

Model Library Materials Policy Guidance

Instructions for Local Education Agencies (LEAs) to consider when creating a library materials policy

- Local Administrators ~~should~~ ensure that educators comply with the LEA-created policy written after consideration of this model policy.
- LEAs ~~should~~ develop a systematic process and timeframe for reviewing all school library materials (physical and digital) using a Materials Review Rubric to ensure compliance with Utah Law.
- An LEA's governing board ~~should~~ ~~shall~~ ~~annually~~ review the LEA's Library Policy for alignment with state and federal law and [Board Rule R277-628](#).

[LEA NAME] LIBRARY POLICY

Section 1. Library Acquisition and Curation Protocols and Section

I. Library Policy

- A. [LEA Name] school libraries support and enhance student learning. [LEA Name] 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. [LEA Name] schools operate within limited instructional time, staffing, and budget resources, educators and library personnel have a responsibility to curate materials that directly support curriculum, literacy, and student

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wellbeing, learning and interests that can be delivered appropriately in a school setting; school libraries are curated with a transparent process. ~~and that can be delivered appropriately in a school setting; school libraries are curated learning environments for minors that include transparent processes with parents and supportive the learning environment within the school for educators.~~

- C. 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, Board Rule [R277-217](#), *Educator Standards and LEA Reporting*, ~~or based on age-appropriate content.~~
- D. This policy prioritizes protecting children from [sensitive materials deemed harmful to minors](#). ~~especially the harmful effects of illicit pornography over other considerations in evaluating instructional material.~~
- E. All employees of [LEA Name] must adhere to this policy and are subject to the [LEA Name] employees conduct policies for any personal violation.
- F. Nothing in this policy shall prevent the [LEA Name] governing board from:
 - a. Revisiting a previous decision;
 - b. Reviewing a recommendation of LEA personnel or a parent-related committee regarding a challenged instructional material; or

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- c. Reconsidering a challenged instructional material if the [LEA Name] governing board receives additional information regarding the material.

II. Selection of Materials for Library Collection

- A. The library professional or designated [LEA Name] specialist **trained on this policy** will initially **review and recommend and select** ~~select~~ all library materials under the direction of the local board, including gifts and donations, consistent with this policy using the following criteria:
 1. **Create a collection that adheres to Utah law.**
 2. Seek recommendations and work collaboratively with parents, patrons, others in the school community during the selection process ~~and making new acquisitions open for public review and input for 30 days prior to making purchases; and~~
 3. Create a collection that reflects diversity of ideas. ~~; and~~
 4. ~~create a collection that adheres to the law.~~
- B. Electronic databases and other web-based searches and content will be filtered through the [LEA Name] state-required internet filter **and to report content that violates Utah law to the school designee.**
- 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 [LEA Name] using the following criteria:~~ The LEA governing board is responsible for the final material selection and may direct the LEA librarian or

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other appropriate personnel to select materials using the following criteria.

1. ~~overall purpose~~ materials that support the Utah core standards and have 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. uplifting and captivating;
 8. ~~reputation and significance of author, producer, and/or publisher;~~
 9. variety of formats with efforts to incorporate emerging technologies; and
 10. quality and value commensurate with cost and/or need.
- E. A record of reviewed materials will be maintained by each school within [LEA Name] 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.
- F. [LEA Name] shall provide an online platform for library materials through which a parent is able to view the title, author, and a description of any material the parent's child borrows from the school library, including a history of borrowed materials and provide

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request access to the book inventory. ~~list in a spreadsheet when requested and possible.~~

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 (how often).
 - 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.
 - a. The inventory may be used to deselect and remove materials based on other criteria found harmful to minors, such as violence, pervasive vulgarity, [animal abuse](#) as referenced in Section 76-5c-101 or self-harm.
 - 3. The inventory may be used to identify gaps or deficits in the library's collection.

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Section 2. Reconsideration of Challenged Materials

IV. Library Materials Review Process

A. General Review Information

1. [LEA Name] will ensure that each school within [LEA Name] approves a least-restrictive, transparent process for a library materials review request to be made in physical or electronic formats.
2. A library materials review request of a material may only be made by:
 - a. a parent of a student ~~within the relevant LEA that attends the school;~~
 - b. a student who attends ~~the relevant LEA school;~~
 - c. an employee of the ~~relevant LEA-school;~~ or
 - d. a governing board member of [LEA Name]
3. ~~After an individual makes three unsuccessful challenges during a given academic year, the individual may not trigger a sensitive material review under this policy during the remainder of the given academic year.~~
 - a. ~~An "unsuccessful challenge" means an allegation that a given instructional material constitutes sensitive material that the [LEA Name] concludes to be erroneous, either on direct review or on appeal to the [LEA Name] governing board, resulting in the retention of the given instructional material.~~

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4. A library materials review may be based upon the concern that the material is a sensitive material
 - a. Concerns of "Sensitive Material": Challenges alleging the material contains Sensitive Material according to Section [53G-10-103](#) or other sensitive content like violence, pervasive vulgarity, animal abuse as referenced in Section 76-5c-10, self-harm, etc. which constitutes material not educationally suitable to the age of the students accessing the materials and will follow the Initial Review Processes outlined in Parts B and C of this policy.
 - b. ~~Concerns of "Age-Appropriateness": Challenges based solely on age-appropriateness (which do not claim statutory sensitive material violations) will bypass the sensitive material processes and follow the separate Age-Appropriateness Review Process outlined in Part D to evaluate the material's educational suitability.~~

5. 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.~~ shall be handled in accordance with the Government Records Access and Management Act (GRAMA), noting that formal challenge documentation may be subject to public records requests.

6. [LEA or School Name] will ensure each school provides access to a Library Materials Review Request Form (See Appendix A).

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7. The requestor must provide all information requested on the form including the requestor's complaint or objection to the library material.
8. Initial Review: Upon receipt of a request for review, the school/LEA administrator or designee will acknowledge the receipt of the request, create a case number for the review, and designate at least two LEA employees to conduct an initial review.
9. The designated LEA employees will make an initial determination related to whether there is a plausible claim that the material constitutes sensitive materials. They may use excerpts and other evidence submitted by the requestor to support the allegation.
10. If a plausible claim is substantiated during the initial review, the instructional material shall be immediately removed from student access in all school settings until the full review process is completed.
11. Following the initial review, the challenge will proceed to either the Objective Sensitive Material Review Process (Part B) or the Subjective Sensitive Material Review Process (Part C), ~~or the Age-Appropriateness Review Process (Part D)~~ depending on the nature of the claim and the findings of the initial review.
12. ~~After~~ if an individual makes three unsuccessful challenges during a given academic year, the individual may not trigger a sensitive material review under this policy during the remainder of the given academic year.

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- b. An "unsuccessful challenge" means an allegation that a given instructional material constitutes sensitive material that the [LEA Name] concludes to be erroneous, either on direct review or on appeal to the [LEA Name] governing board, resulting in the retention of the given instructional material.

B. Objective Sensitive Material Review Process

- 1. If the Initial Review by two LEA employees substantiates a plausible claim that the material constitutes objective sensitive material, the school/LEA administrator or designee will convene an Objective Sensitive Material Review Committee.
- 2. The Objective Review Committee shall consist of three or more members, including at least one parent.
 - a. A Review Committee will include a reasonable and an odd number of individuals.
 - b. Members of the committee may include:
 - i. a facilitator chosen by administration;
 - ii. at least one administrator or designee;
 - iii. a licensed teacher relevant to the challenged material;
 - iv. a licensed teacher-librarian or school librarian;
 - and

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- v. parents of current students in the LEA, that number at least one more than the LEA employees on the Committee ~~including parents reflective of the school community as required in Subsection 53G-10-103(4)(c)(i).~~
4. The LEA designees from the Initial Review may serve on this committee.
 - a. Individuals responsible for the procurement of the challenged material, or the individual who brought the challenge, may not serve on the committee.
 - b. The Objective Review Committee will evaluate the material strictly using the objective sensitive material standards found in Utah Code [76-5c-101](#), [76-5c-207](#), and [76-5c-208](#). The committee shall determine if the material contains:
 - c. human genitals in a state of sexual stimulation or arousal;
 - d. acts of human masturbation, sexual intercourse, or sodomy; or
 - e. fondling or other erotic touching of human genitals or pubic region.
 - f. [Obscene animal abuse material](#) as referenced in Section 76-5c-101.
 5. Members of the Review Committee will receive materials to complete the review process, including the following:
 - a. [May provide](#) access to the complete work that includes the material being challenged;

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- b. a copy of the Materials Review Request form [including any excerpts or other evidence](#);
 - c. a copy of this policy; and
 - d. relevant information about the title compiled and shared by the library staff, including reason for initial approval of the material.
6. If the committee determines the instructional material constitutes objective sensitive material, the review process is completed, and the instructional material shall be immediately removed from student access in all school settings.
7. Materials removed from student access shall be legally disposed of or returned to the vendor and may not be sold or distributed to a minor.
8. If the objective sensitive material standard is not upheld by the committee, the LEA shall initiate a Subjective Sensitive Material Review.
9. 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.
10. The LEA designee shall report the outcomes to the submitter and the public, and promptly report the determination and rationale to the State Superintendent within 30 school days or after the completion of the appeal see Section V.

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11. The notes from each meeting will be retained by the [LEA or School Name] and the school conducting the review along with all relevant documentation and the final determination.

C. Subjective Sensitive Material Review Process

1. The Subjective Sensitive Material Review Process is initiated when a material does not meet the objective sensitive material standards (as outlined in Part B).
2. Upon initiating this process, the school/LEA administrator or designee will convene a Subjective Sensitive Material Review Committee within a reasonable time.
3. A Review Committee will include a reasonable and odd number of individuals.
 - a. Members of the committee may include
 - i. a facilitator chosen by administration;
 - ii. at least one administrator or designee;
 - iii. a licensed teacher relevant to the challenged material;
 - iv. a licensed teacher-librarian or school librarian; and
 - v. parents of current students in the LEA, that number at least one more than the LEA employees on the Committee ~~including parents reflective of the school community as required in Subsection 53G-10-103(4)(c)(i).~~

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- b. Individuals responsible for the procurement of the challenged material, or the individual who brought the challenge, may not serve on the committee.
 - c. If an LEA requires an employee to participate outside of contract hours, the LEA shall compensate the employee for their time.
 - d. [All committee members shall be trained on the provisions of the law and LEA Policies related to the instructional materials process.](#)
4. The Review Committee will determine the amount of time needed for an adequate review to make a thorough and thoughtful decision, informing the requestor of the timeline with a preference for 30 school days where possible, and no longer than 60 school days.
5. Members of the Review Committee will receive materials to complete the review process, including the following:
 - a. access to the complete work that includes the material being challenged;
 - b. a copy of the Materials Review Request [form including any excerpts or additional evidence](#);
 - c. a copy of this policy; and
 - d. relevant information about the title compiled and shared by the library staff, including reason for initial approval of the material.

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6. The Review Committee will schedule meetings as determined by the Review Committee and maintain minutes of each meeting, which will be retained with all relevant Documentation.
7. The Review Committee will evaluate the material using the subjective factor-balancing standards found in Utah Code [76-5c-101](#) and [76-5c-208](#). In deciding whether the material constitutes subjective sensitive material, the committee must consider whether the material, taken as a whole:
 - a. Appeals to the prurient interest in sex of minors;
 - b. Is patently offensive to prevailing standards in the adult community as a whole with respect to what is suitable material for minors; and
 - c. Does not have serious literary, artistic, political, or scientific value for minors:
 - a. [May consider other criteria found to be harmful to minors, such as violence, pervasive vulgarity, animal abuse as referenced in Section 76-5c-101 or self-harm.](#)
8. The Review Committee will make a final determination by majority vote. The committee may make a determination that the ~~material is~~ [challenged subjective sensitive material is either: the material will be removed, or is not subjective.](#)
 - a. [Retained: The determination to maintain access in a school setting for all students.](#)
 - b. [Restricted / Relocated: The determination to restrict access in a school setting to certain students by moving the material to a more age-appropriate setting \(e.g.,](#)

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relocating the material from an elementary school to a middle school, or from a middle school to a high school).

- c. ~~Removed: The determination to prohibit access in a school setting to the challenged material for all students because it lacks overall educational suitability and age-appropriateness.~~
9. 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.
10. The LEA designee shall report the outcomes to the public and report the final determination and rationale to the State Superintendent within 30 school days.

~~D. Age-Appropriate Review Process~~

- ~~1. The Age-Appropriateness Review Process is initiated when a challenge is based solely on concerns of age appropriateness, rather than statutory sensitive material violations.~~
- ~~2. Upon initiating this process, the school/LEA administrator or designee will convene an Age-Appropriateness Review Committee within a reasonable time.~~

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3. ~~The committee will include a reasonable and odd number of individuals, including a facilitator, an administrator, a licensed teacher, a librarian, and school community parents. (Note: Parents must outnumber the LEA employees on the committee.)~~
4. ~~The Review Committee will evaluate the material's educational suitability and age-appropriateness. The committee must consider the material taken as a whole and determine if it has serious literary, artistic, political, or scientific value for minors. The committee may use criteria like violence, pervasive vulgarity, or self-harm to evaluate the material.~~
5. ~~The Review Committee will make a final determination by majority vote as follows:~~
 - a. ~~Retained: The determination to maintain access in a school setting for all students.~~
 - b. ~~Restricted / Relocated: The determination to restrict access in a school setting to certain students by moving the material to a more age-appropriate setting (e.g., relocating the material from an elementary school to a middle school, or from a middle school to a high school).~~
 - c. ~~Removed: The determination to prohibit access in a school setting to the challenged material for all students because it lacks overall educational suitability and age-appropriateness.~~

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~~6. The final determination will be communicated to the requestor and appropriate employees within 5 school days of the decision.~~

V. Appeals Process for Sensitive Materials

- 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 LEA within 30 school days of receipt of the Review Committee’s final determination using an Appeal Request Form (See Appendix B).
- B. 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.
- C. If an appeal is filed, the local governing authority will act as the Appeals Committee. The governing board reviews the appeal and votes in a public board meeting to decide the outcome, clearly identifying their rationale and determinations on each component of the statutory standards
- 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.

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- 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 including any excerpts and other evidence](#);
 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.
- F. The Appeals Committee will evaluate the appeal based on the nature of the original claim and may make a final determination by majority vote as follows:
1. For Objective Sensitive Material Claims: The Appeals Committee must evaluate the material strictly against the objective standards in Utah Code [76-5c-101](#), [76-5c-207](#), and [76-5c-208](#). If the material meets the objective standard, the only legal determination is removed from all school settings.
 2. For Subjective Sensitive Material Claims: The Appeals Committee will evaluate whether the material taken as a whole constitutes pornographic or indecent material under the statutory factor-balancing standards. The committee may make a determination that the material is subjective sensitive

and the material will be removed or is not subjective. The final determination of the Appeals Committee will be

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communicated to the requestor and appropriate employees within 10 days of the determination.

- G. [LEA Name] will maintain a list of the determinations by Appeals Committee and make the list available to all schools within [LEA Name] and the public.

VI. State-Wide Removal & Reporting

- A. [LEA Name] will maintain a list of the determinations by Committees and make the list available to all schools within the LEA and the public.
- B. The LEA appointed designee shall report all Sensitive Material challenges, final determinations, and rationale to the State Superintendent within 30 school days, or at the conclusion of an appeal.
- C. If the State Superintendent notifies the LEA that an objective sensitive material has met the statewide removal threshold (removed by at least three school districts, or at least two school districts and five charter schools), the material must be removed from all school settings.

VII. Communication

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- A. An easily accessible webpage on the public website for [LEA Name] 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 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](#), [LEA Name] will inform relevant parties regarding appropriate actions to take pursuant to this policy.

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Appendix A: Materials Review Form

Title:

Author:

School:

Review Request initiated by: Telephone:

Address:

City:

Zip:

Email:

1. Does your child attend this LEA (District or Charter)? Yes No
2. Was this material recommended, assigned, or made available through the students' school? If so, where?
3. Are you requesting review for Objective [Sensitive Review](#) or Subjective [Sensitive Review](#), ~~or age appropriateness?~~
4. 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.

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5. What action are you requesting the committee to consider?

Signature:

Date

*****Below is for Internal Use
Only*****

LEA Appointed Committee Convener/Facilitator (Determined by [LEA Name]
Administration

Suggested Review Timeline:

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Appendix B: Appeal Request Form

Instructions:

1. A requester will submit the District Appeal Form along with a copy of the School Library Materials Reconsideration decision within 30 schooldays 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 receipt of notice of submission within ten (10) school calendar days. The receipt of submission will include an

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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: _____

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