

## **Davis School District Policy and Procedures**

**Subject: 4I-202 School Library Media Centers**

**Index: Instructional Programs**

**Revised: (Rewritten to Replace Existing Policy) DRAFT: 7/28/2022**

---

### **1. PURPOSE AND PHILOSOPHY**

School library media centers in the Davis School District (District) exist to provide resources to enhance student learning. This policy specifies the process for selection and maintenance of library materials to provide balanced, relevant, age appropriate, and varied resources for students. The policy also outlines the process of identifying materials for restrictions or removal from school libraries due to sensitive material which is not allowed by Utah code.

### **2. SELECTION OF MATERIALS**

Selection of resources for the school library's collection is an ongoing process of creating a collection that reflects a diversity of ideas and adheres to the law. School library media centers shall provide a broad range of educational, informational, and recreational reading resources.

#### **2.1 Responsibilities**

- 2.1.1 The District Teaching and Learning Director shall establish procedures for the selection and acquisition of each school's library collection which includes guidance on process, criteria, donations, and inventory.
- 2.1.2 The School Library Media Professional (Librarian) will oversee selection of all library materials consistent with this policy.
- 2.1.3 Each school shall form a School Library Committee (School Committee) which includes an odd number of members not less than 5 people. The School Committee shall include:
  - [a] the Librarian who serves as a voting member and chair of the School Committee;
  - [b] a school administrator; and
  - [c] a minimum of three parents with standing (see 4.2.1).
- 2.1.4 The School Committee participates in selection and maintenance of school library materials. Sensitive Material Reviews are not conducted by the School

Committee. The process for Sensitive Material Reviews is outlined in section 4 of this policy.

- 2.1.5 In consultation with the District Teaching and Learning Director, the school principal may determine if the School Committee should include additional members. If additional members are added, the number of parents on the School Committee must exceed the number of employees on the School Committee.
- 2.1.6 One parent on the School Committee shall be a member or appointee of the school community council. One parent on the School Committee shall be a member or appointee of the school's PTA/PTO. One parent member shall be appointed by the Librarian. Any additional parents shall be selected by a lottery of applicants.
- 2.1.7 The School Committee may also include up to two students who attend the school with parent permission.

## **2.2 Selection Process**

- 2.2.1. In selecting materials, the Librarian shall:
  - [a] seek approval from the School Library Committee;
  - [b] seek materials which reflect diversity of ideas and perspectives;
  - [c] include only materials which comply with Utah law; and
  - [d] consider materials suggested by students, parents, and faculty.
- 2.2.2. Electronic databases and other web-based content shall be filtered through the District's internet filtering system.
- 2.2.3. Gifts and donations will be reviewed then accepted or rejected using the same criteria as purchased materials.
- 2.2.4. The final decision for material selection rests with the School Committee and shall be based on the following criteria:
  - [a] overall purpose and educational significance;
  - [b] compliance with Utah law;
  - [c] age and developmental appropriateness;
  - [d] timeliness and/or permanence;
  - [e] readability and accessibility for intended audience;
  - [f] artistic or literary quality and style;
  - [g] quality and value in consideration of cost and/or need; or
  - [h] materials which support the needs of English language learners.

## **2.3 Library Catalog**

- 2.3.1. The District will provide an online catalog which gives public access to the following information about each school library's collection:
  - [a] the name of the school;
  - [b] the title and author of the materials in the library; and
  - [c] all available formats of the material (digital/hard copy/etc.).

### **3. MAINTENANCE OF LIBRARY COLLECTION**

Maintenance of the library collection is essential to maintain quality, relevant, and up-to-date library material. Library materials will be maintained consistent with the criteria listed in 2.2.4, and state and federal laws.

#### **3.1 Removal and Replacement**

- 3.1.1 The District shall establish procedures for the deselection of materials from each school's library collection.
- 3.1.2 In consultation with the School Committee, the Librarian should periodically review the collection to determine which materials should be removed or replaced as part of regular collection maintenance.
- 3.1.3 In making determinations for removal and/or replacement, the Librarian may consider whether the material:
  - [a] is in poor physical condition in consideration of replacement availability/cost;
  - [b] is outdated, inaccurate, or no longer relevant;
  - [c] has been superseded by more current information;
  - [d] is checked out infrequently by students;
  - [e] contains evidence of stereotypes or biases; or
  - [f] is not compliant with Utah law.

#### **3.2 Parental Restriction of Individual Student Access**

- 3.2.1 The District recognizes the right of parents under state law and District Policy *11IR-107 Recognizing Constitutional Freedoms in Public Schools*, to restrict their child's access to materials the parent deems inappropriate. However, parents do not have the right to make that determination on behalf of other parents and students. A parent desiring to restrict their own child's access to specific library materials shall submit the request in writing (or via email) to the Librarian at the school their child is currently attending. If the material is a required part of classroom curriculum activities, the parent must follow the procedures for waiver contained in *11IR-107 Section 14*.

## 4. SENSITIVE MATERIALS REVIEW PROCESS

If a parent, student, or staff member feels that a specific library resource contains sensitive material, they may request that the resource be considered for removal. This section outlines the process for requesting and processing sensitive materials reviews and communicating and implementing decisions from the review process.

### 4.1 Responsibilities

- 4.1.1 The District Teaching and Learning Director or designee will oversee the processing of all Sensitive Materials Review Requests.
- 4.1.2 The District Teaching and Learning Director shall establish one or more Sensitive Materials Review Committees (Review Committee) which include an odd number of voting members not less than 7 people. Each Review Committee shall include:
  - [a] a facilitator selected by the District Teaching and Learning Director. The facilitator oversees and supports the Review Committee's process, and serves as a non-voting member of the Review Committee;
  - [b] at least one administrator working in a District department or school;
  - [c] a licensed teacher who is teaching English Language Arts or other relevant subject in a District school;
  - [d] a Librarian who works in a District school; and
  - [e] a minimum of four parents with students enrolled in a District school.
- 4.1.3 Employee members of the Review Committee will be selected by the District Teaching and Learning Director or designee.
- 4.1.4 Each school community council will nominate a parent to be included in the Parent Media Review Pool. Two parent members on each Review Committee will be selected by lottery from the Parent Media Review Pool.
- 4.1.5 Parents of students in the District may submit a form each year requesting to serve on the Review Committee. Two parent members on each Review Committee will be selected by lottery from the group of interested parents. If there are insufficient applications to complete the lottery process, remaining parent positions will be identified from the Parent Media Review Pool.
- 4.1.6 The Teaching and Learning Director will determine the number of active Review Committees needed to process the requests received. Review Committees will convene and disband as needed throughout the year to expedite the requested reviews. Review Committees may continue their service for more than one review, or they may be disbanded at the conclusion of a review.

## 4.2 Requests for Review

- 4.2.1 “Standing” means a requester’s right to request a Sensitive Materials Review for a library media resource at a school and is limited to the following:
- [a] Parents and guardians have standing in schools where their students are currently enrolled and attending.
  - [b] District employees have standing in schools where they have professional responsibilities.
  - [c] School board members have standing in schools where their constituents are enrolled.
- 4.2.2 A person may submit a Sensitive Materials Review Request for a specific library material which is in the library of the school where the person has standing.
- [a] The request must be submitted using the District’s *Sensitive Materials Review Request Form*.
  - [b] Information provided on the form should reflect the person’s own words and perspectives. If a form is submitted with incomplete information, the facilitator may return it with a request to complete and resubmit. In such cases, the request will not be considered until a completed form is resubmitted.
  - [c] A person may submit up to two Sensitive Materials Review Requests during each academic year.
- 4.2.3 If a specific library material is the subject of multiple Sensitive Materials Review Requests prior to the completion of the first review process for that material, the facilitator will share information from all requests with the Review Committee for consideration. The timeline established for the first request will stand throughout the review process.

## 4.3 Timeline and Decisions

- 4.3.1 Since library materials differ widely, the time required to complete the review process will differ depending on the material under review. Ideally, the facilitator will establish a timeline which will allow for completion of the review process within 60 days of the review request. If a 60-day timeline will not be possible, the facilitator will communicate the adjusted timeline to the person submitting the request.
- 4.3.2 The Review Committee will make a final determination of a reviewed material as follows:
- [a] **Retained:** the determination to maintain access in a school setting to the reviewed material for all students.
  - [b] **Restricted:** the determination to restrict access in a school setting to the reviewed material as determined by the Review Committee.

[c] **Removed:** the determination to prohibit access in a school setting to the reviewed material for all students.

- 4.3.3 The Review Committee may decide to retain a material at one or more levels (elementary, jr. high, high school) and remove the material at a different level. The committee's decision applies to all schools in the District at each level (elementary, jr. high, high school).
- 4.3.4 Review Committee members will vote using an anonymous ballot, and the decision will be determined by majority vote.
- 4.3.5 The Review Committee's decision will stand for the three years following the decision; during which time the material may not be reviewed again.
- 4.3.6 The facilitator will communicate the Review Committee's decision and rationale for the decision to the requestor and all Librarians within 10 working days of the decision.
- 4.3.7 The Teaching and Learning Director or designee will maintain a list of all materials that are reviewed and the associated determination of the Review Committee.

#### **4.4 Review Process and Considerations**

- 4.4.1 The Teaching and Learning Director or designee will acknowledge receipt of each review request to the requestor within 5 working days of submission.
- 4.4.2 The Teaching and Learning Director or designee will provide an online list of materials under review which includes an invitation for patrons to submit written comment during the first 15 working days of the review process.
- 4.4.3 The Review Committee will be established and may begin the review process as soon as feasible after the request is received, but their discussions and determinations shall be made after the end of the comment period to allow consideration of all submitted comments.
- 4.4.4 Members of the Review Committee will receive materials needed to complete the review process including the following:
  - [a] the complete work which is being reviewed;
  - [b] a copy of the submitted Sensitive Materials Review Request Form;
  - [c] a copy of this policy;
  - [d] relevant information about the title compiled by the facilitator; and
  - [e] text of all comments provided during the comment period.

- 4.4.5 The facilitator will schedule meetings as needed for the Review Committee to discuss the request and make a determination. The facilitator will ensure that notes from the meeting are retained along with all relevant documentation and the Review Committee's final decision.
- 4.4.6 The Review Committee will determine whether the material constitutes sensitive material consistent with 53G-10-103, this policy, and the guidance letter provided by the Utah Attorney General's Office on July 1, 2022.
- 4.4.7 In deciding whether the material constitutes sensitive material, the Review Committee shall:
- [a] consider all elements of the definitions of pornographic or indecent materials as defined in Utah Code Sections 76-10-1235, 76-10-1201, 76-10-1203, and 76-10-1227; and
  - [b] whether the material is age appropriate due to vulgarity or violence.
- 4.4.8 In deciding whether the material is age appropriate due to vulgarity or violence, the Review 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 include the objective criteria applied to determine the material's serious literary, artistic, political, or scientific value including:
- [a] reliable, expert reviews of the material or other objective sources;
  - [b] Review Committee members' experience and background; and
  - [c] community standards.
- 4.4.9 In deciding whether the material taken as a whole has serious literary, artistic, political, or scientific value as described in 4.4.8, the School Committee should consider that:
- [a] serious value does not mean *any value*; and
  - [b] greater protections should exist concerning content for a library in an elementary or middle school setting.
- 4.4.10 In consultation with legal counsel and the superintendency, the District Teaching and Learning Director will provide the Review Committee with guidance on the legal requirements identified in 4.4.6, 4.4.7, and 4.4.8. This guidance will be published on the District library media website.

#### **4.5 Status of Materials While Under Review**

- 4.5.1 A material's access level will be consistent and equivalent to its access level prior to the review request until a determination is made by the Review Committee.

#### **4.6 Privacy of Individuals**

- 4.6.1 A person submitting a request for review may indicate on the request form a desire for their identity to remain confidential. If requested, the facilitator will retain access to the name and contact information of the requestor to verify standing and communicate decisions, but the requestor's identity will not be shared with other Review Committee members, or the general public.
- 4.6.2 A Review Committee member may request their identity remain confidential. If requested, the facilitator will not share their name or contact information in meeting notes or communications. The Review Committee member's role, vote and relevant input will still be retained in the notes, but their identity will not be shared in the notes or outside the work of the Review Committee.

## **4.7 Appeals**

- 4.7.1 The original requestor or another individual with standing may appeal the determination of the Review Committee using the District's *Sensitive Material Appeal Request Form* according to the following guidelines:
  - [a] An appeal may not be submitted by a member of the original Review Committee.
  - [b] An appeal must be submitted within 15 working days of the date when the Review Committee's original determination was communicated to the requestor.
- 4.7.2 If no appeal is submitted in accordance with 4.7.1, the Review Committee's determination is final for the reviewed material.
- 4.7.3 The Davis School District Board of Education will act as the Appeals Committee.
- 4.7.4 If there is not an odd number of members serving on the Appeals Committee, the Board may add a parent or administrator to the Appeals Committee who did not participate in the initial Review Committee only as necessary to attain an odd number of members.
- 4.7.5 The Assistant Superintendent over Teaching and Learning (Assistant Superintendent) will provide all materials needed for the appeals process including the following:
  - [a] a copy of the material;
  - [b] a copy of the original *Sensitive Materials Review Request Form*;
  - [c] a copy of all Review Committee meeting minutes;
  - [d] a statement of the Review Committee's initial decision with rationale;
  - [e] any other documents considered part of the administrative record related to the Review Committee's process; and
  - [f] text of all comments provided during the comment period.

- 4.7.6 The Assistant Superintendent confirm receipt of the appeal request to the requestor within 5 working days of receipt. The Assistant Superintendent will present the appeal request to the board in writing within 15 working days of receipt.
- 4.7.7 In consultation with the Assistant Superintendent, Board Leadership will determine the timeline for completion of the appeal process.
- 4.7.8 The decision of the Review Committee will stand in determining the status of the reviewed material during the appeal process.
- 4.7.9 The Appeals Committee will make a final determination of a reviewed material as follows:
  - [a] **Retained:** the determination to maintain access in a school setting to the reviewed material for all students.
  - [b] **Restricted:** the determination to restrict access in a school setting to the reviewed material as determined by the Appeals Committee.
  - [c] **Removed:** the determination to prohibit access in a school setting to the reviewed material for all students.
  - [d] Another determination as directed by the Appeals Committee.
- 4.7.10 The decision of the Appeals Committee will be determined by majority vote.
- 4.7.11 Since the Board of Education is subject to open and public meeting laws, the decision regarding the appeal shall be made in a public board meeting.
- 4.7.12 The Assistant Superintendent will communicate the Appeal Committee's decision to the requestor and all Librarians within 10 working days of the decision.
- 4.6.13 If the Appeals Committee upholds the decision of the Review Committee, the material may not be reviewed again for three years.
- 4.7.14 The Teaching and Learning Director or designee will maintain a list of all appeals and the associated determination of the Appeals Committee.

## 5. COMMUNICATION AND TRAINING

### 5.1 Communication

- 5.1.1 The District will maintain a library media website which contains the following information:
  - [a] The District's *Sensitive Materials Review Request Form*;

- [b] The District's *Sensitive Materials Appeal Request Form*;
- [c] Information on how to request membership on a Sensitive Materials Review Committee;
- [d] This policy and related procedures documents;
- [e] A list of materials currently under Sensitive Materials Review;
- [f] A list of ongoing appeals; and
- [g] A list of completed reviews and appeals with their associated decisions and decision dates.

## **5.2 Training**

- 5.2.1 The District Teaching and Learning Department shall ensure that all employees with responsibility for library media centers receive training on this policy and its supporting procedures.