



**SUMMIT ACADEMY**  
**Library Policy**  
**Policy Number: 3303**

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**I. Purpose**

Summit Academy LEA and Summit Academy High School LEA are committed to providing students with educational materials that will support and enhance student learning. Summit Academy values libraries and 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 and schools 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.

**II. Definitions**

- A. “Sensitive Materials” means any printed or digital material described as pornographic in Sections 76-10-1201, 76-10-1203, or 76-10-1227.
- B. “Review Committee” means a group of LEA staff selected to review library materials for sensitive content, as described in this policy.

**III. Policy**

**Selection of Materials for Library Collection**

- A. The campus librarian or designated staff member will initially select all library materials under the direction of the Summit Academy Board of Trustees, including gifts and donations consistent with this policy using the following criteria:
  - 1. Seek recommendations and work collaboratively with parents, patrons, and 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 Summit Academy’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 the direction of the Summit Academy Board of Trustees 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. variety of format with efforts to incorporate emerging technologies; and
  - 9. quality and value commensurate with cost and/or need.
- E. A record of reviewed materials will be maintained by each campus of Summit Academy and include:
  - 1. The name of the school;



2. the title and author of the material;
3. all available formats of the materials (digital/hard copy/etc.);
4. the intended use of the material;
5. the date the material was reviewed;
6. and the staff member's name and title that reviewed the material.

### **Library Collection Maintenance**

- A. Library materials will be maintained consistent with the criteria for the selection of library materials listed above, state and federal laws, including Utah Code Ann. Section 53G-10-103, and represent varying viewpoints.
- B. The school librarian or designated staff member will inventory the school library collection and equipment each year.
  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. Identify gaps or deficits in the library's collection.

### **Library Materials Review Process**

- A. Summit Academy will ensure that each campus within the LEA approves the 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:
  1. A parent 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, Summit Academy may limit the number of challenges an individual may make in the course of 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 that the 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. Summit Academy will ensure each campus provides 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 material that is subject to a review request will have restricted access by maintaining the material away from direct student access until the processes described in this policy are completed. Individual students may gain access to the material with prior parent/guardian written permission only. A list of restricted materials shall be made available to the public.
- I. The material's access level will be consistent in all schools within Summit Academy until a final determination is made regarding the material.
- J. Upon receipt of a request for review, the principal or their 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:
  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 the Director of Summit Academy;
  - ii. at least one administrator or designee;
  - iii. a licensed teacher at the campus who is currently teaching English language arts or a subject relevant to the challenged material;
  - iv. a licensed teacher 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).
- K. The Review Committee will determine the amount of time needed for an adequate review of the material to make a thorough and thoughtful decision and inform the requestor of the determined timeline with a preference for 30 days where possible and no longer than 60 school days.
- L. The Review Committee may request that the Summit Academy Board of Trustees determine the maximum amount of time allowed for review and determination.
- M. 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 submitted Materials Review Request Form;
  3. a copy of this policy;
  4. relevant information about the title compiled and shared by the library staff, including the reason for initial approval of the material; and
  5. recorded public comment as described below in Subsection O.
- N. 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.
- O. 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.
- P. The school conducting the review will record all public comments, including written comments received, and make those comments available to the Review Committee within 48 hours of the public comment meeting.
- Q. The Review Committee will schedule meetings as determined by the Review Committee and maintain the minutes of each meeting.
- R. The notes from each meeting will be retained by Summit Academy and the school conducting the review along with all relevant documentation and the final determination.
- S. 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. (Attached)
- T. 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.
- U. 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 review of the material or other objective sources;
  2. committee members' experience and background; and
  3. community standards.



- V. 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.
- W. The Review Committee will make a final determination of the 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.
- X. The decision of the Review Committee will be determined by majority vote.
- Y. A piece of material may not be reviewed again for three school years following the Review Committee's determination.
- Z. 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.
- AA. Summit Academy will maintain a list of all materials that receive a "removed" determination and make the list available to all campuses with Summit Academy.
- BB. Decisions of all challenged books will be communicated to all campuses within Summit Academy whether retained, restricted, or removed.

### **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 Director of Summit Academy 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 Director of Summit Academy, the Summit Academy Board of Trustees will act as the Appeals Committee.
  - 1. The Summit Academy Board of Trustees (Appeal Committee) may add a parent or school administrator 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 original submitted 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 regarding the material.
- F. The Appeals Committee will schedule meetings as needed, as determined by the Appeals Committee and maintain the minutes of each meeting.



- G. The notes from each meeting will be retained by Summit Academy 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 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. Summit Academy will maintain a list of the determinations by the Appeals Committee and make the list available to all campuses within Summit Academy and the public.

#### **Final Procedural Review (Not legally binding until USBE amends R277-123)**

- A. The requestor of the appeal 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 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.

#### **Communication**

- A. An easily accessible webpage on the Summit Academy website will be updated and available prior to the beginning of each school year to inform teachers, staff, students, and parents 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, Summit Academy will inform relevant parties regarding appropriate actions to take pursuant to this policy.

#### **IV. References**



- A. USBE R277-628 – School Libraries
- B. USBE R277-217 – Educator Standards and LEA Reporting
- C. USBE R277-123 – Process for Members of the Public to Report Violations of Statute and Board Rule
- D. Utah Code 53G-10-103 – Sensitive Instructional Materials
- E. Utah Code 53G-10-402 – Instruction in Health – Parental Consent Requirements – Conduct and Speech of School Employees and Volunteers – Political and Religious Doctrine Prohibited
- F. Utah Code 76-10 Subsections 1235, 1201, 1203, and 1227 – Offenses Against Public Health, Safety, Welfare, and Morals

**V. Attachments**

- A. Appendix A – Library Materials Review Request Form
- B. Appendix B – Library Review Committee’s Decision Appeal Request Form
- C. Appendix C – Attorney General Guidance Letter and Supplemental Guidance Letter, Final Version, dated July 26, 2022

**VI. Revision History and Approval Date**

Version 1: Original Approval Date: 18August2022



# Library Materials Review Request Form

Title: \_\_\_\_\_

Author: \_\_\_\_\_ ISBN: \_\_\_\_\_

*\*Summit Academy will only review materials currently available for students through Summit Academy libraries, classrooms, or assigned/recommended by teachers.*

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Requestor's Name: \_\_\_\_\_ Telephone: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Email Address: \_\_\_\_\_

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Please answer all questions below:

1) Does your child attend Summit Academy?     Yes  No

2) Was this material recommended, assigned, or made available through the school? If so, when, and where?

\_\_\_\_\_

\_\_\_\_\_

3) What concern 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. Please attach all information to this form upon submission.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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

\_\_\_\_\_

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



# Library Review Committee's Decision Appeal Request Form

**Instructions:**

1. A requestor will submit this completed form within 15 business days of the original decision of the Review Committee.

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Requestor's Name: \_\_\_\_\_ Telephone: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Email Address: \_\_\_\_\_

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**Challenged Material Information**

Title: \_\_\_\_\_ ISBN: \_\_\_\_\_

Author: \_\_\_\_\_

Original Challenge Decision Date: \_\_\_\_\_

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

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