

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
8 the 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
10 Materials Commission and directs the Commission to evaluate instructional materials
11 for 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
14 the primary instructional materials and requirements for the detailed summary of the
15 evaluation.

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

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

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

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

23

24 **R277-469-2. Definitions.**

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

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

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

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

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

37 (b) "Instructional materials" include:

38 (i) textbooks;

39 (ii) workbooks;

40 (iii) computer software;

41 (iv) online or internet courses;

42 (v) CDs or DVDs; and

43 (vi) multiple forms of communication media.

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

46 (d) "Instructional materials":

47 (i) are designed for student use;

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

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

51 (iv) shall be high quality, research-based materials for supporting student
52 learning; and

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

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

55 (a) the Board;

56 (b) Board staff;

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

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

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

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

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

65 (a) textbooks;

66 (b) workbooks;

67 (c) software;

68 (d) videos;

69 (e) electronic devices; or

70 (f) similar resources.

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

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

75 (11) "Mapping" means creating a visual representation listing topics in
76 instructional materials in correlation to the standards of the Utah Core.

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

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

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

84 (15) "Primary instructional material" means a comprehensive basal or Core
85 textbook or integrated instructional program for which a publisher seeks a
86 recommendation for Core subjects designated in Sections [R277-700-4](#) through [R277-](#)
87 [700-6](#).

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

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

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

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

98 (b) have been mapped and aligned to the Core, consistent with Section [53E-4-](#)
99 [408](#);

100 (c) are appropriate for use by students as principal sources of study; and

101 (d) support Core requirements.

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

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

107 (21) "Reviewed, but not recommended" means instructional materials that an
108 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 (22) "Utah State Instructional Materials Access Center" or "USIMAC" means the
115 same as that term is defined in Subsection [R277-800-2\(21\)](#).

116

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

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

120 (2) An LEA ~~[may]~~ [shall](#) select and approve instructional materials consistent
121 with:

122 ~~[(a) the standards of this rule;]~~

- 123 ([b]a) established local board procedures and timelines;
124 ([e]b) [Utah code and Board rule, including](#) Section [53G-10-103](#);
125 ([e]c) Subsection [53G-10-402](#)(1)(c)(iii); and
126 ([e]d) Subsection 53E-4-403(4).

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

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

135 (b) If an LEA receives free materials [~~as part of a supplemental program~~], the
136 LEA may use the materials as student instructional materials only consistent with the
137 law and this rule.

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

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

142 (b) provide instructional materials that are produced in, or may be made in,
143 specialized formats[-]; [and](#)

144 [\(c\) provide materials consistent with the Utah code and administrative rules.](#)

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

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

149

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

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

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

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

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

157

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

159 (1) The Instructional Materials Commission shall primarily focus on reviewing
160 materials used in subjects aligned with Core requirements to include reading, language
161 arts, mathematics through geometry, science, in [~~grades-4~~] kindergarten through 12th
162 grade, [~~and~~] effectiveness of written expression, and other Core subject areas as
163 assigned by the Board.

164 (2) The Commission shall determine subject areas and timelines for review
165 based on school district and charter school needs and requests, using forms and
166 procedures provided by the Superintendent.

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

168 (4) Following its evaluation of a submitted item, the Commission shall
169 recommend that the Board classify materials in one of the following categories:

170 (a) Recommended primary;

171 (b) Recommended limited;

172 (c) Recommended teacher resource;

173 (d) Recommended student resource;

174 (e) Reviewed, but not recommended; or

175 (f) Not sampled.

176

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

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

181 (a) are consistent with Core requirements;

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

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

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

187 (e) include enrichment and extension possibilities;

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

189 (g) are accurate and factual;

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

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

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

194 (k) are free from sexual, ethnic, age, gender or disability bias and stereotyping;
195 and

196 (l) are of acceptable technical quality.

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

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

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

206

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

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

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

214 (a) A publisher [~~may~~] shall provide materials in electronic files to NIMAC to make
215 materials available to eligible students.

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

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

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

222

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

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

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

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

231

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

233 (1) An independent party shall submit a summary required under Subsection
234 [53E-4-408\(1\)\(b\)](#) in a searchable, software database format designated by the
235 Superintendent.

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

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

238 (i) the title of the material;

239 (ii) the ISBN number;

240 (iii) the publisher's name;

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

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

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

244 the Core;

- 245 (vii) the percentage of coverage of the Core in the material for each standard,
246 objective and indicator in the Core with corresponding page numbers;
247 (viii) percentage of coverage of the Core not covered in the material but covered
248 in the ancillary resources for each standard; and
249 (ix) objective and indicator in the Core with corresponding page numbers or
250 URLs; and
251 (b) provide the detailed alignment information listed in Subsection (a)(iv) for the
252 student text for all editions of the text that are used in Utah public schools;
253 (c) provide the detailed alignment information listed in Subsection (a)(iv) for a
254 teacher edition of text, if a teacher edition is used in Utah public schools; and
255 (d) provide an assurance, including a personal signature, that the work was
256 completed personally and as required by the licensed and endorsed reviewer.

257

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

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

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

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

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

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

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

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

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

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

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

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

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

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

292

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

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

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

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

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

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

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

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

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

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

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

317

318 **KEY: instructional materials**

319 **Date of Last Change: November 7, 2022**

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

321 **Authorizing, and Implemented or Interpreted Law: [Art X, Sec 3](#); [53E-4-402](#); [53E-4-](#)
322 [408](#); [53E-3-401\(4\)](#)**