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May 19, 2022

The Honorable Brad Wilson
Speaker of the Utah House of Representatives
350 N. State Street, Suite 350
Salt Lake City, UT 84114

Dear Mr. Speaker Wilson,

The members and staff of the Utah State Board of Education share your concern about the potential appearance of pornographic or indecent instructional materials in public school settings. We want to assure you that we have been working swiftly and surely to enforce [H.B. 374, Sensitive Materials in Schools](#), and to enforce the board's administrative rule [R277-628: School Libraries](#), which we approved in February. Additionally, we thank the legislature for the funding you provided for the board to hire a state-level library specialist to further the work with local education agencies (LEAs) that we both want to see done.

The board began working on policies related to school oversight of library materials before the 2022 legislative session. The board received its first presentation and briefing on library governance standards on December 3, 2021. The board subsequently approved new board rule [R277-628](#) on February 2, 2022. Rule [R277-628](#) requires each LEA to "(a) establish a policy and accompanying procedures for the selection and reconsideration of library materials selected for a school's library that is consistent with current state and federal law [which would include [HB 374](#)], and (b) ensure each school within the LEA complies with the LEA's policy and accompanying procedures for the selection and reconsideration of library materials selected for a school's library described in Subsection (1)(a)." The rule also requires the superintendent (or the superintendent's designee) to provide a library materials model policy (model policy) for use by an LEA in developing an LEA's policy and accompanying procedures.

The board's Law and Licensing Committee began discussions on the model policy required in Rule [R277-628](#) in April. The committee continued to discuss the model policy in May, including a review of three versions of the model policy. The committee was unable to come to a consensus on a recommendation and instead, recommended the full board review the model policies and select a version to approve. The board will be reviewing drafts of the model policy in its June 2 meeting.

Concurrent with the work on the model policy, the board will begin work on the guidance and training required by [HB 374](#) (now Section [53G-10-103](#)). Section [53G-10-103](#) requires the board to: "(a) in consultation with the Office of the Attorney General, provide guidance and training to support public schools in identifying instructional materials that meet the definition of sensitive materials" We will

have a new library specialist joining our staff soon. The library specialist will be able to monitor and support LEAs as they begin to comply with Rule [R277-628](#) and Section [53G-10-103](#).

In response to [HB 374](#), on May 5, 2022, board staff prepared and distributed a [form](#) for LEAs to report complaints about instructional or library material after a determination has been made on retention or removal: <https://forms.gle/sv5TuNv1eG4D65qG8>. This form will collect the information necessary to:

“report to the Education Interim Committee and the Government Operations Interim Committee, at or before the November 2022 interim meeting, on implementation and compliance with [Section [53G-10-103](#)], including . . . any complaints an LEA or the state board receives regarding a violation of [Section [53G-10-103](#)], including:
 (A) action taken in response to a complaint described in this Subsection (4)(b)(iii); and
 (B) if an LEA retains an instructional material for which the LEA or the state board receives a complaint, the LEA's rationale for retaining the instructional material.”

As part of the report to the Education Interim Committee, the board will also be reporting on any policy the state board or an LEA adopts to implement or comply with Section [53G-10-103](#) and any rule the state board makes to implement or comply with Section [53G-10-103](#). Currently, we don't anticipate enacting another board rule to comply with [HB 374](#).

We also understand that the Office of the Attorney General plans to release supplemental guidance on the summary of “laws surrounding school libraries” previously prepared by the Office of the Attorney General. We believe the supplemental guidance will be released soon.

We would like to reiterate our appreciation to the legislature for partnering with us on this important issue. We will support LEAs as they work with parents to take appropriate action. We continue to listen to the voices of all parents and, as you know, safe and healthy schools have long been one of the Utah State Board of Education's top priorities. We are very serious about this goal and will continue to prioritize the safety of all students in Utah K-12 schools as a key component of our strategic plan.

If you have any questions, please let us know.

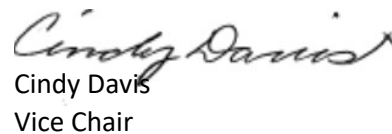
Sincerely,



Mark Huntsman
Board Chair



Laura Belnap
Vice Chair



Cindy Davis
Vice Chair