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## MEMORANDUM

**TO:** Members, Utah State Board of Education

**FROM:** Joel Coleman  
Interim Chief Executive Officer

**DATE:** October 10, 2014

**ACTION:** R277-468 *Parent/LEA Review of Public Education Instructional Materials and Complaints (New)*

### **Background:**

At the September 2014 Board meeting, the Standards and Assessment Committee held a brief discussion and requested a rule be drafted regarding parental involvement on curriculum and material review committees. R277-468 *Parent/LEA Review of Public Education Instructional Materials and Complaints* is proposed in response to the Standards and Assessment Committee's request.

### **Key Points:**

R277-468 provides for LEAs to develop policies and procedures for curriculum and material review committees and includes language that encourages parental involvement. The rule also provides language for LEAs to determine membership on committees based on individual LEA demographics.

### **Anticipated Action:**

It is proposed that the Standards and Assessment Committee considering approving R277-468 on first reading and, if approved by the Committee, the Board consider approving R277-468 on second reading.

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1 **R277. Education, Administration.**

2 **R277-468. Parent/LEA Committee Review of Public Education**  
3 **Instructional Materials and Complaints.**

4 **R280-468-1. Definitions.**

5 A. "Board" means the Utah State Board of Education.

6 B. "Instructional material" means content that conveys  
7 the essential knowledge and skills of a subject in the public  
8 school curriculum through a medium or a combination of media  
9 for conveying information to a student. The term includes a  
10 book, supplementary materials, a combination of a book,  
11 workbook, and supplementary materials, computer software,  
12 magnetic media, DVD, CD-ROM, computer courseware, on-line  
13 services, or an electronic medium, or other means of conveying  
14 information to the student or otherwise contributing to the  
15 learning process through electronic means, including  
16 open-source instructional material.

17 C. "LEA" means a local education agency, including local  
18 school boards/public school districts, charter schools, and,  
19 for purposes of this rule, the Utah Schools for the Deaf and  
20 the Blind.

21 D. "Parent," for purposes of this rule, means a parent or  
22 guardian who establishes the residency of the child under  
23 Sections 53A-2-201, 53A-2-202, or 53A-2-207 or another  
24 applicable Utah guardianship provision.

25 E. "Primary instructional materials review committee"  
26 means an LEA committee whose purpose is to review primary  
27 instructional materials for adoption by the LEA board. The  
28 committee is composed of:

29 (1) parents whose child(ren) attend the LEA where  
30 materials are under consideration for adoption, purchase or  
31 continued use; and

32 (2) staff members to facilitate the review process.

33 F. "Primary instructional materials complaint committee"  
34 means an LEA committee whose purpose is to review patron  
35 complaints specific to primary instruction materials and

36 recommend resolution to the complaints to the LEA board. The  
37 primary instructional materials complaint committee is  
38 composed of:

39 (1) parents whose child(ren) attend the LEA that  
40 purchased/complained about materials selected; and

41 (2) staff members to facilitate the review process.

42 G. "Primary instructional materials" means a  
43 comprehensive or core textbook or instructional program for  
44 which a publisher seeks a recommendation for core subjects as  
45 outlined in Sections R277-700-4, 5 or 6. The LEA shall  
46 regularly identify which materials meet this definition for  
47 all grade levels and courses.

48 H. "Primary instructional material adoption and review  
49 cycle" means the cycle established by the LEA board in an open  
50 meeting for adoption of new primary instructional materials,  
51 review, or continued use of instructional materials for all  
52 grade levels and courses.

53 **R277-468-2. Authority and Purpose.**

54 A. This rule is authorized under Utah Constitution  
55 Article X, Section 3 which vests general control and  
56 supervision over public education in the Board, Sections 53A-  
57 1-402(1)(b) and (c) which requires the Board to establish  
58 rules regarding competency levels, graduation requirements,  
59 school accreditation, curriculum and instruction requirements,  
60 and school libraries; Section 53A-14-102(4) which gives  
61 schools the discretion to select their instructional materials  
62 at the local level; and Section 53A-1-401(3) which allows the  
63 Board to adopt rules in accordance with its responsibilities.

64 B. The purpose of this rule is to acknowledge a school's  
65 discretion to select instructional materials for use by the  
66 LEA/school; to direct LEAs to establish regular primary  
67 instructional material adoption and review cycles for the  
68 review and adoption of LEAs' primary instructional materials;  
69 to direct LEAs to establish two committees, one to review

70 primary instructional materials for adoption by the LEA board  
71 and one to review complaints specific to primary instructional  
72 materials; and to acknowledge parents as the primary persons  
73 responsible for their students' education.

74 **R277-468-3. Minimum Policy Requirements.**

75 A. LEAs shall have committees for:

76 (1) review of primary instructional materials; and

77 (2) review of LEA patron complaints.

78 B. The same parent and staff members may serve on both  
79 committees, at the LEA's discretion. Parents who are also  
80 staff members may serve as parents or staff, as designated by  
81 the LEA policy.

82 C. The policy shall designate the LEA's primary  
83 instructional material adoption and review cycles for primary  
84 instructional material for all grade levels and subject areas.

85 D. The policy shall provide for parent advertisement and  
86 recruitment for both committees.

87 E. The policy shall provide a term that members may  
88 serve.

89 F. The policy shall provide that both review committees  
90 shall include at least two more parent members than staff  
91 members.

92 G. The policy shall provide objective parent selection  
93 criteria; criteria and the selection process shall protect  
94 committee applicants' freedom of speech, association and  
95 beliefs.

96 H. The policy shall provide procedures and forms, if  
97 desired, for patrons to submit complaints about primary  
98 instructional materials to the LEA and for the complaints to  
99 be reviewed by a committee.

100 I. The policy shall give notice to the public of the  
101 committee review process and that committee meetings will  
102 comply with Section 52-4 Open and Public Meetings Act.

103 J. The policy shall provide timelines for review of

104 primary instructional materials and for committee review of  
105 patron complaints, including final review by the LEA board.

106 K. The primary instruction materials review committee and  
107 the primary instructional materials complaint committee shall  
108 make recommendations to the LEA board, which may approve,  
109 modify, or reject such recommendations. The LEA board's  
110 determination shall constitute a final agency action.

111 **R277-468-4. LEA Board Responsibilities.**

112 A. Each LEA shall have a draft primary instructional  
113 materials review policy in place by February 1, 2015. A final  
114 primary instructional materials review policy shall be in  
115 place by June 1, 2015.

116 B. Each LEA shall have a draft primary instructional  
117 materials complaint policy in place by March 1, 2015. A final  
118 primary instructional materials complaint policy shall be in  
119 place by July 1, 2015.

120 C. LEAs may seek assistance from parent organizations or  
121 associations or other groups to recruit and select parent  
122 members for the primary instructional materials review  
123 committee and for the primary instructional materials  
124 complaint committee.

125 D. Beginning with the 2015-16 school year, LEAs may not  
126 use Minimum School Program funds to purchase primary  
127 instructional materials unless a curriculum review policy has  
128 been reviewed and passed by the local LEA board and until the  
129 LEA's primary instructional materials have been reviewed by  
130 the local committee.

131 **R277-468-5. Board Responsibilities.**

132 A. The Board shall develop and make readily available to  
133 LEAs the model policies and model forms required under  
134 R277-468-4 no later than January 15, 2015.

135 B. Board model policies shall include provisions for both  
136 large LEAs (those with more than 20,000 students) and for

137 small LEAs.

138 C. Board staff shall assist LEAs in policy development,  
139 upon request and to the extent of Board resources available.

140 **KEY: parent, committees, instructional materials, complaints**

141 **Date of Enactment or Last Substantive Amendment: 2015**

142 **Authorizing, and Implemented or Interpreted Law: Art X Sec 3;**

143 **53A-1-402 (1) (b) ; 53A-1-402 (1) (c) ; 53A-1-401 (3)**