



Cache County School District

Policy Series 4220: Curriculum, Instruction, Assessment

Policy No. 4220 P2

Sensitive Materials Review

Request for Review

- A. A request for sensitive materials review may only be made by one of the following:
 - 1) a current student who is enrolled in the school district; or
 - 2) a parent or guardian of a child who is currently enrolled in the school district; or
 - 3) a current employee of the school district; or
 - 4) a current member of the Cache County Board of Education.
- B. A requestor may request a sensitive materials review by submitting a completed Request for Sensitive Materials Reconsideration Form (Reconsideration Form) to the teacher librarian of the middle or high school where the material is located. If the material is located at an elementary school, the requestor shall submit a completed Reconsideration form to the school's principal. Requests may only be made for instructional materials that currently exist in schools in the district. All information provided on the Reconsideration form must represent the submitter's personal words and perspectives. Forms containing copied content, external links, or incomplete information will be considered invalid. Such forms will be returned to the submitter for correction and must be resubmitted in order to be reviewed.
- C. A request for reconsideration will be dissolved if the requestor or associated student is no longer a current Cache County School District stakeholder.

Initial Review

- A. Upon receipt of the Reconsideration Form, the Executive Director of Teaching and Learning and District Library Media Specialist will be notified of the request for review.
- B. The District Library Media Specialist (or designee) and a certified teacher librarian who was not responsible for the procurement of the material will complete an initial review of the Reconsideration Form to determine whether it presents a plausible claim that the challenged instructional material constitutes sensitive material, including whether it includes excerpts and other evidence to support the claim that the material constitutes sensitive materials. The initial review will occur within ten school days of receiving the request.
- C. If the initial review team determines that a plausible claim is substantiated, the instructional material will be immediately removed from student access in all school settings until an objective review can be completed.
- D. If the initial review team determines that there is not enough evidence to substantiate a plausible claim, the request for reconsideration will be returned to the requestor for insufficient evidence.

- E. The Executive Director of Teaching and Learning or the District Library Media Specialist will initiate a full, district-wide review for objective sensitive materials, to be completed within 60 school days, with a preference for 30 school days where possible.

Objective Sensitive Materials Review

- A. The Executive Director of Teaching and Learning or District Library Media Specialist will convene a district-wide objective sensitive materials review committee. The committee shall not include the individual who requested the reconsideration. The committee will consist of an odd number of at least three voting members, which will include at least one parent representative and at least two of the following:
 - 1) an administrator (voting chairperson)
 - 2) a Teacher Librarian who was not responsible for the procurement of the material
 - 3) one or more classroom teachers
- C. The committee will review the instructional material to determine whether it constitutes objective sensitive materials using the objective sensitive materials standards in Section 76-10-1235, under the non-discretionary standards described in Subsection 76-10-1227(1)(a)(i), (ii), or (iii). The committee members do not need to review the work as a whole.
- D. Objective committee members will vote anonymously, and the committee's decision will be determined by a majority vote.
- E. If the committee determines that the instructional material constitutes objective sensitive material, the instructional material shall be immediately removed from all school settings and disposed of in accordance with the deselection procedures for sensitive materials.
- F. The District Library Media Specialist will report the outcome of the review to the requestor and to the USBE Library Media Specialist within 10 days of the determination.
- G. If the objective sensitive materials committee determines that the material does not constitute objective sensitive material, the instructional material will be made available to students, with parent permission only, while the material can be reviewed for subjective sensitive material.
- H. The objective sensitive materials committee may serve on the subjective sensitive material review committee.

Subjective Sensitive Material Review

- A. The Executive Director of Teaching and Learning or District Library Media Specialist will convene a district-wide subjective sensitive material review consisting of stakeholders representing the Cache County School District. The committee shall not include the individual who requested the reconsideration. The subjective sensitive material review committee shall include at least five members with at least one more parent than employees and may include:
 - 1) an administrator or designee,
 - 2) a Teacher Librarian and/or District Library Specialist who was not responsible for the procurement of the material
 - 3) at least one department chair or grade-level teacher,
 - 4) a parent who has a student currently attending a school where the material is located or will have a student enrolled in the school within one year,
- B. The Executive Director of Teaching and Learning and District Library Media Specialist will determine a timeline for the review based on the number of copies available for committee review, the number of committee members, and the length of the book. The Executive Director of

- Teaching and Learning or the District Library Media Specialist will communicate the timeline to the review committee and requestor.
- C. The committee members will be assigned to read the material in its entirety as well as public reviews from professional review sources provided by the Executive Director of Teaching and Learning or District Library Media Specialist.
 - D. The committee 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(1)(a)(iv); and
 - 2) decide whether the materials are both content and age-appropriate.
 - 3) in deciding whether the material is both content and age-appropriate, the school 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:
 - i. reliable, expert reviews of the material or other objective sources;
 - ii. committee members' experience and background; and
 - iii. community standards.
 - 4) in deciding whether the material taken as a whole has serious, literary, artistic, political, or scientific value, the school committee should consider that:
 - i. serious value does not mean any value; and
 - ii. greater protections should exist concerning instructional materials in an elementary or middle school setting.
 - E. Subjective committee members will vote anonymously, and the committee's decision will be determined by a majority vote.
 - F. If the committee determines that the instructional material constitutes subjective sensitive material, the instructional material shall be immediately removed from the school settings, collected at the district office, and disposed of.
 - G. The District Library Media Specialist will report the outcome of the review to the requestor and to the USBE Library Media Specialist within 10 days of the determination.

Appeals Process

- A. Any current employee, parent/ legal guardian, student, or Board Member may initiate an appeal of a sensitive material review committee decision by submitting a letter of appeal to the Executive Director of Teaching and Learning within ten school days of the committee decision.
- B. Once an appeal letter has been received, the Executive Director of Teaching and Learning will share the review appeal letter with the Cache County Board of Education.
- C. After reviewing the appeal, the Board will vote in a public board meeting whether the material constitutes sensitive materials and clearly identify:
 - 1) the rationale for the decision; and
 - 2) the board's determination on each component of the statutory and any additional policy standards the board uses to reach the board's conclusions.
- D. The Executive Director of Teaching and Learning will share the results of the Board's decision to USBE within ten days of the decision.

Limitations

A requestor who makes three unsuccessful review requests and/or appeals in one academic year may not trigger another request for reconsideration or appeal for the remainder of the school year.

Determinations to retain a material will stand for the three full school years following the decision; during which time the material may not be reviewed again. As an exception, the Board may initiate reconsideration of any previous determination by board action in an open and public meeting.

Compensation

Teachers serving on a review committee will receive compensation through a stipend. Stipend amounts will be determined by the Instructional Council on an annual basis. Parents will serve on committees as volunteers.

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