



## GreenWood Charter School

Policy Number:

Policy Section: 100 - Administration

Policy Title: Library Policy

Revision History

Effective Date	Action Date	Revised
September 16, 2022	New Policy	

### LIBRARY POLICY

Purpose:

To ensure that GreenWood Charter School (GreenWood) has a formal process for reviewing and removing illegal or inappropriate library material. This policy is intended to clarify the factors affecting the selection and provision of library books available to students. It is intended to adhere to Utah Core Standards Policy—600.02—Instructional Materials.

Definitions:

“Library Material” means books officially included in the library catalog.

"Educator" as used in this policy means the same as defined in §53F-2-405.

"Sensitive Material” means an instructional material that is pornographic or indecent material as that term is defined in Criminal Code Section 76-10-1235 (UT Code 53G-10-103). 27

“Indecent Public Displays” means description or depiction of illicit sex or sexual immorality -or- nude or 28 partially denuded figure as defined in UT Code 76-10-1227 (1)(a) and (b).

## Policy Content:

### 1. Library Policy

- a. GreenWood's library supports and enhances student learning. GreenWood 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, Board Rule R277-217, Educator Standards and LEA Reporting, or based on age appropriate content.
- c. An educator may not knowingly possess, while at school or any school-related activity:
  - i. any pornographic or indecent material in any form;
  - ii. Use school equipment to intentionally view, create, distribute, or store pornographic or indecent material in any form;
  - iii. Knowingly use, view, create, distribute, or store pornographic or indecent material involving children;
  - iv. Expose students to material the educator knows or should have known to be inappropriate given the age and maturity of the students.
- d. All employees of GreenWood must adhere to this policy and are subject to the employee conduct policies for any personal violation.

### 2. Selection of Materials for Library Content

- a. The school's librarian 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:
  - i. seek recommendations and work collaboratively with parents, patrons, others in the school community during the selection process;
  - ii. create a collection that reflects diversity of ideas; and
  - iii. create a collection that adheres to the law.
- b. Electronic databases and other web-based searches and content will be filtered through GreenWood'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 GreenWood using the following criteria:
  - i. Overall purpose and educational significance;
  - ii. Legality;
  - iii. Age and developmental appropriateness;

- iv. Timeliness and/or permanence;
- v. Readability and accessibility for intended audience;
- vi. Artistic quality and literary style;
- vii. Reputation and significance of author, producer, and/or publisher;
- viii. Variety of format with efforts to incorporate emerging technologies; and
- ix. Quality and value commensurate with cost and/or need.
- e. A record of reviewed materials will be maintained and include:
  - i. the name of the school;
  - ii. the title and author of the material;
  - iii. all available formats of the material (digital/hard copy/etc.);
  - iv. the intended use of the material;
  - v. the date the material was reviewed; and
  - vi. the employee's name and title that reviewed the material.

### 3. 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 will inventory the school library collection and equipment annually.
  - i. The inventory may be used to determine losses and remove damaged or worn materials to be considered for replacement.
  - ii. 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.
  - iii. Identify gaps or deficits in the library's collection.

### 4. Library Materials Review Process

- a. Greenwood will approve a least restrictive, transparent process for a library materials review request to be made in physical or electronic formats.
- b. A library materials review request of a material may only be made by:
  - i. a parent of a student that attends the school;
  - ii. Students may bring sensitive material in schools to the attention of parents, educators, administrators, and other school employees who shall submit a complaint.; or
  - iii. an employee of the school.
- c. If challenges become unduly burdensome Greenwood may limit the number of challenges an individual may make in the course of a school year.

- d. A library materials review may be based upon the concern that the material is a sensitive material as defined in Section 53G-10-103, or upon concerns that 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. A complainant or student involved in a complaint shall not be retaliated against, threatened, intimidated, or otherwise treated adversely for any involvement in a complaint.
- f. Greenwood will ensure access to a Library 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. Access is limited to students with prior parent/guardian permission only. A list of restricted materials shall be made available to the public.
- i. 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:
  - i. A Review Committee will include a reasonable and an odd number of individuals.
  - ii. Members of the committee will include:
    - 1. a facilitator chosen by Greenwood's administration;
    - 2. at least one administrator or designee;
    - 3. a licensed teacher at the school who is currently teaching English language arts or subject relevant to the challenged material;
    - 4. school librarian; and
    - 5. parents of current students at the school 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(3).
- j. 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 requestor of the determined timeline with a preference for 30 school days where possible and no longer than 60 school days.
- k. The Review Committee may request that the Greenwood board of directors determine the maximum amount of time allowed for review and determination.
- l. Members of the Review Committee will receive materials to complete the review process, including the following:

- i. access to the complete work that includes the material being challenged;
  - ii. a copy of the Materials Review Request form;
  - iii. a copy of this policy
  - iv. relevant information about the title compiled and shared by the library staff, including reason for initial approval of the material; and
  - v. recorded public comment as described below in Subsection O.
- m. Prior to a decision of the Review Committee the school will provide an opportunity for public comment regarding the material at a governing board meeting.
- n. The 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.
- o. The school will record all public comment, including written comment received, and make those comments available to the Review Committee within 48 hours of the public comment meeting.
- p. The school will conduct a hearing open to the public during which:
  - i. The hearing is recorded. "Recording" means an audio or video record of the proceedings of a meeting to be used to review the proceedings of the meeting in the event of an appeal.
  - ii. Parents, Patrons and educators shall be given adequate time at the beginning of the hearing to provide examples of how the materials violate §53G-10-103 and R277-217-2(16)(17)(18)(19) (see Sensitive Materials Rubric) and to comment on the materials which are the subject of the complaint.
  - iii. The public may remain until the conclusion of the hearing to listen to and observe the hearing committee's deliberations and decision.
  - iv. Students shall not be allowed to participate in materials procurement vetting or the complaint process, be a member of the hearing committee, or attend a hearing.
  - v. The hearing committee's decision shall comply with §53G-10-103 and R277-217- 119 2(16)(17)(18)(19) (see Sensitive Materials Rubric).
  - vi. The notes from each meeting will be retained by Greenwood along with all relevant documentation and the final determination.
- q. The Review Committee will determine whether the material constitutes sensitive material consistent with Section 53G-10-103, ths policy, and the guidance letter provided by the Attorney General's Office dated June 1, 2022.
- r. In deciding whether the material constitutes sensitive material, the Committee must:
  - i. 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

- ii. whether the material is age appropriate due to vulgarity or violence.
- s. The Sensitive Materials Rubric will be used by the committee to ensure compliance with §53G-10-103 and R277-217- 144 2(16)(17)(18)(19).
- t. The Review Committee will make a final determination of a reviewed material as follows:
  - i. Retained: the determination to maintain access in a school setting to the challenged material for all students.
  - ii. Restricted: the determination to restrict access in a school setting to the challenged material for certain students as determined by the Review Committee.
  - iii. Removed: the determination to prohibit access in a school setting to the challenged material for all students.
- u. The decision of the Review Committee will be determined by majority vote.
- v. A material may not be reviewed again for three school years following the Review Committee's determination.
- w. 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.
- x. Greenwood will maintain a list of all materials that receive a "removed" determination and make the list available.
- y. Decisions of all challenged books will be communicated whether retained, restricted, or removed.

## 5. 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 Executive Director, the Governing Board will act as the Appeals Committee.
  - i. The Appeals 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:
  - i. a copy of the material;
  - ii. a copy of the Materials Review Request form;
  - iii. all meeting minutes;
  - iv. the Review Committee's final recommendation and rationale for the decision;
  - v. 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 4.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 Greenwood 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:
  - i. Retained: the determination to maintain access in a school setting to the challenged material for all students;
  - ii. Restricted: the determination to restrict access in a school setting to the challenged material for certain students;
  - iii. Removed: the determination to prohibit access in a school setting to the challenged material for all students; or
  - iv. 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. Greenwood will maintain a list of the determinations by the Appeals Committee and make the list available to the public.

## 6. Final Procedural Review

- a. The requestor may petition the USBE for a procedural review of the Appeals Committee's decision.
  - i. 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.
  - ii. That determination may include the USBE's decision to have the appeal considered initially by a USBE Committee or a panel of USBE members.

- iii. 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.

## 7. Communication

- a. An easily accessible webpage on the public website for Greenwood will be updated and available prior to the beginning of each school year to inform teachers, staff, students, and parents of the following:
  - i. A Materials Review Request Form (See Appendix A);
  - ii. An Appeal Request Form (See Appendix B);
  - iii. Application to serve on a materials Review Committee;
  - iv. This Library Policy;
  - v. The model policy;
  - vi. A list of all materials that are restricted while under Review or have received a Review Committee or Appeals Committee determination.
  - vii. The School Libraries rule (R277-628);
  - viii. The reference to and text of R277-217-2(16)(17)(18)(19) Educator Standards 44 and LEA Reporting,
  - ix. The Sensitive Materials in Schools rule (pending rule creation),
- b. If made aware of material that may be considered sensitive material as defined in Section 53G-10-103, Greenwood will inform relevant parties regarding appropriate actions to take pursuant to this policy.
- c. An educator, school employee, or LEA board member shall take prompt and appropriate action to protect a student from any known condition detrimental to the student's physical health, mental health, safety, or learning, in accordance with 58 R277-217-3(4), if made aware of material that may be considered sensitive material as defined in §53G-10-103 and R277-217-2(16)(17)(18)(19). “Prompt and appropriate action” for the purposes of this model policy means the educator is required to file a sensitive materials complaint with the LEA.

## Appendices:

- A. Materials Review Form
- B. Appeal Request Form



- C. Application to serve on review committee for library materials
- D. Sensitive Materials Rubric
- E. Chart of Definitions and References

Appendix A: Materials Review Form - Greenwood Charter School

Material Title:

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Material Author:

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Requestor Information: Legal Name: \_\_\_\_\_

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\*\*\*\*\*

Appointed Committee Convener/Facilitator (Determined by Greenwood Administration)

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Suggested Review Timeline: \_\_\_\_\_

Appendix B: Appeal Request Form - Greenwood Charter School Instructions:

1. A requestor will submit the 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 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. Location 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: \_\_\_\_\_

## Appendix C: Application to serve on Review Committee for Library Materials

### Applicant Information:

1. Date \_\_\_\_\_

2. Legal Name \_\_\_\_\_

3. Address \_\_\_\_\_

4. E-mail \_\_\_\_\_

5. Phone Number \_\_\_\_\_

6. Relationship to School \_\_\_\_\_

Please provide a written statement setting forth your desire to serve on the Library Materials Review Committee (attach additional pages as needed).

Requestor's Signature: \_\_\_\_\_