

Book	Policy Manual
Section	100 Programs
Title	Library Materials
Code	109.2
Status	Draft (Administrator Decision maker Version)

Objectives

The District seeks to provide library materials that would be of the greatest support to its educational objectives for the minor students in the District. The District's libraries exist to facilitate research and learning by furnishing materials that are of requisite quality, suitable for educational goals, worthwhile for the limited amount of time available to students, and most appropriate for minor students. The District's libraries do not exist to provide universal coverage but instead to provide materials aimed at its pedagogical goals and for the interest, information, and enlightenment of minor children, not adults. The school library is not a public forum, nor is the goal to encourage views from private speakers/authors.

Since school and classroom libraries are viewed as places for voluntary inquiry, library materials must be treated differently from instructional materials used in the classroom.

This policy provides criteria for the selection, removal, and replacement of library materials, focused on maximizing transparency with parents and community members while meeting student needs to provide supplemental enrichment in their learning with appropriate materials. Through the provision of these library materials, the District recognizes that parents hold an essential role in the education of their children and have the right to guide what their children read.

Definitions

Library materials, whether held in a formal school library or in a classroom, shall include all materials that are made available to students through the school library system and that are not otherwise approved as instructional resources through policies 108 relating to textbooks or 109 related to supplemental resource materials. Library materials are for independent use by students and faculty outside of the District's core educational program. While instructional materials and library materials are both considered instructional resources, they are not the same, and the terms shall not be used interchangeably.

Sexual acts are defined as sexual intercourse, masturbation, sadism, masochism, bestiality, fellatio, cunnilingus, exhibition of genitals or nudity if such nudity is depicted for

the purpose of sexual stimulation or gratification, or any touching of the sexual or other intimate parts. [1][2]

Implied nudity – Depictions that imply a person is not wearing clothing, particularly where private areas are strategically covered or not shown but where such depictions draw the viewers' attention to the person's private areas.

Implied sex act- Depictions where a sex act itself is not explicitly shown, but rather is visually depicted as about to occur, as occurring, or as having just occurred.

Responsibility for Selection and Acquisition Process

The legal responsibility for the inclusion and review of library materials is vested in the Board.

Recommendation Stage: Recommendations for new material and reorders of existing material shall be made by the District level library supervisor or similar administrator designated by the Superintendent. Such recommendations may be based on their own expertise or based on recommendations from administrators, teachers, other District personnel, parents, and community members. Gifts and donations of library materials must go through the same process and materials must align with the same selection criteria as purchased materials.

The District level library supervisor or Superintendent's designee shall give a list of all recommendations to the Superintendent.

After Superintendent or designee's initial approval, the recommended list shall be provided to the board and posted on the district's website for thirty days prior to the superintendent's final approval. After 30 days, the superintendent shall make a final recommendation list, for a majority vote by the board. Such list shall then be processed for order. As the new materials are received, they shall be checked against a master list of materials ordered.

Individual Board Member Review. If any board member desires further information on a title or author during the time between initial recommendation and final recommendation by the superintendent, he/she shall contact the Superintendent who shall then contact the District-level library supervisor to obtain copies of the material or professional reviews of the library material in question. If so desired, the board member can obtain a copy of the library material from another source.

Board Action. Library materials recommended by the superintendent/designee shall be adopted through a majority vote of the board of school directors at any regular meeting. Library materials that were not recommended by the superintendent/designee shall be adopted by a two-third vote of the board at any regular meeting. [4]

Selection of materials is an ongoing process that includes the periodic replacement, repair, or removal of materials.

Avoiding Inappropriate Material

The District recognizes there exists a vast array of materials with rich educational content. It is the District's objective to choose material that provides such rich educational content appropriate to students in the District over material that may provide similar content but with elements that are inappropriate or unnecessary for minors in a school setting.

Sexualized content that falls short of material prohibited by criminal laws is nonetheless generally inappropriate and/or unnecessary for minors in school. Parents/guardians have a wide range of options outside of the District's library system to introduce their child to sexualized content they deem appropriate for their child's age. As such, the District will prioritize inclusion of quality materials suitable for educational goals and worthwhile for the limited amount of time available to students that do not contain sexualized content.

Elementary School Libraries

No materials in elementary libraries shall contain:

1. Visual or visually implied depictions of sexual acts or simulations of such acts,
2. Explicit written descriptions of sexual acts,
3. Non-explicit written descriptions of sexual acts, except for the purposes of teaching students to avoid and report molestation, or
4. Visual depictions of nudity or implied nudity.

Middle School Libraries

No materials in middle school libraries shall contain:

1. Visual or visually implied depictions of sexual acts or simulations of such acts,
2. Explicit written descriptions of sexual acts, or
3. Visual depictions of nudity - not including diagrams for educating about anatomy for science and health instruction, breastfeeding, or classical works of art.

In selecting library materials for middle school students, the selectors shall seek to prioritize the selection of materials that do not contain other sexualized content, even though permitted, such as non-explicit written description of sexual acts or implied nudity.

High School Libraries

No materials in High school libraries shall contain:

1. Visual or visually implied depictions of sexual acts or simulations of such acts.

2. Explicit written descriptions of sexual acts.

In selecting library materials for high school students, the selectors shall seek to prioritize the selection of materials which do not contain other sexualized content, even though permitted, such as visual depictions of nudity.

Prioritization Process: Options Required

When seeking approval for any library materials containing permitted sexualized content, such as visual depictions of nudity that would be available to high school students or, in the case of middle school students, materials that contain an implied written description of sexual acts or implied nudity, the librarian involved in the collection development process must notify the district-level library supervisor or superintendent's designee that such sexualized content is present in the material and offer potential alternative options from which to choose, which cover similar pedagogical purposes for the resource but which do not contain the aforementioned sexualized content.

District libraries must also comply with the Children's Internet Protection Act (CIPA) as specified in 47 U.S.C. §254(h)(5), including technology protection measures, and all state and federal laws relating to the prohibition on pornographic and other harmful materials for minors.

The District shall also contract with third party providers of electronic materials who will provide resources to students in compliance with the goals of this policy.

Criteria for Selection

The District-level library supervisor or designated administrator shall work cooperatively with library staff, faculty, and the administration to select material consistent with this policy. To ensure parental engagement, the District shall make the selection process of library materials readily available for parental review, with a list of all library materials posted on-line on the District's website, and the content of all materials available for direct review during reasonable hours specified for such review.

Each item selected shall:

1. Support and enrich the curriculum and/or students' personal interests and learning;
2. Be appropriate for the subject area and for the age, intellectual development, and ability level of the students for whom the materials are selected; and
3. For non-fiction resources, incorporate accurate and authentic factual content.

Prior to any material being selected for recommendation by the District-level library supervisor to the Board, the potential library material shall have been reviewed by the District-level library supervisor or individual(s) designated by that supervisor.

Review sites can be used to assist in the review, but such review site's conclusion as to the age-appropriateness of the material shall not be deemed conclusive.

Optimizing Library Resources

A good collection development plan must include weeding. The process of weeding is a key part of assessing the collection. It helps keep the collection relevant, accurate, and useful, and it facilitates more effective use of space in the library. A thorough weeding is accomplished at least once every fifth year. Criteria for weeding of materials includes poor physical condition, outdated content, lack of accuracy, lack of circulation, and better alternatives. Lost, damaged, or worn books are not automatically replaced. The decision to replace materials is based on availability and continued relevance; also considered are the availability of duplicates, the number of other books on the same subject, the availability of more recent or better material, more appropriate material, and the continued demand for the book in question. All materials are selected to provide a balanced collection. A wide range of recognized classics should be maintained in each library.

Challenge Procedures

A parent of a District student or any District resident may formally challenge library material on the basis of appropriateness. The school receiving a complaint about the appropriateness of a library material shall try to resolve the matter informally through a telephone conference or meeting between the complainant and the school librarian, designated campus administrator, or District-level library supervisor. The conference may also include other necessary staff members as deemed appropriate by District-level library personnel.

If the complainant wishes to file a formal request for reconsideration, a copy of this policy shall be provided to the complainant by District-level library supervisor or appropriate administrator with instructions to submit the information requested below.

1. All formal concerns regarding library materials shall be submitted to the District-level library supervisor or designated administrator, and shall state: 1) the complainant's name and contact information, 2) the name/author of the library resource, 3) cite page numbers and specific information in the material to support the objections, 4) offer suggestions as to replacements that are of equal or better merit and which convey the same or similar educational purpose that may have led to the objected material being included in the library in the first place, 5) and state whether the complainant is requesting a reevaluation of the material's inclusion or is simply making a request that the material not be assigned to or checked out by the complainant's child.

2. The district-level library supervisor or Superintendent/designee shall review the complaint and the challenged material and determine whether it conforms to the principles of selection set out in this policy.

The major criterion for the final decision on challenged library material is the appropriateness of the resource for its intended educational use and intended audience of minor students. The plurality opinion in *Bd. of Educ. v. Pico*, 457 U.S. 853 (1982), uses the standard that no challenged instructional resource shall be removed because of the ideas expressed therein. Removal of materials may be based upon the lack of educational suitability of the library material, lack of appropriateness for minors such as sexualized content, or for pervasive profanity or vulgarity. It need not rise to the levels of obscene material or material which would violate criminal laws in order to warrant replacing the material with better options.

When a decision has reached, the appropriate District-level administrator shall notify the complainant. The decision shall be in written form, dated, and provided to the complainant within ten (10) district business days of the decision. All other appropriate staff members will be informed of the reconsideration and the outcome.

Specific library material that has withstood the formal challenge process and remains in the library will not be reconsidered within one year of final determination, and any material removed will not be eligible for consideration to be added again for at least 5 years and without meeting the criteria for selection outlined in this policy. The District shall verify previous decisions prior to convening a reconsideration committee.

Appeal of Committee Decision. The complainant may appeal the decision of the district level library supervisor or Superintendent/designee to the Board.

Opportunity for Parent Review

In recognizing that parents hold an essential role in the education of their children and have the right to guide what their children read, each library shall maintain a printed list of materials onsite and on the school library website that shows what has been selected as well as what is slated for acquisition. Audio-visual materials are to be made available to parents for in-person review, upon request, on the same basis as printed materials are made available. Parents/guardians have the right to review student school records, including but not limited to books checked out by their child.

Other Parental Considerations

In school libraries, students are afforded the opportunity to self-select texts as part of literacy development. While librarians are trained in selecting materials in accordance with Board policy and the outlined selection criteria and may provide guidance to students in selecting texts, the ultimate determination of appropriateness for a minor lies with the

parent. School librarians, or designated campus administrators, are to encourage parents to share any considerations regarding their students' book selections. Parents may contact the campus librarian directly and/or complete an online form for library book or content opt-out decisions. School librarians will honor and accommodate individual requests by parents, within reason, which may include restricting specific titles or books.

1. 18 Pa.C.S. § 3101
2. 18 Pa.C.S. § 6312(g)
3. 24 P.S. 8-803