

1 **R277. Education, Administration.**

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

3 **R277-469-1. Authority, 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-4-408, which directs the Board to make rules that establish the
10 qualifications of the independent parties who may evaluate and map the alignment of
11 the primary instructional materials and requirements for the detailed summary of the
12 evaluation.

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

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

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

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

20 (3) This Rule R277-469 is categorized as Category 3 as described in Rule R277-
21 111, and Rule R277-705.

22

23 **R277-469-2. Definitions.**

24 (1) "Core" means the core standards adopted by the Board in Rule R277-700.

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

28 (3) "Depository" means a business dedicated to storing and distributing
29 resources or materials in sufficient quantities to ensure rapid and efficient delivery to
30 LEAs.

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

34 (b) "Instructional materials" include:

35 (i) textbooks;

36 (ii) workbooks; and

37 (iii) digital resources.

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

40 (d) "Instructional materials":

41 (i) are designed for student use;

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

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

45 (iv) shall be high quality, research-based materials for supporting student

46 learning; and

47 (v) may not be

48 (5) "Independe

49 (a) the Board;

50 (b) Board staff;

51 (c) an employee

52 (d) the creator

53 (e) anyone with a financial interest, however minimal, in instructional

54 under review.

55 (6) "Int

57 (a) textbooks;
58 (b) workbooks;
59 (c) digital resources;
60 (d) videos;
61 (e) electronic devices; or
62 (f) similar resources.

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

65 (8) "LEA" includes, for purposes of this rule, the Utah Schools for the Deaf and
66 the Blind.

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

(10) "National Instructional Materials Access Center" or "NIMAC" means the same as that term is defined in Subsection R277-800-2(14).

71 (11) "National Instructional Materials Accessibility Standard" or "NIMAS" means
72 the same as that term is defined in Subsection R277-800-2(15).

73 (12) "Not sampled" means instructional materials that were included in a
74 publisher bid for evaluation, but which were not sampled to the Superintendent.

75 (13) "Packet Method" means an educational approach where:

76 (a) a high school student receives a collection of instructional materials from an
77 institution, organization, or LEA;

78 (b) the high school student works through the materials independently with
79 minimal or no direct instruction from a teacher; and

80 (c) assessment is primarily based on completion of assignments within the
81 instructional materials.

82 [(13)][(14)] "Primary instructional material" means a comprehensive basal or Core
83 textbook or integrated instructional program for which a publisher seeks a
84 recommendation for Core subjects designated in Sections R277-700-4 through R277-
85 700-6.

86 [(14)](15) "Recommended instructional materials" or "RIMs" means the
87 recommended instructional materials searchable database provided as a free service by
88 the Board for the posting of evaluations and alignments to the Core of instructional
89 materials submitted by publishers for review by the Superintendent and approval of the
90 Board.

91 [(15)](16) "Recommended limited" means instructional materials that are in
92 limited alignment with the Core requirements or are narrow or restricted in their scope
93 and sequence.

94 [(16)](17) "Recommended primary" means instructional materials that:
95 (a) are in alignment with content, philosophy, and instructional strategies of the
96 Core;
97 (b) have been mapped and aligned to the Core, consistent with Section 53E-4-
98 408;
99 (c) are appropriate for use by students as principal sources of study; and
100 (d) support Core requirements.

101 [(17)](18) "Recommended student resource" means instructional materials
102 aligned to the Core that are developmentally appropriate, but not intended to be the
103 primary instructional resource, which may provide valuable content information for
104 students.

105 [(18)](19) "Recommended teacher resource" means instructional materials that
106 are appropriate as resource materials for use by teachers.

107 [(19)](20) "Reviewed, but not recommended" means instructional materials that
108 an LEA is strongly cautioned against using because the materials:
109 (a) do not align with the Core;
110 (b) are inaccurate in content;
111 (c) include misleading connotations;
112 (d) contain undesirable presentation; or
113 (e) are in conflict with existing law or rule.

114 [(20)](21) "Sensitive materials" means an instructional material that constitutes
115 objective sensitive material or subjective sensitive material as described in Subsection
116 53G-10-103(1)(h).

117 [(21)](22) "Utah State Instructional Materials Access Center" or "USIMAC"
118 means the same as that term is defined in Subsection R277-800-2(21).

119

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

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

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

124 (a) established local board procedures and timelines;

125 (b) Utah Code and Board rule, including Section 53G-2-105 and Section 53G-
126 10-103;

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

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

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

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

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

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

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

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

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

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

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

150

151 R277-469-5. Review of Materials.

152 (1) The Superintendent shall primarily focus on reviewing materials used in
153 subjects aligned with Core requirements to include reading, language arts, mathematics
154 through geometry, science, in kindergarten through 12th grade, effectiveness of written
155 expression, and other Core subject areas as assigned by the Board.

159 (3) Following its evaluation of a submitted item, the Superintendent shall
160 recommend that the Board classify materials in one of the following categories:

161 (a) Recommended primary;

162 (b) Recommended limited:

163 (c) Recommended teacher resource:

164 (d) Recommended student resource:

165 (e) Reviewed, but not recommended: or

166 (f) Not sampled.

167 (4) An LEA may award a grade for original credit or replacement credit through

168 the packet method if the packet adheres to the standards prescribed in Board rule and;

169 (a) the LEA approves the packet for use as an instruction material in accordance
170 with:

171 (i) Subsection 53G-4-402(27) for a district school; or

172 (ii) Section 53G-5-404(13) for a charter school; or
173 (iii) the Board recommends the packet after it has been reviewed,
174 consistent with the state instructional materials process described in Section 53E-4-403.

175

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

178 (1) The Superintendent and the Board, in reviewing whether to recommend
179 instructional materials, may consider whether the instructional materials:
180 (a) are consistent with Core requirements;
181 (b) are mapped and aligned to the Core and state-adopted assessments if
182 planned for use as primary materials;
183 (c) are high quality, research-based, and proven to be effective in supporting
184 student learning;
185 (d) provide an objective and balanced viewpoint on issues;
186 (e) include enrichment and extension possibilities;
187 (f) are appropriate to varying levels of learning;
188 (g) are accurate and factual;
189 (h) are arranged chronologically or systematically, or both;
190 (i) meets the requirements of Section 53E-2-204.1;
191 (j) are not sensitive materials as defined in Subsection 53G-10-103(1)(h);
192 (k) are not prohibited discriminatory practice as described in Section 53B-1-118;
193 (l) are consistent with the principles of individual freedom as defined in Section
194 53G-10-206; and
195 (m) are of acceptable technical quality.

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

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

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

205

206 R277-469-7. Agreements and Procedures for LEAs.

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

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

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

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

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

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

221

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

223 (1) A primary instructional materials provider shall contract with an independent
224 party in accordance with Subsection 53E-4-408(1)(a).

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

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

230

231 R277-469-9. Detailed Summary Requirements.

232 (1) An independent party shall submit a summary required under Subsection
233 53E-4-408(1)(b) in a searchable, digital resource database format designated by the
234 Superintendent.

235 (2) A summary required under Subsection 53E-4-408(1)(b) shall:

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

237 (i) the title of the material;

238 (ii) the ISBN number:

239 (iii) the publisher's name:

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

241 (v) the overall percentage of coverage of the Core:

242 (vi) the overall percentage of coverage in ancillary resources of the material to
243 the Core;

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

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

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

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

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

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

256

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

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

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

264 (b) A publisher shall submit verification of compliance with Subsection (2)(a) to
265 the Superintendent through the publisher's contracted depository before the
266 Superintendent posting a review of the materials on RIMs.

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

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

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

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

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

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

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

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

285 (7) The Superintendent shall make the final determination about the substitution
286 of a new edition for a previously recommended edition.

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

289

290 **KEY: instructional materials**

291 **Date of Last Change: July 9, 2024**

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

293 **Authorizing, and Implemented or Interpreted Law: Art X, Sec 3; 53E-4-402; 53E-4-
294 408; 53E-3-401(4)**

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