

1 **R277. Education, Administration.**

2 **R277-628. School Libraries.**

3 **R277-628-1. Authority and Purpose.**

4 _____ (1) This rule is authorized by:

5 _____ (a) Utah Constitution Article X, Section 3, which vests general control and
6 supervision over public education in the Board;

7 _____ (b) Section 53E-3-501(1)(c)(v), which requires the Board to establish rules and
8 minimum standards for public schools including school libraries; and

9 _____ (c) Section 53E-3-401(4), which allows the Board to make rules to execute the
10 Board's duties and responsibilities under the Utah Constitution and state law.

11 _____ (2) The purpose of this rule is to:

12 _____ (a) provide that the minimum standards for an LEA's library policies and
13 accompanying procedures for library material selection and reconsideration [.]are in
14 compliance with the provisions of Utah State Code Section 53E-2-201, Policy for Utah's
15 public education system.

16 _____ (b) ensure library materials are in compliance with the following:

17 _____ (i) (i) Utah State Code Section 76-10-1203, Pornographic material or
18 performance.

19 _____ (ii) US Code - Title 18 Crimes and Criminal Procedure Chapter 71 - Obscenity
20 §1466A, Obscene visual representations of the sexual abuse of children.

21

22 **R277-628-2. Definitions.**

23 _____ (1) "Library material" means any text, media, or resource, digital or physical,
24 available in a school setting~~[digital, including audio or visual media, or physical text~~
25 ~~contained within a school library's collection].~~

26 _____ (2) "School library" means any collection of texts, media, or resources, digital or
27 physical, located within a school or school system~~[the location, both physical and virtual,~~
28 ~~where library materials are housed and administered by professional staff hired to~~

29 ~~oversee the selection, maintenance, and access to [the]school library materials].~~

30

31 **R277-628-3. Policy and Accompanying Procedures for School Library Material**

32 **Selection and Reconsideration.**

33 ~~_____ (1) [On or before September 1, 2022]~~By the end of an LEA's 2021-2022 school
34 calendar year, an[an][each] LEA shall:

35 _____ (a) review all library materials for those which lack educational suitability under
36 community standards, based on one or more of the following criteria:[establish a policy
37 and accompanying procedures for the selection and reconsideration of materials
38 selected for a school's library; and]

39 _____ (i) (i) it preponderantly appeals to a prurient interest in sex.

40 _____ (ii) it is patently offensive in the description or depiction of nudity, sexual
41 conduct, sexual excitement, sadomasochistic abuse, or excretion.

42 _____ (iii) it does not, as a whole, demonstrate serious literary, artistic, political or
43 scientific value.

44 _____ (iv) it depicts, describes, or suggests a minor engaging in sexually graphic or
45 explicit conduct.

46 _____ (v) it is obscene.

47 _____ (vi) it demonstrates excessive or egregious use of sexual language, including
48 slang.

49 _____ (vii) it depicts or describes sexual acts or acts of violence in a gratuitous and
50 graphic manner.

51 _____ (viii) it depicts, describes, or suggests a minor or adult engaging in any act of
52 graphic bestiality, sadistic or masochistic abuse, or sexual intercourse, including
53 genital-genital, oral-genital, anal-genital, or oral-anal, whether between persons of the
54 same or opposite sex.

55 ~~_____ (b) [ensure each school within the LEA complies with the LEA's policy and~~
56 ~~accompanying procedures for the selection and reconsideration of materials selected~~

57 ~~for a school's library described in Subsection (1)(a)]~~remove permanently from school
58 facilities any materials which meet one or more of the criteria listed under 3(1)(a).
59 _____ (c) create a least-restrictive, transparent process for parents to submit
60 complaints which allows submission of complaints via hand-submitted or electronic
61 means.
62 _____ (d) create a least-restrictive, transparent process for parents to submit an
63 appeal of a decision of a review or submit complaints about the review process directly
64 to the LEA board of education, who shall return a decision of the appeal via a majority,
65 roll call vote.
66 _____ (e) prioritize the review of any materials which are the subject of existing
67 parental complaints.
68 _____ (f) submit to the parents of the LEA by mail a comprehensive list of the
69 materials removed from each school.
70 ~~_____ (2) An LEA's policy and accompanying procedures described in Subsection (1)~~
71 ~~shall:~~
72 ~~_____ (a) contain, and be aligned~~~~[are written in alignment]~~ ~~with, a statement~~
73 ~~supporting freedom of inquiry including support for intellectual and academic freedom;~~
74 ~~_____ (b) contain an explanation of the importance~~ ~~[for]of~~ ~~exposing students to a wide~~
75 ~~variety of materials and information;_~~
76 ~~_____ (c) state the LEA's library mission or vision statement;_~~
77 ~~_____ (d) outline the procedure for the selection and maintenance of library materials~~
78 ~~including:_~~
79 ~~_____ (i) standards and criteria for selection including a process for parent and school~~
80 ~~community member feedback;~~
81 ~~_____ (ii) [guidelines]procedures for the receipt or denial of contributions or gifts to a~~
82 ~~school library's collection; and~~
83 ~~_____ (iii) the standards for the maintenance and updates of a school library's~~
84 ~~collection; and~~

85 ~~_____ (e) outline the procedure for the evenhanded reconsideration of library materials~~
86 ~~including:–~~
87 ~~_____ (i) a process for objectively receiving and reviewing formal complaints including~~
88 ~~that the complaint:~~
89 ~~_____ (A) be submitted in writing for each library material to be reconsidered; and~~
90 ~~_____ (B) [must]specify the reasons for requesting reconsideration of each library~~
91 ~~material;–~~
92 ~~_____ (ii) that any parent with a student currently enrolled at the school, employee of~~
93 ~~the school, or student who attends the school may file a complaint after assuring the~~
94 ~~complainant has [consumed] read the library material in its entirety;~~
95 ~~_____ (iii) the formation of a reconsideration review committee as described in~~
96 ~~Subsection R277-628-4;~~
97 ~~_____ (iv) a process for initial review of the complaint to approve or deny a full~~
98 ~~reconsideration committee review;~~
99 ~~_____ (iv) that items under reconsideration shall remain in circulation until the~~
100 ~~reconsideration review process is [complete]final including all appeals; and–~~
101 ~~_____ (v) an appeals process for the proceedings used by the reconsideration review~~
102 ~~committee, which shall be limited to procedural issues; and~~
103 ~~_____ (f) include timelines that provide for a prompt review of complaints and~~
104 ~~consideration of appeals.]~~
105 _____ (2) By the end of an LEA's 2021-2022 school calendar year, an LEA shall
106 create a school materials selection committee process in which:
107 _____ (a) parents or grandparents of school children are elected by other parents of
108 that school to serve on a material review committee for a 2-year term, effective May
109 2022.
110 _____ (b) parents or grandparents of children in attendance at the school can
111 self-nominate or nominate others for the ballot.
112 _____ (c) parents are notified by a school no fewer than 2 weeks in advance of the

- 113 deadline for submitting nominations for the ballot.
- 114 (d) the election of the material review committee is open for 7 days.
- 115 (e) the members of the material review committee are to consist of the
116 following:
- 117 (i) 7 parents or grandparents with children or grandchildren enrolled in that
118 school and who are not employed by an LEA nor have membership in any
119 educator-affiliated organization.
- 120 (ii) 1 certified teacher librarian.
- 121 (iii) 1 educator.
- 122 (f) vacancy appointments of parents or grandparents to the committee shall be
123 conducted by election as described in 3(2)(a), (b), (c) & (d).
- 124 (g) each school shall provide a room to accommodate the committee's
125 meetings.
- 126 (h) the chair of the committee will be a parent or a grandparent, as selected by
127 majority vote by the committee.
- 128 (i) committee meetings shall use simple parliamentary procedure.
- 129 (j) a committee will nominate a parent or grandparent to act as secretary to
130 keep minutes of each meeting.
- 131 (k) committees must have a quorum to issue a decision on a review, consisting
132 of no fewer than 7 members.
- 133 (l) the election process of parent members to the materials selection committee
134 shall begin in the 2nd week of April, with member terms beginning 4 weeks after the
135 starting date of the process.
- 136 ~~(3) An LEA's policy and accompanying procedures may include other elements~~
137 ~~or requirements consistent with this rule and state law.~~
- 138 (3) The material review committee will review complaints of library materials by:
- 139 (a) meeting monthly to review parent complaints.
- 140 (b) removing or denying access to all available copies of the materials until the

- 141 completion of the review process.
- 142 (c) objectively arbitrating complaints based on a rubric comprised of the criteria
- 143 listed under 3(1)(a).
- 144 (d) requiring each member to read the material(s) in question.
- 145 (e) for the library material(s) in question, documenting each instance of the
- 146 criteria listed under 3(1)(a) in regards to the nature of the complaint.
- 147 (f) returning a decision by a simple majority within 4 weeks of the receipt of a
- 148 complaint that shall include:
- 149 (i) the documentation of the results of the review, to be on file for review by any
- 150 parent at the school upon request.
- 151 (ii) specific findings that sufficiently address the main objections of the
- 152 complaint.
- 153 (iii) a roll call record of each member’s vote.
- 154 (iv) redaction of the name of the complainant.
- 155 (4) An LEA shall inform teachers, staff, and parents through email and printed
- 156 mail prior to the beginning of the calendar school year of the following:
- 157 (a) library materials are to be curated and reviewed based on the criteria listed
- 158 under 3(1)(a) by a review committee consisting of the membership listed under 3(2).
- 159 (b) library materials are subject to review annually, or as needed as per a
- 160 parental review request.
- 161 (c) library materials are not an exhaustive resource, do not constitute the
- 162 “spectrum of available knowledge” to students, and can be supplemented by outside
- 163 resources such as public libraries and bookstores.
- 164 (d) parents can:
- 165 (i) request the list of materials challenged at that school and review the
- 166 accompanying documentation for each complaint.
- 167 (ii) submit a complaint about library materials.
- 168 (e) the link to and name of this rule, R277-628.

169

170 ~~R277-628-4. Reconsideration Review Committee.~~

171 ~~_____ (1) An LEA shall form a reconsideration review committee when a request for~~
172 ~~reconsideration has been completely and correctly filed.~~

173 ~~_____ (2) The reconsideration review committee shall [contain]include the following~~
174 ~~members[hip]:~~

175 ~~_____ (a) an LEA curriculum director;~~

176 ~~_____ (b) a director of school library services;~~

177 ~~_____ (c) a licensed educator with a library media specialist endorsement [certified~~
178 ~~teacher librarian];~~

179 ~~_____ (d) a literacy director or specialist;~~

180 ~~_____ (e) one or more educators;~~

181 ~~_____ (f) two or more parents who have a child currently enrolled in the school; and~~

182 ~~_____ (g) if the school is a secondary school, two or more students currently enrolled~~
183 ~~in the school.~~

184 ~~_____ (3) The membership of a reconsideration review committee:~~

185 ~~_____ (a) may not [contain]include the individual, or a member of the individual's~~
186 ~~household, who has filed the request for reconsideration and~~

187 ~~_____ (b) shall be kept confidential as much as possible consistent with Title 63G,~~
188 ~~Chapter 2, Government Records Access and Management Act[anonymous and~~
189 ~~protected from the public].~~

190 ~~_____ (4) Each member of the reconsideration review committee shall read or review~~
191 ~~the library material under review in its entirety prior to providing an opinion to the full~~
192 ~~committee, excluding any student member where review may be deemed inappropriate~~
193 ~~by the LEA[making a decision].~~

194 ~~_____ (5) If the LEA is unable to find an individuals that [meets]satisfy the described~~
195 ~~roles in Subsection (2), [then]the LEA may select [an]individuals that [meets]satisfy the~~
196 ~~roles as closely as possible.~~

197 ~~_____ (6) A reconsideration review committee's final decision shall be made by a~~
198 ~~simple majority.~~

199

200 **R277-628-5. Training and Review of Policy and Procedures.**

201 ~~_____ (1) An LEA shall provide a training on the policy and accompanying procedures~~
202 ~~to relevant employees on a recurring basis as determined by the LEA~~~~staff, at least~~
203 ~~annually.~~

204 ~~_____ (2) An LEA shall establish a regular review cycle for the policy and~~
205 ~~accompanying procedures.~~

206 ~~_____ (3) An LEA shall ~~include~~post the policy and accompanying procedure on the~~
207 ~~LEA's website.]~~

208

209 **R277-628-4. Procurement.**

210 ~~_____ (1) All library materials procured by a school must be catalogued prior to~~
211 ~~purchase or use for review by the school materials selection committee.~~

212 ~~_____ (2) The employee procuring or using any library materials must vet all materials~~
213 ~~for compliance with the criteria listed under 3(1)(a) prior to cataloguing them for review~~
214 ~~by the school materials selection committee.~~

215 ~~_____ (3) The materials selection committee will publish a preview of the list by email~~
216 ~~and on the school website for review by parents prior to authorizing procurement.~~

217 ~~_____ (4) A period of no fewer than 15 days shall be given to parents to review the~~
218 ~~procurement list and submit complaints to the materials selection committee.~~

219 ~~_____ (5) Complaints received prior to procurement shall be subject to the same~~
220 ~~process, with the exception of 3(3)(b), as listed in 3(3).~~

221 ~~_____ (6) All library materials must be procured by an employee of an LEA.~~

222

223 **R277-628-5. Enforcement.**

224 ~~_____ ([4]1) The [F]ailure of an LEA or any of its employees to follow or properly~~

225 implement any part of this rule shall be overseen by a Utah State board member-based
226 committee, within 30 days of receipt of a parent petition, and by roll call vote

227 (2) The failure of an employee to vet library materials procured or used for
228 compliance with the criteria listed under 3(1)(a) shall result in disciplinary action
229 administered by UPPAC to include, but not be limited to:

230 (a) a reprimand, suspension, or revocation as appropriate under R277-215 for
231 educators, or

232 (b) a suspension without pay or dismissal from employment for employees other
233 than educators; and

234 (c) a suspension of procurement privileges for no fewer than 12 months.

235 (3) An employee who, in the capacity of the employee's position or in the
236 performance of that employee's duties or responsibilities, exposes students to materials
237 that do not comply with the criteria listed under 3(1)(a), shall be subject to disciplinary
238 action administered by UPPAC to include, but not be limited to, the actions listed under
239 4(7).

240 [to post the required policy, provide timing, or follow the LEA's policy may result in an
241 LEA's loss of textbook and curriculum related state funds from the Board].

242

243 **KEY: school library, material selection, policy and procedures**

244 **Date of Enactment or Last Substantive Amendment: 2021**

245 **Authorizing, and Implemented, or Interpreted Law: Art X Sec 3;**

246 **53E-3-501(1)(c)(v); 53E-3-401(4)**