

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~~ 8/23/2022

Changes recommended during August 9, 2022 Policy Review Committee

Non-substantive changes made since August 16, 2022 draft

Changes recommended during August 23, 2022 Policy Review Committee

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~~ Code Ann. §53G-10-103.

1. 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~~ works collaboratively with the librarian 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. No two members on the committee may be members of the same household.

Note: Librarian will still have input as member/chair of the committee; we are just removing the notion of "voting" to not prescribe a formal voting process.

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 school administrator. Any additional parents shall be selected by a lottery of applicants.

~~2.1.7 The School Committee may also include up to two students in the school with parent permission.~~

2.1.7 The Teaching and Learning Director will provide procedural guidance to Community Council, PTA/PTO, and school administrators for selecting parents. Parent members of the school committee will serve for 2 years, or until their standing (as defined in 4.2.1) expires in the school.

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 Utah Code Ann. §53G-10-103; and
- [d] consider materials suggested by students, parents, and faculty.

2.2.2. Electronic databases and other web-based content accessed via the District's network or a district-provided device, shall be filtered through the Davis School 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 Library Committee and shall be based on the following criteria:

- [a] overall purpose and educational significance;
- [b] compliance with Utah law Utah Code Ann. §53G-10-103;
- [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; ~~or~~
- [i] materials which strengthen students' sense of being part of a world community;
- [j] materials which explore historical events and ethnic diversity;
- [k] materials which promote a love of reading for life-long learning; or
- [l] materials which include a variety of formats and genres and meets multiple reading purposes (enjoyment, acquisition of knowledge, answering questions, and personal growth).

2.2.5 The Teaching and Learning Director or designee will train librarians on procurement of materials and options for seeking committee approval. Committee approval should be sought in a way that facilitates procurement without cumbersome oversight or lengthy procedures.

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 materials 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.)

2. MAINTENANCE OF LIBRARY COLLECTION

Maintenance of the library collection is essential to maintain high-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 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. This review should take place at least once per year.
- 3.1.3 In making determinations for removal and/or replacement, the Librarian, in consultation with the school committee, 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;~~
 - ~~[c] has low student checkouts; or~~
 - ~~[e] contains evidence of stereotypes or biases; or~~
 - ~~[d] is not compliant with Utah law~~ Utah Code Ann. §53G-10-103.

3.2 Parental Restriction of Individual Student Access

- 3.2.1 The librarian and the School Committee strive to have a library collection that all students and parents consider appropriate. Nevertheless, the ~~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*.

3. SENSITIVE MATERIALS REVIEW PROCESS

If a parent, student, ~~or~~ staff member, or board member feels that a specific library material contains sensitive material, they may request that the material 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 select~~ a parent to be included in the ~~Parent Media Review Pool~~ Appointed Parent Pool ~~each year~~. Two parent members on each Review Committee will be randomly selected ~~by lottery~~ from the ~~Parent Media Review Pool~~ Appointed Parent Pool. The Teaching and Learning Director will provide procedural guidance to community councils for selection of the Appointed Parent Pool.
- 4.1.5 Parents of students in the District may submit a form each year requesting inclusion in the Lottery Parent Pool to serve on the Review Committee. Two parent members on each Review Committee will be randomly selected ~~by lottery~~ from the ~~group of interested parents~~ Lottery Parent Pool. If there are insufficient applications to complete the lottery process, remaining parent positions will be identified selected from the ~~Parent Media Review~~ Appointed Parent 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] Students have standing in schools where they are currently enrolled.
 - [b] Parents and guardians have standing in schools where their students are currently enrolled and attending.
 - [c] District employees have standing in the schools where they have professional responsibilities.
 - [d] School board members have standing for 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.

[c] A person may submit up to two Sensitive Materials Review Requests 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 initial review process, the facilitator will share information from all requests with the Review Committee for consideration.

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, or if the school year will expire before the review process can be completed, 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 for~~ 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.~~
- [b] **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 level (elementary, jr. high, high school) and remove the material at another level. The committee's decision applies to all schools in the District at each level (elementary, jr. high, high school). The Review Committee will make a determination that applies at the school level (elementary, jr. high, high school) for which the review request was submitted. The decision applies to all schools at that level and all schools at lower levels.~~
- 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 **full school** 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 ~~workdays~~ school days of the decision.
- 4.3.7 The Teaching and Learning Director or designee will maintain an **online** list of all materials that are reviewed and the associated determination and rationale of the Review Committee **within 10 school days of the decision**.

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~~ school days of submission.
- 4.4.2 The Teaching and Learning Director or designee will ~~provide-maintain~~ an online list of materials under review which includes an invitation for patrons to submit written comment during the first 10 ~~working days~~ school days of the review process. Public comment will

be accepted from any community member who lives within the geographic boundary of Davis School District or any employee of Davis School District.

- 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.~~ The Review Committee will be established and convene as soon as possible after the end of the comment period.
- 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~~ 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 Utah Code Ann. §53G-10-103, this policy, and the guidance letter provided by the Utah Attorney General's Office on ~~July~~ June 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 ~~Ann. §53G-10-103 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.~~ materials in elementary school libraries may be more restricted than in jr. high or high schools.
- 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 access level prior to review request in all schools until a final determination is made regarding the material.

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 unknown to the Review Committee~~. If requested, the facilitator will retain access to the name and contact information of the requestor to verify standing and communicate decisions, but if requested, the requestor's identity will not be shared with other Review Committee members.
- 4.6.2 A Review Committee member may request their identity remain ~~confidential unknown to the requestor and unlisted on official Review Committee documents~~. If requested, the facilitator will be instructed not to share their the requestor's 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. Committee members will receive instruction on their responsibilities related to the committee's work and open records laws.

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 ~~workdays~~ school days of the date when the Review Committee's original determination was ~~communicated to the requestor~~ posted to the website as required in section 5.1.1.
 - [c] An appeal request must state how the rationale or outcome of the review process violates policy or clearly articulate why a further review of the material in question is justified.
- 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 In accordance with Board Policy 1B-015, the President of the Davis School District Board of Education will ~~act as the~~ appoint an Appeals Committee consisting of three board members.
- ~~4.7.4 If there is not an odd number of members of 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.~~
- 4.7.4 The Assistant Superintendent over Teaching and Learning 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.

- 4.7.5 ~~The Assistant Superintendent confirm receipt of the appeal request to the requestor within 5 working days of receipt.~~ The Assistant Superintendent over Teaching and Learning will present the appeal request to the ~~board~~ Appeals Committee in writing within 15 ~~workdays school days~~ of receipt.
- 4.7.6 In consultation with the Assistant Superintendent, ~~Board Leadership~~ the Appeals Committee will determine the timeline for completion of the appeal process. Ideally, the timeline will allow for completion of the appeal process within 30 school days of the appeal request. If a 30-day timeline will not be possible, the Assistant Superintendent will communicate the adjusted timeline to the person submitting the request.
- 4.7.7 The decision of the Review Committee will determine the status of the reviewed material during the appeal process.
- 4.7.8 The Appeals Committee will make a ~~final determination of recommendation for an reviewed/appealed~~ 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.~~
 [b] **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.**~~
- 4.7.9 The ~~decision recommendation~~ of the Appeals Committee will be determined by majority vote. The Appeals Committee will present their recommendation and rationale to the full board for approval during a board meeting.
- 4.7.10 ~~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. The decision regarding the appeal will be determined by majority vote of the board.~~
- 4.7.11 The Assistant Superintendent will ~~communicate the Appeal Committee's decision to the requestor and all Librarians inform the requestor of the results of the appeal~~ within 10 ~~working days school days~~ of the decision.
- 4.67.12 If the Appeals Committee upholds the decision of the Review Committee, the material may not be reviewed again for three full school years.
- 4.7.13 The Teaching and Learning Director or designee will maintain a list of all appeals and the associated determination of the Appeals Committee.

4. 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 library 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 all completed reviews and appeals with the date, ~~and~~ decision, and rationale.
[h] A link to an online catalog of library materials at each school.

5.2 Training

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

RELATED POLICIES AND MEMOS

[Links to district guidance documents and forms are forthcoming](#)

District Policy [11IR-107 Recognizing Constitutional Freedoms in Public Schools](#)

[Attorney General's Memo June 1 2022](#)

[HB0374 - Sensitive Materials in Schools](#)

[Utah Code Section 53G-10-103 - Sensitive Instructional Materials](#)

[Utah Code R277-700 - The Elementary and Secondary School General Core](#)

DOCUMENT HISTORY:

Adopted: September 17, 2013

Revised: July 22, 2015 – Update references from “books” to “materials” and change DLC Supervisor to District Supervisor.

Revised: November 4, 2020 (by consent) – Five-year review. Non-substantive changes.

Revised: September 6, 2022 – Complete policy revision to comply with HB 374 (2022), guidance from the Utah Attorney General, and USBE Model Library Policy.