INDEPENDENT SCHOOL DISTRICT 719
PRIOR LAKE - SAVAGE AREA SCHOOLS

606.5 LIBRARY MATERIALS

I. PURPOSE

The school board recognizes that library materials are a vital component of a student's education. The library should serve as a marketplace of ideas that go beyond the prescribed curriculum and contribute to academic excellence. Students are generally required to utilize curriculum materials. In contrast, students are generally free to access specific library materials that match their interests. Accordingly, library materials should provide opportunities for learning and enrichment that align with the needs and broad interests of students in the school.

The school board endorses the inclusion of library materials that present different points of view for students to consider, including differing views on controversial issues. The school board also endorses the inclusion of library materials that reflect our diverse society and the contributions that countless groups and individuals have made to our country and to the world. The school board believes that the inclusion of these types of materials promotes critical thinking and encourages life-long learning.

The purpose of this policy is to provide direction regarding the initial selection of library materials and the review of library materials when removal has been requested. The superintendent is responsible for implementing this policy. To that end, the superintendent or a designee may establish additional procedures for responding to requests to remove library materials.

School District 719 supports the Library Bill of Rights, adopted by the American Library Association. When library materials are challenged, the principles of the freedom to read/listen/view must be defended as well.

II. DEFINITIONS

A. "Library" means a media center that is located in a district school and contains library materials for students to access and use free of charge and on an equitable basis. A library may also provide access to electronic materials. This policy does not govern access to electronic materials that are accessed through the internet.

B. "Library materials" mean the books, periodicals, newspapers, manuscripts, films, prints, documents, videotapes, subscription content, electronic and digital materials (including e-books, audiobooks, and databases), and related items

made available to students in a library or through access to electronic materials. "Library materials" do not include materials made available to students as part of the curriculum.

C. "Library media specialist" means a person who holds a Library Media Specialist teaching license from the Professional Educator Licensing and Standards Boards and who is trained to deliver library services to students. *See* Minnesota Rule 8710.4550.

D. "Obscene" means that the work which, taken as a whole, appeals to the prurient interest in sex and depicts or describes in a patently offensive manner sexual conduct and which, taken as a whole, does not have serious literary, artistic, political, or scientific value.

III. INITIAL SELECTION OF LIBRARY MATERIALS

A. Primary Responsibility for Initial Selection. In consultation with professional staff and within budgeted amounts, the library media specialist is primarily responsible for the initial selection of library materials. The library media specialist will apply the selection criteria stated in this policy.

B. Selection Criteria. Library materials shall reflect the ages and maturity levels of students in the building in which the library is located. When considering the collection as a whole, library materials should:

1 enrich, support, or supplement the curriculum;

2. promote reading for pleasure by responding to a broad array of personal needs and interests of a diverse student body;

3. reflect artistic value, literary value, educational significance;

4. promote critical thinking in daily living or in areas of general importance to members of society, including, but not limited to, politics, science, history, religion, medicine, law, economics, or safety; or

5. promote equity or an understanding of the views, triumphs, or struggles of others.

C. Prohibited Criteria. Library materials must not be excluded from initial selection because of the race, nationality, religion, sex, gender, gender identity, or political views of the author.

D. Gifts and Donations of Library Materials. Materials offered for donation or gifted to a school library may be accepted if they comply with the library collection selection criteria and are approved by the media specialist. The school district's libraries welcome donations of books and other resource materials from individuals and organizations, but also reserve the right to decline to accept library materials that do not meet the criteria for selection. In addition, financial donations to benefit the school district's libraries will be accepted with the

understanding that funds will be used to purchase materials that are needed for libraries based on the needs of the individual schools and facilitated by the library media specialist. and facilitated by the library media specialist.

IV. INDIVIDUAL STUDENT ACCESS TO SPECIFIC LIBRARY MATERIAL

Parents and guardians are responsible for speaking with their children about the library materials they choose to access for independent reading. A parent or legal guardian may request that access to specific material in the library materials collection be restricted from their student by directly contacting the teacher, media specialist, and/or school principal. The school shall take reasonable steps to fulfill this request. This type of request will not result in removal of specific library collection material from the library or restrictions upon any other student accessing specific library materials.

A parent or legal guardian may request that access to specific material in the library materials collection be restricted from their student by directly contacting the teacher, media specialist, and/or school principal. The school shall take reasonable steps to fulfill this request. This type of request will not result in removal of specific library collection material from the library or restrictions upon any other student accessing specific library materials.

V. REQUESTS TO REMOVE SPECIFIC LIBRARY MATERIALS

A. Individuals Eligible to Request Review. The following individuals are eligible to initiate a review process to determine whether a specific library material will be removed: an eighteen-year-old student who attends the school in which the library material is located; the parent or guardian of student who is less than eighteen years of age and attends the school in which the library material is located; the principal of the building in which the library material is located; the district's superintendent; a quorum of the school board as evidenced by a vote of the school board at an open meeting.

B. Limited Number of Requests. Because of the time required to process a request for removal, the District will process no more than nine requests (one for each full month that that school is in session) for removal per school year.

C. Meeting Required. Before requesting removal of a specific library material, an eighteen-year-old student or the parent or guardian of student who is less than eighteen years of age must meet (virtually or in person) with the library specialist and building principal to state the objections to the specific library material and to give the library specialist and the principal an opportunity to respond.

D. Request for Removal. An eligible individual may request removal of a specific library material by submitting a written request to the superintendent's office on a form developed by the superintendent or a designee. The form must be

completed in its entirety. The superintendent will not process the request if the specific material has been the subject of a request for removal during the previous five years or if the form is not completed in its entirety.

E. Appointment of Review Committee. Within a reasonable period of time after receiving the request for removal, the superintendent or a designee will appoint a Review Committee to consider the request for removal. A licensed library media specialist must be on the review committee and must administer the procedures for reconsideration. The superintendent or designee is encouraged, but not required, to also include the following individuals on the Review Committee:

1. One School Board member designated by the Chairperson of the Board of Education;
2. A member of the school district administration;
3. A principal or assistant principal;
4. A teacher;
5. Two to four Teaching and Learning Advisory Committee members with no direct connection to the request;
6. Two student representatives (as appropriate to the specific request);
7. Any other person(s) who, in the view of the superintendent, would be helpful in considering the objection, applying the review criteria, and evaluating whether the specific library material should be removed.

F. Continued Access to Material. Absent extraordinary circumstances, the District will not deny students access to the library material until the review process is completed. Out of practical necessity, however, copies of the library material may be taken from the library so they can be reviewed by the Review Committee.

G. Legal Standards.

1. In *Board of Education v. Pico*, 457 U.S. 853 (1982), the U.S. Supreme court held that school boards generally have discretion to remove books from school libraries as long as the removal does not violate the First Amendment. Whether a removal violates the First Amendment depends on the motivation for removing the book. School boards "may not remove books from the school library shelves simply because they dislike the ideas contained in those books and seek by their removal to 'prescribe what shall be orthodox in politics, nationalism, religion, or other matters of opinion.'"

2. However, the First Amendment does not prohibit school boards from removing books for other legitimate reasons. For example, the Supreme Court has held that school boards may remove books on the ground that they are "vulgar" or lack "educational suitability." The U.S. Supreme Court has

also held that the First Amendment does not prohibit school officials from regulating speech in the educational environment that is "obscene," "vulgar," "lewd," or "plainly offensive." *See Bethel School District No. 403 v. Fraser*, 478 U.S. 675 (1986); *Morse v. Frederick*, 551 U.S. 393 (2007) (interpreting *Fraser*).

3. MN Statutes section 134.51, Access to Library Materials and Rights Protected, is consistent with Supreme Court precedent. Section 134.51 states that a school library or media center "must not ban, remove, or otherwise restrict access to a book or other material based solely on its viewpoint or the messages, ideas, or opinions it conveys." However, the statute further states that it does not limit a school library or media center's authority to decline to purchase, shelve, remove, or restrict access to books or other materials legitimately based on:

   a. practical reasons, including but not limited to shelf space limitations, rare or antiquarian status, damage, or obsolescence;

   b. legitimate pedagogical concerns, including but not limited to the appropriateness of potentially sensitive topics for the library's intended audience, the selection of books and materials for a curated collection, or the likelihood of causing a material and substantial disruption of the work and discipline of the school; or

   c. compliance with state or federal law.

H. Review Criteria. The Review Committee may decide to remove a specific library material if the material is: (1) obscene; (2) vulgar or lewd to a degree that it is educationally unsuitable for students in the school given their ages and levels of maturity; (3) educationally unsuitable because it does not meet the initial selection criteria; (4) objectively inaccurate as a whole; or (5) for any of the reasons stated in Section G.3 of this Policy. The committee may not vote to remove specific library material because the committee, the school board, school officials, or any other person dislikes the ideas contained in the library material or wants to remove the material in an effort to prescribe what is orthodox in the reporting of history or in religion, politics, nationalism, or other matters of opinion.

I. Review and Report. The Review Committee will review the specific library material as a whole and will apply the review criteria outlined in this policy. The Review Committee may consult with individuals who have relevant professional knowledge. After this process is complete, the Review Committee will vote, in a manner that records each member's vote, on whether to remove the material in question. A meeting is not required. After voting, the Review Committee will submit a brief written report to the superintendent containing the Review Committee's decision to retain or remove the specific library material and the basis for the decision.

J. Notice of Decision. The superintendent or a designee will provide notice of the Review Committee's decision to the person who requested removal of specific library material.

K. Appeal. The requestor may appeal the Review Committee's decision by submitting a written appeal to the superintendent within fourteen calendar days after receiving notice of the decision. The written appeal must state all the reasons why the requester believes the committee's decision is incorrect. The superintendent or a designee will review the specific library material in question, apply the review criteria that are outlined in this policy, and then affirm or reverse the Review Committee's decision. The decision of the superintendent is final unless a quorum of the school board voted at an open meeting to initiate the process to determine whether a specific library material should be reviewed. If a quorum of the school board initiated the review process, the superintendent's decision may be appealed to the school board. On review, the school board is bound by the review criteria outlined in this policy.

L. Report to Commissioner. Upon the completion of a content challenge or reconsideration process in accordance with this policy, the school board, or a designee, must submit a report of the challenge to the Minnesota Education Commissioner. The report must include the following information:

1. The title, author, and other relevant identifying information about the material being challenged;

2. The date, time, and location of any public hearing held on the challenge in question, including minutes or transcripts (NOTE: this policy does not require or provide for a public hearing);

3. The result of the challenge or reconsideration request; and

4. Accurate and timely information on who from the governing body the Department of Education may contact with questions or follow-up.

VI. ADMINISTRATIVE REMOVAL

This policy does not prohibit a library media specialist or other administrator from removing specific library material because: it has not been utilized by any student for an extended period of time or has been utilized rarely; it is damaged or is in poor physical condition; or there are other similar reasons unrelated to content.

Legal References: MN Stat. § 134.51
MN Stat. § 120A.22, Subd. 9 (Compulsory Instruction)
MN Stat. § 123B.02 (General Powers of Independent School Districts)
MN Stat. § 123B.09 (School Board Responsibilities)
MN Stat. § 124D.991 (Public School Libraries and Media Centers)
MN Stat. § 617.241 (Obscene Materials And Performances; Distribution And Exhibition Prohibited; Penalty)
Minn. Rules Part 8710.4550 (Library Media Specialists)
Board of Education v. Pico, 457 U.S. 853 (1982)
Virginia State Bd. of Educ. v. Barnette, 319 U.S. 624 (1943)

Cross References: Policy 524 (Electronic Technologies Acceptable Use Policy)
Policy 606 (Textbooks and Instructional Materials)

School Board Adoption: November 18, 2024

Orig: November 2024
Revised:

An Equal Opportunity School District