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**POLICY TITLE:** Student Instruction and Materials  
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**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 Learning Materials must support the Core Standards established by the USBE.
- 1.3. This policy establishes requirements and procedures for Instruction and Learning Materials within Nebo School District. It also provides a procedure for parents and patrons to communicate with school and District officials regarding Curriculum, Instruction, and Learning Materials.
- 1.4. Selection and review of library materials is governed by [Nebo School District Policy IIB, 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 Learning 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. “Learning Materials” has the same meaning found in [UTAH CODE ANN. § 53G-4-402\(26\)](#) and means all physical or electronic materials used by a teacher for the Instruction of students, including Primary Source Materials, Supplementary Materials, and Incidental Materials. School and classroom displays are considered Learning Materials. When a website is used as Learning Material, the content of the page must comply with this policy. Links to resources beyond the original page cited have not been vetted, and content of displayed ads and other linked websites are not considered Learning Materials.
- 2.5.1. “Primary Source Materials” means any Learning Materials intended to be the primary source of information and Instruction in all District classrooms in a grade level, course, or subject area.
- 2.5.2. “Supplementary Materials” means Learning Materials such as software, manipulatives, and other items intended for regular use in a particular classroom, grade level, or course at a school but not as Primary Source Materials. Supplementary Materials include assigned books and leveled libraries.
- 2.5.3. “Incidental Materials” means Learning Materials such as pictures, quotations, video clips, and other materials intended to be used as part of a single unit during classroom Instruction. Incidental Materials include classroom libraries.
- 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 LEARNING MATERIALS

- 3.1. All Instruction and Learning Materials must be age appropriate for the students being instructed.
- 3.2. All Instruction and Learning Materials must be supported by generally accepted scientific standards of evidence.
- 3.3. All Instruction and Learning Materials must focus on, enhance, or help students achieve mastery of the Core Standards.
- 3.4. Instruction and Learning Materials must comply with District policies and procedures, especially, but not limited to, [Nebo School District Policy IGAI, Health Instruction and Sex Education](#).
- 3.5. Instruction and Learning Materials must comply with applicable copyright laws and licensing agreements, as more fully described in Section 6 below.
- 3.6. Instruction and Learning Materials must comply with the principles of individual freedom outlined in [UTAH CODE ANN. § 53G-10-206](#).

### 4. SELECTION OF LEARNING MATERIALS

- 4.1. Except as provided in [Nebo School District Policy IGAI, Health Instruction and Sex Education](#), all Learning Materials must be selected in accordance with this section.
- 4.2. As required by the selection processes described in this section, the Associate Superintendent of Curriculum shall ensure that a District Curriculum Committee is organized. The Committee is authorized to vet any Learning Materials. When the Committee vets Learning Materials, it may reject, approve, or adopt the materials. The District Curriculum Committee must include at least the following:
- 4.2.1. At least one parent of a student currently enrolled in a class for which Learning Materials are being considered by the Committee;

- 4.2.2. At least one teacher of the class for which the Learning Materials are being selected;
  - 4.2.3. At least one principal of a school in which the Learning Materials will be used; and
  - 4.2.4. The Associate Superintendent of Curriculum or designee; and
  - 4.2.5. May include a member of the Nebo Board of Education.
- 4.3. Selection of Primary Source Materials
- 4.3.1.1. Primary Source Materials must be selected by the District Curriculum Committee. When selecting materials, the Committee may either approve or adopt them.
  - 4.3.1.2. If the District Curriculum Committee approves Primary Source Materials, the particular grade level, course, or subject area for which they are approved may, but is not required to, be taught from among the approved Primary Source Materials.
  - 4.3.1.3. If the District Curriculum Committee adopts Primary Source Materials, the particular grade level, course, or subject area for which they are adopted must be taught using the adopted Primary Source Materials.
- 4.4. Selection of Supplementary Materials
- 4.4.1. All Supplementary Materials must be approved by the school principal or the District Curriculum Department before they can be used for Instruction.
  - 4.4.2. Principal approval for use of Supplementary Materials must be documented in writing using the [Supplementary Materials Approval](#) form.
- 4.5. Selection of Incidental Materials
- 4.5.1. 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.
  - 4.5.2. Incidental Materials may be selected by individual teachers but must comply with the general standards listed in Section 3 above.
- 4.6. Classroom Displays
- 4.6.1. Materials displayed in and around a classroom are generally considered Learning Materials and must comply with this policy. They may be selected by the classroom teacher but are subject to removal by the principal.
  - 4.6.2. 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.
  - 4.6.3. 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.<sup>1</sup> 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.

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<sup>1</sup> 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”).

- 4.6.4. This policy does not require a principal to remove photos, decorations, or other personal items from a teacher’s desk or surrounding area as long as the items do not disrupt the learning process.
- 4.7. Board Approval or Adoption
  - 4.7.1. Learning Materials may, but are not required to be, approved or adopted by the Board.
  - 4.7.2. Before being approved or adopted by the Board, the following must take place.
    - 4.7.2.1. The District Curriculum Committee must review the materials and recommend to the Board that the materials be approved or adopted.
      - 4.7.2.1.1. Materials that are approved may, but are not required to, be used for the particular grade level, course, or subject area for which they were approved.
      - 4.7.2.1.2. Materials that are adopted must be used for the particular grade level, course, or subject area for which they were adopted.
    - 4.7.2.2. Before the meetings described in paragraph 4.7.2.3, the materials must be posted online to allow for public review. If copyright prohibits online posting, the material must be made available at the District Office for public review.
    - 4.7.2.3. After being made available to the public as described in paragraph 4.7.2.2, the materials must be considered during at least two public meetings at which educators and parents may express views and opinions on the recommended materials.

## 5. USE OF AUDIO AND VISUAL MEDIA

Audio and visual media means electronic media that has either a sound or visual component, or both. It includes music, audiobooks, videos, and any other type of live or recorded media presented for hearing or viewing. This section outlines restrictions and requirements for use of audio and visual media with students. As used in this section, the term “media” means audio, visual, or audiovisual media.

- 5.1. Media that contains vulgarity, indecency, nudity, excessive violence, or profanity is strictly prohibited in the classroom and at any school sponsored activity.
- 5.2. Media marked “for home use only,” whether privately owned, rented, or obtained online, may not be presented at school unless a public performance license has been obtained as described in section 6.
- 5.3. 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.
- 5.4. Instructional Use
  - 5.4.1. Use of media during instructional time is limited to instructional purposes and not for entertainment or as a reward. It may be used to initiate, enhance, or culminate teaching units. Students should be guided by the teacher in connecting media to academic content through pre- and post-activities related to the Curriculum.
  - 5.4.2. The instructional value of a particular piece of media shall be weighed against the value of the academic time it consumes. Only those segments of media which illustrate the topic or Curriculum content should be presented, rather than a lengthy program in its entirety.

- 5.4.3. Media must be used under the direct supervision of the instructor. Except as provided in paragraph 5.3, no media may be used in a classroom without having first been previewed by the teacher.
  - 5.4.4. In elementary and middle schools, media segments from works with a G, PG, or other similar age-appropriate rating may be used consistent with paragraph 5.1. Segments from works with a PG-13, R, NC-17, or other similar mature rating, even if the segment itself complies with paragraph 5.1, shall not be used in elementary or middle schools or their school-sponsored activities.
  - 5.4.5. In junior high and high schools, media segments with a G, PG, PG-13, or other similar age-appropriate rating may be used consistent with paragraph 5.1. Segments from works with an R, NC-17, or other similar mature rating, even if the segment itself complies with paragraph 5.1, shall not be used in junior high or high schools or their school-sponsored activities.
- 5.5. Use for Entertainment or Rewards
- 5.5.1. School administration must approve the use of visual media for entertainment or reward purposes, and a public performance license must be obtained.
  - 5.5.2. In elementary and middle schools, media with a G, PG, or other similar age-appropriate rating may be used consistent with paragraph 5.1. Media with a PG-13, R, NC-17, or other similar mature rating shall not be used in elementary or middle schools or their school-sponsored activities.
  - 5.5.3. In junior high and schools, media with a G, PG, PG-13, or other similar age-appropriate rating may be used consistent with paragraph 5.1. Media with an R, NC-17, or other similar mature rating shall not be used in junior high or high schools or their school-sponsored activities.

## 6. 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.**

### 6.1. Copyright Protections

- 6.1.1. 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.
- 6.1.2. 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.
- 6.1.3. Except under certain limited conditions, only copyright owners may do the following with their works:
  - 6.1.3.1. Make copies;
  - 6.1.3.2. Create derivative works (i.e. converting copyrighted material from one format to another, such as book to DVD);
  - 6.1.3.3. Distribute copies of the work to the public by sale, rental, lease, or lending;
  - 6.1.3.4. Publicly distribute, display, or perform.

**6.1.4.** 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.

## **6.2. 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.

### **6.2.1. 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.

### **6.2.2. Fair Use**

**6.2.2.1.** 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:

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

**6.2.2.1.2.** The nature of the copyrighted work.

**6.2.2.1.3.** 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).

**6.2.2.1.4.** 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).

**6.2.2.2.** 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.

### **6.2.3. License**

**6.2.3.1.** 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.

**6.2.3.2.** Schools can legally show copyrighted entertainment movies consistent with Section 5 above by obtaining a public performance site license.

**6.2.4. 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.

- 6.2.4.1. 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](#).
- 6.2.4.2. 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](#).
- 6.2.4.3. 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.
- 6.2.4.4. 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.

**6.3. Application to Visual Media**

- 6.3.1.** Consistent with Sections 5 and 6.2 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.
- 6.3.2.** 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.

**6.4. Application to Music and Other Audio Recordings**

- 6.4.1.** Accompanists must have original music to play from. Copying a single page can be justified, but copying the entire work is copyright infringement.
- 6.4.2.** Except as provided under Section 6.4.3, copying CDs, digital files such as mp3s, or any other copyrighted audio recordings is prohibited unless the copyright holders grant permission. Specifically, employees:
  - 6.4.2.1.** Cannot create, replace, or substitute anthologies, compilations, or collective works;
  - 6.4.2.2.** Cannot copy for purposes of performances;
  - 6.4.2.3.** Cannot copy for the purpose of substituting for purchases; and
  - 6.4.2.4.** Cannot copy without the inclusion of copyright notice, which appears on the printed copy.
- 6.4.3.** Subject to various conditions and restrictions, the copying of music may be permissible in the following situations:
  - 6.4.3.1.** When purchase copies are not available for an imminent performance and purchased replacement copies will be substituted in due course.

- 6.4.3.2.** 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.).
- 6.4.3.3.** If the copy is not more than 10% of the whole work.
- 6.4.3.4.** If not more than 1 copy per pupil is used.
- 6.4.3.5.** If it is confirmed by the copyright proprietor to be out of print.
- 6.4.3.6.** If it is unavailable except in a larger work.
- 6.4.3.7.** If the copy is used by a teacher for research or in preparation for class.

**6.4.4.** Performances and Recordings

- 6.4.4.1.** 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.
- 6.4.4.2.** 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.

**6.4.5.** Music Use

- 6.4.5.1.** 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.
- 6.4.5.2.** Sound recordings may be played (not recorded) at a dance assembly, sports or other activity, music-on-hold telephone system, etc.
- 6.4.5.3.** Copying of copyrighted recorded music is not permitted without permission from the publisher of each copyrighted work.

**6.4.6.** Editing Music

- 6.4.6.1.** 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.

**6.5.** Application to Literary Works

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

- 6.5.1.** 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.
- 6.5.2.** 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:
  - 6.5.2.1.** Brevity:
    - 6.5.2.1.1.** Poetry can be a whole poem if less than 250 words or an excerpt if more than 250 words.



- 6.5.2.1.2.** 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).
- 6.5.2.1.3.** May be expanded to complete an unfinished line of a poem or an unfinished prose paragraph
- 6.5.2.1.4.** For illustrations, one chart, graph, diagram, drawing, cartoon, or picture per book or per periodical issue may be used.
- 6.5.2.1.5.** 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.

**6.5.2.2.** Spontaneity:

- 6.5.2.2.1.** Copying must be at the instance and inspiration of the teacher (rather than at the directive of an administrator, for example).
- 6.5.2.2.2.** 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).

**6.5.2.3.** Cumulative Effect:

- 6.5.2.3.1.** The copied material may only be used for one course.
- 6.5.2.3.2.** 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.

**6.5.2.4.** Prohibitions:

- 6.5.2.4.1.** Cannot create, replace, or substitute for anthologies, compilations, or collective works.
- 6.5.2.4.2.** Cannot copy from works intended to be “consumable” in course of study like workbooks, exercises, standardized tests, test booklets, answer sheets, etc.
- 6.5.2.4.3.** 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).
- 6.5.2.4.4.** Students cannot be charged beyond the cost of copying.

**6.6.** Application to Computer Software

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

**6.6.1.** Allowances

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

- 6.6.1.2.** A software program may be installed onto a network if a network license is obtained for the number of machines used.
  - 6.6.1.3.** A software program may be installed onto two computers if there is no possibility both computers will be operated simultaneously.
  - 6.6.1.4.** Clip art from purchased collections may be used within other documents if the other documents are not for resale.
- 6.6.2.** Prohibitions
- 6.6.2.1.** Copyright law prohibits making a secondary clip art collection.
  - 6.6.2.2.** Putting a single license software program on multiple computers is a violation of copyright laws.
- 6.7.** Application to Websites
- 6.7.1.** 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 6.2 above.
  - 6.7.2.** Employees should use caution when creating links to material found elsewhere on the internet and comply with all applicable linking agreements.

## **7. ACCESS TO CURRICULUM AND LITERATURE**

- 7.1.** 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.
- 7.2.** 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.
- 7.3.** 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 8.
- 7.4.** Parents who object to material and desire for it to be removed from the Curriculum may request a review under Section 9.
- 7.5.** This policy will be available on the District's website and made available to parents annually in the Parent Information Guide.

## **8. WAIVER OF PARTICIPATION**

- 8.1.** Pursuant to [UTAH CODE ANN. § 53G-10-205](#), a student may refrain from participation in any aspect of school that violates a religious belief or right of conscience of the student.
- 8.2.** A request under paragraph 8.1 shall be made in writing directly to the principal using the Request for Waiver of Participation form.
- 8.3.** If a student makes a request to refrain from participation under paragraph 8.1, the school shall promptly notify the student's parent or guardian.

## 9. REQUEST FOR REVIEW OF INSTRUCTION OR LEARNING MATERIALS

- 9.1. Upon request and consistent with this section, instruction and Learning material may be reviewed and considered for removal.
- 9.2. A request for review of instruction or Learning material may only be made by the following:
  - 9.2.1. a parent of a student to whom the instruction or Learning material has or will soon be presented;
  - 9.2.2. a student to whom the instruction or Learning material has or will soon be presented;  
or
  - 9.2.3. an administrator at the school where the instruction or Learning material is presented;  
or
  - 9.2.4. the associate superintendent of curriculum.
- 9.3. The District may limit the number of requests an individual may make in the course of a school year.
- 9.4. The Associate Superintendent of Curriculum may deny a request if the Challenged Content has previously been reviewed by the District Curriculum Committee.
- 9.5. 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 8 above.
- 9.6. The procedures outlined in this section may be used only to review Instruction or Learning Materials selected or under the control of the District or its individual schools or employees. Review of library materials is governed by [Nebo School District Policy IIB, Library Materials](#). 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.
- 9.7. The [Request Form](#) must be submitted to the principal. Challenged Content will typically not be removed until a final decision is made according to the procedures outlined in this section. Removal before a final decision is at the discretion of District officials.
- 9.8. The Principal will organize a School-Level Review Committee that may include members of the School Community Council and others selected at the discretion of the principal. The Committee will meet to review the request.
  - 9.8.1. If the Challenged Content is specific to a particular teacher, that teacher will be invited to the meeting.
  - 9.8.2. The Committee should discuss and answer the following questions. Answers and recommendations are documented using the Review of Learning Material Committee Report form.
    - 9.8.2.1. For what age is the Challenged Content appropriate?
    - 9.8.2.2. Is the Challenged Content supported by generally accepted scientific standards of evidence?
    - 9.8.2.3. Does the Challenged Content focus on, enhance, or help students achieve mastery of the Core Standards?

- 9.8.2.4.** Does the Challenged Content comply with District policies and procedures, especially, but not limited to, [Nebo School District Policy IGAI, Health Instruction and Sex Education](#)?
- 9.8.2.5.** Does the Challenged Content comply with applicable copyright laws and licensing agreements?
- 9.8.2.6.** Does the Challenged Content promote views or conduct that are false, inaccurate, threatening, harmful, hateful, or invasive of a person’s privacy?
- 9.8.2.7.** Is the Challenged Content indecent, vulgar, lewd, or obscene as defined in reference to minors?
- 9.8.2.8.** Is the Challenged Content libelous?
- 9.8.2.9.** Does the Challenged Content promote unhealthy activities?
- 9.8.2.10.** Does the Challenged Content promote activities that are illegal for minors?
- 9.8.3.** The Committee will make a written recommendation on the report form to either approve or prohibit the Challenged Content. The form will contain answers to the questions listed in subsection 9.8.2. The recommendation of the Committee is advisory in nature and does not supersede the authority of the principal, the District Curriculum Committee, the superintendent, or the Board of Education.
- 9.8.4.** If the Challenged Content consists of Primary Source Materials or Supplementary Materials, the principal must submit the request, the completed report form, and a copy of the Challenged Content to the District Curriculum Committee.
- 9.8.5.** If the Challenged Content consists only of Incidental Materials or Instruction, such as assignments or particular learning activities, the principal may make a decision to either approve or prohibit the Challenged Content. 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. The principal’s decision may be appealed to the District Curriculum Committee.
- 9.9.** The District Curriculum Committee will consider a Request for Review under paragraph 9.8.4 or an appeal under paragraph 9.8.5, together with the recommendation of the School-Level Committee, the Challenged Content itself, and any written determination of the principal. The District Curriculum Committee will decide whether to accept the School-Level Committee recommendation or initiate an additional review. The decision of the District Curriculum Committee is final and represents the official position of the District.
- 9.10.** A decision made under paragraph 9.9 must be in writing. The Associate Superintendent or designee will make the written decision available to the person who requested the review and to all school employees affected by the decision.

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**EXHIBITS**

None

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**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 CODE ANN. § 53G-10-206](#)  
[UTAH ADMIN. CODE R277-328](#)  
[UTAH ADMIN. CODE R277-468](#)  
[UTAH ADMIN. CODE R277-700](#)  
[Nebo School District Policy IGAI, Health Instruction and Sex Education](#)  
[Nebo School District Policy IIB, Library Materials](#)  
[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\*](#)

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#### **FORMS**

[Request for Review of Instruction or Materials](#)  
[Supplementary Materials Approval](#)  
[Request for Waiver of Participation](#)  
[Review of Learning Material Committee Report](#)

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#### **HISTORY**

**Revised 13 September 2023** – updated consistent with SB 55 (2023), including clarifying terms and process for board approval of materials; updated waiver of participation provisions per HB 348 (2023); added requirement that materials be consistent with individual freedoms per HB 427 (2023).

**Revised 14 December 2022** – moved selection and review of library materials to new Policy IIB; reorganized section on visual and audio media; clarified review process; made technical changes.

**Revised 8 December 2021** – added paragraph clarifying that policy does not require an administrator to remove personal items from a teacher's desk; revised definitions; clarified role of District Curriculum Committee; clarified review process.

**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 IIB, *Classroom Use of Visual Media Resources*, 6/17/03, and accompanying forms.

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