

Venture Academy Library Materials Selection Policy

I. Library Purposes

- A. Venture Academy libraries support and enhance student learning in line with our mission and vision. Venture library staff select, maintain, and preserve rich repositories of balanced, relevant, age appropriate, and varied educational sources for students.
- B. This policy specifies the process used for identifying materials to be included or disqualified from use in our libraries based on state code Section 53G-10-103, *Sensitive Instructional Materials*, federal law, Board Rule R277-217, *Educator Standards and LEA Reporting*, or based on age appropriate content criteria.
- C. All employees of Venture must adhere to this policy and are subject to the Venture's employee conduct policies for any personal violation.

II. Selection of Materials for Library Collections

- A. Library staff will build a rich library collection:
 - 1. From recommendations from teachers, parents, patrons, reputable library book reviewers, and others in the school community;
 - 2. With diversity of ideas; and
 - 3. Consistent with governing laws.
- B. The responsibility for material selection, including gifts and donations, rests with library staff under the direction of administration and the governing board of Venture Academy using the following criteria:
 - 1. Overall purpose and educational significance;
 - 2. Legality;
 - 3. Age and developmental appropriateness;
 - 4. Timeliness and/or permanence;
 - 5. Readability and accessibility for intended audience;
 - 6. Artistic quality and literary style;
 - 7. Reputation and significance of author, producer, and/or publisher.
 - 8. Exclusions that meet the definitions of "harmful to minors."
- C. Electronic databases and other web-based searches and content will be filtered through the Venture's state-required internet filter.
- D. Gifts and donations will not enter library circulation until they have been reviewed using the selection criteria above.

III. Library Collection Maintenance

- A. Library materials will be maintained consistent with the criteria listed in II.B, state and federal laws, including Utah Code Ann. Section 53G-10-103.
- B. The school librarian or designated specialist will inventory the school library collection and equipment annually.

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IV. Requests for Review of Library Materials- Process

- A. If material present in the library appears to meet the “sensitive material” definition in Section 53G-10-103, or fails to meet age-appropriateness guidelines, a request for review of material can be made by:
 - 1. a parent of a student that attends the school;
 - 2. a student who attends the school; or
 - 3. an employee of the school.
- B. Venture will ensure access to a Library Materials Review Request Form in the office and on the website (See Appendix A). Any requestor must provide all information required on the form.
- C. Anonymous requests for review are not accepted. The identity of the requestor will be protected and kept confidential within the Review Committee (see Below).

V. Review Committee

- A. Upon receipt of a request for review of library material, the school administrator, or designee, will acknowledge the receipt of the request and, if the request meets all requirements of the Materials Review Request Form, convene a Review Committee (hereafter, “Committee”) according to the procedure outlined below:
 - 1. **Members** of the Committee will be an odd number of people including:
 - a) A school administrator
 - b) a licensed teacher at the school who is currently teaching English language arts or subject relevant to the challenged material;
 - c) the school librarian; and
 - d) two parents of current students at the school, Subsection 53G-10-103(3).
- B. The Committee will determine the amount of time needed for an adequate review of material to make a thorough and thoughtful decision and will inform the requester of the projected timeline (A general preference of no fewer than 30 school days and not more than 60 school days is recommended).
- C. Each member of the Committee will receive materials to complete the review process, including the following:
 - 1. access to the complete work that includes the material being challenged;
 - 2. a copy of the submitted Materials Review Request form;
 - 3. a copy of this policy;
 - 4. relevant background information about the material (compiled and shared by the library staff, perhaps including reason for initial inclusion of the material in the library.)
- D. The Committee will determine:
 - 1. 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.
 - a) In deciding whether the material constitutes sensitive material, the Committee must:
 - (1) consider *all* elements of the definitions of pornographic or

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indecent materials as defined in Utah Code Sections 76-10-1235, 76-10-1201, 76-10-1203, and 76-10-1227;

- (a) "Harmful to minors" means that quality of any description or representation, in whatsoever form, of nudity, sexual conduct, sexual excitement, or sadomasochistic abuse when it:
 - (i) taken as a whole, appeals to the prurient interest in sex of minors;
 - (ii) is patently offensive to prevailing standards in the adult community as a whole with respect to what is suitable material for minors; and
 - (iii) taken as a whole, does not have serious value for minors.

- 2. Whether the material is **age appropriate** due to vulgarity or violence.

The Committee must consider the 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:

- (1) reliable, expert reviews of the material or other objective sources;
 - (2) committee members' experience and background;
 - (3) community standards (e.g., is patently offensive to prevailing standards in the adult community as a whole with respect to what is suitable material for minors).
 - (4) "serious value" does not mean *any value*; and
 - (5) greater protections should exist concerning content for a library in an elementary or middle school setting.
- 3. Materials may not be removed because they contain ideas that local school boards, employees, or patrons disagree with based on politics, nationalism, religion, or other matters of opinion.
- 4. The Committee will make a final determination of a reviewed material as follows:
 - a) **Retained:** maintain access in a school setting to the challenged material for all students.
 - b) **Restricted:** restrict access in a school setting to the challenged material for certain students as determined by the Review Committee.
 - c) **Removed:** prohibit access in a school setting to the challenged material for all students.
- 5. The decision of the Committee will be determined by majority vote.
- 6. The final determination of the Committee will be communicated to the requestor and appropriate employees within 5 school days of the decision being made.

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E. Additional Stipulations

1. A school administrator may choose to restrict access to the material under review--by maintaining the material behind the circulation desk until the Committee completes its process--if s/he determines that it may clearly meet the definition of sensitive material or is clearly not age appropriate. In such cases, access is limited to students with prior parent/guardian permission only.
2. If requests for review become unduly burdensome on the staff, Venture will limit the number of reviews an individual may request in the course of a school year.
3. A particular material may not be reviewed again for five school years following the Committee's determination.

VI. 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 school principal within 10 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 school principal, an Appeals Committee will be formed of the following members:
 1. Two governing board members;
 2. A school administrator who was not on the Review Committee;
 3. A teacher.
 4. A parent who did not participate in the initial Review Committee. The Committee must have an odd number of members.
- C. If there is not an appeal of the Review Committee's recommendation, the Committee's recommendation is the final determination for the challenged material.
- D. The Appeals Committee will follow the same procedures (outlined above) as the Review Committee.

VII. Final Procedural Review by USBE (*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.
- B. The USBE will review the petition and determine if a procedural review is
 1. warranted, to determine whether the LEA correctly followed its library materials review policy referred to in Rule R277-628.
 2. That determination may include the USBE's decision to have the appeal considered initially by a USBE Committee or a panel of USBE members.
- C. 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.
- D. 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.

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- E. This USBE review decision is final.

VIII. Communication

- A. On Venture Academy's website will be:
 - 1. A Materials Review Request Form (See Appendix A);
 - 2. An Appeal Request Form (See Appendix B);
 - 3. This Library Policy.

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Appendix A: Materials Review Request Form

Title:

Author:

School:

Review Request initiated by:

Telephone:

Address:

City:

Zip:

Email:

1. Does your child attend this school? Yes No (Please circle one)
2. Was the material in question checked out of the HS or K8 library?
 - a. Yes
 - b. If no, please contact the school principal.
3. Which of the following two areas of concern best describe your concern? (circle a or b)
 - a. Harmful to a minor because it contains descriptions or representations, in whatsoever form, of nudity, sexual conduct, sexual excitement, or sadomasochistic abuse where:
 - i. taken as a whole, appeals to the prurient interest in sex of minors;
 - ii. is patently offensive to prevailing standards in the adult community as a whole with respect to what is suitable material for minors; and
 - iii. taken as a whole, does not have serious value for minors.
 - b. Is not age appropriate for children due to vulgarity or violence because it,
 - i. is patently offensive to prevailing standards in the adult community as a whole with respect to what is suitable material for minors; and
 - ii. taken as a whole, does not have serious value for minors.
4. Provide examples, page numbers, links, or any other information to help in locating or identifying the content of concern. Please attach any images or other corroborating evidence.
5. What action are you asking the committee to consider:
 - a. remove the material; or
 - b. restrict access?

Signature: _____

Date: _____

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Appendix B: Appeal Request Form

Instructions:

1. A requestor will submit the Venture Academy Appeal Form along with a copy of the School Library Materials Reconsideration decision within 10 business days of receiving the decision of the School Library Material Review Committee.

Requestor Information:

1. Date:

2. Legal Name of Guardian:

3. Address:

4. E-mail:

5. Phone Number:

6. Please attach a copy of the Materials Review Decision you are appealing.

The submitter of an Appeal Form will receive a receipt within ten (10) school calendar days. The receipt of submission will include an estimated time-line for a determination of the Appeal to be completed within a reasonable time period not to exceed 60 school days.

Challenged Material Information:

1. Title _____

2. Author _____

3. Publisher and date of publication _____

4. High school or K8 library? _____

(See Next Page for Remainder of Form)

This image shows a single page of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page, leaving small margins at the top and bottom. There are no vertical margin lines, and the page is completely blank except for the lines themselves.