

SCHOOL LIBRARY POLICIES

Carol Greta, Iowa Department of Education
515/281-8661
carol.greta@iowa.gov

Mary Gannon, Iowa Association of School Boards
515/288-1991
mgannon@ia-sb.org

Statutes:

Iowa Code section 256.11(9)

“Beginning July 1, 2006, each school district shall have a qualified teacher librarian who shall be licensed by the board of educational examiners under chapter 272. The state board shall establish in rule a definition of and standards for an articulated sequential kindergarten through grade twelve media program. A school district that entered into a contract with an individual for employment as a media specialist or librarian prior to June 1, 2006, shall be considered to be in compliance with this subsection until June 30, 2011, if the individual is making annual progress toward meeting the requirements for a teacher librarian endorsement issued by the board of educational examiners under chapter 272. A school district that entered into a contract with an individual for employment as a media specialist or librarian who holds at least a master's degree in library and information studies shall be considered to be in compliance with this subsection until the individual leaves the employ of the school district.”

Iowa Code section 256.11A

1. The board of directors of a school district may file a written request with the department of education that the department waive the following requirements adopted by the state board as follows:

a. By August 1, 2007, for the school year beginning July 1, 2007, apply for a one-year extension of a waiver granted for the previous school year beginning July 1, 2006, that the school district have a qualified teacher librarian.

...

2. A request for a waiver filed by the board of directors of a school district pursuant to subsection 1 shall describe actions being taken by the district to meet the requirement for which the district has requested a waiver. A school district cannot request a waiver of a requirement under subsection 1 if it met the requirements of section 256.11, subsection 9, 9A, or 9B, as applicable, in the previous school year.

Administrative Rule:

12.3(12) Standards for library programs. The board of directors of each school district shall establish a K-12 library program to support the student achievement goals of the total school curriculum.

a. A qualified teacher librarian, licensed by the board of educational examiners, who works with students, teachers, support staff and administrators shall direct the library program and provide services and instruction in support of the curricular goals of each

attendance center. The teacher librarian shall be a member of the attendance center instructional team with special expertise in identifying resources and technologies to support teaching and learning. The teacher librarian and classroom teachers shall collaborate to develop, teach, and evaluate attendance center curricular goals with emphasis on promoting inquiry and critical thinking; providing information literacy learning experiences to help students access, evaluate, use, create, and communicate information; enhancing learning and teaching through technology; and promoting literacy through reader guidance and activities that develop capable and independent readers.

b. The library program shall be regularly reviewed and revised and shall be designed to meet the following goals:

- (1) To provide for methods to improve library collections to meet student and staff needs;
- (2) To make connections with parents and the community;
- (3) To support the district's school improvement plan;
- (4) To provide access to or support for professional development for the teacher librarian;
- (5) To provide current technology and electronic resources to ensure that students become skillful and discriminating users of information;
- (6) To include a current and diverse collection of fiction and nonfiction materials in a variety of formats to support student and curricular needs; and
- (7) To include a plan for annually updating and replacing library materials, supports, and equipment.

c. The board of directors of each school district shall adopt policies to address selection and reconsideration of school library materials; confidentiality of student library records; and legal and ethical use of information resources, including plagiarism and intellectual property rights.

Administrative Ruling on Removal of Book from Curriculum:

Slagle v. Pleasant Valley Community School District, 23 DoE App Dec 188 (2005).

Excerpts from decision:

The Appellants seek reversal of a decision the local Board of Directors of the District made on December 6, 2004, to remove the book *The Misfits* (©2001) by James Howe from the approved curriculum for pupils in grades 6 and lower in the District. The Board's decision left the book in the District's libraries and as an optional curricular selection in grades 7 and higher. A minority of the Board voted to leave the book in both the curriculum and the District's libraries.

FINDINGS OF FACT included the following:

1. There are four elementary attendance centers in the Pleasant Valley Community School District. All of the elementary buildings include 6th grade. Grades 7 and 8

comprise the District's junior high school, while the senior high school includes grades 9 through 12.

2. One of the 6th grade teachers was in search of a book she could use in her classroom to address an unspecified problem with name-calling. A media specialist in the District recommended *The Misfits*. Mrs. Goetz used the book as a "read aloud" selection; that is, she would read the book aloud to the 6th graders in her classroom during class time. This helped to accomplish two goals – (1) to provide a commonality for class discussions about bullying and harassment and (2) to teach reading strategies.
3. The District has a formal process that parents may use to ask that a particular part of the curriculum be reviewed. The parent of a child in Mrs. Goetz's classroom took advantage of this process, filing a "Citizen's Request for Reconsideration of Instructional Materials" of *The Misfits*. Explaining her reason, this parent stated on the Request form, "You communicate complex social ideas and agendas to children who are too young to critically examine them." She also objected to "the notion of homosexuality being an innate trait."
4. The local committee charged with review of the book included two classroom teachers, an administrator, an instructional materials specialist, two laypersons, a board member, and one high school senior. Its description of the book, as included in its written recommendation to the local Board, is as follows:

The book...explores the hurt and anguish that unkind names and labels can cause and sends a powerful message: every human being has the right to be who they are without fear of persecution or name-calling. The story, told about four 7th grade students – "misfits," describes their experiences as social outcasts each for very distinct reasons: being overweight, too smart, gay, and sleezy [sic]. In the course of the story, "sticks and stones may break our bones, but names will break our spirit" becomes the new mantra for these students as they campaign to stop all name-calling. This book gives hope to any student who has ever been bullied or harassed for being different and allows students the opportunity to explore the issue of name-calling somewhat vicariously, while also relating it to their own personal experience.

The committee's recommendation was that the book both remain in the school library and continue as an option as a teacher read aloud. It also recommended that any parent or student who has objection to the contents of the book may be granted an alternative assignment. Considerations cited by the committee included the following:

- The central theme of the book, as unanimously discerned by the committee, is one of name-calling.
- The district's selection of materials is guided by the School Library Bill of Rights which states "Libraries should provide materials and information presenting all points of view on current and historical issues. Materials should not be proscribed or removed because of partisan or doctrinal disapproval."

- The material is age appropriate and favorably reviewed by multiple authorities (Horn Book, Publisher’s Weekly, School Library Journal, etc) describing it as a selection suitable for young people between the ages of 10 and 14 and/or Grades 4 – 8.
 - The message of tolerance and acceptance is fundamental to the mission statement of the district, conveyed in its emphasis on Character Counts, and espoused in its bullying and harassment policy.
 - The material does not conflict with the district’s Human Growth and Development curriculum because it does not provide instructional information on the topic of homosexuality. As a piece of literature, the material is not intended to provide fact but offers a vehicle for discussion and an opportunity for students to share their viewpoints.
 - The continued use of this piece of literature supports students’ freedom of speech protected under the U.S. Constitution’s Bill of Rights and also, the freedom to read as an essential underpinning of our democracy.
 - With the opportunity for a student/parent to voice objections to the material and be given alternative accommodations, no student need be subjected to material which runs contrary to his/her personal belief system.
5. All seven Board members also spoke at the conclusion of the public comments, for and against the removal of the book from the 6th grade curriculum. A transcript of their comments was made available for this hearing. Some of the comments of Board members as to the motivation behind their votes were as follows:
- “[W]e’re here tonight to consider the appropriateness of a particular book for a particular audience.”
 - “[W]e are not trying to censor anything. Simply trying to place material that is age appropriate. ... I find it hard to believe that younger children have the physical or emotional maturity to understand some of the content of this book. ...I think it should stay on the [library] shelves, but I have an issue with the age appropriateness of this book for the younger ages.”
 - “In light of the communications that we’ve received that objected to the book often parents felt that it was not appropriate at all and should not [be] used at any level. [Between the two sides, not using at 6th grade level is a compromise.]”
 - “A final criterion is age-appropriateness. This, I believe, is at the heart of the objection.”
6. The local board president reiterated her belief at this hearing that the book was not age appropriate for 6th graders because not all of them possess the level of maturity and perspective to process the concept of homosexuality. She stressed that school board members are not to impose their personal beliefs on their constituents, but are to represent the patrons of the District. She represented that neither she nor the others who voted to remove *The Misfits* from the 6th grade curriculum acted out of their personal beliefs. She went on to explain that the alignment within the District of 6th grade as an elementary grade level, rather than a junior high school grade, was instrumental to her determination that the book

was not age appropriate for all 6th graders. The Board made a deliberate decision when aligning grade levels in attendance centers to include 6th grade with the other elementary grades. She explained that her vote was a reflection of a general philosophy that 6th graders need more maturity and life experiences, and that discussions about sexual orientation should be led first in the home by parents before taking place in the 6th grade classroom.

CONCLUSIONS OF LAW included the following:

1. Local school boards have the authority to make curricular decisions for each grade level in the District. That authority is derived from Iowa Code sections 279.8 and 301.1(1). The removal/retention of curricular materials is clearly vested in the discretion of local school boards. Therefore, the issue before the State board is whether the local Board impermissibly decided to remove *The Misfits* from the 6th grade classrooms.
2. The State Board's decision was not to determine what the State Board would do were it the initial decisionmaker, but to review the local board's decision, limited to the following:
 - Whether the decision violates constitutional tenets.
 - Whether the decision is the product of "reasoning that is so illogical as to render it wholly irrational."
 - Whether the decision is "unreasonable, arbitrary, capricious, or an abuse of discretion."
3. Constitutional Considerations
 - Distinction between removal from curriculum and removal from library: Removal of books from a library face a much greater degree of scrutiny than do decisions that affect the curriculum in a classroom.
 - i. "Curricular matters do not enjoy the 'heightened protection' provided to library and similar resource materials." *Silano v. Harbor Union Free School Dist. Bd. of Educ.*, 42 F.3d 719, 723 (2nd Cir. 1994). The students in all attendance centers of the District may voluntarily read *The Misfits* by simply checking out the book from a school library. They are not being deprived of their ability to read it voluntarily and/or to engage in discussion of it not initiated by the District.
 - ii. The "Constitution does not permit the official suppression of ideas." *Board of Education v. Pico*, 457 U.S. 863, 871 (1982)(emphasis in original).
 - Standard for curricula decisions: Curricula decisions must be based on "legitimate pedagogical concerns." *Hazelwood School District v. Kuhlmeier*, 484 U.S.260 (1988).
 - i. In 1872, the United States Supreme Court ruled that courts and other adjudicatory bodies must make no decision based on dogmatic concerns (that is, the desire to indoctrinate children) over educational concerns. In *Hazelwood*, the Supreme Court said that a local school board "must be able to take into account" the emotional

maturity of the intended audience, the suitability of the challenged materials for the intended audience, and community values.

- ii. The leading case in the federal circuit court of appeals that includes Iowa is *Pratt v. Ind. School District No. 831, Forest Lake*, 670 F.2d 771 (8th Cir. 1982). In *Pratt*, the local school board removed a film version (and its trailer) of author Shirley Jackson's short story, *The Lottery*, from the junior and senior high school curricula. The 8th Circuit panel stated that "to avoid a finding that it acted unconstitutionally, the [local school] board must establish that a substantial and reasonable governmental interest exists for interfering with the students' right to receive information." [The *Pratt* court determined that the local board's action violated the First Amendment, first by failing initially to articulate any substantial governmental interest at stake and second by belatedly coming up with a pretext (concern with violence) to hide that fact that it was acting because it was offended by the films' ideological and religious themes.]
4. Whether decision was illogical or irrational
 - State Board must be deferential to a local board's decision because the legislature decided that the local board's "expertise justifies vesting primary jurisdiction over this matter in the discretion" of the local boards.
 - The local Board has the authority to determine what curricular materials are appropriate for the different grade levels of students in the District. It did not interpret its statutory authority in an illogical or irrational way. The Board made a decision consistent with what it believed to be the age appropriateness of the book.
 5. Whether decision was abuse of discretion by local board
 - The abuse of discretion standard means that the State Board of Education may not substitute its judgment for that of the underlying decision-maker absent a showing that the initial decision was "unreasonable and lacked rationality." The "State Board of Education does not sit as a 'super school board' substituting its judgment for that of the elected board officials." The State Board's duty, "regardless of personal views or individual philosophies, is to uphold a school regulation unless it is clearly arbitrary and unreasonable. Any other approach would result in confusion detrimental to the management, progress, and efficient operation of our public school system."

Policy Statement from the State Board

Of paramount concern to us is our desire that this Decision not be viewed by either party or any reader as agreement with the decision reached by the local Board to remove *The Misfits* from the 6th grade curriculum. We acknowledge in this Decision that the Pleasant Valley School Board has the right to make curricular decisions and we further acknowledge that the local Board did not remove access to the book from any student. However, we recognize that permissible removal of a book from curricula is one step away from impermissible removal of a book from school libraries. We emphasize

that our schools should be venues for the free exchange of ideas. We are troubled by any local board action that gives the appearance of seeking to squelch the free exchange of ideas or of being improperly motivated by dogmatic concerns.

Additionally, the primary focus of *The Misfits* clearly was a positive, anti-bullying message. To that end, we attach to this Decision the Resolution passed by this Board on August 1, 2002, which stressed the need for aggressive leadership in providing safe learning environments for our children. This Board wishes to remind school administrators and board members of our responsibility to send a clear message to all children *that they shall be safe in their schools*.

To view the entire decision, go to:

<https://www.edinfo.state.ia.us/web/appeals.asp?book=23&decision=188>