

1 **R277. Education, Administration.**

2 **R277-469. Instructional Materials Commission Operating Procedures.**

3 **R277-469-1. Authority and Purpose and Oversight Category.**

4 (1) This rule is authorized by:

5 (a) Utah Constitutional [Article X, Section 3](#), which vests general control and
6 supervision over public education in the Board;

7 (b) Subsection [53E-3-401\(4\)](#), which allows the Board to make rules to execute
8 the Board's duties and responsibilities under the Utah Constitution and state law; and

9 ~~(c) Section 53E-4-402, which directs the Board to appoint an Instructional
10 Materials Commission and directs the Commission to evaluate instructional materials
11 for recommendation by the Board; and~~

12 (d) Section [53E-4-408](#), which directs the Board to make rules that establish the
13 qualifications of the independent parties who may evaluate and map the alignment of
14 the primary instructional materials and requirements for the detailed summary of the
15 evaluation.

16 (2) The purpose of this rule is to:

17 (a) provide definitions, operating procedures, and criteria for recommending
18 instructional materials for use in Utah public schools;

19 (b) provide for mapping and alignment of primary instructional materials to the
20 Core consistent with Utah law; and

21 (c) provide rules for the purchase and distribution of instructional materials within
22 the state.

23 (3) This Rule R277-469 is categorized as Category 3 as described in Rule
24 [R277-111.](#)

25

26

27 **R277-469-2. Definitions.**

28 (1) ~~"Commission" means the Instructional Materials Commission established in
29 accordance with Section 53E-4-402.~~

30 (2)(1) "Core" means the core standards adopted by the Board in Rule [R277-700](#).

31 (3)(2) "Curriculum alignment" means the assurance that the material taught in a
32 course or grade level matches the standards, and assessments set by the state for
33 specific courses or grade levels.

34 (4)(3) "Depository" means a business dedicated to storing and distributing
35 resources or materials in sufficient quantities to ensure rapid and efficient delivery to
36 LEAs.

37 (5)(4)(a) "Instructional materials" means systematically arranged content in text,
38 digital, Braille and large print, or audio format which may be used within the state
39 curriculum framework for courses of study by students in public schools.

40 (b) "Instructional materials" include:

41 (i) textbooks;

42 (ii) workbooks; and

43 (iii) digital resources.

44 ~~(iv) online courses;~~

45 ~~— (v) CDs or DVDs; and~~

46 ~~— (vi) multiple forms of communication media.~~

47 (c) "Instructional materials" may be used by students or teachers or both as
48 principal sources of study to cover any portion of a course.

49 (d) "Instructional materials":

50 (i) are designed for student use;

51 (ii) may be accompanied by or contain teaching guides and study helps;

52 (iii) shall include all textbooks, workbooks, student materials, supplements, and
53 online and digital materials necessary for a student to fully participate in coursework;

54 (iv) shall be high quality, research-based materials for supporting student
55 learning; and

56 (v) may not be ~~[objective]~~ sensitive materials as defined by Subsection [53G-10-](#)
57 [103\(1\)\(g\)\(e\)](#) ~~(h)~~.

58 (6)(5) "Independent party" means an entity that is not part of or related to:

- 59 (a) the Board;
60 (b) Board staff;
61 (c) an employee or governing board member of an LEA;
62 (d) the creator or publisher of instructional materials under review; or
63 (e) anyone with a financial interest, however minimal, in instructional materials
64 under review.

65 ~~(7) "Instructional Materials Commission" or "Commission" means the~~
66 ~~commission appointed by the Board in accordance with Section 53E-4-402.~~

67 (8)(6) "Integrated instructional program" means any combination of instructional
68 materials for students, including:

- 69 (a) textbooks;
70 (b) workbooks;
71 (c) digital resources;
72 (d) videos;
73 (e) electronic devices; or
74 (f) similar resources.

75 (9)(7) "Instructional materials provider" means a publisher or author and self-
76 publisher who sells or provides instructional materials for use in Utah public schools.

77 (40)(8) "LEA" includes, for purposes of this rule, the Utah Schools for the Deaf
78 and the Blind.

79 (44)(9) "Mapping" means creating a visual representation listing topics in
80 instructional materials in correlation to the standards of the Utah Core.

81 (42)(10) "National Instructional Materials Access Center" or "NIMAC" means the
82 same as that term is defined in Subsection [R277-800-2\(14\)](#).

83 (43)(11) "National Instructional Materials Accessibility Standard" or "NIMAS"
84 means the same as that term is defined in Subsection [R277-800-2\(15\)](#).

85 (44)(12) "Not sampled" means instructional materials that were included in a
86 publisher bid for evaluation ~~by the Instructional Materials Commission~~, but which were
87 not sampled to the Superintendent ~~or the Commission~~.

88 (45)(13) "Primary instructional material" means a comprehensive basal or Core
89 textbook or integrated instructional program for which a publisher seeks a
90 recommendation for Core subjects designated in Sections [R277-700](#)-4 through [R277-](#)
91 [700](#)-6.

92 (46)(14) "Recommended instructional materials" or "RIMs" means the
93 recommended instructional materials searchable database provided as a free service by
94 the Board for the posting of evaluations and alignments to the Core of instructional
95 materials submitted by publishers for review ~~by the Commission~~ [by the Superintendent](#)
96 and approval of the Board.

97 (47)(15) "Recommended limited" means instructional materials that are in limited
98 alignment with the Core requirements or are narrow or restricted in their scope and
99 sequence.

100 (48)(16) "Recommended primary" means instructional materials that:

101 (a) are in alignment with content, philosophy, and instructional strategies of the
102 Core;

103 (b) have been mapped and aligned to the Core, consistent with Section [53E-4-](#)
104 [408](#);

105 (c) are appropriate for use by students as principal sources of study; and

106 (d) support Core requirements.

107 (49)(17) "Recommended student resource" means instructional materials
108 aligned to the Core that are developmentally appropriate, but not intended to be the
109 primary instructional resource, which may provided valuable content information for
110 students.

111 (20)(18) "Recommended teacher resource" means instructional materials that
112 are appropriate as resource materials for use by teachers.

113 (24)(19) "Reviewed, but not recommended" means instructional materials that
114 an LEA is strongly cautioned against using because the materials:

115 (a) do not align with the Core;

116 (b) are inaccurate in content;

- 117 (c) include misleading connotations;
118 (d) contain undesirable presentation; or
119 (e) are in conflict with existing law or rule.

120 (20) “Sensitive materials” means an instructional material that constitutes
121 objective sensitive material or subjective sensitive material as described in Subsection
122 53G-10-103(1)(h).

123 ~~(22)~~(21) "Utah State Instructional Materials Access Center" or "USIMAC" means
124 the same as that term is defined in Subsection R277-800-2(21).

125

126 **R277-469-3. Use of State Funds for Instructional Materials.**

127 (1) An LEA may use state funds for any primary supplemental or supportive
128 instructional materials that support Core requirements.

129 (2) An LEA shall select and approve instructional materials consistent with:

130 (a) established local board procedures and timelines;

131 (b) Utah Code and Board rule, including Section 53G-2-105 and Section 53G-
132 10-103;

133 (c) Subsection 53G-10-402(1)(c)(iii); and

134 (d) Subsection 53E-4-403(4).

135 (3) A school or school district that uses any funding source to purchase
136 materials that have not been recommended or selected consistent with state law, may
137 have funds withheld to the extent of the actual costs of those materials pursuant to
138 Subsection 53E-3-401(8)(a)(ii).

139 (3)(a) An LEA may use free instructional materials that are used as primary
140 instructional materials or that are part of primary integrated instructional programs
141 subject to the same independent party evaluation and Core mapping as basal or Core
142 material.

143 (b) If an LEA receives free materials, the LEA may use the materials as student
144 instructional materials only consistent with the law and this rule.

145 (4) An LEA shall include a requirement in all publisher contracts for instructional
146 materials that the publisher shall:

147 (a) prepare and provide electronic files of all instructional materials in the NIMAS
148 format to NIMAC on or before delivery of print instructional materials; or

149 (b) provide instructional materials that are produced in, or may be made in,
150 specialized formats; and

151 (c) provide materials consistent with the Utah Code and administrative rules.

152 (5)(a) An LEA shall provide timely notice to all publishers with whom the LEA
153 contracts for instructional materials that all materials shall be provided consistent with
154 Subsection (4).

155 (b) An LEA's notice shall include a copy of this rule.

156

157 **~~R277-469-4. Instructional Materials Commission Members Terms of Service.~~**

158 ~~—— (1) The Board shall appoint members of the Instructional Materials Commission~~
159 ~~in accordance with Section 53E-4-402.~~

160 ~~—— (2)(a) A member appointed in accordance with Subsection (1) shall serve four~~
161 ~~year terms, staggered to ensure continuity in the efficient operation of the Commission.~~

162 ~~—— (b) A member may apply for reappointment to one additional term.~~

163 ~~—— (3) The Commission may establish subcommittees as needed.~~

164

165 **R277-469-5. Commission Review of Materials.**

166 (1) The ~~Instructional Materials Commission~~ Superintendent shall primarily focus
167 on reviewing materials used in subjects aligned with Core requirements to include
168 reading, language arts, mathematics through geometry, science, in kindergarten
169 through 12th grade, effectiveness of written expression, and other Core subject areas
170 as assigned by the Board.

171 (2) The ~~Commission~~ Superintendent shall determine subject areas and timelines
172 for review based on school district and charter school needs and requests, using forms
173 and procedures provided by the Superintendent.

174 ~~(3) The Commission shall meet to review materials at least semi-annually.~~

175 (4) Following its evaluation of a submitted item, the ~~Commission~~ Superintendent
176 shall recommend that the Board classify materials in one of the following categories:

- 177 (a) Recommended primary;
178 (b) Recommended limited;
179 (c) Recommended teacher resource;
180 (d) Recommended student resource;
181 (e) Reviewed, but not recommended; or
182 (f) Not sampled.

183

184 **R277-469-6. Criteria for Recommendation of Instructional Materials Following**
185 **Mid-Party Evaluation of Core Curriculum.**

186 (1) The ~~Commission~~ Superintendent and the Board, in reviewing whether to
187 recommend instructional materials, may consider whether the instructional materials:

- 188 (a) are consistent with Core requirements;
189 (b) are mapped and aligned to the Core and state-adopted assessments if
190 planned for use as primary materials;
191 (c) are high quality, research-based, and proven to be effective in supporting
192 student learning;
193 (d) provide an objective and balanced viewpoint on issues;
194 (e) include enrichment and extension possibilities;
195 (f) are appropriate to varying levels of learning;
196 (g) are accurate and factual;
197 (h) are arranged chronologically or systematically, or both;
198 (i) meets the requirements of Section 53E-2-204.1 ~~reflect the shared identity and~~
199 ~~the unique characteristics and cultural differences of students in Utah as described in~~
200 ~~Section 53G-4-204]~~ pluralistic character and culture of the American people and provide
201 accurate representation of diverse ethnic groups;

202 (j) are not ~~objective~~ sensitive materials as defined in Subsection 53G-10-
203 103(1)(g)(e)(h);
204 (k) are not prohibited discriminatory practice as described in Section 53B-1-118;
205 ~~(l)~~ (l) are consistent with the principles of individual freedom as defined in
206 Section 53G-10-206; and
207 ~~(m)~~ (m) are of acceptable technical quality.

208 (2) A publisher, when submitting new primary material to be evaluated by the
209 Superintendent, shall submit an electronic version of that material in NIMAS file format
210 to NIMAC for use in conversion into Braille, large print, and other formats for students
211 with print disabilities.

212 (3) The Superintendent may require an LEA to provide a report of instructional
213 materials purchased by the LEA or a school in the previous five years.

214 (4) The Superintendent may initiate a formal or informal audit of instructional
215 materials purchased to determine purchase or use of instructional materials consistent
216 with the law or this rule.

217

218 **R277-469-7. Agreements and Procedures for LEAs.**

219 (1) A local board shall establish a policy for selection and purchase of
220 instructional materials.

221 (2) As part of any materials adoption process or procurement contract for
222 purchasing instructional materials, an LEA shall provide instructional materials to all
223 students, including blind students and other students with disabilities, in a timely
224 manner.

225 (a) A publisher shall provide materials in electronic files to NIMAC to make
226 materials available to eligible students.

227 (b) An LEA shall include NIMAS contract language in all contracts with
228 publishers for Core materials.

229 (c) An LEA may purchase instructional materials from the publisher that are
230 produced in, or may be in, specialized formats for eligible students.

231 (3) An LEA shall require a detailed Core curriculum alignment before the
232 purchase of primary instructional materials.

233

234 **R277-469-8. Qualifications for Core Curriculum Alignment Independent Parties.**

235 (1) A primary instructional materials provider shall contract with an independent
236 party in accordance with Subsection [53E-4-408\(1\)\(a\)](#).

237 (2) An independent party may only employ or contract with a reviewer who has a
238 degree or an endorsement specific to the subject area of the primary instructional
239 materials.

240 (3) A publisher shall provide proof of an independent party's credentials to the
241 Superintendent upon request.

242

243 **R277-469-9. Detailed Summary Requirements.**

244 (1) An independent party shall submit a summary required under Subsection
245 [53E-4-408\(1\)\(b\)](#) in a searchable, digital resource database format designated by the
246 Superintendent.

247 (2) A summary required under Subsection [53E-4-408\(1\)\(b\)](#) shall:

248 (a) include detailed alignment information that includes, at a minimum:

249 (i) the title of the material;

250 (ii) the ISBN number;

251 (iii) the publisher's name;

252 (iv) the name and grade of the Core document used to align the material;

253 (v) the overall percentage of coverage of the Core;

254 (vi) the overall percentage of coverage in ancillary resources of the material to
255 the Core;

256 (vii) the percentage of coverage of the Core in the material for each standard,
257 objective and indicator in the Core with corresponding page numbers;

258 (viii) percentage of coverage of the Core not covered in the material but covered
259 in the ancillary resources for each standard; and

260 (ix) objective and indicator in the Core with corresponding page numbers or
261 URLs; and

262 (b) provide the detailed alignment information listed in Subsection (a)(iv) for the
263 student text for all editions of the text that are used in Utah public schools;

264 (c) provide the detailed alignment information listed in Subsection (a)(iv) for a
265 teacher edition of text, if a teacher edition is used in Utah public schools; and

266 (d) provide an assurance, including a personal signature, that the work was
267 completed personally and as required by the licensed and endorsed reviewer.

268

269 **R277-469-10. Agreements and Procedures for Publishers.**

270 (1) A publisher desiring to sell primary instructional materials to Utah school
271 districts shall comply with the requirements of Section [53E-4-408](#) and this rule.

272 (2)(a) A publisher seeking to sell recommended materials to Utah schools or
273 school districts shall maintain on deposit the number of books necessary to meet the
274 anticipated needs within the state at an instructional materials depository in the
275 business of selling instructional materials to schools or school districts in Utah.

276 (b) A publisher shall submit verification of compliance with Subsection (2)(a) to
277 the Superintendent through the publisher's contracted depository prior to the
278 Superintendent posting a review of the materials on RIMs.

279 (3) A publisher may make a depository agreement with one or more depository.

280 (4) Notwithstanding Subsection (2), a publisher may sell instructional materials
281 to schools or school districts in Utah directly or through means other than a designated
282 depository.

283 (5) A publisher need not store digital and online resources within the state, but
284 shall guarantee timely resource availability of a placed order and shall provide digital
285 and online resource orders without shipping charges.

286 (6) If a revised edition of recommended materials retains the original title and
287 authorship, the publisher may request its substitution for the edition currently
288 recommended providing that:

289 (a) the original contract price and contract date do not change and the original
290 contract price applies for the substituted materials;

291 (b) the revised edition is compatible with the earlier edition, permitting use of
292 either or both in the same classroom;

293 (c) a sample copy of the revised edition is provided to the Superintendent for
294 examination purposes; and

295 (d) the publisher submits a revised electronic edition in NIMAS file format to the
296 NIMAC if the Superintendent approves the substitution request.

297 (7) The ~~Commission~~ Superintendent shall make the final determination about the
298 substitution of a new edition for a previously recommended edition ~~with assistance from~~
299 ~~the Superintendent.~~

300 (8) A publisher's contract price for materials recommended by the ~~Commission~~
301 Superintendent and the Board shall apply for five years from the contract date.

302

303 **~~R277-469-11. Request for Reconsideration of Recommendation.~~**

304 ~~—— (1) The Superintendent shall provide a school district, school, or publisher with~~
305 ~~the evaluations and recommendations resulting from the initial review of the~~
306 ~~Commission.~~

307 ~~—— (2) A school district, school, or publisher may, within 30 days of the~~
308 ~~Commission's initial recommendation, request to have materials reviewed again during~~
309 ~~the Commission's next review cycle.~~

310 ~~—— (3)(a) During the period of the reconsideration request, the Superintendent shall~~
311 ~~classify materials only tentatively.~~

312 ~~—— (b) The Superintendent shall not post tentatively classified materials to RIMs~~
313 ~~until recommended through the official Commission process.~~

314 ~~—— (4) A school district, school, or publisher may be asked to send a second set of~~
315 ~~sample materials to the Superintendent as part of a reconsideration request.~~

316 ~~—— (5) Any written information provided by a school district, school, or publisher~~
317 ~~shall be available to the advisory committees during the second review.~~

318 ~~—— (6) After the second review by the subject area advisory committee, the~~
319 ~~Commission shall vote on the advisory committee's recommendation at the next~~
320 ~~scheduled meeting.~~

321 ~~—— (7) If the Commission votes to change the recommendation, the Superintendent~~
322 ~~shall notify the Board of the action at the next scheduled Board meeting.~~

323 ~~—— (8) The Superintendent shall send a school district, school, or publisher written~~
324 ~~notification of the final recommendation and new evaluation.~~

325 ~~—— (9) If the Commission and Board approve materials following a request for~~
326 ~~reconsideration, the Superintendent shall post the evaluation to RIMs.~~

327

328 **KEY: instructional materials**

329 **Date of Last Change: October 11, 2023**

330 **Notice of Continuation: September 15, 2022**

331 **Authorizing, and Implemented or Interpreted Law: [Art X, Sec 3](#); [53E-4-402](#); [53E-4-](#)**

332 **[408](#); [53E-3-401](#)(4)**