

## Statement on Sensitive Material Review Amendment

November 16, 2023

The Utah Library Association (ULA) and the Utah Educational Library Media Association (UELMA) appreciate that legislators recognize that the current “[53G-10-103 Sensitive Instructional Materials](#)” law, enacted in 2022, is not working and requires amendment. While acknowledging the necessity for revisions, we wish to clarify that we do not support the [Sensitive Materials Review Amendments](#) bill that passed out of the Interim Education Committee on 11/15/23.

ULA and UELMA remain eager to collaborate with legislators to develop a viable solution that prioritizes:

- the rights of parents as the primary control over their own child’s education (Utah Code §80-2a-201);
- the autonomy of local school boards and individual schools;
- the inclusion of expertly trained librarians in selecting age-appropriate materials that align with the developmental needs of all students; and
- the evaluation of materials as a whole considering their literary, artistic, political, or scientific value, irrespective of isolated excerpts taken out of context.

Students are best served by having access to a wide variety of developmentally appropriate materials that help them to think critically, understand the depth and breadth of human ideas and experiences, understand and navigate a world that is filled with wonders, dangers, and opportunities.

As nonprofit membership organizations, we are committed to collaborating with legislators to shape a revised bill that leverages the expertise of librarians and educators to address book challenges in local school districts. We stand ready to partner with elected officials at the state and local levels, developing policies and statutes to ensure all Utah students and residents benefit from a robust, evidence-based school and public library program that supports their success.

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2023-24 UELMA President

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## Talking Points for Four Prioritizations

- Lines 157-161 - *removes the rights of parents as the primary control over their own child's education (Utah Code §80-2a-201)*
  - Limits parents from having input into school library materials that meet their school community's and their children's needs.
  - Erodes the freedom of parents to tailor their child's education and access to school materials according to their beliefs and values.
  - Subjects parents to the decision-making of individuals who have not been elected to their local school boards.
- Lines 157-161 - *removes the autonomy / decision-making power from locally elected school boards:*
  - Restricts a district's or charter's local control by their own elected school board and imposes the will and ideology of another board who was not elected to represent them, their families, or their views.
  - Subjects LEAs with strong policies at the mercy of LEAs with weak policies
  - Sets a dangerous precedent by challenging the sovereignty of LEAs
  - Opens the door for further erosion of local control over educational decisions
- Lines 125-126 *negatively impact access to age and developmentally-appropriate materials for middle school & high school students*
  - Lumps pre-k with 12th grade. A 12th grader needs and deserves different educational opportunities than a pre-K student.
  - Fails to distinguish between age-appropriate versus developmentally appropriate
  - Fails to address the issue of a book being removed in 3 LEAs at the middle school level that may be appropriate for students at the high school level.
  - Fails to include expertly trained librarians in selecting age-appropriate materials that align with the developmental needs of all students; and
- Lines 50-52 *negatively impact students' access to engaging, relevant & high-quality literature.*

- Objective material(using the Bright Line) is still subjective; some LEAs have removed materials using the Bright Line rule, whereas other districts have determined the material has literary, artistic, political, or scientific value.
- 76-10-1227 is intended for “Public Displays,” not library materials; Public displays differ significantly from the private experience of reading
- In the [Utah Attorney General's Memorandum dated June 1, 2022](#), AG Sean Reyes stated that “failure to consider library materials “as a whole” may present risk of conflict with federal law” (State of Utah, 2022, Analysis section 3)