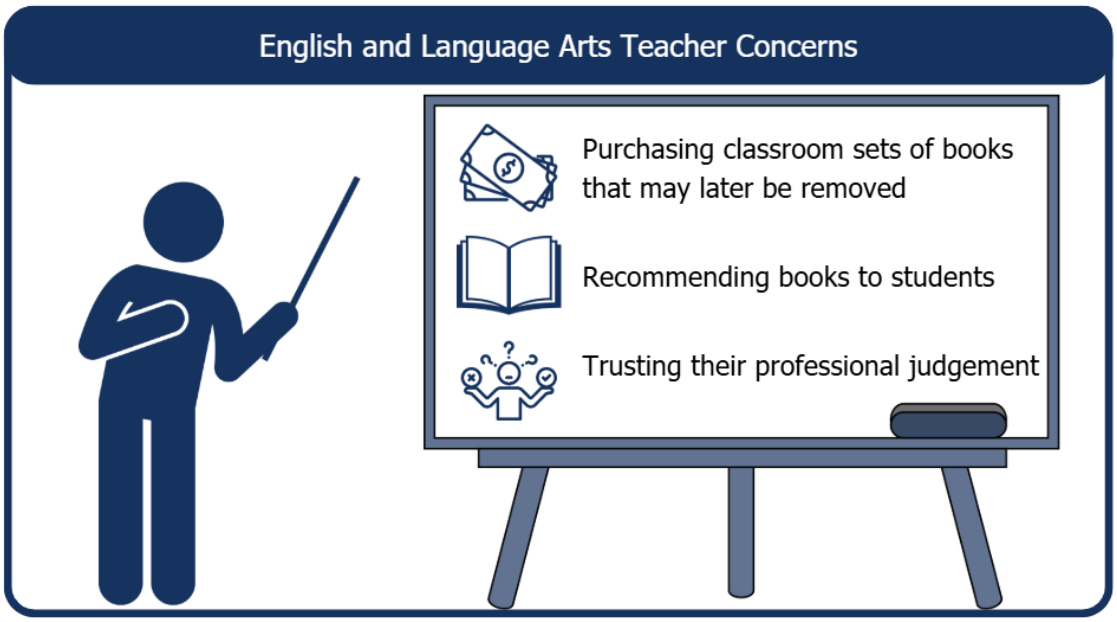
[28] We did not study charter school policies. We believe, however, that all LEAs could benefit from the work done and the recommendations given here.

POLICY 1	POLICY 2	POLICY 3
Classroom libraries follow the school library selection policies. Books must be appropriate and have approval from the school principal and school community council.	Classroom teachers and their administrators are responsible to assure that reading materials in the classroom are appropriate. The materials should be appropriate, model a literary element, and text structures and features.	Classroom libraries are considered incidental and learning materials. Though the policy does not carve out specific instructions for classroom libraries, it does require the materials to follow district standards for instruction and learning materials.

Source: Auditor generated from LEA policies.

LEAs without book-vetting policies for materials brought into a classroom offer teachers a higher degree of autonomy. While we believe most educators are professionals with high standards and expectations, some ELA teachers reported feeling nervous about maintaining classroom libraries. The absence of clear district-level policies creates uncertainty and fear, even when teachers are acting in good faith. One school's librarian reported that the ELA teachers in the school don't want a personal classroom library at all and instead use the library as their only resource for reading materials. Another teacher reported fear about classroom libraries to the point that she doesn't want to recommend books to students. Finally, another reported concern over trusting her professional judgement compared to the requirements in law. We believe the lack of classroom library selection policies may leave teachers subject to increased community scrutiny and potential adverse outcomes.

The absence of clear district-level policies creates uncertainty and fear, even when teachers are acting in good faith.



Source: Auditor generated from discussions with English and language arts teachers.

Teachers reported similar levels of anxiety during our 2022 curriculum audit and requested further guidance around what was "allowed."[29] With little or no oversight for teachers building classroom collections, teachers expressed apprehension around knowing the requirements for their classrooms.

While we believe teachers are dedicated professionals, determining when and where to allow for autonomy is an important consideration for developing policies.[30] Because of this, we believe that LEAs should adjust current policies or add additional policies to provide teachers with a layer of protection and provide clear lines of responsibility within the LEA. This may alleviate some of the confusion surrounding classroom libraries and help teachers feel confident in their ability to select and maintain libraries.

While we believe teachers are dedicated professionals, determining when and where to allow for autonomy is an important consideration for developing policies.

RECOMMENDATION 3.2

Local Education Agencies should create and implement policies for selecting books for, and maintaining classroom library collections.

[29] *A Performance Audit of Curriculum and Teacher Training in Public Education* (Report Number 2022–12)

[30] From OLAG's *The Best Practice Handbook: A Practical Guide for Utah Government.*

Because of the nature of the recommendations in this audit, there are no required audit responses or designated chief officer.

Complete List of Audit Recommendations

Complete List of Audit Recommendations

This report made the following four recommendations. The numbering convention assigned to each recommendation consists of its chapter followed by a period and recommendation number within that chapter.

Recommendation 1.1

We recommend that the Legislature consider the policy question of whether to require Local Education Agencies to decrypt and use blocked keyword lists within Utah's Online School Library and any other educational databases with internal search functions.

Recommendation 2.1

We recommend that the Legislature consider the policy question of whether to require Local Education Agencies to have a policy for library book selection processes.

Recommendation 3.1

We recommend that Local Education Agencies create and implement policies and processes to ensure communication with all school staff regarding sensitive materials processes, and utilize tools offered by the Utah State Board of Education to do so.

Recommendation 3.2

We recommend that Local Education Agencies create and implement policies for selecting books for, and maintaining classroom library collections.

THE MISSION OF THE LEGISLATIVE AUDITOR GENERAL IS TO

AUDIT · LEAD · ACHIEVE

WE HELP ORGANIZATIONS IMPROVE.

olag.utah.gov