

Letter From Superintendent

When I campaigned across the state of Wyoming for State Superintendent of Public Instruction, there were few issues that I heard about more from citizens than concerns about inappropriate materials and books in schools. It was something I made a promise to Wyoming parents that I would address because there is absolutely no room in the classroom for inappropriate materials or influences. We must protect our children and we must protect public education.

Immediately upon taking office, I began addressing the issue by including the topic in the Wyoming Department of Education's strategic plan. In diving into the work, it was important to me that our approach was based on two things: 1) not jeopardizing local control of school districts and 2) inclusion of stakeholders from across the state.

This guidance is meant to serve as a resource for Wyoming school districts, encouraging discussion and adoption of a policy around library materials, providing key components of such a policy, and examples from others across the state. All school districts, no matter their size, should have the tools to create the best policy that meets the needs of their community. Further, the guidance was created by a qualified group of Wyoming stakeholders, including librarians, teachers, parents, administrators, district and state school board members and business leaders. I believe all policy making should be based on the voices of the people, not politicians working in silos. I am incredibly grateful to the stakeholder cabinet for their dedication and effort.

As you read through the document, you will find actual examples of library material policies from around the state to help you in the evaluation and development of your own. This document and resources released today are only the beginning, and we will continue to provide resources as additional districts create robust policies. Some things I personally believe should be fundamental to any library material policy:

- Sexually explicit materials should **not** be available in K-12 schools.
- A parent has an absolute right to restrict access to any material they find inappropriate for their child.
- Maximum transparency of materials, books and curriculum is a critical;
- A clear policy, created in a transparent manner with the community and applied uniformly is best.
- Policy should be uniformly applied to all sexual orientations and not used as a tool to discriminate.
- All education, including library books, is a collaborative process between parents and district/school staff.Parents should start communicating a concern at the point closest to the material of concern, for example, speaking with the teacher, school librarian, or principal. When necessary to escalate the conversation to the school board, attempt to begin voicing your concerns in a one-on-one meeting with a trustee and, if necessary, eventually to the entire board.

The cabinet of stakeholders that developed this document started with the premise that it was more important to explain best practices related to policy adoption and include real examples rather than to attempt to prescribe a specific policy template. That is because every district is different and should develop its own policies according to the needs of their community. However, overarching best practices required in creating a policy are applicable to all districts and that is what is shared below.

Thank you for taking the time to consider our work. Please know that no part of this guidance is required by law or to be taken as legal advice. This guidance is an effort to assist districts and communities in navigating this important topic.

Sincerely,

Megan Degenfelder

Wyoming State Superintendent of Public Instruction



Establishing or Modifying Library Material Policy

Board of Trustees or Superintendent

- Members of the Board of Trustees or the Superintendent typically initiate a policy change.
- It is recommended that the District's attorney be consulted throughout the process.

Stakeholder Committee

- It is recommended that any library book policy process include formalized stakeholder participation. These stakeholders should include school library professionals, teachers, administrators, legal counsel, parents, students, and other community members.
- Consider an open call for participation from both district staff and the community to provide opportunities for stakeholder involvement from those most interested in the work. If an open call for participation is met with high interest, multiple processes can be explored to determine selection.
- One recommendation would be to identify the stakeholder groups to be represented, and pool individuals into these groups. Committee members can be randomly selected from each pool through a lottery system.
- Whatever process of selection is used, it is best to ensure that the committee represents all groups, and that an equitable selection process is followed.

Presentation of Draft Policy to Board of Trustees

- The stakeholder committee or designated representatives should present the draft policy at a public meeting for response prior to public comment.
- Any needed revisions can be made and a draft document prepared for public release.

Public Comment

- Local public comment procedures should be followed.
- This may require holding a specific number of opportunities for public input and/or receiving public input for a specific number of days.

Final Approval from Board of Trustees

- Upon completion of public comment, findings should be shared with the board for discussion.
- Additional edits may be made at that time.
- Final approval should be made by the board.

Key Components for Library Material Policy

- 1. Definitions
- 2. Material Selection Process
- 3. Prohibited Content Provision
- 4. Individual Opt-out and/or Opt-In Process
- 5. Reconsideration Process

1. Definitions

It is recommended that any policy contain a definitions section to avoid ambiguity. This section will define terms to ensure that the intent of the policy is clear and can be upheld. Definitions can be identified according to generally accepted definitions, but can be altered to meet the intent of the board for the specific policy in question. For example, a definition can assist a district or parents within a district to determine what material students will have access to. District legal counsel should be consulted on the final definitions.

Examples of terms that may require a definition include "library material" and "sexually explicit content". Sample definitions for both of these terms can be found in Appendix A.

2. Material Selection Process

An important part of any library material policy is laying out the process of selection for library material. In general, library professionals utilize a process that includes professional reviews and recommendations from staff, parents, students, and the community.

It is recommended that the policy establish a decision making process and corresponding timeline that is communicated broadly and is participatory. Build in time into this plan for legal counsel to review the draft policy before it makes its way through the decision making process. Districts should follow any existing district policies in regard to approving policies, or making rules. If a new policy is challenged either by the board, or legally, the process must be in accordance with the board's own rules, or challenges may be successful on procedural grounds.

Ensure the library material policy addresses all aspects of the topic, which can include collection, adoption, procurement, objection, and curation.

It is recommended that requests for inclusion of material and favorable recommendations be based on preview and examination of material by professional personnel, faculty, students, parents, and/or other members of the community. It is recommended that districts create a Patron Requests and Recommendations Form, submitted to the principal and school librarian.

Sample language for a material selection process can be found in Appendix B. Sample language for a request for additional material process can be found in Appendix C.

3. Prohibited Content Provision

A robust policy could include a provision that expressly prohibits some of the defined material, such as material that includes sexually explicit content. Prohibited content could be determined by the district through a ratings system or by defined terms. Districts should establish a process for identifying prohibited library material already within the district or school's collection. This process should include having stakeholders assist in identifying prohibited material.

Sample language for a prohibited content provision can be found in Appendix D. A rating system example can be found in Appendix F.

4. Individual Opt-In and/or Out Process

Districts should design a process that empowers parents and guardians to opt in and/or out during the registration process. This will look different based on the definitions used and input from each district's board, school community, and other stakeholders. Districts should educate parents on using the library resources and interacting with library professionals.

Sample language for an individual opt-in and/or out process can be found in Appendix E.

5. Reconsideration Process

It is important to have a defined and transparent process for challenging the selection of material.

- A committee can be established to represent the various stakeholders and provide structure to the process. It is suggested that members of the committee read the material selected for reconsideration and work through the chain of command, starting with the school librarian or library professional.
- The use of content ratings and definitions can be considered to provide an objective criteria to evaluate the age appropriateness or school appropriateness of material. It is important to ensure that any content ratings used do not include specific viewpoints on the political or religious aspects of any material. Viewpoint discrimination is a violation of the First Amendment, and as such, any policies used must be free of these elements.
- For access and transparency, districts can consider creating an online form for submission of items for reconsideration.

Sample language for a reconsideration process can be found in Appendix F.

Appendix A: Sample Definitions

Note: many districts have yet to establish thorough library material policies. The examples included represent only a small sampling of districts, but resources will continue to be updated as districts develop policies.

Excerpt from Laramie County School District #1 Draft Policy Language

- "Library materials" means all resources available within or through the library/media center that are not designated as instructional materials. Library materials may include, but are not limited to books, videos, sound recordings, licensed databases, and equipment
- Library Learning Resource Materials are for independent research by students and faculty outside of the District's primary learning material. While primary learning resources and supplementary learning resources are both considered academic instructional resources, they are not the same, and the terms shall not be used interchangeably.
- Library Collection refers to library items for use by school patrons. Library collections should include as much firsthand account of historical events, historical documents, literature from the periods of history, science, art, music that are study by that school such items as books, videos, sound recordings, licensed databases, and equipment. Library Circulation - is the function of lending library materials (books, videos, sound recordings, licensed databases, and equipment).
- "Sexually Explicit Content" means textual, visual, or audio materials that depict sexual conduct or describe sexual conduct using more than a passing reference (such as the use of a sex-related expletive) or allusion.
- "Sexual conduct" means any of the following:
 - Masturbation or lewd exhibition, actual, simulated, or animated, of the genitals, pubic hair, anus, vulva, or female breast nipples;
 - Sadomasochistic abuse, meaning actual, simulated or animated, flagellation, or torture by or upon a person who is nude or clad in undergarments or in a costume that reveals the pubic hair, anus, vulva, genitals, or female breast nipples, or in the condition of being fettered, bound, or otherwise physically restrained, on the part of one so clothed;
 - Actual, simulated, or animated touching, caressing, or fondling of, or other similar physical contact with a pubic area, anus, female breast nipple, covered or exposed, whether alone or between humans, animals, or a human and an animal, of the same or opposite sex, in an act of apparent sexual stimulation or gratification;
 - Actual, simulated, or animated stimulation of a human genital organ by any device whether or not the device is designed, manufactured, or marketed for such purpose; or
 - Actual, simulated, or animated ultimate sexual acts, whether between human beings, animals, or an animal and a human being.
- Sexually Explicit Images any picture, photograph, drawings, motion picture films, digital image, websites, digital books or similar visual representation depicting the human sexual acts of masturbation, intercourse, or direct physical stimulation of the genitals.
- Controversial Issue for the purpose of this policy a controversial issue is defined as a question or topic characterized by current importance by which persons are polarized and divided toward one end of the spectrum or the other. A controversial issue may relate to either content and/or format and includes discussions, live or media presentations, individuals, learning resources, or types of activities. All of which should only be discussed if it is relevant to the academic goals of that school.

Excerpt from Natrona County School District #1 Policy

- For the purpose of this policy a controversial issue is defined as a question or topic characterized by current importance by which persons are polarized and divided toward one end of the spectrum or the other. A controversial issue may relate to either content and/or format and includes discussions, live or media presentations, individuals, learning resources, or types of activities.
- Library learning resource materials are for independent use by students and faculty outside of the District's primary learning material. While primary learning resources and supplementary learning resources are both considered instructional resources, they are not the same, and the terms shall not be used interchangeably.
- Sexually explicit images Any picture, photograph, drawings, motion picture films, digital image, or similar visual representation depicting the human sexual acts of masturbation, intercourse, or direct physical stimulation of the genitals.
- Library Collection refers to library items for use by school patrons. Library collections may include such items as books, videos, sound recordings, licensed databases, and equipment.
- Library Circulation is the function of lending library materials (books, videos, sound recordings, licensed databases, and equipment).

Full district policies can be found **here**.

Appendix B: Sample Material Selection Process

Note: many districts have yet to establish thorough library material policies. The examples included represent only a small sampling of districts, but resources will continue to be updated as districts develop policies.

Excerpt from Teton County School District #1 Policy

As a guide in materials selection, all acquisitions of print, non-print, and online databases, whether purchased or donated, may be considered for collection development if two or more of the following criteria are met:

- Attainment of the educational objectives for the school;
- Supportive of the curriculum and importance of subject matter;
- Relevant to student abilities, maturity levels, and interests;
- Possession of literary, artistic and/or technical quality;
- Timeliness or permanence of material;
- Favorable reviews found in credible selection sources:
- Contribution materials make to breath of representative viewpoints on controversial issues;
- Contribution to multicultural and pluralistic awareness;
- Reputation and significance of the author, artist, composer, or producer;
- Reputation of publisher/producer;
- Durability and value commensurate with cost and/or need;
- Scarcity of information in a requested subject area;
- Availability of materials through interlibrary or intra-library loan;
- Favorable recommendation based on examination of materials by professional personnel;
- Applicability for parents, teachers, or other adults involved in the development of education of students.

- The instructional material needs of the individual school are based on knowledge of the curriculum and the existing collection within each school. Use of Circulation Analysis, where library automation systems exist, is one way to determine instructional media needs according to various reports such as usage and date of materials,
- All materials should be evaluated on the significance of the entire work rather than the individual parts. Materials should be selected for their strengths rather than rejected for their weaknesses. Popular demand materials selection must be guided by merit, use, balance, and age appropriateness for each school library media center.
- A balance of print and non-print media should be maintained as well as a balance in informational resources and recreational reading materials based on the school library media Information Literacy Standards at each grade level.
- Access to a wide variety of informational resources whether print, non-print, or online is essential for quality instruction and enhanced student learning.
- The holdings of other libraries in the area may be taken into account during materials selection. Interlibrary loan within the district, county, state, and nation is encouraged.
- To ensure the development of a well-balanced library media collection, budget funding guidelines may be established cooperatively.

Subscriptions And Sets Of Materials:

All materials acquired by subscription and sets of materials purchased are examined prior to purchase.

Full district policies can be found **here**.

Appendix C: Sample Request for Additional Materials Process

Note: many districts have yet to establish thorough library material policies. The examples included represent only a small sampling of districts, but resources will continue to be updated as districts develop policies.

Patron Requests And Recommendations:

Requests and favorable recommendations based on preview and examination of materials by professional personnel, faculty, students, parents, and/or other members of the school district community are to be given consideration. Patrons are encouraged to complete a Patron Requests and Recommendations Form that is located in the library/media center. All requests should be submitted to the principal.

Appendix D: Sample Prohibited Content Provision

Note: many districts have yet to establish thorough library material policies. The examples included represent only a small sampling of districts, but resources will continue to be updated as districts develop policies.

Excerpt from Laramie County School District #1 Draft Policy Language

Identification of Sexually Explicit Content in Library Materials

Parents or guardians of LCSD1 students may nominate library materials that they believe contain Sexually Explicit Content as defined in this Policy. Nominations must include at a minimum the title and author of the library material and what provision(s) of the material the parent believes constitute Sexually Explicit Content. Nominations shall be submitted on the form provided by the District to the building principal. The District shall maintain a list of all materials that have been nominated as potentially containing Sexually Explicit Content on the Library Section of the English Language Arts website.

The Superintendent shall further develop a regulation that outlines the process for the District to timely review nominated materials to determine whether the content within the material contains content that meets the definition of Sexually Explicit Content under this Policy. Materials shall not be designated as containing Sexually Explicit Content based solely on the sexual orientation or gender identification of the characters therein. Materials that are widely held to have serious artistic significance, or works of anthropological significance, or materials used in district approved curriculum shall not be designated as containing Sexually Explicit Content. The regulation shall provide for review by a District committee composed of various stakeholders, including at least one parent. The Committee will provide their recommended determination, and the basis for that determination, in writing to the Superintendent. The Superintendent shall review the recommendation and will make a final determination and report the resolution to the Board of Trustees. The determination of the Superintendent may be appealed to the Board of Trustees. The Board may conduct an informal hearing to determine whether the process was followed and whether there was sufficient evidence to support the Superintendent's determination.

Once formally reviewed, the District will update the list to reflect when the nominated material was reviewed and whether the material was determined to contain Sexually Explicit Content. The District will also make any supporting documentation publicly available. This process shall be separate and distinct from the process for Public Complaints about District Curriculum, Instructional Materials, and Library/Media Materials found in Chapter IX, Section 8.

Parents and guardians will be notified annually about the existence and location of both nominated materials and materials that have been identified as containing Sexually Explicit Content, and the ability to opt their child out of any of those library materials.

Elementary and Junior High Schools.

Following formal review and identification, any existing library materials that contain Sexually Explicit Content must be removed from all elementary and junior high library/media centers and moved to a high school library/media center.

(2) High Schools.

Following formal review and identification, any existing library materials that contain Sexually Explicit Content will be put on the list called Library Materials Containing Sexually Explicit Library Content."

Full district policies can be found here.

Appendix E: Sample Individual Opt-In and/or Out Process

Note: many districts have yet to establish thorough library material policies. The examples included represent only a small sampling of districts, but resources will continue to be updated as districts develop policies.

Excerpt from Laramie County School District #1 Draft Policy Language

Check Out Access Options for Library Materials

Parents and guardians will have the ability to choose one of the following Check Out Options for their student during the Registration Process:

- "No Access to Materials Containing Sexually Explicit Content" means the student will not have access to check out any library materials that have been identified as containing "sexually explicit content" as defined in this policy. Parents or guardians may also utilize this option to limit their student's ability to check out library materials that have been nominated as potentially containing Sexually Explicit Content but that have not been formally reviewed.
- "Parent/Guardian Limited Access" means the student will only have access to check out books and materials specifically identified by their parent or guardian. District staff can also assist parents and guardians in curating an individualized list of library materials that meet their student's needs.
- "Open Access" means the student will have unrestricted access to check out all materials in their school's library/media center, including library materials housed at different libraries from schools within the same or lower grade-band level (e.g., an elementary student would have access to all library materials through interlibrary loan located at any of the District's elementary schools). Open Access does not include access to library materials housed at libraries located in schools that serve a higher grade band level, absent specific parental/guardian permission (e.g., an elementary student would not have access to library materials located at the junior high school library unless the parent separately consents to the student accessing that material).
- "No Access" means the student will not have access to check out any library materials.

Full district policies can be found here.

Appendix F: Sample Reconsideration Process

Note: many districts have yet to establish thorough library material policies. The examples included represent only a small sampling of districts, but resources will continue to be updated as districts develop policies.

Excerpt from Park County School District #1 Policy

Check Out Access Options for Library Materials

Should any resident living within the boundaries of the school district, or any parent of a student that attends a district school, request material be removed or restricted, the following procedures will apply:

• Requests for removal of materials will be referred to the building principal where materials are located. The complainant, principal, and library/media specialist or teacher as appropriate will meet to discuss the request. The principal will submit a written record of the conference to the Superintendent of Schools, including names of the persons present, date, request and outcome of the conference. The principal may choose to take the following actions: 1) Restrict use for the

students of the complainant, 2) Restrict access for all students unless parent permission is provided, 3) If materials are in an Elementary or Middle School, the material could be transferred to the library at the next level up.

- If removal of the materials is still requested after the conference, the complainant may complete the Citizen's Request for Reconsideration of Library Materials.
- In order for a Citizen's Request for Reconsideration of Library Materials to be heard by a Reconsideration Committee, the complainant and all persons who testify must have read, viewed and/or listened to the material in its entirety.
- The material to be reconsidered will remain available for general use until a decision is made by the Reconsideration Committee. If the material appears to be harmful for the given age and/or grade level of the children in that school, the Superintendent may temporarily remove materials until the committee renders a decision.
- Content Ratings will be utilized as an objective measure by Building Principals, Library Media Teachers, and/or reconsideration committees when reviewing challenged Library materials, to help the district determine age/maturity suitability and appropriate audience. The content ratings to be used are as follows:

Content Based Rating All book ratings will be at the sole discretion of PCSD1 Board or their designee				
1	2	3	4	5
No nudity No profanity No reference to sexuality, gender ideologies, or sexual activities	Mild violence Mild or infrequent profanity Non-sexual nudity excluding genitalia No reference to sexual activities No drug or alcohol use Inexplicit sexuality Inexplicit gender ideologies	Moderate violence Moderate profanity Non-sexual nudity involving genitalia Inexplicit sexual nudity, sexual activities Drug or alcohol use Explicit sexuality Explicit gender ideologies	 Pervasive, explicit violence Pervasive, frequent profanity References to sexual activities Drug or alcohol abuse 	Explicit sexual nudity (depictions of sexual organs regradless of the state of arousal) "Obscence" reference to sexual activities (involving anal, oral, or vaginal intercourse; fingering, anilingus, or ejaculation) Profoundly Pornographic No materials rated in this category will be allowed in any PCSD1 library or classroom

- Reconsideration Committee Membership will Include
 - One principal, or their designee (chairperson)
 - One library/media specialist
 - Two other PCSD1 staff members chosen by the superintendent, which may include certified OR support staff.
 - The citizen submitting the request for removal
 - Two other members of the community selected by the superintendent.
 - Immediate family members of the same household of employees and trustees of Park County School District 1 are ineligible to serve as citizen representatives on the committee. Also, two persons residing in the same household may not serve on the Reconsideration Committee at the same time.
 - The term of service will run through resolution of the request for reconsideration.

- All committee members will be identified within 30 days of the submission of the citizen's request for reconsideration of instructional material with the building principal.

Meetings

- The committee will hold an organizational meeting within 60 days of the receipt of the complaint, excluding the months of June, July, and August, after a Request for Reconsideration is filed with the school principal. If more than one book is submitted for reconsideration at one time, the books will be considered in a consecutive manner, in order to ensure that school staff are able to continue fulfill the functions of their given position in an efficient manner.
- The committee will meet as needed to consider challenged materials.
- All committee meetings in which a quorum is present, will be open to the public.

Duties of the Chairperson

- Establish the committee and conduct an organizational meeting.
- Inform committee members of their responsibilities and duties.
- Notify members and the public of meeting times and location.
- Communicate to all committee members the proposed agenda and possible action.
- Circulate sufficient and available materials for the committee members to review.
- Cause minutes to be kept.
- Direct discussion without bias.
- Call witnesses.
- Call for a voice vote.
- Notify the Superintendent, complainant, principals and the library media specialists the results by written memo within ten (10) calendar days of the committee's decision.
- File results with the Superintendent.

■ Duties of the Committee Members

- Evaluate materials and testimony.
- Seek additional information regarding materials.
- Vote
- Notify the chairperson if unable to attend

Voting

- A quorum will consist of five (5) members, but no action on materials will be adopted except upon affirmative vote of four (4) or more members of the total committee.
- Committee members may make affirmative motions to:
 - Maintain the status quo;
 - Limit the materials to a specific school level -- elementary, middle school or high
 - Require parent/guardian consent to check out; or
 - Remove the material(s) from all schools.
- The chairperson does not vote except in the case of a tie, in which case the chairperson will cast the deciding vote.
- Voting will be done in public, and by voice vote. In the event the committee does not cast an affirmative vote of four (4) or more members for any of the three possible motions, the chairperson will declare that the committee's action is to maintain the status quo.
- If no appeal is filed within thirty (30) calendar days of the Reconsideration Committee's decision, no other challenges for the same material may be submitted for a period of two (2) years, in all Park County School District 1 schools.

- The decision of the Reconsideration Committee may be appealed to the Board of Trustees if the appellant believes the Reconsideration Committee has not acted in accordance with the District's reconsideration policy, provided that:
 - the appellant has participated in the review and discussion of the work at the Reconsideration Committee meeting(s) and has provided written or verbal testimony;
 - the appeal is filed within thirty (30) calendar days of notification of the Committee's decision;
 - the appeal is filed on the official appeal form available from the office of the Superintendent; and
 - the appeal is specific, citing the section or sections of the reconsideration policy which the appellant believes to have been
 - violated, and citing reasons for such belief.
- Procedures for Handling Appeals
 - The appellant and the Reconsideration Committee will be notified of the time and place of the Board meeting at which the appeal will be considered and will be advised of the procedures for hearing the appeal.
 - The Board of Trustees' decision is binding for two (2) years in all Park County School District 1 Schools.
- Procedures for Reconsideration Appeal Hearing
 - Hearing Control An attorney designated by the Board may be the hearing officer. The hearing will be an item on the agenda of a regular Board meeting. The Reconsideration Committee will provide any available meeting minutes, summaries, etc. to the Board members prior to the hearing.
 - Any persons desiring to speak at the hearing must register with the hearing officer prior to the hearing.

Hearing Procedures

- Each person who speaks at the hearing will be required to give his/her name, and will be allowed a maximum of three (3) minutes to speak. If testimony becomes redundant or repetitive, the Board Chair may reduce the allotted time for testimony.
- Each viewpoint group, beginning with the appellant representatives, will then have one rebuttal time period which shall not exceed two (2) minutes per person.
- There will be no cross-examination between representatives of opposing viewpoints.
- Written Material to Board Individuals who wish to submit written material for consideration by the Board may submit such material to the hearing officer prior to the time scheduled for the hearing (minimum 48 hours prior). The written material must be marked with the name and address of the person submitting the written documents.
- Board Questions Questions from Board members to persons giving testimony may be offered after the presentation of arguments.
- Closing the Hearing At the end of the time allocated for presentations and rebuttal comments, the hearing officer will thank all involved for their interest and attendance and announce that the Board's decision will be made within 30 days (barring any unusual
- Agenda Unless unusual circumstances exist, the agenda for the next regular board meeting will include an item for the Board's decision on the appeal. The vote of the Board on the appeal will be made at that meeting.

Appendix G: Full District Policies

Note: many districts have yet to establish thorough library material policies. The examples included represent only a small sampling of districts, but resources will continue to be updated as districts develop policies.

Full district policies can be found **here**.