

## **Mountain Heights Academy Administrative Procedures Library Materials Procedures**

These procedures are established in accordance with the Library Materials Policy adopted by the School's Board of Directors.

### **I. Selection of Materials for School's Virtual Library Collection**

- a. The School's director, tech director, or designated instructional coach serving as virtual library curator will select a library platform that is used across multiple LEAs in Utah. The selection of library materials will be consistent with the School's Library Materials Policy and will be performed under the direction of the School Director.
- b. The following selection criteria will be used:
  - i. Overall purpose and educational significance;
  - ii. Legality;
  - iii. Age and developmental appropriateness;
  - iv. Timeliness and/or permanence;
  - v. Readability and accessibility for intended audience;
  - vi. Artistic quality and literary style;
  - vii. Reputation and significance of author, producer, and/or publisher;
  - viii. Variety of format with efforts to incorporate emerging technologies; and
  - ix. Quality and value commensurate with cost and/or need.
- c. The curator may seek recommendations and work collaboratively with parents, patrons, and others in the School community during the selection process.
- d. The School's library collection will reflect a diversity of ideas, varying viewpoints, and adhere to applicable law.
- e. Any electronic databases and other web-based searches and content will be filtered through the School's state-required internet filter.

### **II. Virtual Library Collection Maintenance**

- a. The digital library platform will be maintained consistent with the criteria listed above, applicable state and federal laws, including Utah Code § 53G-10-103.
- b. The curator or another employee designated by the School's Director will review the selected books available in the digital platform annually or at another time interval determined by the Director. The inventory may be used to:
  - i. Deselect and remove materials that are inconsistent with the law or that are no longer relevant to the curriculum or of interest to students; or
  - ii. Identify gaps or deficits in the School's library collection.

### **III. Library Materials Review Process**

- a. A library materials review request may only be made by:
  - i. A parent of a student who attends the School;
  - ii. A student who attends the School; or
  - iii. An employee of the School.
- b. A library materials review request must be made in writing by completing the School's Library Materials Review Request Form and submitting the Form to

- the School's Director or another employee designated by the School's Director. The requestor must provide all information requested on the Form.
- c. All library materials review requests must be based upon the concern that the material is "sensitive material" as defined in Utah Code § 53G-10-103 or upon concerns with the age-appropriateness of content in the material.
  - d. To the extent practicable, the identity of a requestor will be protected and kept confidential from all individuals outside of the School's review process outlined in these procedures.
  - e. The material that is subject to a review request will have restricted access until the processes described in these procedures are completed. Access to such material will be limited to students with prior parent/guardian permission only. A list of restricted materials will be made available to the public upon request.
  - f. After receipt of a request for review, the School's Director or another employee designated by the School's Director will acknowledge receipt of the request and convene a Library Materials Review Committee (the "Review Committee") within a reasonable time according to the procedure outlined below:
    - i. The Review Committee will include a reasonable number of individuals.
    - ii. Members of the Review Committee will be selected by the Director and include at least the following:
      1. The School's Director or another member of the School's administration;
      2. A licensed teacher at the School (if practicable, the teacher will be an English language arts teacher or teacher who teaches a subject that is relevant to the challenged material);
      3. The School's librarian; and
      4. At least two parents of current students at the School that are reflective of the School community as required in Subsection 53G-10-103(3).
  - g. The Review Committee will determine the amount of time needed for an adequate review of the challenged material to make a thorough and thoughtful decision and inform the requestor of the determined timeline. The Review Committee will strive to complete all reviews and make its final decision between thirty to sixty (30-60) days of its receipt of the request for review.
  - h. Each member of the Review Committee will receive materials to complete the review process, including the following:
    - i. A copy of the Library Materials Review Request Form that was submitted;
    - ii. Access to the challenged material being;
    - iii. A copy of the School's Library Materials Policy and these procedures; and
    - iv. Any relevant information about the challenged material from the School's librarian, including the reason(s) the material was selected to be in the School's library collection.
  - i. The Review Committee will schedule a meeting (or multiple meetings, if the Review Committee determines that is necessary) to complete the review process.

- j. The Review Committee will determine whether the challenged material constitutes sensitive material consistent with Utah Code § 53G-10-103, the School's Library Materials Policy and these procedures, and the guidance letter provided by the Attorney General's Office dated June 1, 2022.
- k. In deciding whether the challenged material constitutes sensitive material, the Committee will:
  - i. Consider *all* elements of the definitions of pornographic or indecent material as defined in Utah Code § 76-10-1235, § 76-10-1201, § 76-10-1203, and § 76-10-1227; and
  - ii. Whether the challenged material is age appropriate due to vulgarity or violence.
- l. In deciding whether the challenged material is age appropriate due to vulgarity, violence, or content, the Review Committee must consider the challenged 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. Review Committee members' experience and background; and
  - iii. Community standards.
- m. In deciding whether the challenged material taken as a whole has serious literary, artistic political, or scientific value as described above, the Review Committee will 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.
- n. The Review Committee will make a final decision on a challenged material as follows:
  - i. **Retained**: the decision to maintain access in the School to the challenged material for all students;
  - ii. **Restricted**: the decision to restrict access in the School to the challenged material for certain students as determined by the Review Committee; or
  - iii. **Removed**: the decision to prohibit access in the School to the challenged material for all students.
- o. The decision of the Review Committee will be determined by majority vote of the Review Committee members. This decision is final unless appealed in accordance with Section IV below.
- p. The final decision of the Review Committee will be communicated in writing to the requestor and appropriate School employees within seven (7) days of the decision being made.
- q. The challenged material may not be reviewed again for three (3) school years following the Review Committee's decision.
- r. The School will maintain a list of all materials that receive a "removed" decision from the Review Committee and share the list with all School employees. The list will also be made available to the public upon request.
- s. The School will also maintain a list of all Review Committee final decisions

- on challenged material and share the list with all School employees, whether the final decision was retained, restricted, or removed.
- t. If library materials review requests become unduly burdensome, the School may limit the number of review requests an individual may make in the course of a school year.

#### **IV. Appeals Process**

- a. The original requestor or another individual listed in Section III(a) who was not on the Review Committee may appeal the decision of the Review Committee in writing to the School's Board of Directors (the "Board") within fourteen (14) days of receipt of the Review Committee's final written decision using the School's Library Materials Appeal Request Form.
- b. After receipt of a completed Library Materials Appeal Request Form, the Board President or another Board member designated by the Board President will acknowledge receipt of the appeal and appoint a Library Materials Appeals Committee (the "Appeals Committee") within a reasonable time according to the procedure outlined below:
  - i. The Appeals Committee will include at least three individuals.
  - ii. Members of the Appeals Committee will be selected by the Board President or another Board member designated by the Board President and include at least the following:
    - 1. Two or more Board members;
    - 2. A School administrator and/or other School employee who did not participate in the initial Review Committee.
  - iii. The Board President or another Board member designated by the Board President may, in his/her discretion, also add to the Appeals Committee a parent or licensed teacher at the School who did not participate in the initial Review Committee.
  - iv. If a quorum of the Board is selected to serve on the Appeals Committee, the Appeals Committee will follow the Open and Public Meetings Act in its deliberations.
- c. The Appeals Committee will determine the amount of time needed for an adequate review of the challenged material to make a thorough and thoughtful decision and inform the requestor of the determined timeline. The Appeals Committee will strive to complete its review and make its final decision between thirty to sixty (30-60) days of its receipt of the appeal.
- d. Each member of the Appeals Committee will receive materials to complete the review process, including the following:
  - i. A copy of the Library Materials Review Request Form;
  - ii. A copy of the Library Materials Appeal Request Form;
  - iii. A copy of the challenged material;
  - iv. The Review Committee's final decision and rationale for the decision; and
  - v. A copy of the School's Library Materials Policy and these procedures.
- e. The Appeals Committee will schedule a meeting (or multiple meetings if

the Appeals Committee determines that is necessary) to complete the appeals process.

- f. The Appeals Committee may make a final decision of a reviewed material as follows:
  - i. **Retained:** the decision to maintain access in a school setting to the challenged material for all students;
  - ii. **Restricted:** the decision to restrict access in a school setting to the challenged material for certain students;
  - iii. **Removed:** the decision to prohibit access in a school setting to the challenged material for all students; or
  - iv. Another decision as decided by the Appeals Committee.
- g. The decision of the Appeals Committee will be determined by majority vote. This decision is final, subject to Section V below.
- h. A challenged material may not be reviewed again for three (3) school years if the Appeals Committee votes to uphold the Review Committee's decision.
- i. The final decision of the Appeals Committee will be communicated in writing to the requestor and appropriate employees within seven (7) days of the decision.
- j. The School will maintain a list of the final decisions made by the Appeals Committee and share the list with all School employees. The list will also be made available to the public upon request.

**V. Final Procedural Review (Applicable if permitted by R277-123)**

- a. The requestor in Section IV(a) may, in accordance with R277-123, petition the USBE for a procedural review of the Appeals Committee's final decision.
- b. The USBE's review decision is final.

**VI. Postings on Website**

- a. The School will post the following on its website:
  - i. The Library Materials Policy and these procedures;
  - ii. The Library Materials Review Request Form; and
  - iii. The Library Materials Appeal Request Form.



# Library Materials Appeal Request Form

Instructions:

A requestor must submit this Form along with a copy of the Review Committee's written decision within fourteen (14) days of receiving the Review Committee's written decision.

Information about Requestor:

- 1) Name:
- 2) Telephone:
- 3) Address:
- 4) Email:
- 5) Date you received Review Committee's written decision:
- 6) Are you a student of this school?                      Yes    No
- 7) Are you a parent of a student of this school?        Yes    No
- 8) Are you an employee of this school?                    Yes    No

Information about Challenged Library Material:

- 1) Title:
- 2) Author:
- 3) School:
- 4) Please provide a written statement setting forth your rationale to appeal the Review Committee's decision regarding the challenged library material (attach additional pages as needed).

Requestor's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

*After you submit this Form, you will receive an acknowledgment of receipt and an estimated timeline for when a decision will be made by the Appeals Committee. The Appeals Committee generally completes its review and makes its final decision between thirty to sixty (30-60) days after its receipt of an appeal.*

\*\*\*\*\***Below is for Internal Use**\*\*\*\*\*  
**Only**\*\*\*\*\*

Name of Board Member Convening the Appeals Committee: \_\_\_\_\_

Anticipated Date by Which Review will be Completed: \_\_\_\_\_