

CENTER FOR CREATIVITY, INNOVATION, AND DISCOVERY

Learning Materials Selection and Review Policy

Purpose

The Board of Directors of the Center for Creativity, Innovation, and Discovery has established this policy to ensure the school selects learning resources that support and enrich the school's educational program.

The policy also directs the school's professional staff, including administrators, teachers, and librarians, to provide materials that will:

- Enrich and support the curriculum, taking into consideration the varied interests, abilities, learning styles, and maturity levels of the students served;
- Provide materials that will stimulate growth in factual knowledge, literary appreciation, aesthetic values, and societal standards;
- Provide materials on various sides of controversial issues so that young citizens may have an opportunity to develop under guidance the practice of critical analysis and to make informed judgments in their daily lives;
- Provide materials representative of the many religious, ethnic, and cultural groups that contribute to our national heritage and the world community;
- Place principle above personal opinion and reason above prejudice in the selection of materials of the highest quality in order to assure a comprehensive collection appropriate to the school community and designed to achieve the mission and vision of the school and enhance student achievement.

Definitions

- Instructional Material:
 - means learning material that a charter school governing board adopts and approves for use within the school; instructional material does not include learning material used in a concurrent enrollment, advanced placement, or international baccalaureate program or class or another class with required instructional material that is not subject to selection by the school's governing board;
 - means a material, regardless of format, that is used as or in place of textbooks to deliver curriculum within the state curriculum framework for courses of study by students or to support a student's learning in the school; this material may include reading materials, handouts, videos, digital materials, websites, online applications, and live presentations per Utah Code §53G-10-103;

- LEA Governing Board: means, for a school district, the local school board; for a charter school, the charter school governing board; or for the Utah Schools for the Deaf and Blind, the state board;
- Learning Material: means any learning material or resource used to deliver or support a student's learning, including textbooks, reading materials, videos, digital materials, websites, and other online applications;
- Material: means the same as that term is defined in Utah Code §76-10-1201;
- Minor: means any person less than 18 years old;
- Objective Sensitive Material: means an instructional material that constitutes pornographic or indecent material, as that term is defined in Utah Code §76-10-1235, under the non-discretionary standards described in Utah Code §76-10-1227(1)(a)(i), (ii), or (iii);
- Public School: means a district school, a charter school, or the Utah Schools for the Deaf and Blind;
- School: means a public school;
- School Setting: means, for a public school, in a classroom, in a school library, or on school property; school setting also includes activities that an LEA sponsors or requires, even if conducted by an organization or individual outside of a public school, such as an assembly, a guest lecture, a live presentation, or an event;
- Sensitive Material: means an instructional material that is pornographic or indecent material as that term is defined in Utah Code §76-10-1235. Sensitive material does not include an instructional material:
 - that an LEA selects under Utah Code §53G-10-402;
 - for a concurrent enrollment course that contains sensitive material and for which a parent receives notice from the course provider of the material before enrollment of the parent's child and gives the parent's consent by enrolling the parent's child;
 - for medical courses;
 - for family and consumer science courses; or,
 - for another course the state board exempts in state board rule.
- Student: means a public-school student in kindergarten through grade 12.
- Subject Sensitive Material: means an instructional material that constitutes pornographic or indecent material, as that term is defined in Utah Code §76-10-1235, under the following factor-balancing standards:
 - material that is harmful to minors under Utah Code §76-10-1201;
 - material that is pornographic under Utah Code §76-10-1203; or,
 - material that includes certain fondling or other erotic touching under Utah Code §76-10-1227.

- Supplemental Material: means learning material that an educator selects for classroom use which a charter school governing board has not considered and adopted, approved, or prohibited for classroom use within the charter school;
- Unsuccessful Challenge: means an allegation that a given instructional material constitutes sensitive material that the LEA concludes to be erroneous, either on direct review or on appeal to the LEA governing board, resulting in the retention of the given instructional material.

General Learning Materials Requirements for Charter Schools

In compliance with Title 53E-4-202: Core Standards for Utah Public Schools and Utah Code §53G-4-402, the school implements the core standards for Utah public schools using instructional materials that best correlate to the core standards for Utah public schools and graduation requirements. The Utah Core Standards are intended to do the following:

- Identify the basic knowledge, skills, and competencies each student is expected to acquire or master as the student advances through the public education system; and,
- Increase in depth and complexity from year to year and focus on consistent and continual progress within and between grade levels and courses.
- In accordance with Utah Code §53G-5-404, the school must be nonsectarian in its programs, admission policies, employment practices, and operations.
- The school must also meet all applicable federal, state, and local health, safety, and civil rights requirements.
- The school is responsible for operating in accordance with its charter agreement and is subject to public education code and other state laws applicable to public schools, except where code and state law has provided exemptions per Utah Code §53G-5-405.
- The school is considered an educational procurement unit as defined in Utah Code §63G-6a-103 for the purposes of Title 63G, Chapter 6a, Utah Procurement Code.
- The school is also subject to the Title 52, Chapter 4, Open and Public Meetings Act and the Title 63G, Chapter 2, Government Records Access and Management Act.

General Learning Materials Exemptions for Charter Schools

The following provisions of the public education code, and rules adopted under those provisions, do not apply to the Center of Creativity, Innovation, and Discovery as a charter school:

- Utah Code §53E-4-408, requiring an independent evaluation of instructional materials;
- Utah Code §53G-4-409, requiring the use of activity disclosure statements;
- Utah Code §53G-7-304 and Utah Code §53G-7-306, pertaining to fiscal procedures of school districts and local school boards;
- Utah Code §53G-7-606, requiring notification of intent to dispose of textbooks;
- Utah Code §53G-7-1202, requiring the establishment of a school community council;
- Utah Code §53G-10-404, requiring annual presentations on adoption.
- In accordance with Utah Code §53G-5-405, and except as otherwise provided in law, state board rules governing the following do not apply to a charter school:
 - School libraries;
 - Required school administrative and supervisor services; and,
 - Required expenditures for instructional supplies.

Parental Access to Instructional Material

Per the requirements of Utah Code §53G-5-405, the school takes the following steps to ensure that its instructional materials are transparent and accessible to parents:

- Annually notify parents of how to access instructional material used by the school;
- Include on the school's website information about how to access instructional material.

Instructional Materials Selection

Per the requirements of Utah Code §53G-5-405, the school engages in a transparent and collaborative process when selecting and approving instructional materials for use in the classroom by:

- Establishing an open process involving educators and parents of students enrolled in the school to review and recommend instructional materials for board approval;
- Ensuring that the process includes the following:
 - In advance of board consideration of learning or instructional materials, the school will post the recommended learning or instructional materials online to allow for public review or, for copyrighted material, make the recommended learning or instructional materials available at the school for public review;

- Before adopting or approving the recommended instructional materials, the school will hold at least two public meetings on the recommendation that provide an opportunity for educators whom the school employs and parents of students enrolled in the school to express views and opinions on the recommendation; and,
- A consideration and adoption of instructional and learning materials in an open and regular public board meeting.

Supplemental Materials

In accordance with Utah Code §53G-5-405, the Board of Directors provides this flexible guidance to educators at the school on the selection of supplemental materials or resources that an educator reviews and uses in the classroom:

- An educator shall use professional judgment in selecting supplemental materials;
- An educator shall ensure that supplemental materials have an educational purpose and support students in the acquisition of knowledge and skills aligned with the Utah Core Standards;
- An educator will follow the school's administrative disclosure policy prior to showing any videos or films in the classroom and any other internal administrative policies governing supplemental classroom materials;
- An educator does not need to have supplemental materials approved by the school's governing board.

Digital Materials

For all instructional and learning materials provided by third party, the school will include in the agreement with the third party a requirement that the provider give notice to the school any time that the provider makes a material change to the content of the online or digital materials, excluding regular information updates on current events, per Utah Code §53G-5-405.

Requirements for Parent Access to Library Resources

In compliance with Utah Code §53G-5-405, the Center for Creativity, Innovation, and Discovery will provide an online platform through which a parent is able to view the title, author, and a description of any material the parent's child borrows from the school library, including a history of borrowed materials, either using an existing online platform that the school uses or through a separate platform by August 1, 2026.

Sensitive Instructional Materials Prohibitions

In accordance with Utah Code §53G-10-103, the school prohibits sensitive materials in the school setting and may not:

- Adopt, use, distribute, provide a student access to, or maintain in the school setting, sensitive materials; or,
- Permit a speaker or presenter in the school setting to display or distribute sensitive materials.

Sensitive Instructional Materials Review

In accordance with Utah Code §53G-10-103, and upon receipt of an allegation from an individual allowed to initiate a sensitive materials review, the school will:

- Make an initial determination as to whether the allegation presents a plausible claim that the challenged instructional material constitutes sensitive material, including whether the allegation includes excerpts and other evidence to support the allegation; and,
- If the school determines that the allegation presents a plausible claim that the challenged instructional material constitutes sensitive material, the school will immediately remove the challenged material from any school setting that provides student access to the challenged material until the school completes a full review of the challenged material;
- The school will then engage in a review of the allegations and the challenged instructional material using the objective sensitive material standards; and,
- If the school determines that the challenged instructional material constitutes objective sensitive material, the school will ensure that the material remains inaccessible to students in any school setting;
- If the school determines that the challenged instructional material does not constitute objective sensitive material, the school will review the allegations and the challenged instructional material under the subjective material standards, ensuring that the review includes parents who are reflective of the members of the school's community when determining if an instructional material is subjective sensitive material;
- The school will allow student access to the challenged instructional material during the school's subjective sensitive material reviews if the student's parent gives consent regarding the specific challenged instructional material;
- If the school determines that the challenged instructional material constitutes subjective sensitive material, ensure that the material is inaccessible to students in any school setting, including the termination of the parent consent option.
- If the school determines that the challenged instructional material constitutes subjective sensitive material, the school will communicate to the Utah State

Board of Education the allegation and the school's final determination regarding the allegation and the challenged instructional material.

- An individual allowed to challenge instructional material may appeal the school's decision regarding a sensitive material review, regardless of whether the school removed or retained the challenged instructional material to the school's governing board.
- The school's governing board shall vote in a public board meeting to decide the outcome of a sensitive material review appeal, clearly identifying:
 - The board's rationale for the decision; and,
 - The board's determination on each component of the statutory and any additional policy standards the board uses to reach the board's conclusions.
- The school's governing board is not enacting by this policy any rules that prevent the school's governing board from:
 - Revisiting a previous decision;
 - Reviewing a recommendation of school personnel or a parent-related committee regarding a challenged instructional material; or,
 - Reconsidering a challenged instructional material if the school's governing board receives additional information regarding the material.
- This policy confirms that, if at least three school districts, or at least two school districts and five charter schools determine that a given instructional material constitutes objective sensitive material, and that decision is confirmed by the USBE, thereby meeting a statewide statutory threshold, the school will remove the relevant instructional material from student access.
- When determining if an instruction material is sensitive material, the school will include parents who are reflective of the members of the school's community in accordance with Utah Code §53G-10-103. The school will utilize guidance and training provided by the Utah State Board of Education to identify instructional materials that meet the definition of sensitive materials.
- In evaluating, selecting, or otherwise considering action related to a given instructional material, the school will prioritize protecting children from the harmful effects of illicit pornography over other considerations in evaluating instructional material.
- If an instructional material constitutes objective sensitive material, the school is not required to engage in a review under a subjective sensitive material standard; and, the outcome of a subjective sensitive material evaluation has no bearing on the non-discretionary objective sensitive material conclusion.

Allowances and Limitations on Initiating Sensitive Material Reviews

- The following individuals may initiate a sensitive material review per Utah Code §53G-10-103:
 - An employee of the relevant LEA;
 - A student who is enrolled in the relevant LEA;
 - A parent of a child who is enrolled in the relevant LEA; or,
 - A member of the relevant LEA governing board.
- After an individual makes three unsuccessful challenges during a given academic year, the individual is prohibited by Utah Code §53G-10-103 from triggering a sensitive material review during the remainder of the given academic year.

Academic Allowances Related to Instructional Materials

In accordance with Utah Code §53G-10-202, teachers and students may discuss religion, politics, and related subjects to achieve academic educational objectives included within the context of a course of activity and conducted in accordance with applicable rules or policies of the state and the school's governing board. The following instructional activities are specifically allowed by law:

- Performances, or displays which include the examination of or presentations about religion, political, or religious thought or expression;
- Instruction on the influence of religion, political, or religious thought or expression on music, art, literature, law, politics, history;
- Any other element of the curriculum, including the comparative study of religions, which is designed to achieve academic educational objectives included within the context of a course or educational activity.

Constitutional Freedoms Related to Instructional Materials

- No aspect of cultural heritage, political theory, moral theory, or societal value shall be included within or excluded from school curricula for the primary reason that it affirms, ignores, or denies religious belief, religious doctrine, a religious sect, or the existence of a spiritual realm or supreme being;
- Public schools may not sponsor or deny the practice of prayer or religious devotionals;
- School officials and employees may not use their positions to endorse, promote, or disparage a particular religious, denominational, sectarian, agnostic, or atheistic belief or viewpoint.

Waivers of Participation

As allowed by Utah Code §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. The school may not, in any aspect of school:

- Require or incentivize a student to affirm or deny the student's or the student's parent's religious belief or right of conscience;
- Engage a student in a practice that violates or is contrary to the student's or the student's parent's religious belief or right of conscience; or,
- Penalize or discriminate against a student for refraining from participation due to the student's or the student's parent's religious belief or right of conscience.
- When a student refrains from participating in any aspect of school that violates the student's or the student's parent's religious belief or right of conscience, the school:
 - Shall promptly notify the student's parent;
 - May offer an alternative that does not violate the student's or the student's parent's religious belief or right of conscience; and,
 - May not require the student or the student's parent to explain, defend, or justify the student's or the student's parent's religious belief or right of conscience.
- A student's parent may waive the student's participation in any aspect of school that violates the student's or the student's parent's religious belief or right of conscience.

Procedures for Selection of Learning and Instructional Materials

In selection learning and instructional Materials, the Executive Director will establish an *ad hoc* Selection Committee composed of the school's administrators, teachers, board members (less than a quorum), and parents. This Selection Committee considers criteria established by this policy to make a recommendation to the Board of Directors for the adoption of specific learning and instructional Materials.

The criteria for selecting learning and instructional Materials includes:

- Overall purpose and educational significance;
- Contribution and relevance to the Utah Core Standards;
- Interests of the students, including varied interests that reflect religious, ethnic, and cultural backgrounds;
- Evidence or data of the effectiveness of the curriculum for improving student outcomes, if applicable;
- Accuracy, currency, reliability, and authority;
- Timeliness and/or permanence;
- Readability and accessibility to intended audience;
- Favorable review found in standard selection sources;

- Artistic quality and literary style;
- Age and developmental appropriateness;
- Reputation and significance of author, producer, or publisher;
- Variety of format with efforts to incorporate emerging technologies;
- Quality and value commensurate with cost and/or need;

Procedures for Reconsideration of Materials or Library Resources

Requests for Reconsideration

Individuals allowed by law and this policy may express a formal request for reconsideration of a learning material, an instructional material, or a library resource. Parents may also restrict their own child's access to materials that the parent deems inappropriate at any time and without a formal request for a reconsideration of a learning or instructional material, or library resource.

Reconsideration Committee

In reconsidering learning and instructional Materials, the Executive Director will establish an *ad hoc* Reconsideration Committee composed of the school's administrators, teachers, board members (less than a quorum), and parents. This Reconsideration Committee follows definitions and criteria of sensitive materials and objective sensitive materials established by Utah law and processes required by law and this policy in reconsidering learning and instructional materials, and library resources. By this policy, the school's Board of Directors also asserts its authority to establish an *ad hoc* Reconsideration Committee at any time and for any reason that it deems appropriate.

Authority of the Board of Directors to Make a Final Decision on Materials and Resources

Although the Reconsideration Committee reviews and makes a recommendation concerning learning and instructional materials, as well as library resources, when a complaint or request has been received by the Executive Director in writing, the Board of Directors makes the final decision on whether materials and resource meet statutory definitions the require removal from the school or not.

Reconsideration Committee Procedures

- In considering the challenged material, each committee member shall receive a copy of the challenge or complaint and the challenged material prior to meeting to reconsider the material or resource.
- Committee members shall read the challenged material in its entirety prior to any meeting for review of the material or resource.

- The Reconsideration Committee as a whole shall discuss the challenged material or resource based on the selection criteria in this policy and Utah law defining sensitive material and objective sensitive material.
- The Reconsideration Committee shall make a recommendation concerning the challenged material determined by majority vote.
- The Reconsideration Committee will communicate its decision to the Executive Director who will then take the committee's recommendation to the Board of Directors.
- The Board of Directors makes the final determination on the challenged material or resource.

Categories of Requests for Reconsideration of Materials and Resources

The school recognizes several categories of requests for reconsideration of learning or instructional materials, as well as a reconsideration of library resources, that initiate different processes. Each of these processes requires parents to make a written request to the Executive Director to take specific actions with the exception of the Waiver of Participation:

- Restricting a Student's Access to Specific Materials: A written request from a parent or guardian to restrict their own child's access to materials that the parent deems inappropriate for their child for any reason. This request is granted upon receipt and does not require review.
- Waivers of Participation: A student may refrain from participation in any aspect of the school that violates a religious belief or right of conscience of the student. When the school becomes aware that a student is refraining from participation for a religious belief or right of conscience, the school will notify the student's parent as soon as is reasonable and proceed according to the parent's preference.
- Sensitive Materials Review: A written request from a parent or guardian which notifies the school of a concern about sensitive materials in a learning or instructional material, or in a library resource, will immediately initiate the review processes described above and required by law.
- Objective Sensitive Materials Review: A written request from a parent or guardian which notifies the school of a concern about objective sensitive materials in a learning or instructional material, or in a library resource, will immediately initiate the process of removal of the material or resource in question while the review process required by law ensues.

Student-Owned Prohibited Materials on Campus or at School Activities

Titles identified as "Objective Sensitive Material" that meet the threshold for statewide removal are prohibited on school property or at school-sponsored activities. These titles

should not be brought to school or used for classroom activities, assignments, or personal reading while on school property.

If a student brings such titles onto school property or to a school-sponsored activity, administrators and teachers will take temporary possession of the materials and guide students in selecting alternate assignment titles before the start of an assignment.

Administrators and teachers will:

- Identify appropriate timing to avoid public confrontation or embarrassment to the student.
- Maintain warm, calm, and respectful demeanor.
- Avoid arguments. Keep the conversation focused on the facts and policy.
- Validate a student's feelings and show empathy and understanding for the student's perspective.
- Explain the policy and requirements to adhere to state law and school policy regarding what materials are allowed on school property.
- Temporarily take possession of the title/s and pass them to an administrator. These titles will be returned to the student when the student is leaving school property or a school activity, and/or returned to parents or guardians.
- Document the interaction making note of the conversation with the student, including the date, time, and any relevant details. This documentation can be helpful if there are any follow-up questions or concerns.

An administrator will contact the student's parent/s or guardian/s and invite them to contact the administrator with any questions or concerns.

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