

SECTION: I – Instruction
POLICY TITLE: Library Materials
FILE NO.: IIB
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1. PURPOSE AND PHILOSOPHY

- 1.1. The Board of Education values school libraries and supports their inclusion in District schools. School libraries supplement classroom instruction and encourage self-directed education and self-selected recreational reading. They support awareness of diverse viewpoints, ethnicities, and cultures beyond students' immediate surroundings. The Board encourages development of a student body able to weigh competing views and make informed conclusions.
- 1.2. The Board recognizes that students enjoy First Amendment rights of speech in school and that the school library offers a place and opportunity for students to remain free to exercise their intellectual freedom and right to read, inquire, study, and evaluate, outside of the school classroom. At the same time, the Board is sensitive to the reality that a school library is distinguishable from a public library because of its unique role in the instructional program as it primarily supports the equitable access to information and the education of minors. The school library is generally open during school hours, but does not serve the general public. The school library program functions as an integral part of the school's mission in the transmission of public education and community values. In balancing these responsibilities, the Board respects Constitutional principles of law and recognizes the importance of community values in maintaining school library programs as part of the District's educational system.
- 1.3. This policy specifies the process and criteria for selection and maintenance of library materials to provide balanced, relevant, age-appropriate, and varied resources for students. The policy also outlines the process for reviewing materials under [UTAH CODE ANN. §53G-10-103](#).

2. DEFINITIONS

- 2.1. "Librarian" includes a media technician in an elementary school or a media specialist in a secondary school.
- 2.2. "Library material" means any digital media (including audio or visual media) or physical text contained within a school library's collection.
- 2.3. "School library" means the location, both physical and virtual, where library materials are housed and administered by professional staff hired to oversee the selection, maintenance, and access to school library materials.

3. SELECTION OF LIBRARY MATERIALS

- 3.1. The librarian selects library materials consistent with this policy. In doing so, the librarian will work with and consider recommendations from parents, students, teachers, and administrators. The librarian considers the following criteria in selecting library materials, including gifts and donations:

- 3.1.1. Overall purpose and educational significance;
 - 3.1.2. Contribution and relevance to core standards;
 - 3.1.3. Teacher, parent, and student requests;
 - 3.1.4. Potential interest and appeal to students;
 - 3.1.5. Factual content that is accurate and reliable;
 - 3.1.6. Age-appropriateness for students;
 - 3.1.7. Timeliness and/or permanence;
 - 3.1.8. Contribution to the library's inclusion of multiple diverse viewpoints and experiences, respectful treatment of opposing views, and an overall balanced perspective;
 - 3.1.9. Readability and accessibility for intended audience;
 - 3.1.10. Artistic quality and literary style;
 - 3.1.11. Reputation and significance of author, producer, and/or publisher;
 - 3.1.12. Variety of format with efforts to incorporate emerging technologies;
 - 3.1.13. Compliance with copyright laws and licensing agreements;
 - 3.1.14. Compliance with Nebo School District policies, including Policy IGAI, Health Instruction and Sex Education; and
 - 3.1.15. Quality and value that is commensurate with cost and/or need.
- 3.2. Electronic databases and other web-based searches and content will be filtered through the district's internet filter.

4. MAINTENANCE, DESELECTION, AND WEEDING

- 4.1. Deselection and weeding are essential processes to maintain an appropriate, relevant, up-to-date library collection. Librarians are responsible for maintaining the collection and determining if library materials should be removed or replaced based on the deselection or weeding criteria below.
- 4.2. Library materials will be maintained consistent with the criteria listed in subsection 3.1 and any applicable state or federal laws, including [UTAH CODE ANN. § 53G-10-103](#).
- 4.3. The school librarian will inventory the school library collection and equipment regularly.
 - 4.3.1. The inventory may be used to determine losses and remove damaged or worn materials to be considered for replacement. Library materials must be disposed of consistent with District policies.
 - 4.3.2. The inventory may also be used to deselect and remove materials that are inconsistent with the selection criteria or that are no longer relevant to the curriculum or of interest to students.
 - 4.3.3. The inventory may be used to identify gaps or deficits in the library's collection.
- 4.4. Criteria for deselection or weeding of library materials may include:
 - 4.4.1. failure to satisfy the selection criteria;
 - 4.4.2. poor physical condition;

- 4.4.3. outdated or inaccurate content;
- 4.4.4. lack of age appropriateness;
- 4.4.5. lack of use

5. REQUEST FOR REVIEW OF LIBRARY MATERIALS

5.1. Request

- 5.1.1. Upon request and consistent with this section, a library material may be reviewed by a school committee and considered for removal. A request for review of a library material may only be made by the following:
 - 5.1.1.1. a parent of a student who attends the school where the material is accessible;
 - 5.1.1.2. a student who attends the school; or
 - 5.1.1.3. an employee assigned to the school.
- 5.1.2. The District may limit the number of requests an individual may make in the course of a school year.
- 5.1.3. A request for review may be based upon a claim that the library material does not meet the selection criteria outlined in subsection 3.1 for the age of students to whom it is accessible or that it is a sensitive material as defined in [UTAH CODE ANN. § 53G-10-103](#).
- 5.1.4. A request for review must be made using a [form provided by the district](#), and the requester must deliver the form to the school principal. The requester must provide all information requested on the form, including the requester's complaint or objection to the library material.

5.2. School-Level Committee

- 5.2.1. Upon receipt of a request for review, the principal will acknowledge the request, notify the associate superintendent over curriculum, and convene a school-level review committee within a reasonable time according to the procedure outlined below:
 - 5.2.1.1. The principal selects committee members and oversees the review. The principal may, but is not required to, read the materials and vote with the committee. However, the principal or a designated administrator does facilitate the review.
 - 5.2.1.2. The committee may include members from both elementary and secondary schools and must include the following:
 - 5.2.1.2.1. two certified employees (teachers, counselors, school psychologists, school social workers, teachers on special assignment, etc.);
 - 5.2.1.2.2. a librarian from the school; and
 - 5.2.1.2.3. Three parents of current students, including parents reflective of the school community as required in [UTAH CODE ANN. § 53G-10-103](#).
 - 5.2.1.3. The names and identities of committee members are confidential and shall not appear on any committee report. Names of committee members are classified as private under the Government Records Access and Management Act (GRAMA).

- 5.2.2.** The committee will determine the amount of time needed for an adequate review of a material. The principal or other designated administrator will inform the requester of the estimated timeline.
- 5.2.3.** Members of the committee will receive materials to complete the review process, including the following:
- 5.2.3.1.** access to the complete work;
 - 5.2.3.2.** a copy of the request;
 - 5.2.3.3.** access to this policy
- 5.2.4.** The committee will review the materials in two steps. The first step is a non-sensitive materials analysis, and the second is a sensitive materials analysis.
- 5.2.4.1.** Step One. The committee evaluates the work as a whole to determine whether it fails to satisfy the criteria listed in subsection 5.2.5.2.
 - 5.2.4.2.** Step Two. If the committee recommends retaining the material after Step One, it should then conduct a sensitive materials analysis as described in subsection 5.2.6 and in Exhibit 1.
- 5.2.5.** Step One: Non-Sensitive Materials Analysis
- 5.2.5.1.** Under this step, committee members read, watch, or listen to the work as a whole and evaluate the non-sexual content to determine whether the work was selected contrary to the selection criteria found in subsection 3.1 and should therefore be deselected. The committee also evaluates whether the work should be weeded based on the criteria listed in subsection 4.4.
 - 5.2.5.2.** The committee considers the following factors. Each individual factor is not necessarily determinative in and of itself, but all should be considered together.
 - 5.2.5.2.1.** Whether the work complies with applicable copyright laws and licensing agreements;
 - 5.2.5.2.2.** Whether the content is defamatory or spreads disinformation;
 - 5.2.5.2.3.** Whether the work's factual content is accurate and reliable and does not spread misinformation;
 - 5.2.5.2.4.** The extent to which the book contains profane and vulgar language; and
 - 5.2.5.2.5.** Whether the content promotes illegal activities for minors.
- 5.2.6.** Step Two: Sensitive Materials Analysis
- 5.2.6.1.** Committee members read, watch, or listen to the work as a whole and evaluate whether it meets the definition of sensitive materials under [UTAH CODE ANN. § 53G-10-103](#). In reviewing the material, the committee must consider the definitions of pornographic or indecent materials under state and federal law, including
 - 5.2.6.1.1.** United States Supreme Court Precedent, including [Miller v. California, 413 US 15 \(1973\)](#);
 - 5.2.6.1.2.** [UTAH CODE ANN. § 76-10-1201](#);
 - 5.2.6.1.3.** [UTAH CODE ANN. § 76-10-1203](#);

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- 5.2.6.1.4. [UTAH CODE ANN. § 76-10- 1227](#); and
 - 5.2.6.1.5. [UTAH CODE ANN. § 76-10-1235](#).
 - 5.2.6.2. The committee makes a recommendation to the principal on whether the library material constitutes sensitive material under Utah law. The recommendation is documented on the Review of Library Materials Committee Report form.
 - 5.2.6.3. The committee will recommend one of the following actions:
 - 5.2.6.3.1. Retain. The material should remain accessible to students in the school library. The Committee recommends the grade levels that should have access to the material.
 - 5.2.6.3.2. Remove. The material should be removed from the school library.
 - 5.2.6.4. The recommendation of the Review Committee will be determined by majority vote. If no majority emerges, the split vote will be indicated on the form. Committee members who disagree with the committee recommendation may include their individual recommendations on the form.
 - 5.2.6.5. The principal will review all recommendations from the committee and its members and submit them to the Associate Superintendent of Curriculum, along with the principal's statement for or against the committee's recommendation.
- 5.3. Associate Superintendent of Curriculum
- 5.3.1. The Associate Superintendent of Curriculum, together with assigned employees from the Curriculum Department, reviews the committee recommendation.
 - 5.3.2. The Associate Superintendent of Curriculum, in consultation with other assigned employees, decides whether to accept the committee's recommendation. The decision is to either approve the committee's recommendation or submit the material to another school for review. This is the decision of the district and is not subject to appeal.
 - 5.3.3. The Associate Superintendent of Curriculum notifies the requester of the district's decision.
- 5.4. A request for review may be denied if the material has already been reviewed and a decision issued within the past three years from the date of the request.
- 5.5. The District will maintain a list of all materials that are removed as a result of a review under this section 5.

EXHIBITS

Library Book Review Analysis

REFERENCES

[Miller v. California, 413 US 15 \(1973\)](#)
[UTAH CODE ANN. § 53G-10-103](#)
[UTAH CODE ANN. § 76-10-1201](#)
[UTAH CODE ANN. § 76-10-1203](#)
[UTAH CODE ANN. § 76-10- 1227](#)
[UTAH CODE ANN. § 76-10-1235](#)

FORMS

[Request for Review of Instruction or Materials](#)

Review of Library Materials Committee Report

HISTORY

Adopted 14 December 2022 – adopted in response to HB 374 (2022); certain sections moved from policy IIA.

LIBRARY BOOK REVIEW PROCESS

STEP ONE: Taking the book as a whole, the Committee should conduct a **non-sensitive materials analysis**. Only the non-sexual content should be analyzed under the non-sensitive materials factors. Any sexual content is to be analyzed under the sensitive materials analysis described in Step Two. Each of the non-sensitive materials factors are not necessarily determinative in and of themselves, but should be considered together as to whether a library book should be *removed* or *retained*. If the Committee's recommendation is to *retain* the library book, the Committee shall also make a recommendation as to which *grade levels* the retention applies. The non-sensitive materials factors include the following:

- Whether the work complies with applicable copyright laws and licensing agreements
- Whether the content is defamatory or spreads disinformation
- Whether the work's factual content is accurate and reliable and does not spread misinformation
- The extent to which the book contains profane and vulgar language
- Whether the content promotes illegal activities for minors

STEP TWO: In the event the library book is to be *retained* after the non-sensitive materials analysis, and also contains sexual content, the Committee should conduct a **sensitive materials analysis** as described on the attached chart.

LAW REFERENCES

Utah Code Ann., §53G-10-103

Utah Code Ann., §76-10-1201

Utah Code Ann., §76-10-1203

Utah Code Ann., §76-10-1227

Utah Code Ann., §76-10-1235

Roth v. United States, 354 U.S. 476 (1957)

Miller v. California, 413 U.S. 15 (1973)

Home Box Office, Inc. v. Wilkinson, 531 F. Supp. 987 (D. Utah 1982)

Butt v. State, 398 P.3d 1024 (Utah 2017)

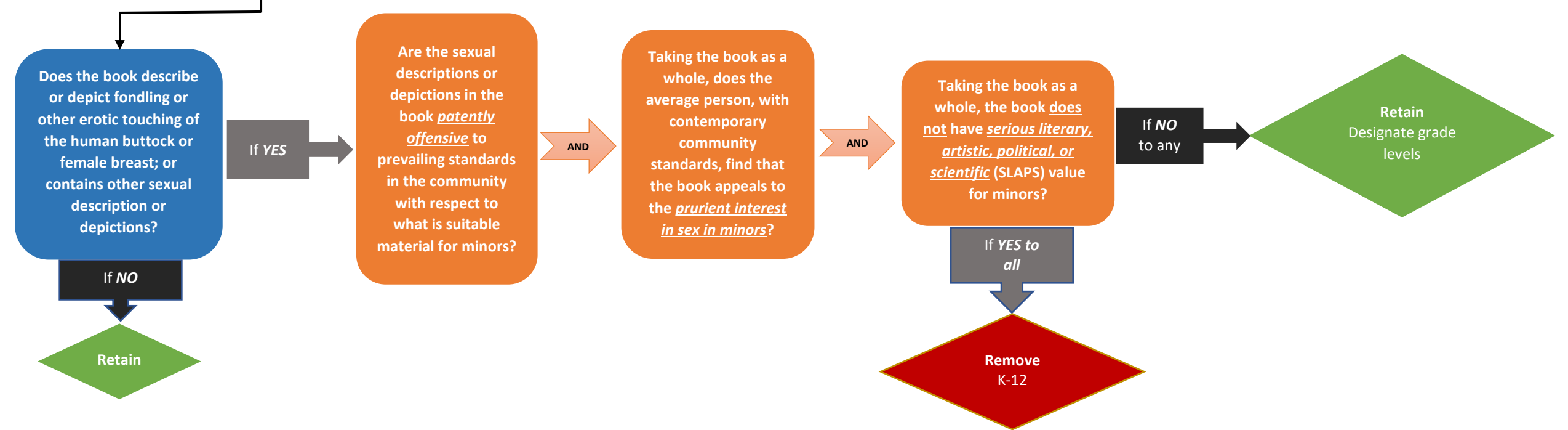
State v. Watts, 498 P.3d 365 (Utah 2021)

Descriptions or Depictions of Illicit Sex or Sexual Immorality
 UCA §76-10-1227

The statutory presumption is that any of these sexual descriptions or depictions do not have serious value for minors. Accordingly, no SLAPS analysis is required.



Harmful to Minors or Pornographic
 UCA §76-10-1201 & 1203



DEFINITIONS

[Sensitive Materials Analysis]

“**Community standards**” means those current standards held by citizens in the vicinity.

“**Material**” means anything printed or written or any picture, drawing, photograph, motion picture, or pictorial representation, or any statue or other figure, or any recording or transcription, or any mechanical, chemical, or electrical reproduction, or anything which is or may be used as a means of communication. “Material” includes undeveloped photographs, molds, printing plates, and other latent representational objects.

“**Minor**” means any person less than 18 years of age.

“**Patently offensive**” means openly, plainly, or clearly offensive in the description or depiction of nudity, sexual conduct, sexual excitement, sadomasochistic abuse, or excretion.

“**Nudity**” means: (i) the showing of the human male or female genitals, pubic area, or buttocks, with less than an opaque covering; (ii) 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 (iii) the depiction of covered male genitals in a discernibly turgid state.

“**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.

“**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.

“**Sadomasochistic abuse**” means: (i) flagellation or torture by or upon a person who is nude or clad in undergarments, a mask, or in a revealing or bizarre costume; or (ii) the condition of being fettered, bound, or otherwise physically restrained on the part of a person clothed as described above.

“**Prurient interest**” means the dominant theme of the book, taken as a whole, has or encourages an excessive interest in sexual matters. As stated by the United States District Court for the District of Utah in the case of *Butt v. State*, a prurient interest in sex is one that is “shameful or morbid.”

“**Serious value**” means serious literary, artistic, political, or scientific (SLAPS) value for minors.