R 2535 LIBRARY MATERIAL

Any individual with a vested interest requesting to have library material removed from a school library in the district shall follow the grievance procedure outlined below in accordance with the provisions of N.J.S.A. 18A:34A-5.

A. Definitions – N.J.S.A. 18A:34A-3

1. For the purpose of Policy 2535 and this Regulation:

a. "Board of Education" means a Board of Education as defined in N.J.S.A. 18A:18A-2, the Board of Directors of an educational services commission, a Board of Trustees of a charter school, a Board of Trustees of a renaissance school project, or any other local education agency.

b. "Censorship" means to block, suppress, or remove library material based on disagreement with a viewpoint, idea, or concept or solely because an individual finds certain content offensive, but does not include limiting or restricting access to any library material deemed developmentally inappropriate for certain students.

c. "Diverse and inclusive material" means any material that reflects any protected class as enumerated in the "Law Against Discrimination," N.J.S.A. 10:5-1 et seq.; material produced by an author who is a member of a protected class as enumerated in the "Law Against Discrimination," N.J.S.A. 10:5-1 et seq.; and material that contains the author's points of view concerning contemporary problems and issues, whether international, national, or local; but excludes content that is inappropriate for grades served by the school library.

d. "Individual with a vested interest" means any teaching staff member employed by the Board of Education, any parent of a student enrolled in the school district at the time the removal form required pursuant to N.J.S.A. 18A:34A-5 is filed, and any student enrolled in the district at the time the removal form required pursuant to N.J.S.A. 18A:34A-5 is filed.

e. "Library material" means any material including, but not limited to, nonfiction and fiction books, magazines, reference books, supplementary titles, multimedia and digital material, software and instructional material, and other material not required as part of classroom instruction belonging to, on loan to, or otherwise in the custody of a school library.



f. "School library staff member" means a school library media specialist, school librarian, any certificated or non-certificated staff member assigned to duties in a school library, or any individual carrying out or assisting with the functions of a school library media specialist or school librarian.

B. The following procedure shall be adhered to any time an individual with a vested interest submits a complaint requesting removal of library material from any of the district's school libraries.

1. Complaints about library material shall be made on a request for removal form and submitted to the Principal of the school building in which the library material is challenged to initiate a review of the material.

2. The individual with a vested interest shall complete and sign a request for removal form available in the Principal's office. The request for removal form shall include:

a. The title, author, and publisher of the library material at issue;

b. Sections of the library material to which the individual with a vested interest objects; and

c. An explanation of the reasons for the objection.

3. Within five working days of the receipt of the request for removal form, the Principal or designee shall forward the request for removal to the Superintendent.

4. Upon receipt of the request for removal form, the Superintendent or designee shall appoint a review committee consisting of:

a. The Superintendent or designee;

b. The Principal or designee of the school in which the library material is challenged;

c. The school library media specialist or a school library staff member;

d. A representative selected by the Board of Education;

e. At least one grade-appropriate teacher familiar with the library material, provided the teacher selected is not the individual who submitted the request for removal form;

f. A parent of a student enrolled in the school district, provided the parent selected is not the individual who submitted the request for removal form;

g. If appropriate, and at the discretion of the Superintendent, in cases where a student enrolled in the district in grades nine through twelve filed the request for removal form, a student enrolled in the district in grades nine through twelve may volunteer to serve on the review committee if that student did not file the request for removal form. The Superintendent shall consult with the Principal of the school involved in the removal request in making this determination; and

h. Any additional members the Superintendent or designee deem necessary.

5. The challenged library material shall remain within the school library and available for a student to reserve, check out, or access until there is a final decision reached by the Board of Education pursuant to N.J.S.A. 18A:34A-5.b.(5) and B.7. below.

6. The review committee members shall evaluate the request for removal form and review the challenged library material in its entirety. The review committee shall meet to discuss the library material and concerns raised and make a recommendation on whether the challenged library material should be removed from circulation, retained, or limited in use. The review committee shall submit its written report with recommendations to the Board of Education no later than sixty school days from the date of the next regularly scheduled Board of Education meeting after receipt of the request for removal form:

   a. A copy of the review committee's report shall also be provided to the individual with a vested interest who filed the request for removal form and the Principal who received the request for removal form.

7. The Board of Education shall review the review committee's report and make a final determination on whether the library material is to be removed from the school library or limited in use. The Board of Education shall provide a written statement of reasons for:

   a. The removal, limitation, or non-removal of a library material; and

b. Any final determination that is contrary to the recommendations of the review committee.

8. The written statement of reasons shall be posted on the Board of Education's website in a prominent and easily accessible location within thirty days of the determination.

9. All decisions on whether to remove from circulation, retain, or limit in use library material shall be based on the library material as a whole, not isolated passages.

10. All request for removal forms and outcomes shall be maintained in accordance with other similar records in the district.

11. Library material that has been challenged pursuant N.J.S.A. 18A:34A-5.b.(1) through 18A:34A-5.b.(5), Policy 2535, and this Regulation shall not be subject to challenge for at least one year in accordance with N.J.S.A. 18A:34A-5.b.(6).

12. The district may consolidate requests for removal of the same challenged library material in accordance with N.J.S.A. 18A:34A-5.b.(7).

13. The Board of Education's determination issued in accordance with N.J.S.A. 18A:34A-5, Policy 2535, and this Regulation which denies a request for removal shall not constitute a controversy or dispute pursuant to N.J.S.A. 18A:6-9. However, an individual with a vested interest, as defined in N.J.S.A. 18A:34A-3, may file a petition of appeal of the Board of Education's final determination to remove library material to the Commissioner of Education through the Office of Controversies and Disputes in accordance with N.J.S.A. 18A:6-9 and the procedures set forth in State Board of Education regulations.

14. Nothing in N.J.S.A. 18A:34A-1 through 18A:34A-7, Policy 2535, and this Regulation shall be construed as creating a separate legal cause of action regarding any determination issued pursuant to N.J.S.A. 18A:34A-1 through 18A:34A-7, Policy 2535, and this Regulation.

15. A school library staff member who engages in activities as required by N.J.S.A. 18A:34A-4 through 18A:34A-6 shall be immune from civil and criminal liability arising from good faith actions performed pursuant to the provisions of N.J.S.A. 18A:34A-4 through 18A:34A-6.

Adopted:

