



## **School Library Inventories**

The Board of Education recognizes it has broad discretion in managing and operating the schools of the District, including in selecting library materials, and it has delegated authority to district and school administration in this matter. The Board of Education also recognizes the importance of freedom of inquiry and study, the constitutional and First Amendment restrictions on the suppression of ideas, and that school libraries offer a place and opportunity for the exercise of intellectual freedom and the right to read, inquire, study, and evaluate outside of the setting of formal instruction. The Board of Education further recognizes that school libraries are different from public libraries in that they are not open to the public, primarily serve the school's students (who are minors), and are part of the instructional resources of the school. The Board has adopted this policy to serve and balance these interests while considering the values of the community.

### **Access to Library Materials**

Student access to library materials is based primarily on self-selection. Library staff and teachers are available to consult with students and with the parent or guardian of students to find appropriate materials but are not responsible for final selections of the student. If a student's parent/guardian wishes to restrict that student's access to any particular library item (a specific work or title), the parent/guardian may submit a written request to the school via F1: Request to Restrict Library Materials Access.

### **Selection of Library Materials**

School library materials have been acquired over a long period of time. Current collection titles will annually be reviewed by the school library specialist, the school principal, and the district library specialist. New library materials shall be acquired by school library specialists, with the approval of the district library specialist. Pornographic materials shall not be selected for inclusion in school libraries. In selecting books for school libraries, staff consider the following factors:

- Relevance to core standards
- Consideration of teacher, parent, and student requests
- Favorable reviews and award winners/nominees from recognized book/library associations
- Potential appeal and interest
- Artistic quality and literary style
- Reputation and significance of author, producer, or publisher
- Uniqueness, diversity, and/or heritage of the state, region, or group
- Support of second language learners
- Support of special needs students
- Merit of the work as a whole

### **Removal of Library Materials**

School library specialists, under the guidance of a district library specialist, periodically remove library materials from the school library for the following reasons:

- Poor physical condition
- Lack of use/check-out by students
- Inclusion of inaccurate or dated information

In addition to the prior factors, library materials shall be removed from school libraries if they are deemed to contain sensitive material by a District Materials Review Committee, as described in policy 4021-P1. In this case, “sensitive” materials are those that contain pornographic and/or indecent material, as defined by law. According to law, books and materials must be considered in their totality, not just for specific details.

The process for Removal of Library Materials is initiated when enrolled and attending students, parents/guardians of enrolled and attending students, and/or current employees submit policy 4021, Form 2, F2: Request to Remove Library Material. The sole purpose of the District Materials Review Committee shall be to determine whether the item is pornographic or indecent material, according to law. An item may not be removed because of disagreement with the item’s content relating to politics, religion, nationalism, or other matters of opinion, such as the experiences of marginalized people.

While contested library materials are pending a review committee decision, they will remain in library collections.

If a committee finds a book/material meets the legal criteria for pornographic or indecent material, the district library specialist will ensure said books/materials are removed from all district libraries. If a committee finds a book/material does not meet the legal criteria for pornographic or indecent material, the library materials will not be removed from school libraries.

### **Definitions**

In regards to this policy, Utah law defines the following terms as:

1. “Pornographic/indecent material”:
  - a. Any description, in whatsoever form, of nudity, sexual conduct, sexual excitement, or sadomasochistic abuse, which, taken as a whole, appeals to the prurient interest in sex of minors, is patently offensive to the prevailing standards in the adult community as a whole with respect to what is suitable material for minors, and taken as a whole does not have serious literary, artistic, political, or scientific value for minors;
  - b. A material or performance which the average person, applying contemporary standards, finds that, taken as a whole, appeals to prurient interest in sex, is patently offensive in the description of nudity, sexual conduct, sexual excitement, sadomasochistic abuse, or excretion, and does not have serious literary, artistic, political, or scientific value;
  - c. A description or depiction of: human genitals in a state of sexual stimulation or arousal; acts of human masturbation, sexual intercourse, or sodomy; fondling or other erotic touching of human genitals or pubic region; or fondling or other erotic touching of the human buttock or female breast; which, when taken as a whole, does not have serious value for minors; or
  - d. A description or depiction of a nude or partially denuded figure, which means human male genitals in a discernibly turgid state (even if completely or opaquely covered) or less than completely and opaquely covered human genitals, pubic region, buttock, or female breast below a point immediately above the top of the areola, where the material containing the nudity, taken as a whole, does not have serious literary, artistic, political, or scientific value for minors, taking into consideration the ages of all minors who could be exposed to the material.
2. “Nudity”: The showing of the human male or female genitals, pubic area, or buttocks, with less than an opaque covering, or the showing of the female breast with less than an opaque covering, or any portion of the female breast below the top of the areola; or the depiction of covered male genitals in a discernibly turgid state.
3. “Sexual conduct”: 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.

4. "Sexual excitement": A condition of the 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 activity.
5. "Sadomasochistic abuse": 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 the condition of being fettered, bound, or otherwise physically restrained on the part of a person clothed in this way.
6. "Appeals to the prurient interest": Erotic in some significant way to the average person and having the capacity to provoke sexual responses over and beyond those that would be characterized as normal.

*Legal References:*

76-10-1203.1 (c) & US §1466A 2 (b)  
53G-10-103(1)(g)(i)  
76-10-1201(10)  
76-10-1201(13)  
76-10-1201(14)  
76-10-1201(15)  
R277-123-1  
R277-628-1

*Synopses:*

Legal definition of pornography  
Legal definition of sensitive materials in schools  
Legal definition of nudity  
Legal definition of sadomasochistic abuse  
Legal definition of sexual conduct  
Legal definition of sexual excitement  
Rule for process for public reporting of violations  
Rule for management of school libraries