

## **8200 - LIBRARY AND SENSITIVE MATERIALS**

### **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 comply with state and federal law.

### **I. 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 parent/legal guardian’s request to not allow the parent/legal guardian’s child access to certain instructional materials.

### **II. DEFINITIONS**

A. “Sensitive Materials” means material that constitutes objective sensitive material or subjective sensitive material. ~~pornographic or indecent material as defined in U.C.A. §§76-10-1235, 76-10-1201, 76-10-1203, and 76-10-1227.~~

1. “Objective sensitive material” means any learning material that constitutes pornographic or indecent material, as the term defined in Utah Code Section 76-10-1235, under the non-discretionary standards described in Utah Code Subsection 76-10-1227(1)(a)(i), (ii), or (iii).
2. “Subjective sensitive material” means learning material that constitutes pornographic or indecent material, as the term defined in UCA 76-10-1235, under the following factor-balancing standards:

- a. material that is harmful to minors under UCA 76-10-1201;
  - b. material that is pornographic under UCA 76-10-1203; or
  - c. material that includes certain fondling or other erotic touching under subsection 76-10-1227(1)(a)(iv).
3. ~~“Sensitive material” does not include an instructional material:~~
- ~~a. selected for the Human Sexuality curriculum;~~
  - ~~b. for concurrent enrollment course that contains sensitive material and for which a parent receives notice from the course provider of the material before enrollment of the student and gives the parent’s consent by enrolling the student;~~
  - ~~c. for medical courses;~~
  - ~~d. for family and consumer science courses; or~~
  - ~~e. for another course the Utah State Board of Education (“USBE”) exempts in USBE rule.~~
- ¶
- 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 learning ~~instructional~~ materials located in a school’s library/media center.
- F. ~~“Learning instructional materials” means any learning material or resource used to deliver or support a student’s learning in any school setting, including textbooks, reading materials, videos, digital materials, websites, and other online applications and live presentations 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 learning 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.

### **III. 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 ~~S~~sensitive ~~M~~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 materials for a Collection:
  - a. Accuracy, timeliness, validity, and currency of information

- b. Educational significance and relevance to core standards and educational goals
  - c. Teacher, parent, or student request
  - d. Favorable reviews, recommendations, and/or award nominees found in standard selection sources or from professional personnel
  - e. Contributes to a balanced perspective
  - f. Adequate scope and depth of coverage
  - g. Appeal and interest to users
  - h. Recreational reading needs of students
  - i. Age appropriateness including maturity of themes, vulgarity, profanity, and violence
  - j. Uniqueness, diversity, and/or heritage of a state, region, or group
  - k. Artistic and literary quality
  - l. Reputation, authority, and significance of the author, producer, or publisher
  - m. Physical characteristics, including special features (e.g., appendices, bibliographies)
  - n. Cost relative to the value of the material
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
  - f. Contains objectively sensitive material
3. Library/Media Center Specialists will review three to five ~~to five~~ reliable, authoritative selection aids, recommended bibliographies, or

reviews in professional journals and publications when selecting library/media center material for the school's Collection.<sup>1</sup> At least one of these sources must be a parent-centered review source, when available.

4. When a review of a library/media center material denotes content that is sexual in nature, the Library/Media Center Specialist will obtain a copy of ~~review~~ the library/media center material and will determine if:
  - a. the material contains objectively sensitive material.
  - b. if the material does NOT contain objectively sensitive material, the Library/Media Center Specialist will review the material in its entirety and apply the analysis described in Policy 8250 ~~section F of this policy~~ to determine if the material constitutes subjective sensitive material prior to ordering and placing the material in the Collection.
  - c. If the material in question does constitute sensitive material (either objective or subjective sensitive material) ~~Sensitive Material~~, it will not be ordered or shelved with the Collection.
5. The Library/Media Center Specialist will send written notice to the building administrator 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.

#### **IV. 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.

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<sup>1</sup> Examples of selection aids 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.

- C. If a specific work or title was subject to reconsideration on the basis that the work was or contained ~~sSensitive mMaterial~~, and the work or title was retained on the shelves, ~~the work will remain accessible to students, but the name of the work or title and the author will be listed on the District's website for parents' information.~~

## V. RECONSIDERATION PROCEDURES

- A. A student, parent, employee, or board member ~~enrolled, with a student enrolled, employed, or representing (respectively) the district may request reconsideration of library/media center material, including library/media center material, instructional material used in the classroom, or supplemental material used in the classroom. 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~~ on the grounds that the library/media center material is sensitive material or that the library/media center material does not meet the criteria for educational suitability. ~~An individual who submits a request for reconsideration on the grounds that is limited to three requests for reconsideration in a given school year.~~
- B. Requests for reconsideration on the basis that the library/media center material constitutes sensitive material will follow the procedures outlined in Policy 8250. All other requests for reconsideration of library/media center materials will follow the policy outlined below.
- 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. A request for reconsideration of library/media center material may be made on the basis that:~~
- ~~1. The library/media center material is Sensitive Material, in which case the request will be reviewed in accordance with Section VI.F. of this Policy; or~~
- E. ~~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.~~
- F. Process:
1. Prior to filing a request for reconsideration on any basis, the individual must be ready to review the library/media center material in its entirety. Note, students are **not** required to complete the reading or viewing of the library/media center material they are challenging.

- ~~2. For each request for reconsideration for educational suitability: For a request for reconsideration based on educational suitability: ¶~~
- ~~3. The person filing the request will then ~~must also~~ meet with the Library/Media Center Specialist who shall explain, if possible, the intended purpose and use of the item in question.~~
4. 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.
5. 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.

~~For a request for reconsideration based on allegations that the material is subjectively Sensitive Mmaterial, 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.~~

6. All requests for reconsideration will be reviewed by the administrator and the Director of Teaching and Learning. The administrator ~~who will~~ determine if the form has been fully completed and the requirements for requesting reconsideration have been met. If so, the administrator and the Director of Teaching and Learning will both:
  - 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.
7. The administrator and the Director of Teaching and Learning will then make a determination to either remove or retain the material and will send a written response to the person requesting reconsideration explaining the determination to either remove or retain the material and the rationale for doing so.
8. The decision of the administrator and the Director of Digital Teaching and Learning is final.

9. Parents who are dissatisfied with the decision to retain learning material in the Library/Media Center may make a written request to the library/media center specialist that the student not be allowed to check out that item.
10. ~~shall establish a school library/media center reconsideration committee to conduct a review of the library/media center material.~~ ¶
11. ~~The reconsideration committee shall include:~~ ¶
  - a. ~~The Library/Media Center Specialist~~ ¶
  - b. ~~One administrator~~ ¶
  - c. ~~Two teachers~~ ¶
  - d. ~~Four parent representatives selected as follows:~~ ¶
    - i. ~~one parent from the school's community council;~~ ¶
    - ii. ~~one parent from the school's PTA; and~~ ¶
    - iii. ~~two parents 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.~~ ¶
12. ~~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.~~ ¶
13. ~~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.~~ ¶
14. ~~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.~~ ¶
15. ~~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.~~ ¶
16. ~~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 Digital Teaching and Learning Director strict Media Specialist Director.~~ ¶
17. ¶
18. ~~All members of a reconsideration committee will receive training on this policy and how to evaluate for subjectively Sensitive mMaterials or for educational suitability.~~ ¶



- ~~19. An item may not be removed from the library/media center while the reconsideration process under this 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. ¶~~
- ~~20. Review for Reconsideration for subjective Sensitive Mmaterial ¶~~
- ~~21. A review of library/media center material for subjective Sensitive Mmaterial requires application of both state law and First Amendment jurisprudence regarding obscenity. ¶~~
- ~~22. The reconsideration committee will apply the definition of subjective Sensitive Mmaterial when reviewing the challenged material. ¶~~
- ~~23. If the challenged material, which U.C.A. §53G-10-103 defines as: "pornographic or indecent material as that term is defined in Section 76-10-1235, under the following factor balancing standards: material that is harmful to minors under Section 76-10-1201; material that is pornographic under Section 76-10-1203; or material that includes certain fondling or other erotic touching under Section 76-10-1227(1)(a)(iv)." The reconsideration committee will analyze the material under all the legal definitions for pornographic or indecent material, including those found in U.C.A. §§76-10-1201, 76-10-1203, and 76-10-1227. ¶~~
- ~~24. ¶~~
- ~~25. Where the law requires that certain descriptions as outlined in U.C.A. §76-10-1227 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. ¶~~
- ~~26. Outside of U.C.A. §76-10-1227, the reconsideration committee must also determine whether the material, taken as a whole, has serious literary, artistic, political, or scientific value. ¶~~
- ~~27. If the reconsideration committee determines that the library/media center material is subjective Sensitive Mmaterial and removal is appropriate under First Amendment jurisprudence, the library/media center will remove the material from its library. ¶~~
- ~~28. If a school reconsideration committee is split evenly in its decision (e.g., four in favor of retaining the material and four against retaining the material), the material will be reviewed by the school board, through District Appeals Committee. ¶~~

~~29. Materials removed from one library because the material is subjective-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.~~

~~3.~~

~~H. Appeal~~

~~1. An individual who requested reconsideration of instructional material may appeal the decision of the reconsideration committee, regardless of whether the LEA removed or retained the challenged instructional material.~~

~~2. The appeal will be made to the school board, which will designate the District Appeals Committee to review the reconsideration committee's decision and make a recommendation to the board.~~

~~3. If a library/media center material is retained following a review by a reconsideration committee and the person requesting reconsideration is not satisfied with the rationale for the reconsideration committee's decision, that person may request an appeal to the District.~~

~~4.~~

~~5.~~

~~6. The District Appeals Committee will be made up of: 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~~

~~7. Each member of the District Appeals Committee will read the material in its entirety.~~

~~8. The District 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.~~

~~9. The District Appeals Committee will make a recommendation to the school board, and the school board will vote in a public board meeting to decide the outcome of the appeal.~~

~~10. The board's decision will clearly identify:~~

~~a. the rationale for the decision and~~

~~b. the determination on each component of the statutory and any additional policy standards used to reach the conclusions.~~

~~11. The Appeals Committee decision is final.~~

~~I. Pursuant to Utah Code 53G-10~~

## VI. CLASSROOM LIBRARIES

- A. Teachers with instructional materials in their classroom available for students to check out or borrow (classroom libraries) must apply the same selection criteria for educational suitability to classroom libraries as is applied to libraries/media centers.
- B. 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.
- C. 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.
- D. A classroom library reconsideration request will follow the same procedures set forth in Section V above, except that the person requesting the review will first address concerns with the classroom teacher and not the Library/Media Center Specialist.
- E. ~~A teacher whose classroom library material is under review may not serve on the school's reconsideration committee.~~

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