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Library Materials Policy

Policy No. 6007

Intellectual freedom is the right of every individual to both seek and receive information from all points of view without restriction. It provides for free access to all expressions of ideas through which any and all sides of a question, cause or movement may be explored. – American Library Association

Freedom Preparatory Academy school libraries support and enhance student learning. Freedom Preparatory Academy values libraries, media centers, 76and library staff who select, maintain, and preserve rich repositories of balanced, relevant, age-appropriate, and varied educational sources for students.

This policy specifies the process for identifying materials to be included or disqualified from use in libraries, classrooms, and schools based on Section 53G-10-103, Sensitive Instructional Materials, state and federal law, Board Rules R277-217 and R277-628, Educator Standards, and LEA Reporting, or based on age- appropriateness. All employees of Freedom Preparatory Academy must adhere to this policy.

I. Selection of Materials for Library Collection

- A. The library professional or designee will initially select all library materials under the direction of the Governing Board, including gifts and donations, consistent with this policy using the following criteria:
 - a. seek recommendations and work collaboratively with parents, patrons, and others in the school community during the selection process;
 - b. create a collection that reflects a diversity of ideas;
 - c. create a collection that adheres to the law.
- B. Electronic databases and other web-based searches and content will be filtered through the Freedom Preparatory Academy state-required internet filter.

- C. Gifts and donations will be reviewed following selection criteria and will be accepted or rejected using the same criteria. The responsibility for final material selection rests with trained library personnel and building principal under the direction of the Governing Board using the following criteria:
- a. Overall purpose and educational significance;
 - b. Legality;
 - c. Age and developmental appropriateness;
 - d. Timeliness and/or permanence;
 - e. Readability and accessibility for the intended audience;
 - f. Artistic quality and literary style;
 - g. Reputation and significance of author, producer, and/or publisher;
 - h. Variety of formats with efforts to incorporate emerging technologies;
 - i. Quality and value commensurate with cost and/or need.

II. Library Collection Maintenance

- A. Library materials will be maintained consistent with the criteria listed in I.C, 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.
- a. The inventory may be used to determine losses and remove damaged or worn materials to be considered for replacement.
 - b. 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.
 - c. Identifying gaps or deficits in the library's collection.

III. Library Materials Review Process

- A. Freedom Preparatory Academy will ensure that each school within the organization 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 material may only be made by:
- a. a parent of a student that attends the school;
 - b. a student who attends the school;
 - c. an employee of the school.;
 - d. a member of the Governing Board.

- C. 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 age-appropriateness of content.
 - a. Objective sensitive material is defined based on all elements of the definitions of pornographic or indecent materials as defined in Utah Code Sections 76-5c-208, 76-5c-101, 76-5c-102, and 76-5c-207;
 - b. Subjective sensitive material is defined in sections 76-5c-208, 76-5c-101, 76-5c-102, and 76-5c-207, and has no serious literary, aesthetic, political or scientific value;
 - c. Age appropriateness is concerned with vulgarity, violence or content.
- D. 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.
- E. Freedom Preparatory Academy will ensure each school provides access to a Library Materials Review Request Form (See Appendix A).
- F. The requestor must provide all information requested on the form including the requestor's complaint or objection to the library material.
- G. Upon receipt of a request for review, two or more LEAs will make an initial determination about the plausibility of the allegation/challenge. If the claim is plausible, the material will be removed from student access/circulation. A list of restricted materials shall be made available to the public.
 - i. Determining Plausibility: The review evaluates whether the material, based on its content and context, reasonably aligns with the state's definition of sensitive materials.
- H. If the initial review determines that the challenge has a plausible objective sensitive materials claim, the school administrator or designee will acknowledge the receipt of the request, create a case number for the review, and convene a Review Committee within a reasonable time according to the procedure outlined below:
 - a. A Review Committee will include a reasonable and an odd number of individuals.
 - b. Members of the committee will include:
 - i. a facilitator chosen by school administration;
 - ii. at least one administrator or designee;
 - iii. a licensed teacher at the school who is currently teaching English language arts or subject relevant to the challenged material;
 - iv. a licensed teacher-librarian or school librarian;
 - v. 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).
- I. The Review Committee will determine the amount of time needed for an adequate review of 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.

- J. Members of the Review Committee will receive materials to complete the review process, including the following:
 - a. access to the complete work that includes the material being challenged;
 - b. a copy of the Materials Review Request form;
 - c. a copy of this policy;
 - d. relevant legal definitions defined in Utah Code 76-5c-208, 76-5c-101, 76p-5c-102, and 76-5c-207 & 53-10-103.
- K. The school conducting the review 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.
- L. The school conducting the review will record all public comments, including written comment received, and make those comments available to the Review Committee within 48 hours of the public comment meeting.
- M. The Review Committee will schedule meetings as determined by the Review Committee and maintain the minutes of each meeting.
- N. The notes from each meeting will be retained by the school conducting the review along with all relevant documentation and the final determination.
- O. The Review Committee will determine whether the material constitutes sensitive material consistent with Section 53G-10-103, this policy, and the guidance information provided by USBE.
- P. In deciding whether the material constitutes sensitive material, the Committee must:
 - a. Consider first whether the material constitutes an objective sensitive material based on all elements of the definitions of pornographic or indecent materials as defined in Utah Code Sections 76-5c-208, 76-5c-101, 76p-5c-102, and 76-5c-207
 - b.
 - c. Consider second whether the material constitutes subjective sensitive material 76-76-5c-208, 76-5c-101, 76p-5c-102, and 76-5c-207, and has no serious literary, aesthetic, political or scientific value;
 - d. whether the material is age appropriate due to vulgarity or violence.
- Q. In deciding whether the material is age appropriate due to any reason other than to determine if the subject matter contains sensitive materials, 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:
 - a. reliable, expert reviews of the material or other objective sources;
 - b. committee members' experience and background;
 - c. community standards.
- R. In deciding whether the material taken as a whole has serious literary, artistic, political, or scientific value as described in Subsection Q., the Committee should consider that:
 - a. serious value does not mean any value;

- b. greater protections should exist concerning content for a library in an elementary or middle school setting.
- S. The Review Committee will make a final determination of a reviewed material as follows:
 - a. Retained: the determination to maintain access in a school setting to the challenged material for all students.
 - b. Restricted: the determination to restrict access in a school setting to the challenged material for certain students as determined by the Review Committee.
 - c. Removed: the determination to prohibit access in a school setting to the challenged material for all students.
- T. The decision of the Review Committee will be determined by majority vote.
- U. The final determination of the Review Committee will be communicated to the requester and appropriate employees and USBE within 5 school days of the decision being made.
- V. Freedom Preparatory Academy will maintain a list of all materials that receive a "removed" determination and make the list available to all Freedom Preparatory Academy Schools.

IV. Appeal Process

- A. 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.
- B. The material may be reviewed again only if the governing board receives additional information regarding the material.
- C. The original requester 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 30 business days of receipt of the Review Committee's final determination using an Appeal Request Form (See Appendix B).
- D. After an appeal is filed with the school principal, the local governing authority (Governing Board) will act as the Appeals Committee.
 - a. The local governing authority (Appeal Committee/Governing Board) 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.
- E. 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.
- F. Prior to a decision of the Review Committee the school conducting the review will provide an opportunity for public comment regarding the material at a Governing Board meeting.

- G. Members of the Appeals Committee will receive materials to complete the review process, including the following:
 - a. a copy of the material;
 - b. a copy of the Materials Review Request form;
 - c. all meeting minutes;
 - d. the Review Committee's final recommendation and rationale for the decision;
 - e. 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 III.N. above.
- H. The local governing authority (Appeal Committee/Governing Board) 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.
- I. The Appeals Committee may make a final determination of a reviewed material as follows:
 - a. Retained: the determination to maintain access in a school setting to the challenged material for all students;
 - b. Restricted: the determination to restrict access in a school setting to the challenged material for certain students;
 - c. Removed: the determination to prohibit access in a school setting to the challenged material for all students;
 - d. Another determination as decided by the Appeals Committee.
- J. The decision of the Appeals Committee will be determined by a majority vote.
- K. The final determination of the Appeals Committee will be communicated to the requestor and appropriate employees and USBE within 10 days of the determination.

APPENDIX A



LIBRARY MATERIAL REVIEW REQUEST

Date: _____

Materials Review Request initiated by: _____

Telephone: _____

Address: _____

Email: _____

Book Title: _____

Author: _____

School: _____

1. Does your child attend this school? What grade level?

2. Was this material recommended, assigned, or made available through the student's school?

3. What concerns you about this material? Please 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.

Signature: _____

*All questions need to be answered and with solid evidence in order for this form to move forward to the committee.

APPENDIX B



LIBRARY MATERIAL REVIEW APPEAL REQUEST

Date: _____

Materials Review Appeal initiated by: _____

Telephone: _____

Address: _____

Email: _____

Book Title: _____

Author: _____

School: _____

1. What additional information do you have regarding this material? Please 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.

2. What action are you requesting the committee to review?

Signature: _____

*All questions need to be answered and with solid evidence in order for this form to move forward to the committee.