

1 **R277. Education, Administration.**

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

3 **R277-469-1. Authority and Purpose.**

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 the
8 Board's duties and responsibilities under the Utah Constitution and state law;

9 (c) Section [53E-4-402](#), which directs the Board to appoint an Instructional Materials
10 Commission and directs the Commission to evaluate instructional materials for
11 recommendation by the Board; and

12 (d) Section [53E-4-408](#), which directs the Board to make rules that establish the
13 qualifications of the independent parties who may evaluate and map the alignment of the
14 primary instructional materials and requirements for the detailed summary of the evaluation.

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

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

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

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

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

24 (1) "Commission" means the Instructional Materials Commission established in
25 accordance with Section [53E-4-402](#).

26 (2) "Core" means the core standards adopted by the Board in [R277-700](#).

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

30 (4) "Depository" means a business dedicated to storing and distributing resources
31 or materials in sufficient quantities to insure rapid and efficient delivery to LEAs.

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

35 (b) "Instructional materials" include:

36 (i) textbooks;

37 (ii) workbooks;

38 (iii) computer software;

39 (iv) online or internet courses;

40 (v) CDs or DVDs; and

41 (vi) multiple forms of communication media.

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

44 (d) "Instructional materials":

45 (i) are designed for student use;

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

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

49 (iv) shall be high quality, research-based materials for supporting student learning;
50 and[-]

51 (v) may not be sensitive materials as defined by Subsection [53G-10-103\(1\)\(g\)](#).

52 (6) "Independent party" means an entity that is not part of or related to:

53 (a) the Board;

54 (b) Board staff;

55 (c) an employee or governing board member of an LEA;

56 (d) the creator or publisher of instructional materials under review; or

57 (e) anyone with a financial interest, however minimal, in instructional materials under
58 review.

59 (7) "Instructional Materials Commission" or "Commission" means the commission
60 appointed by the Board in accordance with Section [53E-4-402](#).

61 (8) "Integrated instructional program" means any combination of instructional
62 materials for students, including:

- 63 (a) textbooks;
- 64 (b) workbooks;
- 65 (c) software;
- 66 (d) videos;
- 67 (e) electronic devices; or
- 68 (f) similar resources.

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

71 (10) "LEA" includes, for purposes of this rule, the Utah Schools for the Deaf and the
72 Blind.

73 (11) "Mapping" means creating a visual representation listing topics in instructional
74 materials in correlation to the standards of the Utah core.

75 (12) "National Instructional Materials Access Center" or "NIMAC" means the same
76 as that term is defined in Subsection [R277-800-2\(14\)](#).

77 (13) "National Instructional Materials Accessibility Standard" or "NIMAS" means the
78 same as that term is defined in Subsection [R277-800-2\(15\)](#).

79 (14) "Not sampled" means instructional materials that were included in a publisher
80 bid for evaluation by the Instructional Materials Commission, but which were not sampled to
81 the Superintendent or the Commission.

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

85 (16) "Recommended instructional materials" or "RIMs" means the recommended
86 instructional materials searchable database provided as a free service by the Board for the
87 posting of evaluations and alignments to the Core of instructional materials submitted by
88 publishers for review by the Commission and approval of the Board.

89 (17) "Recommended limited" means instructional materials that are in limited
90 alignment with the Core requirements or are narrow or restricted in their scope and
91 sequence.

92 (18) "Recommended primary" means instructional materials that:

- 93 (a) are in alignment with content, philosophy, and instructional strategies of the Core;

- 94 (b) have been mapped and aligned to the Core, consistent with Section [53E-4-408](#);
95 (c) are appropriate for use by students as principal sources of study; and
96 (d) support Core requirements.

97 (19) "Recommended student resource" means instructional materials aligned to the
98 Core that are developmentally appropriate, but not intended to be the primary instructional
99 resource, which may provided valuable content information for students.

100 (20) "Recommended teacher resource" means instructional materials that are
101 appropriate as resource materials for use by teachers.

102 (21) "Reviewed, but not recommended" means instructional materials that an LEA
103 is strongly cautioned against using because the materials:

- 104 (a) do not align with the Core;
105 (b) are inaccurate in content;
106 (c) include misleading connotations;
107 (d) contain undesirable presentation; or
108 (e) are in conflict with existing law or rule.

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

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

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

115 (2) An LEA may select and approve instructional materials consistent with:

- 116 (a) the standards of this R277-469;
117 (b) established local board procedures and timelines;
118 (c) Subsection [53G-10-103](#);

119 ([e]d) Subsection [53G-10-402\(1\)\(c\)\(iii\)](#); and

120 ([d]e) Subsection [53E-4-403\(4\)](#).

121 (3) A school or school district that uses any funding source to purchase materials
122 that have not been recommended or selected consistent with state law, may have funds
123 withheld to the extent of the actual costs of those materials pursuant to Subsection [53E-3-](#)
124 [401\(8\)\(a\)\(ii\)](#).

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

128 (b) If an LEA receives free materials as part of a supplemental program, the LEA
129 may use the materials as student instructional materials only consistent with the law and
130 this R277-469.

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

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

135 (b) provide instructional materials that are produced in, or may be rendered in,
136 specialized formats.

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

140 (b) An LEA's notice shall include a copy of this R277-469.

141

142 **R277-469-4. Instructional Materials Commission Members Terms of Service.**

143 (1) The Board shall appoint members of the Instructional Materials Commission in
144 accordance with Section [53E-4-402](#).

145 (2)(a) A member appointed in accordance with Subsection (1) shall serve four year
146 terms, staggered to ensure continuity in the efficient operation of the Commission.

147 (b) A member may apply for reappointment to one additional term.

148 (3) The Commission may establish subcommittees as needed.

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150 **R277-469-5. Commission Review of Materials.**

151 (1) The Instructional Materials Commission shall primarily focus on reviewing
152 materials used in subjects aligned with Core requirements to include reading, language arts,
153 mathematics through geometry, science, in grades 4 through 12, and effectiveness of written
154 expression, and other Core subject areas as assigned by the Board.

155 (2) The Commission shall determine subject areas and timelines for review based

156 on school district and charter school needs and requests, using forms and procedures
157 provided by the Superintendent.

158 (3) The Commission shall meet to review materials at least semi-annually.

159 (4) Following its evaluation of a submitted item, the Commission shall recommend
160 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.

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

170 (1) The Instructional Materials Commission and the Board, in reviewing whether to
171 recommend instructional materials, may consider whether the instructional materials:

172 (a) are consistent with Core requirements;

173 (b) are mapped and aligned to the Core and state adopted assessments if planned
174 for use as primary materials;

175 (c) are high quality, research-based, and proven to be effective in supporting student
176 learning;

177 (d) provide an objective and balanced viewpoint on issues;

178 (e) include enrichment and extension possibilities;

179 (f) are appropriate to varying levels of learning;

180 (g) are accurate and factual;

181 (h) are arranged chronologically or systematically, or both;

182 (i) reflect the pluralistic character and culture of the American people and provide
183 accurate representation of diverse ethnic groups;

184 (j) are not sensitive materials as defined in Subsection [53G-10-103\(1\)\(g\)](#);

185 (l) are free from sexual, ethnic, age, gender or disability bias and stereotyping;

186 and

187 ([k!]) are of acceptable technical quality.

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

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

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

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198 **R277-469-7. Agreements and Procedures for LEAs.**

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

201 (2) As part of any materials adoption process or procurement contract for the
202 purpose of purchasing instructional materials, an LEA shall provide instructional materials
203 to all students, including blind students and other students with disabilities, in a timely
204 manner.

205 (a) A publisher may provide materials in electronic files to NIMAC to make materials
206 available to eligible students.

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

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

211 (3) An LEA shall require a detailed Core curriculum alignment prior to the purchase
212 of primary instructional materials.

213

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

215 (1) A primary instructional materials provider shall contract with an independent party
216 in accordance with Subsection [53E-4-408\(1\)\(a\)](#).

217 (2) An independent party may only employ or contract with a reviewer who has a

218 degree or an endorsement specific to the subject area of the primary instructional materials.
219 (3) A publisher shall provide proof of an independent party's credentials to the
220 Superintendent upon request.

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222 **R277-469-9. Detailed Summary Requirements.**

223 (1) An independent party shall submit a summary required under Subsection 53E-4-
224 408(1)(b) in a searchable, software database format designated by the Superintendent.

225 (2) A summary required under Subsection [53E-4-408\(1\)\(b\)](#) shall:

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

227 (i) the title of the material;

228 (ii) the ISBN number;

229 (iii) the publisher's name;

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

231 (v) the overall percentage of coverage of the Core;

232 (vi) the overall percentage of coverage in ancillary resources of the material to the
233 Core;

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

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

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

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

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

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

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

248 (1) A publisher desiring to sell primary instructional materials to Utah school districts

249 shall comply with the requirements of Section [53E-4-408](#) and this R277-469.

250 (2)(a) A publisher seeking to sell recommended materials to Utah schools or school
251 districts shall have 10 books and tangible adopted materials or such other amount as
252 required by a depository based on anticipated need on deposit within the state at an
253 instructional materials depository in the business of selling instructional materials to schools
254 or school districts in Utah.

255 (b) A publisher shall submit verification of compliance with Subsection (2)(a) to the
256 Superintendent through the publisher's contracted depository prior to the Superintendent
257 posting a review of the materials on RIMs.

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

259 (4) Notwithstanding the provisions of Subsection (2), a publisher may sell
260 instructional materials to schools or school districts in Utah directly or through means other
261 than a designated depository.

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

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

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

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

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

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

276 (7) The Commission shall make the final determination about the substitution of a
277 new edition for a previously recommended edition with assistance from the Superintendent.

278 (8) A publisher's contract price for materials recommended by the Commission and
279 the Board shall apply for five years from the contract date.

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R277-469-11. Request for Reconsideration of Recommendation.

(1) The Superintendent shall provide a school district, school or publisher with the evaluations and recommendations resulting from the initial review of the Commission.

(2) A school district, school or publisher may, within 30 days of the Commission's initial recommendation, request to have materials reviewed again during the Commission's next review cycle.

(3)(a) During the period of the reconsideration request, the Superintendent shall classify materials only tentatively.

(b) The Superintendent shall not post tentatively classified materials to RIMs until recommended through the official Commission process.

(4) A school district, school or publisher may be asked to send a second set of sample materials to the Superintendent as part of a reconsideration request.

(5) Any written information provided by a school district, school or publisher shall be available to the advisory committees during the second review.

(6) After the second review by the subject area advisory committee, the Commission shall vote on the advisory committee's recommendation at the next scheduled meeting.

(7) If the Commission votes to change the recommendation, the Superintendent shall notify the Board of the action at the next scheduled Board meeting.

(8) The Superintendent shall send a school district, school or publisher written notification of the final recommendation and new evaluation.

(9) If the Commission and Board approve materials following a request for reconsideration, the Superintendent shall post the evaluation to RIMs.

KEY: instructional materials

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Authorizing, and Implemented or Interpreted Law: [Art X, Sec 3; 53E-4-402; 53E-4-408; 53E-3-401\(4\)](#)