



Valley Academy Charter Library Materials Policy

I. Library Policy

- a. Valley Academy Charter school library supports and enhances student learning. Valley Academy Charter 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.
- b. This policy specifies the process for identifying materials to be included or disqualified from use in libraries and schools 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.

II. Selection of Materials for Library Collection

- a. The Librarian will initially select all library materials under the direction of the Executive Director, or designee, and Valley Academy School Board, including gifts and donations, consistent with this policy using the following criteria:
 - i. seek recommendations and work collaboratively with parents, patrons, others in the school community during the selection process;
 - ii. create a collection that reflects diversity of ideas; and
 - iii. create a collection that adheres to the law.
- b. Electronic databases and other web-based searches and content will be filtered through the Valley Academy Charter 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 material selection rests with Librarian under direction of the Executive Director or designee and Valley Academy School Board 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 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.
- e. A record of reviewed materials will be maintained by Valley Academy Charter and include:
 - 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.

III. 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 at Valley Academy Charter.
 - 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. The inventory may also be used to identify gaps or deficits in the library's collection.

IV. Library Materials Review Process

- a. Valley Academy Charter will approve a least restrictive, transparent process for a library materials review request to be made in physical or electronic formats.
- b. A library materials review request of a 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.
 - iv. A Valley Academy Charter board member.
- c. If challenges become unduly burdensome Valley Academy Charter 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 with the 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. Valley Academy Charter 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 until the processes described in this policy are completed. Access is limited to students with prior parent/guardian permission only. Permission can be requested by contacting the Valley Academy Executive Director or designee. A list of restricted materials shall be made available to the public.
- i. Upon receipt of a request for review, the Executive Director or designee will acknowledge the receipt of the request, 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 will include:
 - 1. a Review Committee Chair chosen by Valley Academy Charter's administration; this appointment would have a duration of two years.
 - 2. at least one administrator or designee;

3. a licensed teacher at the school who is currently teaching English language arts or subject relevant to the challenged material;
 4. a licensed teacher-librarian or school librarian employed by Valley Academy; and
 5. parents of current students at the school that number at least one more than the LEA employees on the Committee including parents reflective of the school community as required in Subsection 53G-10-103(3). Each school year, starting August 1st and ending August 30th, Valley Academy will accept applications to serve on the book review committee. The Review Committee Chair will select at least one more parent, than LEA employees, on the Committee. If more applications than the maximum are received, a lottery will be held to choose the members on September 5th of each school year.
 6. The Review Committee may not include the individual who has challenged the material or a member of the individual's household.
- 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 90 school days.
 - k. The Review Committee may request that the Valley Academy Charter Board extend the amount of time allowed for review and determination. This decision would be made in a Board Meeting.
 - l. 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 reason for initial approval of the material; and
 - v. recorded public comment as described below in Subsection O.
 - m. Prior to a decision of the Review Committee Valley Academy Charter will provide an opportunity for public comment regarding the material at a governing board meeting.
 - n. Valley Academy Charter 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.
 - o. Valley Academy Charter will record any public comment, including any written comment received, and make those comments available to the Review Committee within 48 hours of the public comment meeting.
 - p. The Review Committee will schedule meetings as determined by the Review Committee and maintain minutes of each meeting.
 - q. The notes from each meeting will be retained by Valley Academy Charter along with all relevant documentation and the final determination.
 - r. 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.
 - s. 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.
 - t. 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 Valley Academy Students.

- u. 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.
- v. The Review Committee will 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 as determined by the Review Committee.
 - iii. **Removed:** the determination to prohibit access in a school setting to the challenged material for all students.
- w. The decision of the Review Committee will be determined by majority vote. The material may not be reviewed again for three school years following the Review Committee's determination.
- x. 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.
- y. Valley Academy Charter will maintain a list of all materials that receive a "removed" determination.

V. 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 Review Committee Chair 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 Review Committee Chair, the Valley Academy Charter School Board will act as the Appeals Committee.
- c. 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.
- d. The Appeals Committee will determine the amount of time needed for an adequate review, not longer than 90 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:
 - i. a copy of the material;
 - ii. a copy of the 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, n 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 Valley Academy Charter 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.
- j. The decision of the Appeals Committee will be determined by majority vote.
- k. A material may not be reviewed again for three school years if the Appeals Committee votes to uphold a Review Committee's determination.
- l. The final determination of the Appeals Committee will be communicated to the requestor and appropriate employees within 15 days of the determination.
- m. Valley Academy Charter will maintain a list of the determinations by the Appeals Committee and make the list available to the public.

VI. Final Procedural Review (*Not Legally Binding until USBE amends R277-123*)

- a. The requestor may petition the USBE for a procedural review of the Appeals Committee's decision.
 - i. The USBE will review the petition and determine if a procedural review is warranted, to determine whether the LEA correctly followed its library materials review policy referred to in Rule R277-628.
 - ii. That determination may include the USBE's decision to have the appeal considered initially by a USBE Committee or a panel of USBE members.
 - iii. If the USBE determines in USBE's procedural review that the LEA did not correctly follow its materials review policy, it will return the appeal to the LEA with direction to repeat its review process in compliance with its library materials review policy referred to in Rule R277-628.
- b. The USBE will make a final written appeal decision no more than 60 school days after the USBE's determination that the appeal satisfies the criteria for USBE review.
- c. This USBE review decision is final.

VII. Communication

- a. An easily accessible web page on the public website for Valley Academy Charter will be updated and available prior to the beginning of each school year to inform teachers, staff, students, and parents of the following:
 - i. A Materials Review Request Form (See Appendix A);
 - ii. An Appeal Request Form (See Appendix B);
 - iii. Application to serve on a materials Review Committee;
 - iv. This Library Policy;
 - v. A list of all materials that are restricted while under review or have received a Review Committee or Appeals Committee determination.

**Valley Academy Charter
Appendix A: Materials Review Form**

Date: _____

Review Request initiated by: _____

Telephone: _____ Email: _____

Address: _____

City: _____

Zip: _____

Material Title: _____

Author: _____

Publisher & Date of Publication _____

1) Does your child attend this school? Yes No

2) How was this material recommended, assigned, or made available to students? (I.e.; Library, classroom teacher, etc.) _____

3) What concerns you about this material? Please provide examples, page numbers, links, or any other information to help in locating or identifying content of concern. Please attach any images or other corroborating evidence.

4) What action are you requesting the committee to consider?

Requestor Signature: _____

Below is for internal use only

LEA Appointed Committee Chair: _____

Date Received: _____ Suggested Review Timeline: _____

**Valley Academy Charter
Appendix B: Materials Appeal Form**

Instructions:

A requestor will submit this appeal request form along with a copy of the Review Committee’s decision within 15 business days of receiving the decision of the committee. The submission of an Appeal Request Form will receive a receipt of notice of submission within ten school days from the Valley Academy Charter Board Chair or designee. The receipt of submission will include an estimated time-line for a determination of the Valley Academy Charter Board to be completed within a reasonable time period, not to exceed 90 school days.

Date: _____

Appeal Request initiated by: _____

Telephone: _____ Email: _____

Address: _____

City: _____

Zip: _____

Material Title: _____

Author: _____

Publisher & Date of Publication _____

What concerns you about this material? Please provide examples, page numbers, links, or any other information to help in locating or identifying content of concern. Please attach any images or other corroborating evidence.

What action are you requesting the committee to consider?

Requestor Signature: _____

Below is for internal use only

Board Chair: _____

Date Received: _____ Date Receipt Sent: _____

Suggested Review Timeline: _____