

# ODYSSEY CHARTER SCHOOL LIBRARY POLICY

Approved by Governing Board on: \_\_\_09/29/2022\_\_\_

## I. Library Policy

- A. Odyssey Charter School's (Odyssey) library goals are to support and enhance Odyssey's curriculum and to enrich the overall education experience. The library is to provide a diverse collection of material with consideration to differing levels of difficulty and diversity of appeal and purpose, for faculty and student use, while making the best possible use of financial resources.
- B. This policy specifies the process for identifying materials to be included or disqualified from use in the library 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.
- C. All employees of Odyssey must adhere to this policy and are subject to Odyssey's employee conduct policies for any personal violation.

## II. Selection of Materials for Library Collection

- A. The library professional or designated Odyssey volunteer will initially select all library materials under the direction of the local board, including gifts and donations, consistent with this policy using the following criteria:
  1. seek recommendations and work collaboratively with parents, patrons, others in the school community during the selection process;
  2. create a collection that reflects diversity of ideas; and
  3. create a collection that adheres to the law.
- B. Electronic databases and other web-based searches and content will be filtered through Odyssey's 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 final material selection rests with trained library personnel under direction of the governing board of Odyssey using the following criteria:
  1. Pertinence to the curriculum and the objectives of Odyssey's instructional program
  2. Timely and classic; out of date information and media not able to stand the test of time should be avoided
  3. Reputation and significance of the author, artist, composer, producer, etc.
  4. High artistic, literary and technical quality, judging the work primarily in its entirety and secondarily by specific passages
  5. Valid, objective, original and accurate in terms of content, for the purpose of informing rather than indoctrinating
  6. Representative of differing viewpoints on controversial subjects
  7. Reflective of the pluralistic nature of a global society
  8. High quality construction and durability-in good repair
  9. Cost effective to the overall collection
  10. Readability and popular appeal, taking into account different age groups and interest levels.

- E. A record of reviewed materials will be maintained by Odyssey and include:
  - 1. the title and author of the material;
  - 2. all available formats of the material (digital/hard copy/etc.);
  - 3. the intended use of the material; including maturity level of the content and its target audience
  - 4. the date the material was reviewed; and
  - 5. 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 annually.
  - 1. The inventory may be used to determine losses and remove damaged or worn materials to be considered for replacement.
  - 2. 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.
  - 3. The inventory may be used to identify gaps or deficits in the library's collection.

### **IV. Library Materials Review Process**

- A. Odyssey will ensure that the school approves 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:
  - 1. a parent/legal guardian of a student that attends the school;
  - 2. a student who attends the school; or
  - 3. an employee of the school.
- C. If challenges become unduly burdensome Odyssey may limit the number of challenges an individual may make during 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 the with 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. Odyssey will ensure 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 requestor must have read the work in its entirety.
- I. The material that is subject to a review request will have restricted access by maintaining the material behind the circulation desk or requiring an access code for digital materials until the processes described in this policy are completed. Access is limited to students with prior parent/legal guardian permission only. A list of restricted materials shall be made available to the public.

- J. The material's access level will be consistent until a final determination is made regarding the material.
- K. Upon receipt of a request for review, the school administrator or designee will acknowledge the receipt of the request, and convene a Review Committee within a reasonable time according to the procedure outlined below:
  - 1. A Review Committee will include a reasonable and an odd number of individuals.
  - 2. Members of the committee will include:
    - i. a facilitator chosen by Odyssey's administration;
    - ii. at least one administrator or designee;
    - iii. a licensed teacher at the school who is currently teaching a subject relevant to the challenged material;
    - iv. a licensed teacher-librarian or school librarian; and
    - v. parents/legal guardians of current students at the school that number at least four, and 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). The person making the material review request cannot also serve on the Review Committee.
- L. 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 60 school days.
- M. The Review Committee may request that Odyssey's board determine the maximum amount of time allowed for review and determination.
- N. Members of the Review 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 Materials Review Request form;
  - 3. a copy of this policy
  - 4. relevant information about the title compiled and shared by the library staff, including reason for initial approval of the material; and
  - 5. recorded public comment as described below in Subsection O.
- O. Prior to a decision of the Review Committee the review will provide an opportunity for public comment regarding the material at a governing board meeting.
- P. Odyssey 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.
- Q. Odyssey will record all public comment, including written comment received, and make those comments available to the Review Committee within 72 hours of the public comment meeting.
- R. The Review Committee will schedule meetings as determined by the Review Committee and maintain minutes of each meeting.
- S. The notes from each meeting will be retained by Odyssey along with all relevant documentation and the final determination.
- T. 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.
- U. In deciding whether the material constitutes sensitive material, the Committee must:
  - 1. 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

2. whether the material is age appropriate due to vulgarity or violence.
- V. 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 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; and
  3. community standards.
- W. 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:
1. serious value does not mean *any value*; and
  2. greater protections should exist concerning content for a library in an elementary or middle school setting.
- X. In deciding whether the material is age appropriate due to vulgarity, violence or content, the Committee must also consider whether individual scenes, passages, depictions, or themes in the material are inappropriate for children in the grades taught at Odyssey.
- Y. The Review Committee will make a final determination of a reviewed material as follows:
1. **Retained:** the determination to maintain access in a school setting to the challenged material for all students.
  2. **Restricted:** the determination to restrict access in a school setting to the challenged material for certain students as determined by the Review Committee.
  3. **Removed:** the determination to prohibit access in a school setting to the challenged material for all students.
- Z. The decision of the Review Committee will be determined by majority vote.
- AA. A material may not be reviewed again for three school years following the Review Committee's determination.
- BB. 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.
- CC. Odyssey will maintain a list of all materials that receive a "removed"

determination and make the list available upon request \_\_\_\_\_

## V. Appeals Process

- A. The original requestor or another individual who was not on the Review Committee; and meets the same requirements listed in IV: B, G, and H; may appeal the determination of the Review Committee in writing to the school principal 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 school principal, the local governing authority will act as the Appeals Committee.
  1. The local governing authority (Appeal Committee) may add parent/legal guardian or school administrator member(s) who did not participate in the initial Review Committee, only as necessary to have an odd number of members.
- C. If there is not an appeal of the Review Committee's recommendation, the Review Committee's recommendation is the final determination for the challenged material.
- D. The Appeals Committee will determine the amount of time needed for an adequate review, not longer than 60 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:
  1. a copy of the material;
  2. a copy of the Materials Review Request form;
  3. all meeting minutes;
  4. the Review Committee's final recommendation and rationale for the decision;
  5. 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 V.O. 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 Odyssey 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:
  1. **Retained:** the determination to maintain access in a school setting to the challenged material for all students;
  2. **Restricted:** the determination to restrict access in a school setting to the challenged material for certain students;
  3. **Removed:** the determination to prohibit access in a school setting to the challenged material for all students; or
  4. Another determination as decided by the Appeals Committee.
- I. The decision of the Appeals Committee will be determined by majority vote.
- J. A material may not be reviewed again for three school years if the Appeals Committee votes to uphold a Review Committee's determination.
- K. The final determination of the Appeals Committee will be communicated to the requestor and appropriate employees within 10 days of the determination.
- L. Odyssey will maintain a list of the determinations by 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 in V.A., may petition the USBE for a procedural review of the Appeals Committee's decision.
  - 1. 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.
  - 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.
  - 3. 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 webpage on the public website for Odyssey will be updated and available prior to the beginning of each school year to inform teachers, staff, students, and parents/legal guardians of the following:
  - 1. A Materials Review Request Form (See Appendix A);
  - 2. An Appeal Request Form (See Appendix B);
  - 3. Application to serve on a materials Review Committee;
  - 4. This Library Policy;
  - 5. A list of all materials that are restricted while under Review or have received a Review Committee or Appeals Committee determination.
- B. If made aware of material that may be considered sensitive material as defined in Section 53G-10-103, Odyssey will inform relevant parties regarding appropriate actions to take pursuant to this policy.

**Appendix A: Materials Review Form**

Title:

Author:

School:

Review Request initiated by:

Telephone:

Address:

City:

Zip:

Email:

- 1) Does your child attend this school?      Yes              No
- 2) Have you read the work in its entirety?      Yes              No

3) Was this material recommended, assigned, or made available through the students' school? If so, where?

4) 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.

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

Signature:

Date

\*\*\*\*\*Below is for internal use only\*\*\*\*\*

LEA Appointed Committee Convener/Facilitator:

\_\_\_\_\_  
Suggested Review Timeline:\_\_\_\_\_

## Appendix B: Appeal Request Form

### Instructions:

1. A requestor will submit the Appeal Form along with a copy of the School Library Materials Reconsideration decision within 15 business days of receiving the decision of the School Library Material Reconsideration Committee.

### Requestor Information:

1. Date \_\_\_\_\_
2. Legal Name of Guardian \_\_\_\_\_
3. Address \_\_\_\_\_
4. E-mail \_\_\_\_\_
5. Phone Number \_\_\_\_\_
6. Have you read this work in its entirety \_\_\_\_\_
7. School \_\_\_\_\_
8. School Challenge Decision Date \_\_\_\_\_

The submission of an Appeal Form will receive a receipt of notice of submission within ten (10) school calendar days. The receipt of submission will include an estimated timeline 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. School where title can be accessed \_\_\_\_\_

Please provide a written statement setting forth your rationale to appeal the School Committee's decision regarding the title (attach additional pages as needed).

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

**Appendix C: Library Advisory Committee Application**

I am hereby requesting to be on the materials review committee.

Applicant's Information:

Legal Name \_\_\_\_\_

Address \_\_\_\_\_

E-mail \_\_\_\_\_

Phone Number \_\_\_\_\_

I have a student currently attending OCS: \_\_\_yes \_\_\_no

My background and experience:

My qualifications:

Why I want to be on this committee:

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

\*\*\*\*\*Below is for internal use only\*\*\*\*\*

Administrator to handle request: \_\_\_\_\_

Suggested Review Timeline: \_\_\_\_\_