

UTAH STATE BOARD OF EDUCATION

[Meeting Minutes](#)

July 26, 2022, Board Meeting

9:00 AM to 12:00 PM.

The Utah State Board of Education special meeting was held on July 26, 2022. Vice-Chair Davis presided. As authorized by Utah Code 52-4, this meeting was held electronically without an anchor location for safety reasons due to the construction at the site where the public body would generally meet. The public can view the meeting through live YouTube streaming.

**Members Present**

Chair Mark **Huntsman**

First Vice-Chair Laura **Belnap**

Member Kristin **Norton**

Member Brent **Strate**

Member Scott **Hansen**

Member Matt **Hymas**

Member James **Moss**

Member Carol Barlow **Lear**

Second Vice-Chair Cindy **Davis**

Member Randy **Boothe**

Member Natalie **Cline**

Member Jennie **Earl**

Member Stacey **Hutchings**

Member Janet **Cannon**

**Members Absent**

Member Molly Hart

**Executive Staff Present**

Sydnee Dickson, State Superintendent

Sarah Young, Chief of Staff

Scott Jones, Deputy Superintendent

Patty Norman, Deputy Superintendent

Angie Stallings, Deputy Superintendent

Deborah Jacobsen, Assistant Superintendent

**Minutes were taken by:**

Cybil Child, Executive Assistant

## **Others Present**

Jerry Record, Alex Farah, Jeffrey Van Hulten, Kelsey James, Ashley Biehl, Bryan Quesenberry, Davina Sauthoff, Adam Herd, Cathy Gray, Jennifer Throndsen, Naomi Watkins, Benjamin Rasmussen, Teri Davis, and Cory Kanth.

## **Opening Business**

Vice-chair Davis called the meeting to order and roll call at 9:03 AM.

## Public Comments

The Board welcomed the public to share comments about an item on today's agenda by sending written comments to the Board at [board@schools.utah.gov](mailto:board@schools.utah.gov) and [publiccomment@schools.utah.gov](mailto:publiccomment@schools.utah.gov). The Board received comments from Stewart Campbell, Micah Abby, Sharla Kwarm, Kara Edwards, Misti Price, Marilee Hansen, Lisa McArthur, Kim Crump, Jeanine Bee, Jonathan Bejarano, Emily Bourne, Jenica Wilcox, Wendy Garvin, Adrian Drabner, Terra Cooper, Sarah Fager, and Terry Poulton.

## Library Materials Model Policy

In the February 2022 Board meeting, the Board approved R277-628 School Libraries. This rule requires LEAs to create policies regarding selecting and reconsidering materials placed in school libraries. The rule also required USBE staff to create a model policy.

In addition to approving R277-628, the Board approved a motion to have the model policy developed by USBE staff to be approved in a future meeting.

The USBE staff created this model policy in consultation with the AAGs representing USBE to include all relevant laws and court rulings related to school libraries in Utah. It also sets out a process for material selection and how to reconsider existing materials when requested by members of the school's community, including parents, students, and teachers.

The Master Merged Version, dated June 24, 2022, reflects the contributions of multiple Board members and is presented as their collective draft, including Board Members Hart, Lear,

Hymas, and Davis.

The Master Merged Version, dated June 30, 2022, reflects the amendments from the June 30 Board meeting.

The Board began the meeting with the June 30, 2022, tabled motion.

**MOTION** was made by Member Earl and seconded by Member Cline that the Board amends lines 132 through 135 (Subsection IV.T of the Model Policy) as follows:

T. In deciding whether the material constitutes sensitive material, the Committee must consider:

1. ~~consider all elements of the definitions of~~ as pornographic or indecent materials any material defined as harmful to minors in Section 76-10-1201, described as pornographic in Section 76-10-1203, or described in Section 76-10-1227; and as defined in Utah Code Sections 76-10-1235, 76-10-1201, 76-10-1203, and 76-10-1227; and

**Motion** failed with Members Belnap, Hansen, Hymas, Norton, and Strate opposed and Members Boothe, Cline, Earl, and Hutchings in favor.

**MOTION TO AMEND** made by Member Hansen and seconded by Member Strate that the Board amends the model policy as follows:

1. Remove the word "Sensitive" from lines 5, 67, 71, 81, 112, 181, 232, and 242.
2. Add "Materials Review Rubric" to line 5.
3. Add " , or based on age-appropriate content" to line 19.
4. Revise line 77 to read: "...materials review may be based on....53G-10-103, or upon concerns with age-appropriateness of content."
5. Revise line 137 to read: "...vulgarity, violence or content, the Committee..."

**Motion to amend** carried with Members Belnap, Boothe, Earl, Hansen, Hutchings, Hymas, Lear, Norton, and Strate in favor, and Member Cline abstained.

**MOTION TO AMEND** made by Member Cline and seconded by Member Earl that the Board strike lines 85-88 and replace those lines with: Student access to all copies of the material that is subject to a review request shall be withheld in all schools within the LEA until resolution of the complaint process, at which point the material is either retained or removed from all schools in the LEA.

- H. ~~The material that is subject to a review request will have restricted access by maintaining the material behind the circulation desk or requiring an access code for digital materials until the processes described in this policy are completed. Access is limited to students with prior parent/guardian permission only.~~ Student access to all copies of the material that is subject to a review request shall be withheld in all schools within the LEA until resolution of the complaint process, at which point the material is either retained or removed from all schools in the LEA.

**CALL THE QUESTION** was made by Member Strate.

**Motion to call the question** failed with Members Belnap, Boothe, Cline, Earl, Hutchings, Hymas, and Moss opposed and Members Hansen, Lear, and Norton in favor.

**Motion to amend** failed with Members Belnap, Boothe, Earl, Hansen, Hutchings, Hymas, Lear, Moss, Norton, and Strate opposed, and Member Cline in favor.

**MOTION TO AMEND** made by Member Earl and seconded by Member Cline that the Board amends lines 137 through 144 (Subsection IV.U of the Model Policy and add a new Subsection IV.V) as follows:

- U. In deciding whether the material is age appropriate due to vulgarity or violence, the Committee must consider the material taken as a whole and consider whether it has serious literary, artistic, political, or scientific value for minors, which ~~must~~ may include the following objective criteria ~~applied to~~

~~determine the material's serious literary, artistic, political, or scientific value including:~~

- ~~1. reliable, expert reviews of the material or other objectivesources;~~
- ~~2. committee members' experience and background; and~~
- ~~3. community standards.~~

V. In deciding whether the material taken as a whole has serious literary, artistic political, or scientific value as described in Subsection U., the Committee shouldconsider that:

1. serious value does not mean *any value*; and
2. the risk of a lawsuit by parents is greater for a library in an elementary or middle school setting.

**MOTION TO AMEND THE AMENDMENT** made by Member Cline and seconded by Member Earl that the Board:

- Remove this language from the first sentence "~~the material taken as a whole and consider~~" and "~~which must may include the following objective criteria.~~"
- Remove the language from 1., 2., and 3., as follows:
  - ~~1. reliable, expert reviews of the material or other objective sources;~~
  - ~~2. committee members' experience and background; and~~
  - ~~3. community standards.~~
- Remove "taken as a whole"

**Motion to amend the amendment** failed with Members Belnap, Boothe, Earl, Hansen, Hutchings, Lear, Moss, Norton, and Strate opposed, and Members Cline and Hymas in favor.

**Motion to amend** carried with Members Belnap, Boothe, Cline, Earl, Hutchings, Hymas, and Moss in favor, and Members Hansen, Lear, Norton, and Strate opposed.

**MOTION TO AMEND** made by Member Hansen and seconded by Member Lear that the Board

- include the word "name" in Line 53 to read "the employee's name and title that reviewed the material"
- add after Line 65: "3. Identify gaps or deficits in the library's collection."
- strike lines 79 and 80:
  - E. ~~The identity of the requestor will be protected and kept confidential from all individuals involved in any review process outlined in this policy, to the extent possible.~~

**MOTION TO DIVIDE THE QUESTION** made by Member Hymas and seconded by Member Moss that the Board vote on each amendment individually.

**Motion to divide** carried with Members Boothe, Cline, Earl, Hutchings, Hymas, Moss, Norton, and Strate in favor, and Members Belnap, Cannon, Hansen, and Lear opposed.

**First Divided Motion: MOTION TO AMEND**

- add the underlined language after Line 65: "3. Identify gaps or deficits in the library's collection."

**Motion to amend** carried with Members Belnap, Boothe, Cannon, Hansen, Lear, Norton, Davis, and Strate in favor, and Members Cline, Earl, Hutchings, Hymas, and Moss opposed.

**Second Divided Motion: MOTION TO AMEND**

- include the word "name" in Line 53 to read "the employee's name and title that reviewed the material"
- strike lines 79 and 80:
  - ~~E. The identity of the requestor will be protected and kept confidential from all individuals involved in any review process outlined in this policy, to~~

~~the extent possible.~~

**MOTION TO DIVIDE THE QUESTION** made by Member Cline and seconded by Member Boothe.  
Motion failed.

**MOTION TO AMEND THE AMENDMENT OF THE SECOND DIVIDED QUESTION** was made by Member Cline and seconded by Member Cannon that the Board add the following language:

6. The employee's name and title that reviewed the material, which shall be kept confidential to the extent possible.

**Motion to amend the amendment** failed with Members Belnap, Boothe, Cannon, Earl, Hansen, Huntsman, Hutchings, Hymas, Lear, Norton, and Strate opposed and Members Cline and Moss in favor.

**PREVIOUS Second Divided Motion: MOTION TO AMEND**

- include the word "name" in Line 53 to read "the employee's name and title that reviewed the material"
- strike lines 79 and 80:
  - ~~E. The identity of the requestor will be protected and kept confidential from all individuals involved in any review process outlined in this policy, to the extent possible.~~

**MOTION TO AMEND THE AMENDMENT** was made by Member Moss and seconded by Member Earl that the Board amends lines 79 to 80 as follows:

E. The identity of the requestor will be protected and kept confidential from all individuals outside of the ~~involved in any~~ review process outlined in this policy, to the extent possible.

**Motion to amend the amendment** carried with Members Belnap, Boothe, Cline,

Davis, Earl, Hutchings, Hymas, Moss, and Norton in favor and Members Cannon, Hansen, Lear and Strate opposed.

**MOTION TO AMEND OF THE SECOND DIVIDED QUESTION, As Amended**

- include the word "name" in Line 53 to read "the employee's name and title that reviewed the material"
- the Board amend lines 79 to 80 as follows:
  - E. The identity of the requestor will be protected and kept confidential from all individuals outside of the ~~involved in any~~ review process outlined in this policy, to the extent possible.

**Motion to amend** passed unanimously.

**MOTION TO AMEND** made by Member Earl and seconded by Member Cline that the Board include the "Definitions and References" document (inserted in blue in Board Member Cline's draft) as an appendix to the Model Policy, with the exception of anything included in the document that is in red or that is not an exact restatement of Utah Code or Board Rule.

**Motion to amend** failed with Members Belnap, Boothe, Cannon, Hansen, Huntsman, Hutchings, Hymas, Lear, Norton, and Strate opposed, and Members Cline, Earl, and Moss in favor.

**MOTION TO AMEND** made by Member Hansen and seconded by Member Strate that the Board:

- add to line 88: A list of restricted materials shall be made available to the public. (as shown below)
  - H. The material that is subject to a review request will have restricted access by maintaining the material behind the circulation desk or requiring an access code for digital materials until the processes described in this policy are completed. Access is limited to students with prior parent/guardian permission only. A list of restricted materials shall be made available to the

public.

- The Board add to the end of Line 102 "including parents reflective of the school community as required in Subsection 53G-10-103(3)."

2. Members of the committee will include:

- i. a facilitator chosen by (LEA's name) 's administration;
  - ii. at least one administrator or designee;
  - iii. a licensed teacher at the school who is currently teaching English language arts or subject relevant to the challenged material;
  - iv. a licensed teacher-librarian or school librarian; and v. parents of current students at the school that number at least one more than the LEA employees on the Committee including parents reflective of the school community as required in Subsection 53G-10-103(3).
- The Board add to the end of Line 114 "including reason for initial approval of the material" (as below)
    - M. Members of the Review Committee will receive materials to complete the reviewprocess, including the following:
      1. access to the complete work that includes the material being challenged;
      2. a copy of the Sensitive Materials Review Request form;
      3. a copy of this policy
      4. relevant information about the title compiled and shared by the librarystaff including reason for initial approval of the material;and
      5. recorded public comment as described below in Subsection O.
  - The Board add to the end of Line 205: "and the public." (as below)

- L. (LEA's name) will maintain a list of the determinations by Appeals Committee and make the list available to all schools within (LEA's name) and the public.

**MOTION TO DIVIDE** made by Member Earl and seconded by Member Hymas that the motion is divided two ways.

**Motion to divide** passed unanimously.

### **FIRST DIVIDED MOTION**

- The Board add to the end of Line 102 "including parents reflective of the school community as required in Subsection 53G-10-103(3)."

2. Members of the committee will include:

- i. a facilitator chosen by (LEA's name) 's administration;
- ii. at least one administrator or designee;
- iii. a licensed teacher at the school who is currently teaching English language arts or subject relevant to the challenged material;
- iv. a licensed teacher-librarian or school librarian; and v. parents of current students at the school that number at least one more than the LEA employees on the Committee including parents reflective of the school community as required in Subsection 53G-10-103(3).

**Motion** carried with Member Cline opposed.

### **SECOND DIVIDED MOTION**

- add to line 88: A list of restricted materials shall be made available to the public. (as shown below)

- H. The material that is subject to a review request will have restricted access by maintaining the material behind the circulation desk or requiring an access code for digital materials until the processes described in this policy are completed. Access is limited to students with prior parent/guardian permission only. A list of restricted materials shall be made available to the public.
- The Board add to the end of Line 114 "including reason for initial approval of the material" (as below)
    - N. Members of the Review Committee will receive materials to complete the review process, including the following:
      1. access to the complete work that includes the material being challenged;
      2. a copy of the Sensitive Materials Review Request form;
      3. a copy of this policy
      4. relevant information about the title compiled and shared by the library staff including reason for initial approval of the material; and
      5. recorded public comment as described below in Subsection O.
  - The Board add to the end of Line 205: "and the public." (as below)
    - M. (LEA's name) will maintain a list of the determinations by Appeals Committee and make the list available to all schools within (LEA's name) and the public.

**Motion** carried with Member Cline abstained.

**MOTION TO CALL THE QUESTION** by Member Belnap and seconded by Member Lear.

**Motion to call the question** carried with Members Earl, Hymas, and Moss opposed.

**MOTION** was made by Member Belnap and seconded by Member Norton that the Board

approves the Library Materials Model Policy, Merged Master Draft, dated June 30, as amended.

**Motion** carried with Member Cline opposed.

**Adjournment**

The meeting adjourned at 11:51 AM.

Cybil Child, Board Secretary  
Approved August 4, 2022.