

Library Policy

Approved: 9-8-2022

This policy specifies the process for identifying materials to be included or disqualified from use in the Timpanogos Academy school library 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.

All employees of Timpanogos Academy must adhere to this policy and are subject to the Timpanogos Academy employee conduct policies for any personal violation.

Selection of Materials for Library Collection

A. The library professional or designated Timpanogos Academy volunteer will initially select all library materials including gifts and donations, consistent with this policy using the following criteria:

1. seek recommendations and work collaboratively with parents, patrons, others in the school community during the selection process;
2. create a collection that reflects diversity of ideas; and
3. create a collection that adheres to the law.

B. Electronic databases and other web-based searches and content will be filtered through the Timpanogos Academy 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 Timpanogos Academy using the following criteria:

1. Overall purpose and educational significance;
2. Legality;
3. Age and developmental appropriateness;
4. Timeliness and/or permanence;
5. Readability and accessibility for intended audience;
6. Artistic quality and literary style;
7. Reputation and significance of author, producer, and/or publisher;
8. Variety of format with efforts to incorporate emerging technologies; and
9. Quality and value commensurate with cost and/or need.

E. A record of reviewed materials will be maintained by Timpanogos Academy and include:

1. the title and author of the material;
2. all available formats of the material (digital/hard copy/etc.);
3. the intended use of the material;
4. the date the material was reviewed; and
5. the employee's name and title that reviewed the material.

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 or designated specialist will inventory the school library collection and equipment annually.

1. The inventory may be used to determine losses and remove damaged or worn materials to be considered for replacement.

2. 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.

3. Identify gaps or deficits in the library's collection.

Library Materials Review Process

A. Timpanogos Academy will provide a transparent process for a library materials review.

B. A library materials review request of a material may only be made by:

1. a parent of a student that attends the school; or

2. an employee of the school.

C. If challenges become unduly burdensome, Timpanogos Academy 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.

F. Timpanogos Academy will provide 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 and convene a Review Committee within a reasonable time according to the procedure outlined below:

1. A Review Committee will include a reasonable and an odd number of individuals.

2. Members of the committee will include:
 - i. a facilitator chosen by Timpanogos Academy's administration;
 - ii. the principal of Timpanogos Academy;
 - iii. three members of the Timpanogos Academy School Board 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. Members of the Review Committee will receive materials to complete the review process, including the following:

1. access to the complete work that includes the material being challenged;
2. a copy of the Materials Review Request form;
3. a copy of this policy
4. relevant information about the title compiled and shared by the library staff, including reason for initial approval of the material; and
5. recorded public comment as described below in Subsection O.

L. Prior to a decision of the Review Committee the school conducting the review will provide an opportunity for public comment regarding the material at a governing board meeting.

M. Timpanogos Academy will record all public comment, including written comment received, and make those comments available to the Review Committee within 48 hours of the governing board meeting.

N. The Review Committee will schedule meetings as determined by the Review Committee and maintain minutes of each meeting.

O. The notes from each meeting will be retained by the Timpanogos Academy along with all relevant documentation and the final determination.

P. The Review 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.

Q. In deciding whether the material constitutes sensitive material, the Committee must:

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
2. whether the material is age appropriate due to vulgarity or violence.

R. 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:

1. reliable, expert reviews of the material or other objective sources;

2. committee members' experience and background; and
3. community standards.

S. In deciding whether the material taken as a whole has serious literary, artistic political, or scientific value as described in Subsection U., the Committee should consider that:

1. serious value does not mean any value; and
2. greater protections should exist concerning content for a library in an elementary or middle school setting.

T. The Review Committee will make a final determination of a reviewed material as follows:

1. Retained: the determination to maintain access in a school setting to the challenged material for all students.
2. Restricted: the determination to restrict access in a school setting to the challenged material for certain students as determined by the Review Committee.
3. 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.

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 school principal, the remaining members of the local governing authority will act as the Appeals Committee.

1. The local governing authority (Appeal 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:

1. a copy of the material;
2. a copy of the Materials Review Request form;
3. all meeting minutes;
4. the Review Committee's final recommendation and rationale for the decision;
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 Subsection V.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 Timpanogos Academy 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:

1. Retained: the determination to maintain access in a school setting to the challenged material for all students;
2. Restricted: the determination to restrict access in a school setting to the challenged material for certain students;
3. Removed: the determination to prohibit access in a school setting to the challenged material for all students; or
4. 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. Timpanogos Academy will maintain a list of the determinations by Appeals Committee and make the list available to the public.

Materials Review Request

Title:

Review Request Initiated by:

Telephone:

Address:

City:

Email:

Does your child attend Timpanogos Academy? **Yes** **No**

What concerns do you have about this material? Please provide examples, page numbers, or other information to help in the decision making process.

What action are you asking the committee to consider?

Signature:

Date: