

## **606.5 LIBRARY MATERIALS**

### **I. PURPOSE**

The School Board recognizes that library materials serve as a vital component of a student’s education. The library should serve as a marketplace of ideas that go beyond the prescribed curriculum. Students are generally required to utilize curriculum materials. In contrast, students are generally free to access specific library materials that match their interests. Accordingly, library materials should provide opportunities for learning and enrichment that aligns with the needs and broad interests of students in the District.

The purpose of this policy is to provide direction regarding the initial selection of library materials and the review of library materials when removal has been requested. The School Board delegates to the Superintendent or the Superintendent’s designee responsibility for implementing this policy. To that end, the Superintendent or a designee may establish additional procedures for responding to requests to remove library materials.

### **II. DEFINITIONS**

- A. “Library” is a media center that is located within a district school and contains library materials for students to access and use free of charge and on an equitable basis. A library may provide access to electronic materials.
- B. “Library collection” consists of the library materials made available to students.
- C. “Library materials” are the books, periodicals, newspapers, manuscripts, films, prints, documents, videotapes, subscription content, electronic and digital materials (including e-books, audiobooks, and databases), and related items made available to students in a library or through access to electronic materials. This term does not include materials made available to students as part of the curriculum. This policy does not govern access to electronic materials that are accessed through the internet.
- D. “Library media specialist” is a teacher holding a Library Media Specialist teaching license issued by the Professional Educator Licensing and Standards Boards and who is trained to deliver library services to students and staff in a library.
- E. “Obscene” means that the work which, taken as a whole, appeals to the prurient interest in sex and depicts or describes in a patently offensive manner sexual conduct and which, taken as a whole, does not have serious literary, artistic, political, or scientific value.

### **III. RESPONSIBILITY OF SELECTION OF LIBRARY MATERIALS**

- A. The School Board recognizes the expertise of the District's professional staff and the vital need to involve such staff in the selection of library materials.
- B. The Library Media Specialist, in consultation with professional staff, will request procurement of library materials from the Building Administrator or the Superintendent's administrative designee. While recommendations by administrators, staff, students, parents, and other community members may be considered, the District will follow the selection criteria outlined within this policy when procuring library materials.

### **IV. SELECTION OF LIBRARY MATERIALS**

- A. Selection Criteria. The library materials selection process should result in a library collection that, when considered as a whole, is consistent with the following criteria:
  - 1. Library materials shall support and be consistent with the general educational goals of the state and the District and the aims and objectives of individual schools and specific courses;
  - 2. Library materials shall be chosen to enrich and support the curriculum as well as to promote reading for pleasure by responding to the personal needs and interests of student users;
  - 3. Library materials shall not be excluded based solely upon author, race, nationality, religion, sex, gender, or personal or political views of the writer;
  - 4. The media specialist shall take into consideration that the library materials selection process itself may be inclusive of forms of institutional bias. Media specialists should base selections on a broad variety of materials balancing representation of differing perspectives of cultural, political, and scientific viewpoints.
  - 5. Library materials shall be appropriate to and reflect the needs, ages, maturity level, emotional development, ability levels, learning styles, social development, background, diversity, and needs and interests of the students for whom the materials were selected;
  - 6. Library materials shall meet high standards of quality in one or more of these categories (presented alphabetically):
    - a. Artistic quality and/or literary style;
    - b. Authenticity;
    - c. Critical thinking;
    - d. Educational significance;

- e. Factual content;
- f. High interest for intended audience; and
- g. Readability.

7. The selection of library materials shall conform to the constraints of the District budget.

- B. The Library Media Specialist shall consult sources and specialists experienced in library collections appropriate for the building's students and that are reputable, experienced, unbiased, and professionally trained in school library materials.
- C. Library materials that are outdated, inaccurate, no longer useful for curricular support or reading enrichment, or have not been utilized for an extended period of time may be removed by the Library Media Specialist or the Building Administrator. Library materials that are in poor physical condition may be removed or replaced as determined by the Library Media Specialist or the Building Administrator.
- D. The District does not accept donations of library materials. Monetary donations to school libraries will be accepted. The District will accept and consider without bias suggestions for specific titles or series. However, procurement of books from monetary donations must follow the selection criteria for library materials.

## **V. INDIVIDUAL STUDENT ACCESS TO SPECIFIC LIBRARY MATERIALS**

A parent or guardian may request that access to specific material in the library collection be restricted from their student. The District shall take reasonable steps to fulfill this request. This type of request will not result in removal of specific library collection material from the library or restrictions upon any other student accessing specific library materials.

## **VI. REQUESTS TO REMOVE SPECIFIC LIBRARY MATERIALS**

- A. Individuals Authorized to Request Removal. A District employee, student at least 18 years, a parent or guardian of a District student, or a resident of the school district may request review and removal of a specific library material.
- B. Limit on Frequency of Requests. If a specific-library material is the subject of a request for removal within the same educational setting (elementary or secondary), even if arising from a different school library, and a final decision is made to retain the material, then the material shall not be subject to further requests for removal for three years following the date of final resolution of the request for removal.
- C. Initial Review of Concern Regarding Library Material
  - 1. Concerns regarding library materials shall first be directed to the appropriate Building Administrator. The Building Administrator and the Library Media Specialist shall assume responsibility for addressing the concern on an informal

basis.

2. The Building Administrator and/or the Library Media Specialist shall provide an explanation to the individual who submitted the concern. The explanation may include the selection criteria that the material met in order to be included in the library.
3. If the request is not resolved informally, the Building Administrator shall submit a report on the matter to the Superintendent or the Superintendent's designee. The Superintendent's designee will review the report and offer opportunity to meet with requestor in attempt to resolve the concern. The concern remains unresolved, the designee will offer the opportunity to initiate a Formal Request for Removal.

D. Formal Request for Removal of Library Materials

1. **Request for Library Material Removal.** A Formal Request for Removal of specific library material is initiated upon submission of written request using the form proscribed by the Superintendent or designee. The form must be completed in its entirety for each work that is subject to a Formal Request for Removal. The form shall be submitted to the Assistant Superintendent for **PK E-5** Education when the request involves an elementary school library or the Assistant Superintendent for Secondary Education when the request involves any other school library. The Assistant Superintendent shall notify the Building Administrator and the Library Media Specialist of receipt of a completed Request for Library Material Removal form.
2. **Continued Access to Material.** Absent extraordinary circumstances, the District will not deny students access to the library material until the review process is completed. Out of practical necessity, however, copies of the library material may be taken from the library so they can be reviewed by the Review Committee. The material may be temporarily removed from the collection during the review process at the discretion of the Superintendent upon a preliminary determination that at least one criteria for removal, as set forth in Paragraph VI.E.5, is satisfied.
3. **Appointment of District Review Committee.** The Superintendent or the Superintendent's designee shall appoint a District Review Committee ("Review Committee") to consider a Request for Library Material Removal. This Committee may include:
  - a. One member of the district administration
  - b. One building administrator
  - c. Two teachers
  - d. One library media specialist (or district media specialist **or public librarian**)
  - e. Director of Equity Services

- f. Director of appropriate level of P-12 Education.
- g. Any other person(s) who, in the view of the superintendent, would be helpful in considering the objection, applying the review criteria, and evaluating whether the specific library material should be removed.

4. **Legal Standards.**

a. In *Board of Education v. Pico*, 457 U.S. 853 (1982), the U.S. Supreme court held that school boards generally have discretion to remove books from school libraries as long as the removal does not violate the First Amendment. Whether a removal violates the First Amendment depends on the motivation for removing the book. School boards “may not remove books from the school library shelves simply because they dislike the ideas contained in those books and seek by their removal to ‘prescribe what shall be orthodox in politics, nationalism, religion, or other matters of opinion.’” However, the First Amendment does not prohibit school boards from removing books for other legitimate reasons. For example, the Supreme Court noted that school boards may remove books on the ground that they are “vulgar” or lack “educational suitability.” The U.S. Supreme Court has also held that the First Amendment does not prohibit school officials from regulating speech in the educational environment that is “obscene,” “vulgar,” “lewd,” or “plainly offensive.” See *Bethel School District No. 403 v. Fraser*, 478 U.S. 675 (1986); *Morse v. Frederick*, 551 U.S. 393 (2007) (interpreting *Fraser*).

b. Minnesota Statutes section 134.51, Access to Library Materials and Rights Protected, is consistent with Supreme Court precedent. Section 134.51 states that a school library or media center “must not ban, remove, or otherwise restrict access to a book or other material based solely on its viewpoint or the messages, ideas, or opinions it conveys.” However, the statute further states that it does not limit a school library or media center’s authority to decline to purchase, shelve, remove, or restrict access to books or other materials legitimately based on:

- i. practical reasons, including but not limited to shelf space limitations, rare or antiquarian status, damage, or obsolescence;
- ii. legitimate pedagogical concerns, including but not limited to the appropriateness of potentially sensitive topics for the library's intended audience, the selection of books and materials for a curated collection, or the likelihood of causing a material and substantial disruption of the work and discipline of the school; or
- iii. compliance with state or federal law.

5. **Review Criteria.** The Review Committee may decide to remove a specific

library material if the material is: (1) obscene; (2) vulgar or lewd to a degree that it is educationally unsuitable for students in the school given their ages and levels of maturity; or (3) educationally unsuitable because it does not meet the initial selection criteria. The Review Committee may not vote to remove specific library material because the Committee, the School Board, school officials, or any other person dislikes the ideas contained in the library material or wants to remove the material in an effort to prescribe what is orthodox in the reporting of history or in religion, politics, nationalism, or other matters of opinion.

6. **Review and Report.** The Review Committee will review the specific library material as a whole and will apply the review criteria outlined in this policy. The Review Committee may consult with individuals who have relevant professional knowledge. After this process is complete, the Review Committee will vote on whether to remove the material in question. A meeting is not required. After voting, the Review Committee will submit a brief written report to the Superintendent containing the Review Committee's decision to retain or remove the specific library material and the basis for the decision.
7. **Notice of Decision.** The Superintendent or the Superintendent's designee shall inform the requester and the School Board of the Review Committee's decision.
8. **Appeal.** The requester may appeal the Review Committee's decision to the Superintendent or the Superintendent's designee by submitting a written appeal to the Superintendent or the Superintendent's designee within fourteen (14) days of receiving notice of the Review Committee's decision. The Superintendent or Superintendent's designee will review the specific library material in question, apply the review criteria that are outlined in this policy, and then affirm or reverse the Review Committee's decision. The decision of the superintendent is final.
9. **Report to Commissioner.** Upon the completion of a content challenge or reconsideration process in accordance with this policy, the school board, or a designee, must submit a report of the challenge to the commissioner of education. The report must include the following information:
  - a. The title, author, and other relevant identifying information about the material being challenged.
  - b. The date, time, and location of any public hearing held on the challenge in question, including minutes or transcripts (NOTE: this policy does not require or provide for a public hearing);
  - c. The result of the challenge or reconsideration request; and
  - d. Accurate and timely information on who from the governing body the Department of Education may contact with questions or follow-up.

**Legal References:**

Minn. Stat. § 134.51

Minn. Stat. § 120A.22, Subd. 9 (Compulsory Instruction)

Minn. Stat. § 123B.02 (General Powers of Independent School Districts)

Minn. Stat. § 123B.09 (School Board Responsibilities)

Minn. Stat. § 124D.901 (Public School Libraries and Media Centers)

Minn. Rules Part 8710.4550 (Library Media Specialists)

*Bd. of Educ., Island Trees Union Free Sch. Dist. No. 26 v. Pico*, 457 U.S. 853 (1982)

*Virginia State Bd. of Educ. v. Barnette*, 319 U.S. 624, 642 (1943)

**Cross References:**

MSBA/MASA Model Policy 524 (Internet Acceptable Use and Safety Policy)

MSBA/MASA Model Policy 606 (Textbooks and Instructional Materials)

**Board Policy 606.5**

St. Cloud Area School District 742

St. Cloud, Minnesota

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