Washington County School District
121 West Tabernacle Street
Saint George, Utah 84770
435-673-3553

District Policy 4212

Learning Materials

Learning Materials Washington County School District - Adopted 06-06-2023 to replace Policy 4215 & 4220; Revised 11/27/23

---

1. Purpose:

Washington County School District will adopt learning materials that are in alignment with content and instructional philosophies of the Utah State Core Curriculum and Utah Effective Teaching Standards. These materials will be used as the principal source of study and provide comprehensive coverage of course content.

2. Policy:
Students will have access to current and legally compliant learning materials. The district will follow efficient adoption and review procedures outlined in this policy for all content areas.

Procedure for the selection, deselection, and appeals process for State mandated Human Sexuality curriculum can be found on the school district website under "Health Curriculum."

3. Definitions:

3.1. "Learning material" means any learning material or resource used to deliver or support a student's learning, including textbooks, reading materials, videos, digital materials, websites, and other online applications used for any purpose, excluding the School Library Collection. This includes in-classroom collections, sometimes referred to as “Classroom Libraries.” (For policy governing the School Library Collection, see Policy 4211, Media Center Library Materials). Learning material includes “instructional material” and “supplemental material” as defined below.

3.2. "Instructional material" means learning material that the Washington County School Board adopts and approves for use within the Washington County School District. Instructional material does not include learning material used in a concurrent enrollment, advanced placement, or international baccalaureate program or class or another class with required instructional material that is not subject to selection by the Washington County School Board.

3.3. "Supplemental material" means learning material that:

3.3.1. an educator selects for classroom use; and

3.3.2. the Washington County School Board has not considered and adopted, approved, or prohibited for classroom use within Washington County School District.

3.4. "Sensitive material" means a material that is pornographic or indecent material as that term is defined in UCA §76-10-1235.

3.4.1. For the purpose of this policy, sensitive material also includes material that promotes suicidal ideation, parasuicide or self-harm; or contains content not age appropriate for the school's age group due to vulgarity or violence; when:

3.4.1.1. taken as a whole, does not have serious value for minors.

3.4.1.2. Serious value includes only serious literary, artistic, political or scientific value for minors.

3.4.2. "Sensitive material" does not include non-fiction material:

3.4.2.1. selected for the Human Sexuality curriculum, which can be found on the school district website under "Health Curriculum.";

3.4.2.2. for medical courses;

3.4.2.3. for family and consumer science courses; or

3.4.2.4. for another course the Utah State Board of Education ("USBE") exempts in USBE rule.

3.4.2.5. Non-fictional material exempted under this section may contain fictional components used to explain a concept.

3.5. "Age Appropriate" means generally suitable for students of the same age or level of social, emotional, and cognitive development when taking into consideration the ages of all minors who will be exposed to the material.

3.6. "Prohibited material" means:

3.6.1. sensitive material,

3.6.2. material identified in WCSD Policy 4225: Educational Equity,

3.6.3. or any material that has been identified by the Washington County School Board, District Administration or the District Supplemental Material Review Committee as prohibited for classroom use.

3.7. "Challenge" means a request for review of learning material found in a school, excluding the library, and used for an instructional purpose. An individual with standing may challenge material by filing Form 945, "Request for Review of Learning Materials" form.

3.8. "School Supplemental Material Review Committee" means a school committee created to review challenges to supplemental material within schools. The School Supplemental Material

Review Committee shall be composed of at
least five (5) members:

3.8.1. The school principal or his/her designee, who shall serve as chair for the committee.

3.8.2. One (1) of the following: School Counselor, School Psychologist, School Social Worker, or if unavailable, another Staff Member selected by the chair from the school.

3.8.3. Two (2) parents recommended by the school's Community Council.

3.8.4. One (1) faculty member from the department, or grade level, where the materials are used.

3.8.5. The School Learning Material Review Committee shall not include the individual, or a member of the individual's household, who has challenged the material.

3.9. "District Supplemental Material Review Committee" means a District committee created to review challenges to material for Instructional materials or appeals of Supplemental materials. The District Supplemental Material Review Committee shall be composed of the following nine (9) members:

3.9.1. An Assistant Superintendent or Director; who shall serve as chair of the committee, selected by the Superintendent.

3.9.2. Two (2) Certified Teachers, selected by the chair.

3.9.3. Three (3) parents selected at random by the chair, from the Parent Media Review Pool, as defined in Policy 4211.

3.9.4. Two (2) Principals or Assistants, selected by the chair.

3.9.5. One (1) School Counselor, School Psychologist, or School Social Worker selected by the chair.

3.9.6. The District Supplemental Material Review Committee shall not include the individual, or a member of the individual's household, who has challenged the material.

3.10. "Standing" means the right to challenge learning materials in the Schools.

3.10.1. Parents and guardians only have standing to challenge learning materials in the schools in which their students are currently enrolled and attending.

3.10.2. Washington County School District employees have standing to challenge learning materials only in the schools in which they have professional responsibilities (unless the employee is challenging learning material in the employee's role as a parent or guardian, in which case, the employee has standing where the employee's child is currently enrolled and attending).

3.10.3. School Board members have standing to challenge learning materials within the schools where their constituents are currently
enrolled and attending.

3.11. “Constituents” means the individuals living within the boundaries of a School Board Member’s voting district.

3.12. “Content Standards” mean the Utah State Core Curriculum and Utah Effective Teaching Standards.

3.13. “Open-ended resource” means any online learning material that the District does not contract with to provide services, does not control, and contains a potentially infinite number of accessible materials.

4. Learning Material selection and deselection

4.1. Learning material shall be selected by each educator in compliance with this policy.

4.2. Educators should first consider learning material within the USBE Recommended Instructional Materials (“RIMS”) for any selection.

4.3. Prohibited materials shall not be selected as learning material.

4.4. All learning materials used must be directly related to the Utah Core Content Standards.

4.5. Educators must exercise caution when selecting learning materials and shall ensure that such materials are age-appropriate and align with the school's educational goals and community standards.

4.6. Any learning material that is deemed inappropriate or not aligned with the Utah Core Content Standards shall not be used.

4.7. If an educator is uncertain whether learning material is prohibited by law, the educator must consult with the school administration before using it.

4.8. Learning material that is software or online tools must be reviewed and approved prior to purchase using the process outlined in Policy 3710 and Administrative Letter 159.

4.9. In compliance with UCA §53G-4-402 (24)(e), any contract for learning material that is online or digital materials must include a provision that the provider give notice to the District for any material changes, excluding regular informational updates on current events.

4.10. Supplemental material

4.10.1. Each school shall have the discretion to select learning materials for use by the school. A school may select learning materials recommended by the USBE or other learning materials it considers appropriate to teach the standards.

4.10.2. Schools must follow all established purchasing and inventory procedures.

4.10.3. In compliance with UCA §53G-4-402 (26)(a)(iii)(B), nothing in this policy shall prohibit Washington County School Board from prohibiting specific material within schools.

4.10.4. Any use of open-ended resource requires that the educator:

4.10.4.1. Use District approved digital citizenship practices.

4.10.4.2. Provide appropriate supervision as identified in Policy 3730, paragraph 3.10.

4.10.4.3. Provide appropriate Internet Content Filtering as identified in Policy 3730, paragraph 3.10.

4.10.5. If an educator selects supplemental material that is not an open-ended resource of that is not selected from RIMS, the educator must obtain a signed “WCSD Material Compliance Agreement” with the learning material provider or the material must be read or reviewed in its entirety by the educator before it can be made available to students.

4.10.6. A person with standing may challenge an educator’s use of supplemental material in accordance with the procedures outlined in Section 6 of this policy.

4.10.7. Pilots shall be considered supplemental material under this policy, and the selecting content coordinator or educator shall be responsible for all requirements under section 4.

4.11. Instructional material

4.11.1. Learning material selected for district wide use at the District level and not being evaluated as a pilot is considered instructional material and must be adopted and approved by the school board in an open meeting in compliance with UCA §53G-4-402.

4.11.2. A Curriculum Selection Committee made up of Content Coordinators, Educators, and at least one Administrator will provide
recommendations of learning material to the Board for adoption as instructional material for the district.

4.11.2.1. If the Curriculum Selection Committee selects learning material that is not on RIMS, the Curriculum Selection Committee must first must obtain a signed “WCSD Material Compliance Agreement” with the material provider, or the learning material must be read or reviewed in its entirety by the Curriculum Selection Committee before it is recommended to the Board.

4.11.3. Learning material currently being recommended for adoption will be announced on the board meeting agenda.

4.11.4. At least two public meetings will be held before adopting or approving the learning material to provide two opportunities for District educators and parents of students enrolled in Washington County School District to express views and opinions on the recommendation prior to Board adoption. Once learning materials have been adopted by the Board, they are “instructional materials.”

4.12. Deselection and Removal

4.12.1. Any Learning material identified as Sensitive material or Prohibited material under Policy 4211, shall also be removed from use as Learning material unless:

4.12.1.1. That Learning material is non-fiction material:

4.12.1.1.1. selected for the Human Sexuality curriculum, which can be found on the school district website under "Health Curriculum.";

4.12.1.1.2. for medical courses;

4.12.1.1.3. for family and consumer science courses; or

4.12.1.1.4. for another course the state board exempts in state board rule.

4.12.1.1.5. Non-fictional material exempted under this section may contain fictional components used to explain a concept.

4.12.2. Materials may be deselected

4.12.2.1. That do not meet the requirements for material selection,

4.12.2.2. do not currently align or relate to the subject curriculum or educational goals of the course.

5. Transparency

5.1. All Instructional material used by Washington County School District shall be readily accessible and available for a parent to view, in compliance with UCA §53G-4-402 (26)(b)(i).

6. Procedure for Review of Learning Material

6.1. Because instructional material is adopted by the Board following public notice and public input, instructional materials may not be challenged. Supplemental material may be challenged by a person with standing in accordance with the procedures set forth below.

6.2. The school official or staff member receiving a complaint about supplemental material being used by an educator in a school shall refer the individual to the educator using the supplemental material. The educator will meet with the individual and explain the intended purpose and use of the supplemental material in question.

6.3. If the individual is not satisfied after meeting with the educator, the individual shall be referred to the school principal.

6.4. If, after an informal meeting with the school principal, the individual wishes to file a Request for Review of Supplemental Learning Materials, formally challenging the supplemental material, the school principal or designee shall provide a copy of Form 945 and explain the procedures in this policy.

6.5. Individuals with continued objections to supplemental material shall:

6.5.1. read or review the supplemental material as a whole before filing a Request for Review of Supplemental Learning Materials using Form 945;

6.5.2. consider the criteria for selecting learning material as explained in Sections 1 and 4 of this policy before filing a Request for Review of Supplemental Learning Materials using Form 945; and

6.6. If the individual chooses to file Form 945 in a formal challenge, the individual must articulate the basis for the challenge. Individuals seeking to challenge material shall complete the process outlined

in this policy for each challenged material.

6.7. Upon receipt of the completed Request for Review of Supplemental Learning Materials (Form 945), the principal shall form and convene the School Supplemental Material Review Committee for supplemental materials.

6.8. School Supplemental Material Review Committee Review Process

6.8.1. Each member of the School Supplemental Material Review Committee shall read challenged supplemental material that is written in its entirety or review the non-written challenged supplemental material as a whole prior to participating in committee discussions or participating in decision making.

6.8.2. The School Supplemental Material Review Committee will make a determination about the challenged material based only on the following factors:

6.8.2.1. Whether the supplemental material constitutes sensitive material. In deciding whether the material constitutes sensitive material, the Committee must consider all elements of the definitions of pornographic or indecent materials as defined in Utah Code §76-10-1235, §76-10-1201, §76-10-1203, and §76-10-1227.

6.8.2.2. Whether the supplemental material is age appropriate due to vulgarity and/or violence. In deciding whether the material is age appropriate due to vulgarity and/or violence, the Committee must consider the material taken as a whole and consider whether it has serious literary, artistic, political, or scientific value.

6.8.2.3. The Committee shall use objective criteria to determine the supplemental material’s serious literary, artistic, political, or scientific value, and may include reliable, expert reviews of the supplemental material or other objective sources. Those on the Committee may rely on their experience and background and contemporary community standards to determine whether the
supplemental material is or is not age appropriate.

6.8.3. The School Supplemental Material Review Committee’s decision shall be made by a simple majority of Committee members who participate in the review.

6.8.4. The School Supplemental Material Review Committee shall review no more than two (2) different challenged supplemental materials for every two meetings, thereby allowing Committee members to make sound decisions and to be considerate of Committee members' time.

6.8.5. Potential actions of the School Supplemental Material Review Committee may include:

6.8.5.1. Retain the supplemental material,

6.8.5.2. Remove the supplemental material from the educator’s curriculum, or

6.8.5.3. Where the supplemental material is being used school-wide, remove the supplemental material from some school classrooms in which the committee determines that the supplemental material is not age appropriate for that course's target student

population.

6.8.6. The School Supplemental Material Review Committee shall write a rationale for the committee's decision, including:

6.8.6.1. Formal findings,

6.8.6.2. Reason for the recommended action based on the factors identified in this Policy, and

6.8.6.3. Recommended age appropriate level (if applicable).

6.8.7. This rationale shall be provided with the action regardless of the recommended action.

6.8.8. The School Supplemental Material Review Committee Chair shall provide the individual challenging the material a written decision of the Committee's determination.

6.8.9. The determination of the School Supplemental Material Review Committee shall be recorded.

6.8.10. If the supplemental material is being used school-wide and the School Supplemental Material Review Committee approves total removal of the material from the School, the challenged supplemental material shall not be selected for future purchases or used in the future within the school.

6.9. If the School Supplemental Material Review Committee decision is not satisfactory to all parties, the Chair, upon receiving a written request, shall forward all findings and relevant information to the District Supplemental Material Review Committee Chair for appeal.

6.10. Upon receipt of an appeal from a School Supplemental Material Review Committee, The District Supplemental Material Review Committee Chair shall form and convene the District Supplemental Material Review Committee.

6.11. District Supplemental Material Review Committee Review Process

6.11.1. Each member of the District Supplemental Material Review Committee shall read challenged supplemental material that is written in its entirety or review the non-written challenged material as a whole prior to participating in committee discussions or participating in decision making.

6.11.2. The District Supplemental Material Review Committee will make a determination about the challenged supplemental material based only on the following factors:

6.11.2.1. Whether the supplemental material constitutes sensitive material. In deciding whether the supplemental material constitutes sensitive material, the Committee must consider all elements of the definitions of pornographic or indecent materials as defined in Utah Code §76-10-1235, §76-10-1201, §76-10-1203, and §76-10-1227.

6.11.2.2. Whether the supplemental material is age appropriate due to vulgarity and/or violence. In deciding whether the supplemental material is age appropriate due to vulgarity and/or violence, the Committee must consider the material taken as a whole and consider

whether it has serious literary, artistic, political, or scientific value.

6.11.2.3. The Committee shall use objective criteria to determine the supplemental material's serious literary, artistic, political, or scientific value, and may include reliable, expert reviews of the supplemental material or other objective sources. Those on the Committee may rely on their experience and background and contemporary community standards to determine whether the supplemental material is not age appropriate.

6.11.3. The District Supplemental Material Review Committee's decision shall be made by a simple majority of Committee members who participate in the review.

6.11.4. The District Supplemental Material Review Committee shall review no more than two (2) different challenged materials for every two meetings, thereby allowing Committee members to make sound decisions and to be considerate of Committee members' time.

6.11.5. Potential actions of the District Supplemental Material Review Committee may include:

6.11.5.1. Retain the supplemental material

6.11.5.2. Remove the supplemental material

6.11.5.3. If the supplemental material is used district-wide, remove the supplemental material from some classrooms in which the committee determines that the material is not age appropriate for that course's target student population.

6.11.6. The District Supplemental Material Review Committee shall write a rationale for the committee's decision, including:

6.11.6.1. Formal findings

6.11.6.2. Reason for the recommended action based on the factors identified in this Policy, and

6.11.6.3. Recommended age appropriate level (if applicable)

6.11.7. This rationale shall be provided with the action regardless of the recommended action.

6.11.8. The District Supplemental Material Review Committee Chair shall provide the individual challenging the material a written decision of the Committee's determination.

6.11.9. The determination of the District Supplemental Material Review Committee shall be recorded.

6.11.10. If the supplemental material is used District-wide and the District Supplemental Material Review Committee approves total removal of the supplemental material from the District, the challenged material shall not be selected for future purchases or used in the future within the District.

6.12. If the District Supplemental Material Review Committee determines to retain the challenged supplemental material, the same material may not be subject to a second challenge for at least 3 years.

6.13. An individual challenging supplemental material is limited to 3 challenges to materials per school calendar year.

6.14. The District Supplemental Material Review Committee decisions are final decisions and not subject to appeal through the District.

6.15. If either committee identifies supplemental material that contains sensitive material with no serious value for minors as defined in UCA §76-10-1227 (2)(c).

6.15.1. The committee should refer that supplemental material to District Administration for ratification of the finding, and upon ratification:

6.15.1.1. Removal of the supplemental material throughout the District (including District Libraries).