



6000 -Instruction 200 - Library Policy

1. Purpose

- 1.1. The purpose of this policy is to develop a systematic process and timeframe for Providence Hall Charter School (PHCS) for reviewing all school library materials (physical and digital) to ensure compliance with Utah Law.
- 1.2. The Board of Trustees (Board) authorizes the PHCS Administration to develop appropriate guidelines, procedures, protocols, and processes for this policy.

2. Overview

- 2.1. PHCS libraries support and enhance student learning. PHCS values libraries, media centers, and library employees who select, maintain, and preserve rich repositories of balanced, relevant, age appropriate, and varied educational sources for students.
- 2.2. 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.
- 2.3. All employees must adhere to this policy and are subject to employee conduct policies for any personal violation.

3. Definitions

- 3.1. **Employee** means an individual working in the individual's official capacity as:
 - 3.1.1. a PHCS teacher;
 - 3.1.2. a PHCS staff member;
 - 3.1.3. a PHCS Administrator; or
 - 3.1.4. any individual who is employed, directly or indirectly, by PHCS.
- 3.2. **Materials** are physical or digital resources acquired by trained library staff and provided to employees and students for educational use.
- 3.3. **Parent/Guardian** is a natural or adoptive parent or court appointed legal guardian of a student who is currently enrolled and attending classes at PHCS.
- 3.4. **Student** is any person under the age of nineteen (19) receiving educational services or anyone under the age of twenty-three (23) who is receiving educational services as an individual with a disability.

4. Selection of Materials for Library Collection

- 4.1. A trained library professional or his/her designee will initially select all materials under the direction of the Board of Trustees (Board), including gifts and donations, consistent with this policy using the following criteria:
 - 4.1.1. seek recommendations and work collaboratively with parents/guardians, employees, patrons, others in the school community during the selection process;
 - 4.1.2. create a collection that reflects diversity of ideas; and
 - 4.1.3. create a collection that adheres to the law.
- 4.2. Electronic databases and other web-based searches and content will be filtered through the PHCS state-required internet filter.
- 4.3. Gifts and donations will be reviewed following selection criteria and will be accepted or rejected using the same criteria; and
- 4.4. The responsibility for final material selection rests with trained library professionals or his/her designee under direction of the Board using the following criteria:
 - 4.4.1. overall purpose and educational significance;



- 4.4.2. legality;
- 4.4.3. age and developmental appropriateness;
- 4.4.4. timeliness and/or permanence;
- 4.4.5. readability and accessibility for intended audience;
- 4.4.6. artistic quality and literary style;
- 4.4.7. reputation and significance of author, producer, and/or publisher;
- 4.4.8. variety of format with efforts to incorporate emerging technologies; and
- 4.4.9. quality and value commensurate with cost and/or need.
- 4.5. A record of reviewed materials will be maintained by each PHCS library to include:
 - 4.5.1. the name of the library;
 - 4.5.2. the title and author of the material;
 - 4.5.3. all available formats of the material (digital/hard copy/etc.);
 - 4.5.4. the intended use of the material;
 - 4.5.5. the date the material was reviewed; and
 - 4.5.6. the employee's name and title that reviewed the material.
- 5. **Library Collection Maintenance**
 - 5.1. Materials will be maintained consistent with the criteria listed in 4.4, state and federal laws, including Utah Code Ann. Section 53G-10-103, and represent varying viewpoints.
 - 5.2. A trained library professional or his/her designee will inventory the material collection and equipment annually.
 - 5.3. The annual inventory may be used to:
 - 5.3.1. determine losses and remove damaged or worn materials to be considered for replacement;
 - 5.3.2. deselect and remove materials that are inconsistent with the law; or
 - 5.3.3. to identify gaps or deficits in the library's collection.
 - 5.4. Based on State code, when materials are constituted as objectionable sensitive materials and books have been identified as sensitive for removal, the following process will be followed:
 - 5.4.1. Materials that have been removed will be regarded as surplus property and disposed of using the ["Other Methods of Disposing of Obsolete Textbooks" section as outlined in the Instruction Policy 211-Disposal of Textbooks Policy.](#)
- 6. **Library Materials Review Process**
 - 6.1. PHCS will ensure that each library approves a least restrictive, transparent process for a materials review request to be made in physical or electronic formats.
 - 6.2. A materials review request of a material may only be made by:
 - 6.2.1. a parent/guardian of a student who attends PHCS;
 - 6.2.2. a student who attends PHCS; or
 - 6.2.3. an employee of PHCS.
 - 6.3. If challenges become unduly burdensome, PHCS may limit the number of challenges an individual may make in the course of a school year.
 - 6.4. A 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 with age-appropriateness of content.
 - 6.5. 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.
 - 6.6. PHCS will ensure each library provides access to a *Library Materials Review Request Form*.



- 6.7. The requestor must provide all information requested on the form including the requestor's complaint or objection to the material.
- 6.8. The material that is subject to any review request will have restricted access until the processes described in this policy are completed
 - 6.8.1. The material shall remain behind the circulation desk or shall require an access code for digital materials.
 - 6.8.2. Access shall be limited to students with prior parent/guardian permission only.
 - 6.8.3. A list of restricted materials shall be made available to the public.
 - 6.8.4. The restricted material's access level will be consistent in all libraries within PHCS until a final determination is made regarding the material.
- 6.9. Upon receipt of a request for review, the school Administrator or his/her 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:
 - 6.9.1. A Review Committee will include a reasonable and an odd number of individuals.
 - 6.9.2. Members of the committee will include:
 - 6.9.2.1. a facilitator chosen by PHCS administration;
 - 6.9.2.2. at least one school Administrator or his/her designee;
 - 6.9.2.3. a licensed teacher at the school who is currently teaching English language arts or subject relevant to the material that is under review;
 - 6.9.2.4. a licensed teacher-librarian or trained library personnel; and
 - 6.9.2.5. parents/guardians of current students at the school that number at least one more than the LEA employees on the Review Committee including parents/guardians reflective of the school community as required in Subsection 53G-10-103(3).
- 6.10. 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.
 - 6.10.1. The preferred timeline is thirty (30) school days where possible, and no longer than sixty (60) school days.
 - 6.10.2. The Review Committee may request that the Board determine the maximum amount of time allowed for review and determination.
- 6.11. Members of the Review Committee will receive needed materials to complete the review process, including the following:
 - 6.11.1. access to the complete work that includes the material being reviewed;
 - 6.11.2. a copy of the *Materials Review Request Form*;
 - 6.11.3. a copy of this policy;
 - 6.11.4. relevant information about the title compiled and shared by the trained library professional or his/her designee, including reason for initial approval of the library material; and
 - 6.11.5. recorded public comment as described below in 6.14.
- 6.12. Prior to a decision of the Review Committee an opportunity for public comment regarding the material being reviewed will be provided at a Board meeting.
- 6.13. The Executive Director or his/her designee will provide notice to parents/guardians about the opportunity to provide public comment and include the name of the material that is the subject of the materials review at least forty-eight (48) hours prior to the scheduled meeting for public comment.



- 6.14. All public comments, including written comments received, regarding the material that is the subject of the materials review will be recorded and made available to the Review Committee within forty-eight (48) hours of the public comment meeting.
 - 6.15. The Review Committee will schedule meetings as determined by the Review Committee and maintain minutes of each meeting.
 - 6.15.1. The notes from each meeting will be retained by PHCS and the school conducting the review along with all relevant documentation and the final determination.
 - 6.16. ***The Committee will determine whether the material constitutes sensitive material*** consistent with Section 53G-10-103, this policy, and the guidance letter provided by the Attorney General's Office dated June 1, 2022.
 - 6.17. In deciding whether the material constitutes sensitive material, the Committee must:
 - 6.17.1. 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
 - 6.17.2. whether the material is age appropriate due to vulgarity or violence.
 - 6.18. In deciding whether the material is age appropriate due to vulgarity, violence, or content, the Committee must consider the material taken as a whole and consider whether it has serious literary, artistic, political, or scientific value for minors, which may include the following objective criteria:
 - 6.18.1. reliable, expert reviews of the material or other objective sources;
 - 6.18.2. committee members' experience and background; and
 - 6.18.3. community standards.
 - 6.19. In deciding whether the material taken as a whole has serious literary, artistic political, or scientific value as described in 6.18., the committee should consider that:
 - 6.19.1. serious value does not mean *any value*; and
 - 6.19.2. greater protections should exist concerning content for a library in an elementary or middle school setting.
 - 6.20. The Review Committee will make a final determination of a reviewed material as follows:
 - 6.20.1. ***RETAINED***: the determination to maintain access in a school setting to the reviewed material for all students.
 - 6.20.2. ***RESTRICTED***: the determination to restrict access in a school setting to the reviewed material for certain students as determined by the Review Committee.
 - 6.20.3. ***REMOVED***: the determination to prohibit access in a school setting to the reviewed material for all students.
 - 6.21. The decision of the Review Committee will be determined by majority vote.
 - 6.22. A material may not be reviewed again for three (3) school years following the Review Committee's determination.
 - 6.23. The final determination of the Review Committee will be communicated to the requestor and appropriate employees within five (5) school days of the decision being made.
 - 6.24. PHCS will maintain a list of all materials that receive a "removed" determination and make the list available to all PHCS libraries.
 - 6.25. Decisions of all challenged materials will be communicated to all PHCS libraries, whether retained, restricted, or removed.
7. **Appeals Process**
- 7.1. If there is not an appeal of the Review Committee's recommendation, the Review Committee's recommendation is the final determination for the material that was reviewed.



- 7.2. The original requestor, or another individual listed in 6.2. who was not on the Review Committee, may appeal the determination of the Review Committee in writing to the school Administrator or his/her designee within fifteen (15) business days of receipt of the Review Committee's final determination using an *Appeal Request Form*.
- 7.3. If an appeal is filed with the school Administrator or his/her designee, the Board will act as the Appeals Committee.
- 7.4. The Board (Appeals Committee) may add parents/guardians or school Administrator(s) who did not participate in the initial Review Committee to the Appeals Committee, only as necessary to have an odd number of members.
- 7.5. The Appeals 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.
 - 7.5.1. The preferred timeline is thirty (30) school days where possible, and no longer than sixty (60) school days.
- 7.6. Members of the Appeals Committee will receive needed materials to complete the appeal process, including the following:
 - 7.6.1. a copy of the material being appealed;
 - 7.6.2. a copy of the *Materials Review Request Form*;
 - 7.6.3. all meeting minutes;
 - 7.6.4. the Review Committee's final recommendation and rationale for the decision; and
 - 7.6.5. any other documents considered part of the administrative record related to the Review Committee's proceedings including all recorded public comments as described in 6.14. above.
- 7.7. The Appeals Committee will schedule meetings as needed, as determined by the Appeals Committee and maintain minutes of each meeting.
- 7.8. The notes from each meeting will be retained by PHCS along with all relevant documentation and the final determination by the Appeals Committee.
- 7.9. The Appeals Committee may make a final determination of an appealed material as follows:
 - 7.9.1. **RETAINED**: the determination to maintain access in a school setting to the appealed material for all students;
 - 7.9.2. **RESTRICTED**: the determination to restrict access in a school setting to the appealed material for certain students;
 - 7.9.3. **REMOVED**: the determination to prohibit access in a school setting to the appealed material for all students; or
 - 7.9.4. **Another determination as decided by the Appeals Committee**.
- 7.10. The decision of the Appeals Committee will be determined by majority vote.
- 7.11. A material may not be reviewed/appealed again for three (3) school years if the Appeals Committee votes to uphold a Review Committee's determination.
- 7.12. The final determination of the Appeals Committee will be communicated to the requestor and appropriate employees within ten (10) days of the determination.
- 7.13. PHCS will maintain a list of the determinations by the Appeals Committee and make the list available to all PHCS libraries and the public.
8. **Final Procedural Review**
 - 8.1. The requestor in 7.2., may petition the USBE for a procedural review of the Appeals Committee's decision.
 - 8.2. The USBE will review the petition and determine if a procedural review is



warranted, to determine whether the LEA correctly followed its materials review policy referred to in Rule R277-628.

- 8.3. That determination may include the USBE's decision to have the appeal considered initially by a USBE Committee or a panel of USBE members.
- 8.4. If the USBE determines in the 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.
- 8.5. The USBE will make a final written appeal decision no more than sixty (60) school days after the USBE's determination that the appeal satisfies the criteria for the USBE review.
- 8.6. The USBE review decision is final.
9. **Communication**
 - 9.1. An easily accessible webpage on the PHCS public website will be updated and available prior to the beginning of each school year to inform employees, students, and parents/guardians of the following:
 - 9.1.1. this Library Policy;
 - 9.1.2. a *Materials Review Request Form*;
 - 9.1.3. an *Appeal Request Form*;
 - 9.1.4. an application to serve on a materials Review Committee;
 - 9.1.5. a list of all materials that are restricted while under review or have received a Review Committee or Appeals Committee determination.
 - 9.2. If made aware of material that may be considered sensitive material as defined in Section 53G-10-103, PHCS will inform relevant parties regarding appropriate actions to take pursuant to this policy.