
SECTION: I – Instruction
POLICY TITLE: Student Instruction and Materials
FILE NO.: IIA
DATED: September 8, 2021

TABLE OF CONTENTS

1. PURPOSE AND PHILOSOPHY
 2. DEFINITIONS
 3. GENERAL STANDARDS FOR INSTRUCTION AND INSTRUCTIONAL MATERIALS
 4. GENERAL STANDARDS FOR LIBRARY MATERIALS
 5. SELECTION OF INSTRUCTIONAL MATERIALS
 6. SELECTION OF LIBRARY MATERIALS
 7. USE OF VISUAL MEDIA
 8. USE OF COPYRIGHTED MATERIALS
 9. CURRICULUM AND LITERATURE REVIEW
 10. WAIVER OF PARTICIPATION
 11. REQUEST FOR REVIEW OF INSTRUCTION, INSTRUCTIONAL MATERIALS, OR LIBRARY MATERIALS
-

1. PURPOSE AND PHILOSOPHY

- 1.1. Utah law requires the Utah State Board of Education (USBE) to establish minimum standards for various elements of public education. Among those, USBE has established required core subjects and graduation requirements as addressed in [Nebo School District Policy IKF, Curriculum Standards and Graduation Requirements: Academic and Citizenship Credit and Grading](#). In addition, USBE has established Core Standards to identify what individual students should be able to know and do at each grade level.
- 1.2. The Core Standards established by the USBE provide the framework on which District instructional programs and classroom teaching materials are designed. Curriculum, materials, and teaching style are all determined by the District and its individual schools and teachers. All Instruction and Instructional Materials must support the Core Standards established by the USBE.
- 1.3. This policy establishes requirements and procedures for Instruction, Instructional Materials, and Library Materials within Nebo School District. It also provides a procedure for parents and patrons to communicate with school and District officials regarding Curriculum, Instruction, Instructional Materials, and Library Materials.

2. DEFINITIONS

- 2.1. **Core Courses** means those courses identified as Core Curriculum Requirements in [UTAH ADMIN. CODE R277-700](#). The Core Courses and their respective course descriptions are established by the USBE. The Core Courses are listed in [Nebo School District Policy IKF, Curriculum Standards and Graduation Requirements: Academic and Citizenship Credit and Grading](#).
- 2.2. **Core Standards** means the statements adopted by the USBE identifying what students are expected to know and be able to do at specific grade levels or following completion of identified courses.
- 2.3. **Curriculum** means Instruction and Instructional Materials as defined in this policy. It includes content, instructional elements, methods, pedagogy, scope and sequence, materials, and other resources that are used to teach the Utah Core Standards. The District and its schools and teachers choose, develop, and control the Curriculum.

- 2.4. Instruction** means the words and actions used by a teacher to convey information, skills, knowledge, and/or wisdom to students.
- 2.5. Instructional Materials** means all physical or electronic materials used by a teacher for the Instruction of students and includes Primary Materials, Supplementary Materials, and Incidental Materials. Classroom displays are considered Instructional Materials.
- 2.5.1. Primary Materials** means textbooks, workbooks, and other materials intended to be a primary source of information and Instruction. Materials which students are required to have, use, or access constitute Primary Materials.
- 2.5.2. Supplementary Materials** means software, manipulatives, and other items intended to be used multiple times in a course but not as the primary source of information. Supplementary Materials include leveled libraries.
- 2.5.3. Incidental Materials** means pictures, quotations, video clips, and other materials intended to be used as part of a single unit during classroom Instruction.
- 2.6. Library Materials** means all books, pamphlets, magazines, audio/visual materials, software, electronic materials, subscriptions, online access, or other information accessible to students in or through a school library. Library Materials do not include leveled libraries.

3. GENERAL STANDARDS FOR INSTRUCTION AND INSTRUCTIONAL MATERIALS

- 3.1.** All Instruction and Instructional Materials must be age appropriate for the students being instructed.
- 3.2.** All Instruction and Instructional Materials must be supported by generally accepted scientific standards of evidence.
- 3.3.** All Instruction and Instructional Materials must focus on, enhance, or help students achieve mastery of the Core Standards.
- 3.4.** Instruction and Instructional Materials must comply with District policies and procedures, especially, but not limited to, [Nebo School District Policy IGAI](#), [Healthy Responsible Lifestyle Education](#).
- 3.5.** Instruction and Instructional Materials must comply with applicable copyright laws and licensing agreements, as more fully described in Section 8 below.

4. GENERAL STANDARDS FOR LIBRARY MATERIALS

- 4.1.** All Library Materials must be age appropriate for the students attending the school.
- 4.2.** All Library Materials must comply with District policies and procedures, especially, but not limited to, [Nebo School District Policy IGAI](#), [Healthy Responsible Lifestyle Education](#).
- 4.3.** All Library Materials must comply with applicable copyright laws and licensing agreements.

5. SELECTION OF INSTRUCTIONAL MATERIALS

Except as provided in [Nebo School District Policy IGAI](#), [Healthy Responsible Lifestyle Education](#), all Instructional Materials must be selected in accordance with this section.

5.1. Primary Materials

- 5.1.1.** All Primary Materials must be selected by the District Curriculum Committee.
- 5.1.2.** The District Curriculum Committee must include at least the following:
- 5.1.2.1.** At least one parent of a student currently enrolled in the class for which the Primary Materials are being selected;

- 5.1.2.2. At least one teacher of the class for which the Primary Materials are being selected;
 - 5.1.2.3. At least one principal of a school in which the Primary Materials will be used;
 - 5.1.2.4. At least one member of the Nebo Board of Education; and
 - 5.1.2.5. The District Curriculum Director.
- 5.1.3. All courses for which the Primary Materials are selected must be taught using the selected Primary Materials.
- 5.2. Supplementary Materials
- 5.2.1. All Supplementary Materials must be approved by the school principal before they can be used for Instruction.
 - 5.2.2. Approval for use of Supplementary Materials must be documented in writing using the [Supplementary Materials Approval](#) form.
- 5.3. Incidental Materials
- 5.3.1. Incidental Materials are those materials used as part of a particular lesson or lesson plan. They are meant to help with a single unit of Instruction rather than an extended period of time.
 - 5.3.2. Incidental Materials may be selected by individual teachers but must comply with the general standards listed in Section 3 above.
- 5.4. Classroom Displays
- 5.4.1. Materials displayed in and around a classroom are Instructional Materials and must comply with this policy. They may be selected by the classroom teacher but are subject to removal by the principal.
 - 5.4.2. Consistent with [Nebo School District Policy KACA, School Advertising Restrictions](#), classrooms are not public forums for the display or distribution of political, religious, or personal viewpoints, and employees may not use them for the posting or display of materials to promote or convey a political, religious, or personal message.
 - 5.4.3. Because classroom displays may reasonably be perceived as having the District's approval, they constitute government speech under the First Amendment, subject to control by the District.¹ Materials that do not convey the District's educational message may be removed by the school principal. An educator or other employee who uses instructional time or space to convey a political, religious, or personal message after being directed not to may be subject to disciplinary action.

6. SELECTION OF LIBRARY MATERIALS

Library Materials are selected by the school librarian in consultation with school and District administration. The selection of Library Materials should include the evaluation of available resources, assessment of curriculum needs, and consideration of reputable, professionally developed recommendations such as those prepared by the American Library Association.

7. USE OF VISUAL MEDIA

Because of the availability of a large variety of movies, television programs, video cassette recordings, digital visual media, digital video discs, etc. (hereinafter all referred to as "visual media"),

¹ See [Hazelwood Sch. Dist. v. Kuhlmeier, 484 U.S. 260, 271 \(1988\)](#) (“expressive activities that students, parents, and members of the public might reasonably perceive to bear the imprimatur of the school ... may fairly be characterized as part of the school curriculum”).

it is increasingly necessary to exercise judgment and prudence in their classroom use. All visual media must be age appropriate and should be used for educational purposes only. They may be used to initiate, enhance, or culminate teaching units. All visual media must be used under the direct supervision of the instructor and in compliance with applicable copyright laws and licensing agreements.

7.1. Guidelines for Appropriate Use of Visual Media

- 7.1.1.** Media titles purchased by the Utah Instructional Media Consortium, of which Nebo School District is a member, have and will be made available to the Utah Education Network (UEN). Teachers can stream this media directly to their classroom through UEN. Visual media obtained from any other source must be approved by the principal prior to its school use.
- 7.1.2.** Use of visual media in the classroom is limited to instructional purposes and not for entertainment or as a reward. Use of visual media in connection with school-wide entertainment or reward programs must be approved by the school principal and must have a G or PG rating.
- 7.1.3.** The instructional value of a particular piece of visual media shall be weighed against the value of the academic time it consumes. Only those segments of a program which illustrate the topic or Curriculum content should be shown rather than viewing the program in its entirety. Except as provided in Section 7.2.1 below, no visual media will be used in a classroom without having first been previewed by the teacher.
- 7.1.4.** Scenes from any visual media that contain vulgarity, indecency, nudity, excessive violence, and/or profanity are strictly prohibited in the classroom and in any school sponsored activities.
 - 7.1.4.1.** In elementary schools, short segments of G and PG rated media may be used provided they do not contain vulgarity, indecency, nudity, excessive violence, and/or profanity. Movies or short segments of movies rated PG-13, R, or NC-17 will not be shown in elementary schools or at school sponsored activities.
 - 7.1.4.2.** In secondary schools, short segments of G, PG, and PG-13 rated media may be used provided they do not contain vulgarity, indecency, nudity, excessive violence, and/or profanity. School administration must approve the use of visual media longer than short segments, and a public performance license must be obtained. Movies or short segments of movies rated R or NC-17 will not be shown in secondary schools or at school sponsored activities.
- 7.1.5.** Any visual media related to maturation or healthy lifestyles must only be used under the limitations of [Nebo School District Policy IGAI, *Healthy Responsible Lifestyle Education*](#).
- 7.1.6.** Students should be guided by the teacher in connecting the visual media to academic content through pre- and post-activities related to the Curriculum.
- 7.1.7.** Visual media marked “For Home Use Only,” whether privately owned, rented, or obtained online, may not be shown at school, even with the principal's approval, unless a public performance license has been obtained.

7.2. Television Programs

- 7.2.1. Livestream programs that give the teacher no opportunity to preview or control content should not be watched by students at school in most circumstances. Exceptions require approval by the school principal.
- 7.2.2. Recorded programs originally produced for entertainment rather than for instructional purposes are subject to the same limitations on use as if they had been rented or purchased for private home use, as described in Section 7.1.7. above.

7.3. Parent/Guardian Review of Visual Media

- 7.3.1. In order for parents/guardians to have the opportunity to review visual media that will be utilized as part of a course, a process for parent/guardian review of materials is hereby established. Upon written request from a parent/guardian, the teacher will send home a list and brief description of the visual media that will be viewed as part of the Curriculum during the course. Supplemental lists may be sent home as new materials become available to the teacher.
- 7.3.2. If the parent/guardian has a specific concern about any of the visual media as they affect his/her student, the parent/guardian is invited to meet with the administrator and individual teacher to discuss the concern. Efforts will be made by the teacher and administrator to resolve the concern. Alternative learning activities of equal curricular value may be offered by the teacher or suggested by the parent/guardian. Students will not be expected to view the work in question until the concern can be resolved.
- 7.3.3. If the parent and teacher are unable to resolve the concern, the teacher will give the parent a [Request Form](#) (more fully described in Section 11). The parent will return the completed form to the school administrator, and the procedures outlined in Section 11 will be followed.

8. **USE OF COPYRIGHTED MATERIALS**

The following summary of copyright laws is provided to guide employees; however, the laws themselves are detailed, comprehensive, and subject to change. When questions arise, employees should consult an appropriate administrator or the Legal Department to guard against copyright infringement.

8.1. Copyright Protections

- 8.1.1. United States copyright law grants certain rights and protections to the creators and publishers of creative works. Creative works that can be protected by copyright law are numerous and varied and include, but are not limited to, books, magazines, pictures, artwork, sculptures, music, movies, television shows, computer software, websites, dance choreography, and architecture.
- 8.1.2. The rights and protections granted to copyright owners are automatic and last for many decades. Creative works not in the public domain are protected by copyright law even if they are not registered with the U.S. government or do not carry the copyright symbol.
- 8.1.3. Except under certain limited conditions, only copyright owners may do the following with their works:
 - 8.1.3.1. Make copies;
 - 8.1.3.2. Create derivative works (i.e. converting copyrighted material from one format to another, such as book to DVD);
 - 8.1.3.3. Distribute copies of the work to the public by sale, rental, lease, or lending;
 - 8.1.3.4. Publicly distribute, display, or perform.

- 8.1.4.** Because the rights and protections given to copyright owners are typically exclusive, the unauthorized exercise of those rights constitutes a copyright infringement and violation of law and is therefore prohibited by this policy.

8.2. Allowable Uses of Copyrighted Materials

To allow public benefit of copyrighted works, U.S. law provides certain exemptions to the exclusive rights of copyright owners. Copying, the creation of derivative works, and the public display or performance of copyrighted materials by anyone other than the copyright owner is prohibited unless such use falls under one of the exemptions below.

8.2.1. Permission

Copyright owners may grant permission for protected use of their copyrighted works. Students and employees wishing to copy, create a derivative work of, or publicly display or perform a copyrighted work should first seek permission from the copyright holder. The permission should be in writing and should outline in detail both the work to be used and the permitted use.

8.2.2. Fair Use

8.2.2.1. Fair use is a statutory doctrine allowing certain uses of copyrighted works for limited purposes, such as teaching, research, and scholarship, among others. However, purpose alone is not sufficient to determine whether a particular action falls under the fair use doctrine. For example, fair use does not mean teachers are free to copy any material solely under the rationale that the copies will be used for teaching. Instead, fair use must be evaluated on a case by case basis, and there are many instances where copying for teaching purposes would not be permitted. Under the law, the following criteria must be considered in determining whether the use of a copyrighted work is fair:

8.2.2.1.1. The purpose and character of the use, including whether such use is of a commercial nature or is for nonprofit educational purposes.

8.2.2.1.2. The nature of the copyrighted work.

8.2.2.1.3. The amount and substantiality of the portion used in relation to the copyrighted work as a whole (the larger the portion used, the more likely the copyright violation).

8.2.2.1.4. The effect of the use upon the potential market for or value of the copyrighted work (it is not typically fair use to make educational copies of works intended for educational use, such as textbooks or workbooks).

8.2.2.2. The fact that a work is unpublished shall not itself bar a finding of fair use if such finding is made upon consideration of all the above factors.

8.2.3. License

8.2.3.1. Many copyright owners will issue licenses outlining terms of use for their copyrighted works. If such license is properly obtained, the copyrighted work may be used according to the terms of the license.

8.2.3.2. Schools can legally show copyrighted entertainment movies consistent with Section 7 above by obtaining a public performance site license.

8.2.4. Statutory Exemptions for Education

In addition to fair use, U.S. copyright law provides numerous other exceptions to the exclusive control held by copyright owners. The following list provides brief summaries of some of these statutory exceptions. However, because the applicability of any of the following exceptions is narrow in scope and subject to detailed conditions and requirements, employees should consult an appropriate administrator or the Legal Department prior to relying on them.

- 8.2.4.1. Library Copying.** Certain libraries may make and maintain a limited number of copies of certain types of works for security, preservation, and other purposes identified in the law. [17 U.S.C. § 108](#).
- 8.2.4.2. Instruction.** Educators and students may typically perform or display certain copyrighted works in the course of face to face teaching activities and distance education. [17 U.S.C. § 110](#).
- 8.2.4.3. Educational Broadcasting.** Non-dramatic literary or musical works may typically be broadcast for educational purposes. However, movies produced for entertainment purposes are not included in this exception.
- 8.2.4.4. Non-Profit Performance.** Non-dramatic literary or musical works may typically be displayed or performed for non-profit purposes. However, movies produced for entertainment purposes are not included in this exception.

8.3. Application to Visual Media

- 8.3.1.** Consistent with Sections 7 and 8.2 above, movies produced for entertainment may be shown for a variety of purposes, including student reward programs for academics, attendance, and good behavior; rainy/snow days during recess or lunch; before/after school programs; children’s entertainment during parent meetings; holiday events; graduation parties; school or student club meetings; dances; assemblies; or other school programs, activities, or events.
- 8.3.2.** If a school does not obtain a public performance license, the movie can be shown only if it falls under one of the other allowable uses described in this section.

8.4. Application to Music and Other Audio Recordings

- 8.4.1.** Accompanists must have original music to play from. Copying a single page can be justified, but copying the entire work is copyright infringement.
- 8.4.2.** Except as provided under Section 8.4.3, copying CDs, digital files such as mp3s, or any other copyrighted audio recordings is prohibited unless the copyright holders grant permission. Specifically, employees:
 - 8.4.2.1.** Cannot create, replace, or substitute anthologies, compilations, or collective works;
 - 8.4.2.2.** Cannot copy for purposes of performances;
 - 8.4.2.3.** Cannot copy for the purpose of substituting for purchases; and
 - 8.4.2.4.** Cannot copy without the inclusion of copyright notice, which appears on the printed copy.
- 8.4.3.** Subject to various conditions and restrictions, the copying of music may be permissible in the following situations:
 - 8.4.3.1.** When purchase copies are not available for an imminent performance and purchased replacement copies will be substituted in due course.

- 8.4.3.2.** If the copy is used for academic purposes other than performances and the excerpts used are not enough to make a performable unit (e.g., section, movement, aria, etc.).
- 8.4.3.3.** If the copy is not more than 10% of the whole work.
- 8.4.3.4.** If not more than 1 copy per pupil is used.
- 8.4.3.5.** If it is confirmed by the copyright proprietor to be out of print.
- 8.4.3.6.** If it is unavailable except in a larger work.
- 8.4.3.7.** If the copy is used by a teacher for research or in preparation for class.

8.4.4. Performances and Recordings

- 8.4.4.1.** A performance license is necessary to perform copyrighted music in public. To legally include prerecorded or printed copyrighted music within a teacher or student performance, the Harry Fox Agency (NYC), ASCAP, and BMI should be contacted for copyright release of the mechanical recording and the final performance licenses respectively.
- 8.4.4.2.** A single copy of a videotaped performance may be produced and kept on file for review by a school or instructor, but the production or distribution of multiple copies (with or without charging a fee) without the permission of the copyright owners constitutes infringement.

8.4.5. Music Use

- 8.4.5.1.** Single copies of recordings of copyrighted music can be made from sound recordings owned by an education institution or an individual teacher for the purpose of constructing exercises or examinations and may be retained by the institution or teacher.
- 8.4.5.2.** Sound recordings may be played (not recorded) at a dance assembly, sports or other activity, music-on-hold telephone system, etc.
- 8.4.5.3.** Copying of copyrighted recorded music is not permitted without permission from the publisher of each copyrighted work.

8.4.6. Editing Music

- 8.4.6.1.** Printed copies, which have been purchased, may be edited or simplified provided that the fundamental character of the work is not distorted or the lyrics, if any, altered, or lyrics added if none exist.

8.5. Application to Literary Works

Copying literary works (books, periodicals, etc.) is prohibited except in the following situations:

- 8.5.1.** Single copies for teachers to research or prepare to teach. This could include a chapter from a book or an article from a periodical or newspaper. A short story, short essay, short poem, chart, graph, diagram, drawing, cartoon, or picture from a book, periodical, or newspaper may also be used.
- 8.5.2.** Multiple copies for classroom use if it does not exceed 1 page per pupil. Each copy must bear a copyright notice. Copies used in class must follow the following considerations:
 - 8.5.2.1. Brevity:**
 - 8.5.2.1.1.** Poetry can be a whole poem if less than 250 words or an excerpt if more than 250 words.

- 8.5.2.1.2.** Prose can be copied in its entirety if it is less than 2,500 words or if longer, than less than 1,000 words or 10% of the work, whichever is less (minimum of 500 words).
- 8.5.2.1.3.** May be expanded to complete an unfinished line of a poem or an unfinished prose paragraph
- 8.5.2.1.4.** For illustrations, one chart, graph, diagram, drawing, cartoon, or picture per book or per periodical issue may be used.
- 8.5.2.1.5.** All “Special Works” (work in poetry, prose, or poetic prose which often combine language with illustrations and sometimes are intended for children or general audiences that fall short of 2,500 in entirety) cannot be reproduced in its entirety, cannot have more than 2 of the published pages, and cannot contain more than 10% of the words found in the text.

8.5.2.2. Spontaneity:

- 8.5.2.2.1.** Copying must be at the instance and inspiration of the teacher (rather than at the directive of an administrator, for example).
- 8.5.2.2.2.** If the decision to use and moment of use for maximum teaching effectiveness are so close in time that it would be unreasonable to expect a timely reply to request for its permission. (This means it is inappropriate to use the same material year after year without permission).

8.5.2.3. Cumulative Effect:

- 8.5.2.3.1.** The copied material may only be used for one course.
- 8.5.2.3.2.** Not more than one short poem, article, story, essay, or two excerpts may be copied from the same author, nor more than three from the same collective work or periodical volume during one class term.

8.5.2.4. Prohibitions:

- 8.5.2.4.1.** Cannot create, replace, or substitute for anthologies, compilations, or collective works.
- 8.5.2.4.2.** Cannot copy from works intended to be “consumable” in course of study like workbooks, exercises, standardized tests, test booklets, answer sheets, etc.
- 8.5.2.4.3.** Copying shall not: substitute for the purchase of books or periodicals, be directed at higher authority, or be repeated from term to term (using the same item).
- 8.5.2.4.4.** Students cannot be charged beyond the cost of copying.

8.6. Application to Computer Software

Consistent with individual licensing agreements, the following general rules apply to use of computer software.

8.6.1. Allowances

- 8.6.1.1.** A copy of a computer program for archival purposes can be made.

- 8.6.1.2. A software program may be installed onto a network if a network license is obtained for the number of machines used.
- 8.6.1.3. A software program may be installed onto two computers if there is no possibility both computers will be operated simultaneously.
- 8.6.1.4. Clip art from purchased collections may be used within other documents if the other documents are not for resale.

8.6.2. Prohibitions

- 8.6.2.1. Copyright law prohibits making a secondary clip art collection.
- 8.6.2.2. Putting a single license software program on multiple computers is a violation of copyright laws.

8.7. Application to Websites

- 8.7.1. The copyright laws and rules outlined in this section apply to digital copies and the creation of web pages and social media sites. Images found online may not be copied and pasted into employee websites, nor can music, movies, and other media be copied and reproduced in another location on the web unless permitted by one of the allowable uses outlined in Section 8.2 above.
- 8.7.2. Employees should use caution when creating links to material found elsewhere on the internet and comply with all applicable linking agreements.

9. CURRICULUM AND LITERATURE REVIEW

- 9.1. Curriculum that the district uses must be readily accessible and available for a parent to view. Teachers should provide parent access to Curriculum materials through their normal means of classroom communication, including disclosure documents, learning management systems, newsletters, etc. Parents who wish further review of specific materials may request a review under Section 11 below.
- 9.2. This policy will be available on the District's website and made available to parents annually in the Parent Information Guide.
- 9.3. In order for parents to have the opportunity to review literature that is required as part of an English or language arts course, each teacher will send home a general list of the major works or novels that may be required reading during the year. The list should include a content description or provide links or references to outside sources available to parents where they can find a content description for the items on the list. The descriptions and references should be objective and fact-based.
- 9.4. If a parent has a specific concern about a work or selection as it affects his/her student, the parent may request a waiver or alternative as outlined in Section 10 below.

10. WAIVER OF PARTICIPATION

- 10.1. Pursuant to [UTAH CODE ANN. § 53G-10-205](#), a parent or guardian of a student, or a secondary student, may request a waiver from or alternative to participation in a learning activity that would require the student to affirm or deny a religious belief or right of conscience, or to engage in or refrain from engaging in a practice forbidden or required in the exercise of a religious right or right of conscience. A request under this section may be made only for a specific learning activity and not for an entire course or class. Likewise, requests made under this section are for individual waivers or alternatives only; parents or students requesting review of content for all students to whom it is accessible must do so under Section 11 below.
- 10.2. If a student makes a request under Section 10.1, the school shall promptly notify the student's parent or guardian.

- 10.3. A request under Section 10.1 shall be made in writing directly to the principal using the Request for Waiver of Participation form.
- 10.4. When a request is made under Section 10.1, the principal, in consultation with the teacher, must do one of the following:
 - 10.4.1. Waive the participation requirement;
 - 10.4.2. Provide a reasonable alternative to the requirement; or
 - 10.4.3. Notify the person making the request that participation is required.
- 10.5. The decision of the principal is final.
- 10.6. A student for whom a request is made under this section is exempt from the learning activity until a final decision is made.
- 10.7. A student’s academic or citizenship performance may not be penalized for the making of a request under Section 10.1, regardless of whether the request is granted.

11. REQUEST FOR REVIEW OF INSTRUCTION, INSTRUCTIONAL MATERIALS, OR LIBRARY MATERIALS

- 11.1. Except as provided in [Nebo School District Policy IGAI, Healthy Responsible Lifestyle Education](#), parents and patrons who object to a teacher’s Instruction or Instructional Materials, or to any Library Materials (hereinafter referred to as “Challenged Content”), may request a review. Requests must be made in writing on the District’s [Request for Review of Instruction or Materials](#) form (“Request Form”). Requests made under this section are to review Challenged Content for all students to whom it is accessible. Parents or students requesting an individual waiver or alternative must do so under Section 10 above.
- 11.2. The procedures outlined in this section may be used only to review Instruction, Instructional Materials, or Library Materials selected or under the control of the District or its individual schools or employees. The procedures in this section may not be used to challenge or review Core Standards, Core Courses, or any other content, material, or methodology prescribed by law, rule, or regulation or otherwise selected by a state or federal entity and which are not chosen or used at the discretion of the District or its schools or employees.
- 11.3. The [Request Form](#) must be submitted to the principal. Challenged Content will not be removed until a final decision is made according to the procedures outlined in this section.
- 11.4. The Principal will present the [Request Form](#) to the School Community Council at the next regularly scheduled council meeting.
 - 11.4.1. If the Challenged Content is specific to a particular teacher, that teacher will be invited to the council meeting. If the Challenged Content includes Library Materials, the school librarian will be invited to the meeting.
 - 11.4.2. The School Community Council should discuss and answer the following questions:
 - 11.4.2.1. Is the Challenged Content age appropriate for the students to whom it is accessible?
 - 11.4.2.2. Is the Challenged Content supported by generally accepted scientific standards of evidence?
 - 11.4.2.3. Except in the case of Library Materials, does the Challenged Content focus on, enhance, or help students achieve mastery of the Core Standards?
 - 11.4.2.4. Does the Challenged Content comply with District policies and procedures, especially, but not limited to, [Nebo School District Policy IGAI, Healthy Responsible Lifestyle Education](#)?

- 11.4.2.5.** Does the Challenged Content comply with applicable copyright laws and licensing agreements?
- 11.4.2.6.** Is the Challenged Content indecent, vulgar, lewd, or obscene as defined in reference to minors?
- 11.4.2.7.** Is the Challenged Content libelous?
- 11.4.2.8.** Does the Challenged Content promote unhealthy activities?
- 11.4.2.9.** Does the Challenged Content promote activities that are illegal for minors?
- 11.4.3.** The School Community Council will make a written recommendation to either approve or prohibit the Challenged Content. The recommendation will contain answers to the questions listed in Section 11.4.2. above. The recommendation of the council is advisory in nature and does not supersede the authority of the principal, the District Curriculum Committee, the superintendent, or the Board of Education.
- 11.4.4.** The principal will consider the recommendation of the council and decide whether to approve or prohibit the Challenged Content. A principal may prohibit Instruction, such as assignments, Incidental Materials, or particular learning activities; however, if the Challenged Content consists of Library Materials, Primary Materials, or Supplementary Materials, the principal may not remove such materials but must instead submit the request, the council's recommendation, and a copy of the Challenged Content to the District Curriculum Committee. The principal shall make a written determination indicating his/her decision and provide it to the person(s) who submitted the [Request Form](#) and to all school employees affected by the decision.
- 11.4.5.** The principal's decision may be appealed to the District Curriculum Committee. The District Curriculum Committee will consider the Request for Review, the recommendation of the School Community Council, the Challenged Content, and the written determination of the principal in determining whether the Challenged Content should be removed. The decision of the District Curriculum Committee is final and represents the official position of the District. However, if the appeal involves a protected liberty or property right, the decision can be appealed to the Board of Education consistent with the procedures outlined in [Nebo School District Policy KLD, Parent/Patron Dispute Resolution](#).

EXHIBITS

None

REFERENCES[17 U.S.C. § 101, et seq.](#)[Hazelwood Sch. Dist. v. Kuhlmeier, 484 U.S. 260, \(1988\)](#)[UTAH CODE ANN. § 53E-3-501](#)[UTAH CODE ANN. § 53G-10-205](#)[UTAH ADMIN. CODE R277-328](#)[UTAH ADMIN. CODE R277-468](#)[UTAH ADMIN. CODE R277-700](#)[Nebo School District Policy IGAI, *Healthy Responsible Lifestyle Education*](#)[Nebo School District Policy IKF, *Curriculum Standards and Graduation Requirements: Academic and Citizenship Credit and Grading*](#)[Nebo School District Policy KACA, *School Advertising Restrictions*](#)[Nebo School District Policy KLD, *Parent/Patron Dispute Resolution*](#)

FORMS[Request for Review of Instruction or Materials](#)[Supplementary Materials Approval](#)[Request for Waiver of Participation](#)

HISTORY

Revised 8 September 2021 – added section on making curriculum accessible to parents consistent with SB 148 (2021); refined definitions of primary and supplementary materials; removed role of IMC for visual media; modified procedures for requesting waiver of participation; made technical changes.

Revised 11 September 2019 – added section on classroom displays.

Revised 9 May 2018 – added requirement for content description to accompany materials list; made technical changes.

Revised 10 September 2014 – added paragraph limiting request for review to district-selected materials and excluding review of core standards from process.

Adopted 13 August 2014 – replaced previous policy IIA, *Appropriateness of Instruction and Instructional Materials*, 2/8/1995, and IAB, *Classroom Use of Visual Media Resources*, 6/17/03, and accompanying forms.
