

## Library and Sensitive Materials Policy

Bonneville Academy library supports and enhances student learning. Bonneville Academy 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.

This policy specifies the process for identifying materials to be included or disqualified from use in the school library and various classroom libraries based on Section 53G-10-103, Sensitive Instructional Materials, state and federal law, Board Rule R277-217, Educator Standards, and Bonneville Academy Reporting, or based on age-appropriate content.

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

### A. Selection of Materials for Library Collection

- a. The library professional or their approved designee and at least one other LEA employee 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, and others in the school community during the selection process;
  - ii. create a collection that reflects a diversity of ideas; and
  - iii. create a collection that adheres to the law.
- b. Sensitive materials are not allowed at Bonneville Academy
  - i. "Sensitive materials" means an instructional material that constitutes objective sensitive material or subjective sensitive material and is not appropriate for K-8 students.
  - ii. Bonneville Academy will prioritize protecting children from the harmful effects of illicit pornography over other considerations in evaluating instructional materials
- c. Electronic databases and other web-based searches and content will be filtered through the Bonneville Academy state-required internet filter.
- d. Materials purchased using educator personal funds will not be accessible to students.
- e. Gifts and donations will be reviewed following selection criteria and will be accepted or rejected using the same criteria; and
- f. The responsibility for final material selection rests with trained library personnel under the direction of the governing board of Bonneville Academy 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 the intended audience;
  - vi. Artistic quality and literary style;
  - vii. Reputation and significance of author, producer, and/or publisher;
  - viii. Variety of formats with efforts to incorporate emerging technologies; and
  - ix. Quality and value commensurate with cost and/or need.
- g. A record of reviewed materials will be maintained by Bonneville Academy and
  - 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.
- B. Outside books and materials
  - a. Students are allowed to have books in their possession that they have purchased for personal use or borrowed from a public library.
  - b. Titles that have been removed statewide are not allowed for school or class assignments.
  - c. Educators should make good faith efforts to assist students in selecting approved materials prior to the assignment.
- C. 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 represents varying viewpoints.
  - b. The school librarian or designated specialist will annually inventory the school library collection and equipment.
    - 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.
- D. Library Materials Review Process
  - a. Bonneville Academy will ensure that the least restrictive, transparent process for a library materials review request is made in physical or electronic formats.
  - b. A library materials review request of the material may only be made by:
    - i. a parent of a student that attends the school;
    - ii. a student who attends the school; or
    - iii. an employee of the school.
  - c. If challenges become unduly burdensome, Bonneville 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 requestor's identity will be protected and kept confidential from all individuals outside of the review process outlined in this policy to the extent possible.
- f. Bonneville Academy will ensure each school provides access to the Form Library Materials Review Request Form.
- 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 subject to a review request will have restricted access by maintaining the material behind the circulation desk 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. The material's access level will be consistent within Bonneville Academy until a final determination is made regarding the material.
- j. 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 may include:
    - 1. At least 3 individuals
    - 2. a facilitator chosen by the Bonneville Academy administration;
    - 3. at least one administrator or designee;
    - 4. a licensed teacher at the school who is currently teaching English Language Arts or subject relevant to the challenged material;
    - 5. a licensed teacher-librarian or school librarian, or media specialist; or
    - 6. parents of current students at the school that number at least one more than Bonneville Academy employees on the Committee, including parents reflective of the school community as required in Subsection 53G-10-103(3).
  - iii. Members of the committee may not include:
    - 1. Individual(s) responsible for procuring the book or materials
    - 2. The individual(s) challenging the book or materials
- k. The Review Committee will determine the amount of time needed for an adequate review of material to make a thorough and thoughtful decision and inform the requester of the determined timeline with a preference for 30 school days where possible and no longer than 60 school days.
- l. The Review Committee may request that the Bonneville Academy board determine the maximum amount of time allowed for review and determination.
- m. 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 a reason for initial approval of the material; and
  - v. recorded public comment as described below in Subsection O.
- n. 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.
- o. The school conducting the review 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.
- p. The school conducting the review will record all public comments, including written comments received, and make those comments available to the Review Committee within 48 hours of the public comment meeting.
- q. The Review Committee will schedule meetings as determined by the Review Committee and maintain the minutes of each meeting.
- r. The notes from each meeting will be retained by Bonneville Academy and the school conducting the review, along with all relevant documentation and the final determination.
- s. 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.
- t. 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.
- u. 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:
  - i. reliable, expert reviews of the material or other objective sources;
  - ii. committee members' experience and background; and
  - iii. community standards.
- v. 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:
  - i. serious value does not mean any value; and
  - ii. greater protections should exist concerning content for a library in an elementary or middle school setting.

- w. The Review Committee will make a final determination of the reviewed material as follows:
    - i. Retained: the determination to maintain access to the challenged material for all students in a school setting.
    - 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 to the challenged material for all students in a school setting.
  - x. The decision of the Review Committee will be determined by a majority vote.
  - y. Material may not be reviewed again for three school years following the Review Committee's determination.
  - z. 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.
  - aa. Bonneville Academy will maintain a list of all materials that receive a "removed" determination and make a list available to stakeholders.
  - bb. Decisions on all challenged books will be communicated to stakeholders.
- E. 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 Director within 15 business days of receipt of the Review Committee's final determination using Form 410F2 – Library Material Appeal Request Form.
  - b. If an appeal is filed with the executive director, the board (local governing authority) will act as the Appeals Committee.
    - i. The board (Appeal Committee) may add a 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 no 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 the material required to make a thorough and thoughtful decision and inform the requester 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 Library 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 IV.O. above.
  - f. The Appeals Committee will schedule meetings as needed, as determined by the Appeals Committee, and maintain the minutes of each meeting.
  - g. Bonneville Academy will retain the notes from each meeting 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 a majority vote.
  - j. 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. Bonneville Academy will maintain a list of the determinations by the Appeals Committee and make a list available.
- F. Final Procedural Review (Not Legally Binding until USBE amends R277-123)
- a. If an appeal is filed with the executive director, the local governing authority will act as the Appeals Committee.
    - i. The local governing authority (Appeal Committee) may add a 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.
  - b. If there is no appeal of the Review Committee's recommendation, the Review Committee's recommendation is the final determination for the challenged material.
  - c. 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 the material required to make a thorough and thoughtful decision and inform the requestor of the determined timeline.
  - d. 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 Library 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 IV.O. above.
  - e. The Appeals Committee will schedule meetings as needed, as determined by the Appeals Committee, and maintain the minutes of each meeting.
  - f. Bonneville Academy will retain the notes from each meeting along with all relevant documentation and the final determination by the Appeals Committee.
  - g. 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 was decided by the Appeals Committee.
  - h. The decision of the Appeals Committee will be determined by a majority vote.
  - i. Material may not be reviewed again for three school years if the Appeals Committee votes to uphold a Review Committee's determination.
  - j. The final determination of the Appeals Committee will be communicated to the requestor and appropriate employees within 10 days of the determination.
  - k. Bonneville Academy will maintain a list of the determinations by Appeals Committee and make a list available.
- G. Disposal of books and materials
  - a. Sensitive materials
    - i. The materials must be physically removed from the property
      - 1. Sensitive materials may not be disposed of in school dumpsters or trash receptacles on the campus
      - 2. Sensitive materials may not be sold or distributed
    - ii. The Director or their designee must contact the publisher or vendor to inform them of the decision or classification of the materials as sensitive
    - iii. Sensitive materials removed from student access shall be legally disposed of and may not be sold or distributed.
  - b. Other discarded materials (not sensitive)
    - i. Will first be offered to teachers in the school for classroom and school use only
    - ii. Second, will be offered to students
    - iii. Third, will be donated to appropriate groups or organizations.