

**EDUCATION PROGRAMS**

POLICY TITLE	POLICY NUMBER	ADOPTED	REVIEW FREQUENCY
Library Materials	606.5	Adopted:	Three Year

**I. PURPOSE**

The school board recognizes that library materials are 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 school.

The school board endorses the inclusion of library materials that present different points of view for students to consider, including differing views on controversial issues. The school board also endorses the inclusion of library materials that reflect our diverse society and the contributions that countless groups and individuals have made to our country and to the world. The school board believes that the inclusion of these types of materials promotes critical thinking and encourages life-long learning.

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 superintendent is responsible 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" means a media center that is located in a district school and contains library materials for students to access and use free of charge and on an equitable basis. A library may also provide access to electronic materials. This policy does not govern access to electronic materials that are accessed through the internet.
- B. "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. "Library materials" do not include materials made available to students as part of the curriculum.
- C. "Library media specialist" is a person who holds a Library Media Specialist teaching license from the Professional Educator Licensing and Standards Boards and who is trained to deliver library services to students.

- D. "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. INITIAL SELECTION OF LIBRARY MATERIALS**

- A. Primary Responsibility for Initial Selection. In consultation with district leadership and other professional staff, and within budgeted amounts, the library media specialist is primarily responsible for the initial selection of library materials. The library media specialist will apply the selection criteria stated in this policy.
- B. Selection Criteria. When considered as a whole, library materials should:
1. enrich, support, or supplement the curriculum;
  2. promote reading for pleasure by responding to a broad array of personal needs and interests of a diverse student body;
  3. reflect the ages and maturity levels of students in the building in which the library is located;
  4. reflect artistic value, literary value, educational significance;
  5. promote critical thinking in daily living or in areas of general importance to members of society, including, but not limited to, politics, science, history, religion, medicine, law, economics, or safety; or
  6. promote equity or an understanding of the views, triumphs, or struggles of others.
- C. Prohibited Criteria. Library materials must not be excluded from initial selection because of the race, nationality, religion, sex, gender, gender identity, or political views of the author.
- D. The District will not accept donated materials for inclusion in its libraries unless the materials are already part of the existing library collection.
- E. Financial donations to benefit the district's libraries will be accepted with the understanding that funds will be used to purchase materials that are needed for libraries based on the needs of the individual schools.

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

- A. Eligible Individuals. The following individuals are eligible to initiate a review process to determine whether a specific library material will be removed: an eighteen-year-old student who attends the school in which the library material is located; the parent or guardian of student who is less than eighteen years of age and attends the school in which the library material is located; the principal of the building in which the library material is located; the district's superintendent; a quorum of the school board as evidenced by a vote of the school board at an open meeting.
- B. Limited Number of Requests. Because of the time required to process a request for removal, the District will process no more than nine requests (one for each full month

that school is in session) for removal per school year.

- C. Meeting Required. Before requesting removal of a specific library material, an eighteen-year-old student or the parent or guardian of student who is less than eighteen years of age must meet (virtually or in person) with the library specialist and building principal to state the objections to the specific library material and to give the library specialist and the principal an opportunity to respond. In the case of a principal challenge, the principal, the media specialist and the superintendent designee will meet.
- D. Request for Removal. An eligible individual may request removal of a specific library material by submitting a written request to the superintendent's office on a form developed by the superintendent or a designee. The form must be completed in its entirety. The superintendent will not process the request if the specific material has been the subject of a request for removal during the previous five years or if the form is not completed in its entirety. The district is not responsible to provide the challenger with the material.
- E. Appointment of Review Committee: On an annual basis, the superintendent or designee shall designate potential members to be part of the review committee. The superintendent or designee is encouraged but not required to include the following members.
  - 1. A member of the school district administration;
  - 2. A principal or associate principal;
  - 3. A teacher;
  - 4. A library media specialist;
  - 5. A community member with no direct connection to the request;
  - 6. 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.
  - 7. At the discretion of the superintendent, student(s) may be included as an ex officio member.
- F. 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.
- G. Legal Standard. 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*).

- H. Review Criteria. The Review Committee may decide to remove a specific library material if the material is: (1) educationally unsuitable for students in the school given their ages and levels of maturity; (2) educationally unsuitable because it does not meet the initial selection criteria; or is objectionable based upon the legal standards as specified in paragraph G; (3) objectively inaccurate as a whole. The 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.
- I. 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, in a manner that records each member's vote, on whether to remove the material in question. A meeting is not required to vote. 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.
- J. Notice of Decision. The superintendent or a designee will provide notice of the Review Committee's decision to the person who requested removal of specific library material.
- K. Appeal. The requestor may appeal the Review Committee's decision by submitting a written appeal to the superintendent within fourteen calendar days after receiving notice of the decision. The written appeal must state all the reasons why the requester believes the committee's decision is incorrect. The superintendent or a 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, unless a quorum of the school board voted at an open meeting to initiate the process to determine whether a specific library material should be reviewed. If a quorum of the school board initiated the review process, the superintendent's decision may be appealed to the school board. On review, the school board is bound by the review criteria outlined in this policy.
- L. Upon the completion of a content challenge or reconsideration process in accordance with the district's adopted policy, the district must submit a report of the challenge to the commissioner of education [Minn. Stat. §134.51] .

## **V. ADMINISTRATIVE REMOVAL**

This policy does not prohibit a library media specialist or other administrator from removing specific library material because: it has not been utilized by any student for an extended period of time or has been utilized rarely; it is damaged or is in poor physical condition; or there are other similar reasons unrelated to content.

### **Legal References:**

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.991 (Public School Libraries and Media Centers)  
Minn. Stat. § 134.51 (Access to Library Materials and Rights Protected)  
Minn. Rules Part 8710.4550 (Library Media Specialists)  
Board of Education v. Pico, 457 U.S. 853 (1982)

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

**Cross References:**

MSBA/MASA Model Policy 102 (Equal Educational Opportunity)

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

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