

I. PURPOSE AND PHILOSOPHY

Weber School District believes that “[T]he right to receive ideas is a necessary predicate to [a student’s] meaningful exercise of his own rights of speech, press, and political freedom[,]” and is committed to providing a wide array of instructional materials to students through its library and media center collections. (See *Pico Board of Education, Island Trees Union Free School District No. 26*, 457 U.S. 853 (1982)). The District also believes parents are primarily responsible for the education of their students, and encourages parents to be involved in their students’ selection of library/media center materials. The District seeks, through this policy, to provide processes and procedures for selecting instructional materials that provide students access to a wide variety of ideas and viewpoints, that are educationally suitable for school-aged children, and that are in compliance with state and federal law.

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II. POLICY

It is the policy of Weber School District to provide a wide range of library/media materials in a variety of formats, with diversity of appeal, and the presentation of different points of view. It is also the policy of the District to allow a fair review of allegedly inappropriate library/media materials through established procedures. —The District prohibits sensitive material in any of its instructional material at school, which includes library/media materials, and will follow the established procedures to remove sensitive material from schools while protecting students’ First Amendment rights. The District will also accommodate a parents/legal guardian’s request to not allow the parent/legal guardian’s child access to certain instructional materials.

III. DEFINITIONS

- A. “Sensitive Materials” means pornographic or indecent material as defined in Utah Code §§76-10-1235, 76-10-1201, 76-10-1203, and 76-10-1227.
- B. “Educational Suitability” means, based on a wide array of diverse and objective criteria, the material is suitable for students. Some material may be educationally suitable for high school students, but not for elementary students.
- C. “Classroom Libraries” means teacher-built libraries containing instructional material in a classroom that students may, but are not required to, check out.
- D. “Library/media center collections” means the totality of all library/media center materials located in a library/media center.
- E. “Library/media center materials” are instructional materials located in a school’s library/media center.

- F. “Instructional materials” means a material, regardless of format, used as or in place of textbooks to deliver curriculum within the state curriculum framework for courses of study by students or to support a student’s learning in the school setting. Library/center materials are considered instructional materials.
- G. “Library media/center specialists” means District employees overseeing the development and maintenance of a school library/media center.
- H. “Self-selection” means that libraries are intended for voluntary selection of materials and while a library/media center specialist may offer suggestions and guidance, students and parents are ultimately responsible for what a student selects from a library/media center.
- I. “Age Appropriate” means generally suitable for students of the same age or level of social, emotional, and cognitive development when taking into consideration the ages of all minors who could be exposed to the material. In determining whether instructional material is age appropriate, the material must be reviewed as a whole to determine whether it has serious literary, artistic, political or scientific value for a student of that age.
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IV. SELECTION OF LIBRARY/MEDIA CENTER COLLECTION

A. General Provisions

1. Library/media center collections (“Collections”) shall be developed to serve the needs of the students and faculty who use it in accordance with the curriculum goals of the District.
2. Collections shall comply with state and federal law, and will not contain Sensitive Materials.
3. Library/media materials shall be selected based on a review of the materials as a whole and not in part.
4. Library/Media Center Specialists, subject to the oversight of the principal and input from school staff and parents, are responsible for developing the Collection at their respective schools, including:
 - a. selecting new library/media center materials to add to the Collection,
 - b. replacing lost or worn library/media center materials still of educational suitability,
 - c. periodically reviewing the Collection to ensure educational suitability of the library/media center materials, and
 - d. removing library/media center materials from the Collection that are no longer of educational suitability.

B. Selection and De-selection Criteria and Procedures

1. The following criteria shall be used to determine whether a library/media center material is educationally suitable when selecting ~~ng~~ materials for a Collection:
 - a. Accuracy, timeliness and permanence
 - b. Overall purpose and educational significant
 - c. Contribution and relevant to core standards
 - d. Teacher, parent, or student request
 - e. Favorable review, recommendations and/or award ~~e~~-nominees found in standard selection sources or from professional personnel
 - f. Authoritativeness
 - g. Contributes to a balanced perspective
 - h. Validity and currency of information
 - i. Adequate scope
 - j. Depth of coverage
 - k. Appeal and interest to users
 - l. Recreational reading needs of students
 - m. ~~Age Appropriate to the age and level of the user,~~ -including maturity of themes, vulgarity, profanity, and violence
 - n. Educational goals
 - o. Uniqueness, diversity, and/or heritage of a state, region, or group
 - p. Artistic and literary quality
 - q. Reputation and significance of the author, producer, or publisher
 - r. Technical aspects
 - s. Physical characteristics
 - t. Cost relative to the value of the material
 - u. Relationship to existing collection
 - v. Special features, (e.g., appendices, bibliographies)
2. In addition to any of the criteria related to initial section above, the Library/Media Specialists may remove or replace (deselect) library/media center materials based on the following considerations:
 - a. Poor physical condition
 - b. Superseded by more current information or contains subject matter no longer needed to support the core standards
 - c. Encourages stereotypes or biases
 - d. Receives little use
 - e. Provides wrong, inaccurate, or outdated information
3. Library/Media Center Specialists will review three – five reliable, authoritative selection aids, recommended bibliographies, or reviews in professional journals and publications when selecting ~~ng~~ library/media center material for the school's Collection.¹ At least one of these sources must be a parent-centered review source, when available.-

¹ Examples of resources include Follett, Booklist, Horn Book Magazine, Kirkus Reviews, Publishers Weekly, School Library Journal, ALA Booklist, Voice of Youth Advocates, "Kiss the Book" blog, Goodreads, and CommonSense Media. Resources may change if publications and/or websites are no longer available.

4. When a review of a library/media center material denotes content that is sexual in nature, the Library/Media Center Specialist will review the library/media center material in its entirety and apply the analysis described in section F of this policy to determine if the material constitutes Sensitive Material prior to ordering and placing the material in the Collection. If the material in question does constitute Sensitive Material, it will not be ordered or shelved with the Collection.
5. The Library/Media Center Specialist will send written notice to the principal of each work or title that the Specialist added to the Collection.
6. Donations shall be accepted or rejected based on the same criteria identified above.

V. ACCESS TO LIBRARY/MEDIA CENTER MATERIALS

- A. Students' access to library/media center materials is based primarily on self-selection. Library/media center specialists are available to consult with students and with a parent or guardian of students to find appropriate materials but are not responsible for final selections of the student.
- B. If a student's parent or guardian wishes to restrict their student's access to any particular library/media center material (a specific work or title), the parent or guardian may make a written request to the library/media center specialist and the student will then not be allowed to check out that item.
- C. If a specific work or title was subject to reconsideration on the claimed basis that the work was or contained Sensitive Material, and the work or title was retained on the shelves, the name of the work or title and the author will be listed on the District's website for parents' information. ~~parents will be notified when their student checks out that work or title. Parents will be informed that the work or title underwent reconsideration and a determination was made to keep the book on the shelf.~~

VI. RECONSIDERATION PROCEDURES

- A. A student, parent, employee, or board member may request reconsideration of library/media center material located in the school in which the student or parent's student is enrolled, in which the employee works, or which the board member represents. A community member may also request reconsideration of library/media center materials located in the boundary school in which the community member lives.
- B. An individual is limited to three requests for reconsideration in a given school year.

- C. Once a specific title has been reviewed by the reconsideration committee and retained, that title may not be brought to the reconsideration committee at the same school for a period of three calendar years from the date of the decision by the reconsideration committee.
- D. Basis for request for reconsideration:
1. A request for reconsideration of library/media center material may be made on the basis that:
 - a. The library/media center material is or contains Sensitive Material, in which case the request will be reviewed in accordance with Section VI.F. of this Policy; or
 - b. The library/media center material does not meet the criteria for determining educational suitability, in which case the request will be reviewed in accordance with Section VI.G. of this Policy.
- E. Process:
1. Prior to filing a request for reconsideration on any basis, the individual must first :-
read or review the library/media center material in its entirety before filing the request. Note, students are ***not*** required to complete the reading or viewing of the library/media center material they are challenging.
 2. For a request for reconsideration based on educational suitability:
 - a. The person filing the request must also meet with the Library/Media Center Specialist who shall explain, if possible, the intended purpose and use of the item in question.
 - b. If the Library/Media Center Specialist is unable to provide information or if the individual is not satisfied with the information provided, the individual shall then meet with a school administrator regarding the concern.
 - c. If, after meeting with the administrator, the individual wishes to request reconsideration formally, the individual shall complete the “Request for Reconsideration of Library/Media Center Materials” and provide the form to the administrator of the school where the library/media center material is located.
 3. For a request for reconsideration based on allegations that the materials is Sensitive Material, the individual filing the request may directly complete the Request for Reconsideration of Library/Media Center Materials and provide the form to the administrator of the school where the library/media center material is located.
 4. All requests for reconsideration will be reviewed by the administrator who will determine if the form has been fully completed and the requirements for requesting review have been met. If so, the administrator shall establish a

school library/media center reconsideration committee to conduct a review of the library/media center material.

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5. The reconsideration committee shall include:
 - a. The Library/Media Center Specialist
 - b. One Administrator
 - c. Two teachers
 - d. Three Parent representatives selected as follows:
 - i. One parent from the school’s community council;
 - ii. one parent from the school’s PTA; and
 - iii. one parent selected at random from a list of parents of students enrolled at the school. If a parent declines to participate on the reconsideration committee, another parent will be selected randomly.
6. Parents and teachers on the committee will serve for a period of 1 school year, meaning a new reconsideration committee will be formed each school year upon a request for reconsideration.
7. The reconsideration committee will review one item at a time, and will complete the review within 45 days after the administrator receives the Request for Reconsideration.
8. The administrator sitting on the reconsideration committee will communicate to the person who made the request for reconsideration the expected timeline and will provide periodic updates with regard to the reconsideration committee’s work.
9. The reconsideration committee shall meet when every member of the committee has reviewed the library/media center material in its entirety, and will apply the appropriate analysis for the basis of the review.
10. The reconsideration committee may retain or remove the material under review and will write a written rationale for the basis of its decision. The written decision will be kept on file by the District Media Specialist Director.

11. All members of a reconsideration committee will receive training on this policy and how to evaluate for Sensitive Materials or for educational suitability.
12. An item may not be removed from the library/media center while the reconsideration process is pending, but a parent or guardian may restrict his or her child's access to the item by written request to the library/media center.

F. Review for Reconsideration for Sensitive Material

1. A review of library/media center material for Sensitive Material requires application of both state law and First Amendment jurisprudence regarding obscenity.
2. The reconsideration committee will apply the definition of Sensitive Material, which Utah Code 53G-10-103 defines as: "pornographic or indecent material as that term is defined in Utah Code § 76-10-1235." The reconsideration committee will analyze the material under all the legal definitions for pornographic or indecent material, including those found in 76-10-1201, 76-10-1203, and 76-10-1235.
3. Where the law requires that certain descriptions as outlined in Utah Code 76-12-10-1227 have no serious value for minors, the reconsideration committee must, in accordance with the First Amendment, determine whether the material, taken as a whole, appeals to the prurient interest in sex of minors, and whether the description or depiction in question is patently offensive to prevailing standards in the adult community with respect to what is suitable material for minors.
4. Outside of Section 76-12-10-1227, the reconsideration committee must also determine whether the material, taken as a whole, has serious literary, artistic, political or scientific value.
5. If the reconsideration committee determines that the library/media center material is Sensitive Material and removal is appropriate under First Amendment Jurisprudence, the library/media center will remove the material from its library.
6. Materials removed from one library because the material is Sensitive Material will be removed from all libraries in the District.

G. Review for Reconsideration for Educational Suitability

1. When reviewing a library/media center material for educational suitability, the reconsideration committee will:

- a. read, view listen to and/or examine the material in its entirety;
 - b. read reviews and consult recommended lists; and
 - c. determine the extent to which the material meets the selection criteria for educational suitability by applying the same criteria applied at the time of selection.
2. If the reconsideration committee determines that the library/media center material is not educationally suitable, the material will be removed from the library/media center at that school, but not at any other school in the District.

H. Appeal

1. If a library/media center material is retained following a review by a reconsideration committee and the person requesting the review is not satisfied with the rationale for the reconsideration committee's decision, that person may request an appeal at the District.
2. The District will form a reconsideration appeals committee ("Appeals Committee") made up of:
 - a. The Superintendent
 - b. The Director over Libraries/Media Centers
 - c. The Board member representing the school where the request for reconsideration originated
 - d. The District's legal counsel
 - e. The Director of Curriculum and/or the Director of Equity
3. Each member of the Appeals Committee will read the material in its entirety.
4. The Appeals Committee will review the school reconsideration committee's written decision to retain the material, and will determine whether the decision should be upheld or reversed applying the same analysis described above in Sections VI.F. VI.G. of this Policy.
5. The Appeals Committee decision is final.

VII. CLASSROOM LIBRARIES

- A. Teachers with instructional materials in their classroom available for students to check out or borrow (classroom libraries) must ~~submit the instructional material to the Library/Media Center Specialist before making it available to students.~~
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- C. ~~The Library/Media Center Specialist will~~ apply the same selection criteria for educational suitability to classroom libraries as is applied to libraries/media centers.

- D. If instructional material is in the library/media center collection, a teacher does not need to go through the selection process to include that material in the teacher's classroom library.
 - E. A student enrolled in a class with a classroom library, a parent of such a student, an employee at that school, or a Board member over that school may submit a Request for Reconsideration of any material in a classroom library.
 - F. A classroom library reconsideration request will follow the same procedures set forth in Section VI above, except that the person requesting the review will first address concerns with the classroom teacher and not the Library/Media Center Specialist.
 - G. A teacher whose classroom library material is under review may not serve on the school's reconsideration committee.
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