

LIBRARY MATERIALS SELECTION & REVIEW POLICY

I. Library Policy

- A. Promontory School's libraries support and enhance student learning. Promontory School values libraries, media centers, and library staff who select, maintain, and preserve rich repositories of balanced, relevant, age appropriate, and varied educational sources for students.
- B. This policy specifies the process for identifying materials to be included or disqualified from use in libraries and schools based on Section 53G-10-103, *Sensitive Instructional Materials*, state and federal law, Administrative Rule R277-217 and R277-628, *Educator Standards and LEA Reporting*, or based on age appropriate content.
- C. All employees of Promontory School must adhere to this policy and are subject to the Promontory School employee conduct policies for any personal violation.
- D. Definitions:

(1) "Instructional material" means the same as defined in 53G-10-103(1). Includes reading materials, handouts, videos, digital materials, websites, online applications, and live presentations.

(2) "Objective sensitive materials" means the same as the term is defined in 53G-10-103(1).

(3) "School community parent" is a parent who has a student currently attending the school, or will have a student enrolled in the school within one year, where the challenged instructional material is being reviewed in accordance with Subsection 53G-10-103(4).

(4) "School setting" means the same as the term is defined in Subsection 53G-10-103(1).

(5) "Sensitive Materials" means an instructional material that constitutes objective sensitive material or subjective sensitive material.

(6) "Subjective sensitive materials" means the same as the term is defined in Subsection 53G-10-103(1)

II. Selection of Materials for Library Collection

- A. The library professional will initially select all library materials under the direction of the local board, including gifts and donations, consistent with this policy using the following criteria:
 - 1. seek recommendations and work collaboratively with parents, patrons, others in the school community during the selection process;
 - 2. create a collection that reflects diversity of ideas; and

3. create a collection that adheres to the law.
- B. Electronic databases and other web-based searches and content will be filtered through Promontory School's state-required internet filter.
- C. Gifts and donations will be reviewed following selection criteria and will be accepted or rejected using the same criteria; and
- D. The responsibility for final material selection rests with trained library personnel under direction of the governing board of Promontory School using the following criteria:
 1. Overall purpose and educational significance;
 2. Legality;
 3. Age and developmental appropriateness;
 4. Timeliness and/or permanence;
 5. Readability and accessibility for intended audience;
 6. Artistic quality and literary style;
 7. Reputation and significance of author, producer, and/or publisher;
 8. Variety of format with efforts to incorporate emerging technologies; and
 9. Quality and value commensurate with cost and/or need.
- E. A record of reviewed materials will be maintained by Promontory School and include:
 1. the name of the school;
 2. the title and author of the material;
 3. all available formats of the material (digital/hard copy/etc.);
 4. the intended use of the material;
 5. the date the material was reviewed; and
 6. the employee's name and title that reviewed the material.

III. Library Collection Maintenance

- A. Library materials will be maintained consistent with the criteria listed in II.D, state and federal laws, including Utah Code Ann. Section 53G-10-103, and represent varying viewpoints.
- B. The school librarian or designated specialist will inventory the school library collection and equipment annually.
 1. The inventory may be used to determine losses and remove damaged or worn materials to be considered for replacement.
 2. The inventory may also be used to deselect and remove materials that are inconsistent with the law, or that are no longer relevant to the curriculum or of interest to students.
 3. Identify gaps or deficits in the library's collection.

IV. Sensitive Materials Review Process

1. Initial review
 - A. Reviewed by at least Promontory School employees.
 - B. Makes an initial determination related to a plausible claim that the material constitutes sensitive materials.
 - C. May use excerpts and other evidence to support the allegation.
 - D. If a plausible claim is substantiated, then the instructional materials are immediately removed from student access in all school settings until the full review is completed.

E. Full review is initiated after the completion of the initial review of which a plausible claim is substantiated.

2. Full review: Objective Sensitive Materials

- A. Promontory School will ensure a least restrictive, transparent process for a sensitive materials review request to be made in physical or electronic formats.
- B. A sensitive materials review request of a material may only be made by:
 - 1. a parent of a student that attends the school;
 - 2. a student who attends the school;
 - 3. an employee of the school; or
 - 4. a member of the relevant school governing board.
- C. If challenges become unduly burdensome, Promontory School may limit the number of challenges made by an individual. As outlined in 53G-10-103(3)(b) an "unsuccessful challenge" means an allegation that a given instructional material constitutes sensitive material that the School concludes to be erroneous, either on direct review or on appeal to the Promontory governing board, resulting in the retention of the given instructional material. (ii) Notwithstanding Subsection (3)(a), after an individual makes three unsuccessful challenges during a given academic year, the individual may not trigger a sensitive material review under this section during the remainder of the given academic year.
- D. A sensitive material review may be based on definitions given in Section 53G-10-103, or upon concerns with age-appropriateness of content.
- E. The identity of the requestor will be protected and kept confidential from all individuals outside of the review process outlined in this policy, to the extent possible.
- F. Promontory School will ensure each school provides access to a Sensitive Materials Review Request Form (See Appendix A).
- G. The requestor must provide all information requested on the form including the requestor's complaint or objection to the library material.
- H. The material that is subject to a review request will have restricted access by maintaining the material behind the circulation desk or requiring an access code for digital materials until the processes described in this policy are completed.
- I. The material's access level will be consistent at Promontory School until a final determination is made regarding the material.
- J. Upon receipt of a request for review, the school administrator or designee will acknowledge the receipt of the request, create a case number for the review, and convene a Review Committee within a reasonable time according to the procedure outlined below:
 - 1. A Review Committee will include a reasonable and an odd number of individuals.
 - 2. Members of the committee will include:
 - i. A facilitator chosen by Promontory School's administration;
 - ii. at least one administrator or designee;
 - iii. a licensed teacher at Promontory School who is currently teaching English language arts or subject relevant to the challenged material; and
 - iv. parents of current students at the school that number at least one more than the Promontory School employees on the Committee.
- K. The Review Committee will determine the amount of time needed for an adequate review of a material to make a thorough and thoughtful decision and inform the requester of the determined timeline with a preference for 30 school days where possible and no longer

than 60 school days.

L. The Review Committee may request that the Promontory School's governing board determine the maximum amount of time allowed for review and determination.

M. Members of the Review Committee will receive materials to complete the review process, including the following:

1. access to the complete work that includes the material being challenged;
2. a copy of the Materials Review Request form;
3. a copy of this policy
4. relevant information about the title compiled and shared by the library staff, including reason for initial approval of the material; and
5. recorded public comment as described below in Subsection O.

N. Prior to a decision of the Review Committee the school conducting the review will provide an opportunity for public comment regarding the material at a governing board meeting.

O. Promontory School will provide notice to parents about the opportunity to provide public comment and include the name of the material that is the subject of the materials review at least 48 hours prior to the scheduled meeting for public comment.

P. The school conducting the review will record all public comments, including written comments received, and make those comments available to the Review Committee within 48 hours of the public comment meeting.

Q. The Review Committee will schedule meetings as determined by the Review Committee and maintain minutes of each meeting.

R. The notes from each meeting will be retained by Promontory School along with all relevant documentation and the final determination.

S. The Review Committee will determine whether the material constitutes sensitive material consistent with HB 29, Section 53G-10-103, and this policy.

T. In deciding whether the material constitutes sensitive material, the Committee must:

1. consider *all* elements of the definitions of pornographic or indecent materials as defined in Utah Code Sections 76-10-1235, 76-10-1201, 76-10-1203, and 76-10-1227; and
2. whether the material is age appropriate due to vulgarity or violence.

U. In deciding whether the material is age appropriate due to vulgarity, violence, or content, the Committee must consider the material taken as a whole and consider whether it has serious literary, artistic, political, or scientific value for minors, which may include the following objective criteria:

1. reliable, expert reviews of the material or other objective sources;
2. committee members' experience and background; and
3. community standards.

V. In deciding whether the material taken as a whole has serious literary, artistic political, or scientific value as described in Subsection U., the Committee should consider that:

W. The Review Committee will make a final determination of a reviewed material as follows:

1. **Retained:** the determination to maintain access in a school setting to the challenged material for all students.
2. **Restricted:** the determination to restrict access in a school setting to the challenged material for certain students as determined by the Review Committee.
3. **Removed:** the determination to prohibit access in a school setting to the challenged material for all students.

- X. The decision of the Review Committee will be determined by majority vote. Y. A material may not be reviewed again for three school years following the Review Committee's determination.
- Z. The final determination of the Review Committee will be communicated to the requestor and appropriate employees within 5 school days of the decision being made.
 - AA. Promontory School will maintain a list of all materials that receive a "removed" determination and make the list available.
 - BB. Decisions of all challenged books will be communicated whether retained, restricted, or removed.
 - CC. The Promontory School administration promptly reports the determination to the state library media specialist within 20 days after the full review is completed.
 - DD. Promontory School shall facilitate the prompt return or disposal of the material identified for removal and communicate with vendors and publishers regarding object sensitive materials.

If the objective sensitive material standard is not upheld, initiate a subjective sensitive material review.

3. Full review: Subjective Sensitive Material

- A. Promontory School's review committee will determine the amount of time needed for an adequate review of a material to make a thorough and thoughtful decision and inform the requester of the determined timeline with a preference for 30 school days where possible and no longer than 60 school days.
- B. Promontory School will allow student access to the materials in question only with parental consent.
- C. The Review Committee will be constant with what has been outlined in section "2." of this policy with the exception of using "subjective" sensitive material standards vs. "objective."
- D. Use of the subjective sensitive material standards: constitutes pornographic or indecent material, as that term is defined in Section 76-10-1235, under the following factor-balancing standards:
 - i. material that is harmful to minors under Section 76-10-1201;
 - ii. material that is pornographic under Section 76-10-1203; or
 - iii. material that includes certain fondling or other erotic touching under Sub-section 76-10-1227(1)(a)(iv).
- E. May use other criteria like violence, vulgarity, self-harm etc.
- F. If the instructional material is determined to be subjective sensitive material:
 - i. ensure that the material is inaccessible to students in any school setting and terminate parent consent.
 - ii. report the determination to the state library media specialist within 10 days of the final determination.
 - iii. report the outcomes to the submitter and the public.
 - iv. dispose or return the material identified for removal.
 - v. may not be sold or distributed to a minor.

V. Appeals Process

- A. The original requestor or another individual who was not on the Review Committee may

appeal the determination of the Review Committee in writing to the school principal within 15 business days of receipt of the Review Committee's final determination using an Appeal Request Form (See Appendix B).

B. If an appeal is filed with the school principal, the local governing authority will act as the Appeals Committee.

1. The local governing authority (Appeal Committee) may add parent or school administrator member(s) who did not participate in the initial Review Committee, only as necessary to have an odd number of members.

C. If there is not an appeal of the Review Committee's recommendation, the Review Committee's recommendation is the final determination for the challenged material.

D. The Appeals Committee will determine the amount of time needed for an adequate review, not longer than 60 school days and a preference for 30 school days, of a material required to make a thorough and thoughtful decision and inform the requestor of the determined timeline.

E. Members of the Appeals Committee will receive materials to complete the review process, including the following:

1. a copy of the material;
2. a copy of the Materials Review Request form;
3. all meeting minutes;
4. the Review Committee's final recommendation and rationale for the decision;
5. any other documents considered part of the administrative record related to the Review Committee's proceedings including all recorded public comments as described in Subsection V.O. above.

F. The Appeals Committee will schedule meetings as needed, as determined by the Appeals Committee and maintain minutes of each meeting.

G. The notes from each meeting will be retained by Promontory School along with all relevant documentation and the final determination by the Appeals Committee. H. The Appeals Committee may make a final determination of a reviewed material as follows:

1. **Retained:** the determination to maintain access in a school setting to the challenged material for all students;
2. **Restricted:** the determination to restrict access in a school setting to the challenged material for certain students;
3. **Removed:** the determination to prohibit access in a school setting to the challenged material for all students; or
4. Another determination as decided by the Appeals Committee.

I. The decision of the Appeals Committee will be determined by majority vote. J. A material may not be reviewed again for three school years if the Appeals Committee votes to uphold a Review Committee's determination.

K. The final determination of the Appeals Committee will be communicated to the requestor and appropriate employees within 10 days of the determination.

L. Promontory School will maintain a list of the determinations by the Appeals Committee and make the list available to the public.

VI. Final Procedural Review/State-Wide Removal

- A. The requestor in V.A., may petition the USBE for a procedural review of the Appeals Committee's decision.
1. The USBE will review the petition and determine if a procedural review is warranted, to determine whether the LEA correctly followed its library materials review policy referred to in Rule R277-628.
 2. That determination may include the USBE's decision to have the appeal considered initially by a USBE Committee or a panel of USBE members.
 3. If the USBE determines in USBE's procedural review that the LEA did not correctly follow its materials review policy, it will return the appeal to the LEA with direction to repeat its review process in compliance with its library materials review policy referred to in Rule R277-628.
- B. The USBE will make a final written appeal decision no more than 60 school days after the USBE's determination that the appeal satisfies the criteria for USBE review.
- C. This USBE review decision is final.
- D. The state Superintendent will notify local LEAs of a state-wide removal of sensitive material within 10 days of the threshold being met.
- E. LEA notification for a state-wide removal of sensitive materials applies to all LEAs and all school settings.
- F. If the statewide removal is overturned as outlined in 53G-10-103 and R277-628, an LEA may choose to return the given material to student access.
- G. LEAs may choose to uphold their determination to remove a sensitive material from the school setting in their LEA.

VII. Communication

- A. An easily accessible webpage on the public website for Promontory School will be updated and available prior to the beginning of each school year to inform teachers, staff, students, and parents of the following:
1. A Materials Review Request Form (See Appendix A);
 2. An Appeal Request Form (See Appendix B);
 3. Application to serve on a materials Review Committee;
 4. This Library Policy;
 5. A list of all materials that are restricted while under Review or have received a Review Committee or Appeals Committee determination.
- B. If made aware of material that may be considered sensitive material as defined in Section 53G-10-103, Promontory School will inform relevant parties regarding appropriate actions to take pursuant to this policy.

Appendix A: Materials Review Form

Title: _____

Author: _____

School: _____

Review Request initiated by: _____

Telephone: _____

Address: _____

City: _____

Zip: _____

Email: _____

1) Does your child attend this school? (Yes / No)

2) Was this material recommended, assigned, or made available through the students' school? If so, where?

3) What concerns you about this material? Please provide examples, page numbers, links, or any other information to help in locating or identifying content of concern. Please attach any images or other corroborating evidence.

4) What action are you requesting the committee to consider?

Signature: _____

Date: _____

*****Below is for internal use only*****

LEA Appointed Committee Convener/Facilitator (Determined by Promontory School) Administration

Suggested Review Timeline: _____

Appendix B: Appeal Request Form

Instructions:

1. A requestor will submit the District Appeal Form along with a copy of the School Library Materials Reconsideration decision within 15 business days of receiving the decision of the School Library Material Reconsideration Committee.

Requestor Information:

- 1. Date _____
- 2. Legal Name of Guardian _____
- 3. Address _____
- 4. E-mail _____
- 5. Phone Number _____
- 6. School _____
- 7. School Challenge Decision Date _____

The submission of a District Appeal Form will receive a receipt of notice of submission within ten (10) school calendar days. The receipt of submission will include an estimated time-line for a determination of the District Appeal to be completed within a reasonable time period not to exceed _____ school days.

Challenged Material Information:

- 1. Title _____
- 2. Author _____
- 3. Publisher and date of publication _____
- 4. School where title can be accessed _____

Please provide a written statement setting forth your rationale to appeal the School Committee's decision regarding the title (attach additional pages as needed).

Requestor's Signature: _____