

Library Model Policy

I. Purpose & Mission of the School Library

School libraries have the responsibility of introducing students to the world of information. Students have the right to a relevant, balanced, and diverse school library collection that represents multiple points of view.

II. Support for Intellectual Freedom

The school libraries of this LEA are guided by the principles set forth in the First Amendment of the U.S. Constitution.

“[T]he special characteristics of the school *library* make that environment especially appropriate for the recognition of the First Amendment rights of students.” *Island Trees v. Pico* 102 S.Ct. 2799 (1982)

III. Procedures for Selection & Maintenance

Responsibility of Selection: The library professional seeks recommendations and works collaboratively with others in the school community during the selection process. Responsibility for actual selection rests with professionally trained library personnel using the local school board’s adopted selection criteria and procedures.

Selection Criteria: The criteria should be a blend of general, specific, and technical to enable library staff to select materials in all subject areas and formats. Librarians must also consider creating a collection that reflects diversity of ideas and authors as well as being reflective of the population the library serves. Gifts and donations shall be reviewed following the selection criteria and shall be accepted or rejected by those criteria.

Criteria:

- a) overall purpose and educational significance;
- b) contribution and relevance to the Utah standards and interests of the students including varied interests that reflect religious, ethnic, and cultural backgrounds;
- c) factual content is accurate, current, reliable, and authoritative;
- d) timeliness and/or permanence;
- e) readability and accessibility to intended audience;
- f) favorable reviews found in standard selection sources;

- g) artistic quality and literary style;
- h) age and developmental appropriateness;
- i) reputation and significance of author, producer, or publisher;
- j) variety of format with efforts to incorporate emerging technologies;
- k) quality and value are commensurate with cost and/or need;

IV. Collection Maintenance and Weeding

Annually, the school librarian will conduct an inventory of the school library collection and equipment. The inventory can be used to determine losses and remove damaged or worn materials which can then be considered for replacement. The inventory can also be used to deselect and remove materials that are no longer relevant to the curriculum or of interest to students.

V. Reconsideration

Any parent, employee, or student of the LEA may express a formal request for reconsideration of a library material. The LEA recognizes the right of parents under state law 53G-10-205.2. a-b, to restrict their child's access to materials the parent deems inappropriate. However, no parent has the right to make that decision on behalf of other students. If the material is a required part of classroom curriculum activities, the parent must follow the procedures for waiver contained in the LEA Policy.

Questioned items remain in circulation during the reconsideration process. The Library Media Review Committee is composed of individuals who are representative of the school/LEA community that convenes to review the challenged material. The LEA Library Media Review Committee is created for the purpose of reviewing library media materials when material is challenged.

- A. Challenges to local school library media materials shall be submitted in writing using the district reconsideration form (Appendix A).
- B. Each committee member shall receive a copy of the challenge and the challenged material prior to the meeting. Committee members shall read the challenged material in its entirety prior to the committee meeting.
- C. The committee as a whole shall discuss the challenged material based on the district selection policy criteria.
- D. The committee shall make a recommendation of the challenged material determined by majority vote.

- E. The committee communicates its decision to the appropriate administrator, who then communicates the decision to the person who made the challenge.

VI. Policy Revision

This policy will be reviewed for necessary revisions at least every five years.

Appendix A Reconsideration Form:

Title _____

Author _____

Request initiated by _____

Telephone _____ Address _____

City _____ Zip _____

1) Does your child attend this school? ____ Yes ____ No

2) Did you read or view the entire material? ____ Yes ____ No

3) What brought this material to your attention?

4) What concerns you about this material?

5) Are there materials you suggest to provide additional information and/or other viewpoints on this topic?

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

Signature _____

Date _____

Appendix B: List of Laws and Court Cases

Utah Code 76-10-1201

Definitions:

(2) "Contemporary community standards" means those current standards in the vicinage where an offense alleged under this part has occurred, is occurring, or will occur.

(5)(a) "Harmful to minors" means that quality of any description or representation, in whatsoever form, of nudity, sexual conduct, sexual excitement, or sadomasochistic abuse when it:

(i) taken as a whole, appeals to the prurient interest in sex of minors;

(ii) is patently offensive to prevailing standards in the adult community as a whole with respect to what is suitable material for minors; and

(iii) taken as a whole, does not have serious value for minors.

(5)(b) Serious value includes only serious literary, artistic, political or scientific value for minors.

(10) "Nudity" means:

(a) the showing of the human male or female genitals, pubic area, or buttocks, with less than an opaque covering;

(b) the showing of a female breast with less than an opaque covering, or any portion of the female breast below the top of the areola; or

(c) the depiction of covered male genitals in a discernibly turgid state.

(13) "Sadomasochistic abuse" means:

(a) flagellation of torute by or upon a person who is nude or clad in undergarments, a mask, or in a revealing or bizarre costume; or

(b) the condition of being fettered, bound, or otherwise physically restrained on the part of a person clothed as described in Subsection (13)(a).

(14) "Sexual conduct" means acts of masturbation, sexual intercourse, or any touching of a person's clothed or unclothed genitals, pubic area, buttocks, or, if the person is a female, breast, whether alone or between members of the same or opposite sex or between humans and animals in an act of apparent or actual sexual stimulation or gratification.

(15) "Sexual excitement" means a condition of human male or female genitals when in a state of sexual stimulation or arousal, or the sensual experiences of humans engaging in or witnessing sexual conduct or nudity.

Court Cases:

Island Trees v. Pico 102 S.Ct. 2799 (1982)

"Local school boards may not remove books from school libraries simply because they dislike the ideas contained in those books and seek by their removal to 'prescribe what shall be orthodox in politics, nationalism, religion, or other matters of opinion.' If such an intention was the decisive factor in petitioners' decision, then petitioners have exercised their discretion in violation of the Constitution."

Ashcroft v. ACLU 535 U.S. 564 (2004)

"To fall within the scope of COPA, works must not only "depic[t], describ[e], or represen[t], in a manner patently offensive with respect to minors," particular sexual acts or parts of the anatomy, they must also be designed to appeal to the prurient interest of minors and, "taken as a whole, lac[k] serious literary, artistic, political, or scientific value for minors."

"In *Reno*, we emphasized that the serious value "requirement is particularly important because, unlike the 'patently offensive' and 'prurient interest' criteria, it is not judged by contemporary community standards." 521 U.S., at 873, 117 S.Ct. 2329 (citing *Pope v. Illinois*, 481 U.S. 497, 500,

107 S.Ct. 1918, 95 L.Ed.2d 439 (1987)). This is because “the value of [a] work [does not] vary from community to community based on the degree of local acceptance it has won.” *Ibid.* Rather, the relevant question is “whether a reasonable person would find ... value in the material, taken as a whole.” *Id.*, at 501, 107 S.Ct. 1918.”

Other Courts:

Minarcini v. Strongsville City School Dist., [541 F.2d 577 \(6th Cir.1976\)](#) Removal of books because the school board found them distasteful was unconstitutional.

Delcarpio v. St. Tammany Parish School Board, [865 F.Supp. 350 \(E.D.La.1994\)](#) Removal of book because ideas conveyed in book were not consistent with board members' values, concepts of morality, or religious beliefs was unconstitutional.

Roberts v. Madigan, [702 F.Supp. 1505 \(D.Colo.1989\)](#), *aff'd*, [921 F.2d 1047 \(10th Cir.1990\)](#), *cert. denied*, [505 U.S. 1218, 112 S.Ct. 3025, 120 L.Ed.2d 896 \(1992\)](#) (citing *Pico* the district court held that removal of Bible from school library was unconstitutional.

Sheck v. Baileyville School Committee, [530 F.Supp. 679 \(D.Me.1982\)](#) Students and parents entitled to preliminary injunction against school committee for banning of entire book for its “objectionable” language.

Salvail v. Nashua Bd. of Educ., [469 F.Supp. 1269 \(D.N.H.1979\)](#) Removal of Ms. magazine for “political” content was unconstitutional.

Right to Read Defense Committee of Chelsea v. School Committee, [454 F.Supp. 703 \(D.Mass.1978\)](#) Act of school committee in removing book containing poem which included harsh but not obscene language infringed upon First Amendment rights of students and faculty.

Bicknell v. Vergennes Union High School Bd. of Directors, [638 F.2d 438 \(2d Cir.1980\)](#) No First Amendment violation in removing books on basis of vulgarity and indecency of language.

Presidents Council v. Community School Bd, [457 F.2d 289 \(2d Cir.\)](#), *cert. denied*, [409 U.S. 998, 93 S.Ct. 308, 34 L.Ed.2d 260 \(1972\)](#) Removal of book about youth's life in Spanish Harlem and restriction to availability only to parents was not unconstitutional.