

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 provide the minimum standards for an LEA's
12 library policies and accompanying procedures for library material selection and
13 reconsideration.

14

15 **R277-628-2. Definitions.**

16 _____ (1) "Library material" means any digital, including audio or visual media, or
17 physical text contained within a school library's collection.

18 _____ (2) "School library" means the location, both physical and virtual, where library
19 materials are housed and administered by professional staff hired to oversee the
20 selection, maintenance, and access to [the]school library materials.

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22 **R277-628-3. Policy and Accompanying Procedures for School Library Material**
23 **Selection and Reconsideration.**

24 _____ (1) On or before September 1, 2022 [an]each LEA shall:

25 _____ (a) establish a policy and accompanying procedures for the selection and
26 reconsideration of library materials selected for a school's library that is consistent with
27 current state and federal law; and

28 (b) ensure each school within the LEA complies with the LEA's policy and
29 accompanying procedures for the selection and reconsideration of library materials
30 selected for a school's library described in Subsection (1)(a).

31 (2) The Superintendent shall provide a model policy for use by an LEA in
32 developing an LEA's policy and accompanying procedures described in Subsection (1).

33 ~~[(2) An LEA's policy and accompanying procedures described in Subsection (1)~~
34 ~~shall:~~

35 ~~_____ (a) contain, and be aligned~~[are written in alignment]~~ with, a statement supporting~~
36 ~~freedom of inquiry including support for intellectual and academic freedom;~~

37 ~~_____ (b) contain an explanation of the importance [for]~~of~~ exposing students to a wide~~
38 ~~variety of materials and information;~~

39 ~~_____ (c) state the LEA's library mission or vision statement;~~

40 ~~_____ (d) outline the procedure for the selection and maintenance of library materials~~
41 ~~including:~~

42 ~~_____ (i) standards and criteria for selection including a process for parent and school~~
43 ~~community member feedback;~~

44 ~~_____ (ii) [guidelines]~~procedures~~ for the receipt or denial of contributions or gifts to a~~
45 ~~school library's collection; and~~

46 ~~_____ (iii) the standards for the maintenance and updates of a school library's~~
47 ~~collection; and~~

48 ~~_____ (e) outline the procedure for the evenhanded reconsideration of library materials~~
49 ~~including:~~

50 ~~_____ (i) a process for objectively receiving and reviewing formal complaints including~~
51 ~~that the complaint:~~

52 ~~_____ (A) be submitted in writing for each library material to be reconsidered; and~~

53 ~~_____ (B) [must]specify the reasons for requesting reconsideration of each library~~
54 ~~material;~~

55 ~~_____ (ii) that any parent with a student currently enrolled at the school, employee of~~
56 ~~the school, or student who attends the school may file a complaint after assuring the~~
57 ~~complainant has ~~consumed~~read the library material in its entirety;~~

58 ~~_____ (iii) the formation of a reconsideration review committee as described in~~
59 ~~Subsection R277-628-4;~~

60 ~~_____ (iv) a process for initial review of the complaint to approve or deny a full~~
61 ~~reconsideration committee review;~~

62 ~~_____ (iv) that items under reconsideration shall remain in circulation until the~~
63 ~~reconsideration review process is ~~complete~~final including all appeals; and~~

64 ~~_____ (v) an appeals process for the proceedings used by the reconsideration review~~
65 ~~committee, which shall be limited to procedural issues; and~~

66 ~~_____ (f) include timelines that provide for a prompt review of complaints and~~
67 ~~consideration of appeals.~~

68 ~~_____ (3) An LEA's policy and accompanying procedures may include other elements~~
69 ~~or requirements consistent with this rule and state law.~~

70 **R277-628-4. Reconsideration Review Committee.**

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

73 ~~_____ (2) The reconsideration review committee shall ~~contain~~include the following~~
74 ~~members~~hip~~:~~

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

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

77 ~~_____ (c) a ~~licensed educator with a library media specialist endorsement~~ ~~certified~~~~
78 ~~teacher librarian];~~

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

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

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

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

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

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

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

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

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

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

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

101 ~~_____ (1) An LEA shall provide a training on the policy and accompanying procedures~~
102 ~~to relevant employees on a recurring basis as determined by the LEA~~[staff, at least~~~~
103 ~~annually].~~

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

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

108 ~~_____ (4) Failure to post the required policy, provide timing, or follow the LEA's policy~~

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Draft 3

Draft 3 – New Text – Green

January 12, 2022

109 ~~may result in an LEA's loss of textbook and curriculum related state funds from the~~
110 ~~Board.]~~

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

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

114 **Authorizing, and Implemented, or Interpreted Law: Art X Sec 3; [53E-3-](#)**

115 **[501\(1\)\(c\)\(v\); 53E-3-401\(4\)](#)**