

Bear River Charter School Policy and Procedures

Approved: 10/4/2022

PURPOSE AND PHILOSOPHY

The Bear River Charter School (BRCS) library exists to provide resources to enhance student learning. This policy specifies the process for selection and maintenance of library materials to provide balanced, relevant, age appropriate, and varied resources for students. The policy also outlines the process of identifying materials for removal from school libraries due to sensitive material which is not allowed by Utah Code Ann. §53G-10-103.

1. SELECTION OF MATERIALS

Selection of resources for the school library's collection is an ongoing process of creating a collection that reflects a diversity of ideas and adheres to the law. The school library shall provide a broad range of educational, informational, and recreational reading resources.

Responsibilities:

- The School Librarian shall establish procedures for the selection and acquisition of the library collection which includes guidance on process, criteria, donations, and inventory.
- The School Librarian will oversee selection of all library materials consistent with this policy.
- The school shall form a School Library Committee (School Committee) which includes an odd number of members not less than 5 people.
- The School Committee shall include:
 - the Librarian who serves as chair of the School Committee;
 - a school administrator; and
 - a minimum of three parents with standing (see 4.2.1).
- The School Committee works collaboratively with the librarian in selection and maintenance of school library materials. Sensitive Material Reviews are not conducted by the School Committee. The process for Sensitive Material Reviews is outlined in section 4 of this policy.
- The school director may determine if the School Committee should include additional members. If additional members are added, the number of parents on the School Committee must exceed the number of employees on the School Committee. No two members on the committee may be members of the same household.
- One parent on the School Committee shall be a member or appointee of the school community council (the Governing Board or other body designated by the Governing Board). One parent on the School Committee shall be a member or appointee of the school's SCA. One parent member shall be appointed by the school administrator. Any additional parents shall be selected by a lottery of applicants.
- The Librarian will provide procedural guidance to the Community Council, SCA, and school administrators for selecting parents. Parent members of the school committee will serve for 2 years, or until their standing (as defined in 4.2.1) expires in the school.

Selection Process:

- In selecting materials, the Librarian shall:
 - seek approval from the School Committee;
 - seek materials which reflect diversity of ideas and perspectives;
 - include only materials which comply with Utah Code Ann. §53G-10-103; and
 - consider materials suggested by students, parents, and faculty.
- Electronic databases and other web-based content accessed via the School's network or a district-provided device, shall be filtered through the School's internet filtering system.

- Gifts and donations will be reviewed then accepted or rejected using the same criteria as purchased materials.
- The final decision for material selection rests with the School Committee and shall be based on the following criteria:
 - overall purpose and educational significance;
 - compliance with Utah Code Ann. §53G-10-103;
 - age and developmental appropriateness;
 - timeliness and/or permanence;
 - readability and accessibility for intended audience;
 - artistic or literary quality and style;
 - quality and value in consideration of cost and/or need;
 - materials which support the needs of English language learners;
 - materials which strengthen students’ sense of being part of a world community; [j] materials which explore historical events and ethnic diversity;
 - materials which promote a love of reading for life-long learning;
 - materials which include a variety of formats and genres and meets multiple reading purposes (enjoyment, acquisition of knowledge, answering questions, and personal growth).
- Committee approval should be sought in a way that facilitates procurement without cumbersome oversight or lengthy procedures.

Library Catalog:

- The School will provide an online catalog which gives public access to the following information about each school library’s materials collection:
 - the name of the school;
 - the title and author of the materials in the library; and
 - all available formats of the material (digital/hard copy/etc.)

2. MAINTENANCE OF LIBRARY COLLECTION

Maintenance of the library collection is essential to maintain high-quality, relevant, and up-to-date library material. Library materials will be maintained consistent with the criteria listed in 2.2.4, and state and federal laws.

Removal and Replacement:

- The School shall establish procedures for the deselection of their library collection.
- In consultation with the School Committee, the Librarian should periodically review the collection to determine which materials should be removed or replaced as part of regular collection maintenance. This review should take place at least once per year.
- In making determinations for removal and/or replacement, the Librarian, in consultation with the school committee, may consider whether the material:
 - is in poor physical condition in consideration of replacement availability/cost; [b] is outdated, inaccurate, or no longer relevant;
 - has low student checkouts; or
 - is not compliant with Utah Code Ann. §53G-10-103.

Parental Restriction of Individual Student Access:

- The librarian and the School Committee strive to have a library collection that all students and parents consider appropriate. Nevertheless, the School recognizes the right of parents under state law to restrict their child’s access to materials the parent deems inappropriate. However, parents do not have the right to make that determination on behalf of other parents and students. A parent desiring to restrict their

own child's access to specific library materials shall submit the request in writing (or via email) to the Librarian.

3. SENSITIVE MATERIALS REVIEW PROCESS

If a parent, student, staff member, or board member feels that a specific library material contains sensitive material, they may request that the material be considered for removal. This section outlines the process for requesting and processing sensitive materials reviews and communicating and implementing decisions from the review process.

Responsibilities:

- The Librarian will oversee the processing of all Sensitive Materials Review Requests.
- The Librarian shall establish a Sensitive Materials Review Committee (Review Committee) which includes an odd number of voting members not less than 6 people. Each Review Committee shall include:
 - a facilitator selected by the director. The facilitator oversees and supports the Review Committee's process, and serves as a non-voting member of the Review Committee;
 - at least one administrator working in the school;
 - a licensed teacher who is teaching English Language Arts or other relevant subject in the school;
 - the school Librarian; and
 - a minimum of two parents with students enrolled in the school.
- Parents of students in the school may submit a form each year requesting inclusion in the Lottery Parent Pool. Two parent members on each Review Committee will be randomly selected from the Lottery Parent Pool. If there are insufficient applications to complete the lottery process, remaining parent positions will be selected from the Appointed Parent Pool.
- Review Committees will convene and disband as needed throughout the year to expedite the requested reviews. Review Committees may continue their service for more than one review, or they may be disbanded at the conclusion of a review.

Requests for Review:

- "Standing" means a requester's right to request a Sensitive Materials Review for a library media resource at the school and is limited to the following:
 - Students have standing in schools where they are currently enrolled.
 - Parents and guardians have standing in schools where their students are currently enrolled and attending.
 - District employees have standing in the schools where they have professional responsibilities.
 - School board members have standing for schools where their constituents are enrolled.
- A person may submit a Sensitive Materials Review Request for a specific library material which is in the library of the school where the person has standing.
 - The request must be submitted using the District's Sensitive Materials Review Request Form.
 - Information provided on the form should reflect the person's own words and perspectives. If a form is submitted with incomplete information, the facilitator may return it with a request to complete and resubmit.
 - A person may submit up to two Sensitive Materials Review Requests each academic year.
- If a specific library material is the subject of multiple Sensitive Materials Review Requests prior to the completion of the initial review process, the facilitator will share information from all requests with the Review Committee for consideration.

Timeline and Decisions:

- Since library materials differ widely, the time required to complete the review process will differ depending on the material under review. Ideally, the facilitator will establish a timeline which will allow

for completion of the review process within 60 days of the review request. If a 60-day timeline will not be possible, or if the school year will expire before the review process can be completed, the facilitator will communicate the adjusted timeline to the person submitting the request.

- The Review Committee will make a determination for a reviewed material as follows: [a] Retained: the determination to maintain access in a school setting to the reviewed material for all students, or [b] Removed: the determination to prohibit access in a school setting to the reviewed material for all students.
- Review Committee members will vote using an anonymous ballot, and the decision will be determined by majority vote.
- The Review Committee’s decision will stand for the three full school years following the decision; during which time the material may not be reviewed again.
- The facilitator will communicate the Review Committee’s decision and rationale for the decision to the requestor and all Librarians within 10 school days of the decision.
- The school Librarian will maintain an online list of all materials that are reviewed and the associated determination and rationale of the Review Committee within 10 school days of the decision.

Review Process and Considerations:

- The school Librarian will acknowledge receipt of each review request to the requestor within 5 school days of submission.
- The school Librarian will maintain an online list of materials under review which includes an invitation for patrons to submit written comment during the first 10 school days of the review process. Public comment will be accepted from anyone with standing in the school.
- The Review Committee will be established and convene as soon as possible after the end of the comment period.
- Members of the Review Committee will receive materials needed to complete the review process including the following:
 - the complete work which is being reviewed;
 - a copy of the submitted Sensitive Materials Review Request Form;
 - a copy of this policy;
 - relevant information about the title compiled by the facilitator; and
 - text of all comments provided during the comment period.
- The facilitator will schedule meetings as needed for the Review Committee to discuss the request and make a determination. The facilitator will ensure that notes from the meeting are retained along with all relevant documentation and the Review Committee’s final decision.
- The Review Committee will determine whether the material constitutes sensitive material consistent with Utah Code Ann. §53G-10-103, this policy, and the guidance letter provided by the Utah Attorney General’s Office on June 1, 2022.
- In deciding whether the material constitutes sensitive material, the Review Committee shall consider:
 - all elements of the definitions of pornographic or indecent materials as defined in Utah Code Ann. §53G-10-103; and
 - whether the material is age appropriate due to vulgarity or violence.
- In deciding whether the material is age appropriate due to vulgarity or violence, the Review Committee must consider the material taken as a whole and consider whether it has serious literary, artistic, political, or scientific value for minors, which must include the objective criteria applied to determine the material’s value including:
 - reliable, expert reviews of the material or other objective sources;
 - Review Committee members’ experience and background; and

- community standards.

Status of Materials While Under Review:

- A material's access level will be consistent and equivalent to access level prior to review request until a final determination is made regarding the material.

Privacy of Individuals:

- A person submitting a request for review may indicate on the request form a desire for their identity to remain unknown to the Review Committee. The facilitator will retain access to the name and contact information of the requestor to verify standing and communicate decisions, but if requested, the requestor's identity will not be shared with other Review Committee members.
- A Review Committee member may request their identity remain unknown to the requestor and unlisted on official Review Committee documents. If requested, the facilitator will be instructed not to share the requestor's name or contact information in meeting notes or communications. The Review Committee member's role, vote and relevant input will still be retained in the notes, but their identity will not be shared in the notes or outside the work of the Review Committee. Committee members will receive instruction on their responsibilities related to the committee's work and open records laws.

Appeals:

- The original requestor or another individual with standing may appeal the determination of the Review Committee using the School's Sensitive Material Appeal Request Form according to the following guidelines:
 - An appeal may not be submitted by a member of the original Review Committee.
 - An appeal must be submitted within 15 school days of the date when the Review Committee's original determination was posted to the website as required in section 5.1.1.
 - An appeal request must state how the rationale or outcome of the review process violates policy or clearly articulate why a further review of the material in question is justified.
- If no appeal is submitted in accordance with 4.7.1, the Review Committee's determination is final for the reviewed material.
- The Board President will appoint an Appeals Committee consisting of three board members.
- The Facilitator will provide all materials needed for the appeals process including the following:
 - a copy of the material;
 - a copy of the original Sensitive Materials Review Request Form;
 - a copy of all Review Committee meeting minutes;
 - a statement of the Review Committee's initial decision with rationale;
 - any other documents considered part of the administrative record related to the Review Committee's process; and
 - text of all comments provided during the comment period.
- The facilitator will present the appeal request to the Appeals Committee in writing within 15 school days of receipt.
- The Appeals Committee will determine the timeline for completion of the appeal process. Ideally, the timeline will allow for completion of the appeal process within 30 school days of the appeal request. If a 30-day timeline will not be possible, the facilitator will communicate the adjusted timeline to the person submitting the request.
- The decision of the Review Committee will determine the status of the reviewed material during the appeal process.
- The Appeals Committee will make a recommendation for an appealed material as follows:
- [a] **Retained:** the determination to maintain access in a school setting to the reviewed material for all students.

- [b] **Removed:** the determination to prohibit access in a school setting to the reviewed material for all students.
- The recommendation of the Appeals Committee will be determined by majority vote. The Appeals Committee will present their recommendation and rationale to the full board for approval during a board meeting.
- The decision regarding the appeal will be determined by majority vote of the board.
- The Librarian will inform the requestor of the results of the appeal within 10 school days of the decision.
- If the Appeals Committee upholds the decision of the Review Committee, the material may not be reviewed again for three full school years.
- The Librarian will maintain a list of all appeals and the associated determination of the Appeals Committee.

COMMUNICATION AND TRAINING

Communication:

The District will maintain a library media website which contains the following information:

- [a] The District's Sensitive Materials Review Request Form;
- [b] The District's Sensitive Materials Appeal Request Form;
- [c] Information on how to request membership on a Sensitive Materials Review Committee;
- [d] This library policy and related procedures documents;
- [e] A list of materials currently under Sensitive Materials Review;
- [f] A list of ongoing appeals;
- [g] A list of all completed reviews and appeals with the date, decision, and rationale; and [h] A link to an online catalog of library materials at each school.

Training:

The School Librarian shall ensure that all employees with responsibility for library media materials receive training on this policy and its supporting procedures.