

Great Oaks Academy

Library Materials Policy No. 610

I. Purpose

The purpose of this Policy is to provide direction and delegate responsibility regarding the selection of, challenges to, and reconsideration of Great Oaks Academy (the “School”) library materials in accordance with Minnesota Statutes Section 134.51. Nothing in this Policy impairs or limits the rights of a parent, a guardian, or an adult student to review the content of instructional materials to the extent allowed by law. The Executive Director is responsible for implementing this Policy and may establish additional procedures for responding to requests to remove library materials.

II. Definitions

A. “Library” means a charter school library or school library media center that contains library materials for students to access and use free of charge. A library must have the following characteristics:

1. ensures every student has access to resources and is able to locate, access, and use resources that are organized and cataloged;
2. has a collection development plan that includes but is not limited to materials selection and deselection, a challenged materials procedure, and an intellectual and academic freedom statement;
3. is housed in a central location that provides an environment for expanded learning and supports a variety of student interests;
4. has technology and internet access; and
5. is served by a licensed school library media specialist or licensed school librarian.

A library may also provide access to electronic materials. This Policy does not govern access to electronic materials that are accessed through the internet.

B. “Library materials” are the books, periodicals, newspapers, manuscripts, films, prints, documents, videotapes, subscription content, electronic and digital materials (including e-books, audiobooks, and databases), and related items made available to students in a library or through access to electronic materials. “Library materials” do not include materials made available to students as part of the curriculum.

C. “Librarian” is the School staff responsible for the library and administration of this policy, together with the Executive Director.

D. “Obscene” means a work that, taken as a whole, appeals to the prurient interest in sex and depicts or describes in a patently offensive manner sexual conduct and that, taken as a whole, does not have serious literary, artistic, political, or scientific value.

III. Responsibility for Library Materials

The Board of Directors recognizes the expertise of the School's professional staff and the vital need of such staff to be responsible for selection of library materials. While recommendations by administrators, staff members, students, parents, and other community members may be considered, the final responsibility for selection of library materials shall rest with the librarian, who will administer the procedures for selection and reconsideration of library materials set forth in this Policy.

IV. Materials Selection Criteria

- A. In selecting library materials, the librarian must apply the criteria articulated here. When considered as a whole, library materials should:
 - 1. enrich, support, or supplement the curriculum;
 - 2. promote reading for pleasure;
 - 3. reflect the ages and maturity levels of students in the building in which the library is located;
 - 4. reflect artistic value, literary value, and educational significance;
 - 5. promote critical thinking in in daily living or in areas of general importance to members of society, including, but not limited to, politics, science, history, religion, medicine, law, economics, or safety; or
- B. Prohibited Criteria. Library materials must not be excluded from selection, banned, removed, or otherwise restricted because of the race, nationality, religion, sex, or political views of the author or based solely on the viewpoint or the messages, ideas, or opinions the materials convey.
- C. Donations. The School may accept donated materials for inclusion in its library subject to confirmation by the librarian that such materials are consistent with the selection criteria and the school's library materials needs, and subject to acceptance by the Board.

V. Individual Student Access to Library Materials

Parents and guardians are responsible for speaking with their children about the library materials they choose to access for independent reading.

VI. Requests to Reconsider or Remove Library Materials.

In compliance with Minnesota Statutes Section 134.51, subd. 5, the School has adopted the following procedures for handling and consideration of requests to reconsider or remove library materials from the School:

- A. Eligible Individuals. The following individuals are eligible to initiate a review process to determine whether a specific library material will be reconsidered or removed:
 - 1. student who is at least eighteen years old and is enrolled at the School;
 - 2. the parent or guardian of student who is less than eighteen years of age and is enrolled at the School;
 - 3. the Executive Director; or
 - 4. the Board of Directors.
- B. Request for Reconsideration or Removal. An eligible individual may request reconsideration or removal of a specific library material by submitting a written request to the Executive Director. The Executive Director shall notify the librarian of receipt of a written request.

VII. Appointment of Review Committee. Within a reasonable period of time after receiving the request for reconsideration or removal, the Executive Director, in consultation with the librarian, will appoint a Review Committee to consider the request. The Executive Director or designee and librarian are encouraged, but not required, to include the following individuals on the Review Committee:

VIII. Review of Request for Reconsideration or Removal.

- A. Within a reasonable period of time after receiving the request for reconsideration or removal, the Executive Director, in consultation with the librarian and any other person(s) who, in the view of the librarian and/or Executive Director, would be helpful in considering the objection, shall review the challenged material as a whole and may decide to exclude or remove a specific library material consistent with the legal standard set forth in Subsection B., below, including if the material is obscene, vulgar or lewd, inconsistent with the initial selection criteria, objectively inaccurate as a whole or plainly offensive.
- B. Legal Standard. A school must not ban, remove, or otherwise restrict access to a library material based solely on its viewpoint or the messages, ideas, or opinions it conveys. Minn. Stat. § 134.51, subd. 1. In *Board of Education v. Pico*, 457 U.S. 853 (1982), the U.S. Supreme court held that school boards generally have discretion to remove books from school libraries as long as the removal does not violate the First Amendment. Whether a removal violates the First Amendment depends on the motivation for removing the book. School boards “may not remove books from the school library shelves simply because they dislike the ideas contained in those books and seek by their removal to ‘prescribe what shall be orthodox in politics, nationalism, religion, or other matters of opinion.’” However, the First Amendment does not prohibit school boards from removing books for other legitimate reasons. For example, the Supreme Court noted that school boards may remove books on the ground that they are “vulgar” or lack “educational suitability.” The U.S. Supreme Court has also held that the First Amendment does not prohibit school officials from regulating speech in the educational environment that is “obscene,” “vulgar,” “lewd,” or “plainly offensive.” See *Bethel School District No. 403 v. Fraser*, 478 U.S. 675 (1986); *Morse v. Frederick*, 551 U.S. 393 (2007) (interpreting *Fraser*).

- IX. Continued Access to Material. Absent extraordinary circumstances, the School will not deny students access to the library material until the review process is completed, unless the library material subject to a reconsideration request has not yet been procured by the School for inclusion in the library. Out of practical necessity, however, copies of the library material may be taken from the library so they can be reviewed.
- X. Notice of Decision. The Executive Director or a designee will provide notice of the review decision to the eligible individual who requested reconsideration or removal of the library material.
- XI. Request for Appeal. The eligible individual who made the request may attempt to appeal the initial decision by submitting a written request to the Board of Directors within ten (10) days after receiving the notice of decision. The Board of Directors may vote to initiate its own review of the challenged material utilizing the criteria outlined in this Policy. The decision of the Board of Directors is final.
- XII. Challenge Report.

Upon the completion of the review process described in this Policy, the Board of Directors must submit a report of the challenge to the Minnesota Department of Education that includes:

- A. the title, author, and other relevant identifying information about the challenged library material;
- B. the date, time, and location of any public hearing held on the challenge, including minutes or transcripts;
- C. the result of the challenge following the review process; and
- D. accurate and timely information on who from the school the Department of Education may contact with questions or follow-up.

XIII. Exemptions

- A. This Policy does not prohibit a librarian or other administrator from excluding or removing specific library material because it is outdated, inaccurate, no longer useful for curricular support or reading enrichment, or damaged or in poor physical condition or because it has not been, or has rarely been, utilized by any student for an extended period of time. Library material may be removed for other similar reasons unrelated to content.
- B. This Policy does not limit the Board's authority to decline to purchase, lend, or shelve or to remove or restrict access to library materials legitimately based on:
 - 1. practical reasons, including but not limited to shelf space limitations, rare or antiquarian status, damage, or obsolescence;
 - 2. legitimate pedagogical concerns, including but not limited to the appropriateness of potentially sensitive topics for the library's intended audience consistent with this Policy, the selection of books and other library materials for a curated collection, or

- the likelihood of causing a material and substantial disruption to the work and discipline of the school; or
3. compliance with state or federal law.

XIV. Retaliation Prohibited

The School may not discriminate against or discipline an employee for complying with Minnesota Statutes Section 134.51.

Legal References:

Minn. Stat. § 120A.22, subd. 9 (Compulsory Instruction)
Minn. Stat. § 123B.02 (General Powers of Independent School Districts)
Minn. Stat. § 124E.07, subd. 6 (Duties of Board of Directors)
Minn. Stat. § 124D.991 (Public School Libraries and Media Centers)
Minn. Stat. § 134.51 (Access to Library Materials and Media Centers)
Minn. Rules Part 8710.4550 (Librarians)
Board of Education v. Pico, 457 U.S. 853 (1982)
Virginia State Bd. of Educ. v. Barnette, 319 U.S. 624 (1943)