

## MODEL POLICY #23

# LIBRARY MATERIALS AND PARENTAL RIGHTS

## Why Adopt This Policy?

Parents have a constitutional right to direct the upbringing of their children, and that includes permitting what kind of media and content their child consumes. Different parents have different standards for what is considered appropriate for their own child. This policy provides a process through which parents can request restrictions on certain library materials for their child, without removing the book from the library entirely so other students can access it.

## Policy

The district recognizes the importance of providing an avenue for concerns regarding library materials. This policy is established to acknowledge and respect the diverse values and preferences of parents within the district while ensuring that all students have access to a wide range of age-appropriate library materials. The policy provides a process through which parents can request restrictions on certain library materials for their child.

The district recognizes the rights and responsibilities of parents and guardians to guide the educational experiences of their children. Parents or guardians may request that specific library materials be restricted from being checked out by their child based on their individual beliefs and values.

A parent may submit a written request, via hard copy or electronic mail, to both the librarian and the building principal, to request that a library material not be made available to his or her child(ren). The request shall specify the material(s) they wish to restrict. The librarian shall create a record to ensure that the material will not be checked out as designated by the parent request.

For classroom libraries, this policy applies only to books purchased with public funds. If a parent requests for their child to be restricted from a book in a classroom library, a written request must be submitted to the teacher and building principal. Upon receiving such a request, the teacher must make sure the restricted book is appropriately placed to comply with the parent request.

The librarian shall keep a list of library materials requested by parents to be restricted from being checked out by their children. At least once per year, district personnel shall review the materials on this list to determine whether they are age-appropriate. Upon discovery of a library material that is not age-appropriate, district personnel shall discontinue the availability of the library material at any grade level or age for which the material is determined not to be age-appropriate.

For purposes of this policy, the term "parent" includes a legal guardian or other person who is legally responsible for the welfare of the child (such as grandparent or stepparent with whom the child lives).

Rights under this policy transfer from the parents to a student who is 18 years old or emancipated under State law.



## Legal Analysis – National

This policy enhances parents' rights to have access to what library materials their children will have access to in school. The Fourteenth Amendment of the U.S. Constitution recognizes the "inherent right" of parents to "direct the upbringing and education of children under their control." See *Pierce v. Society of Sisters*, 268 U.S. 510, 534–35 (1925). Additionally, school boards have a substantial, legitimate role to play in the determination of library content. *Board of Education Island Trees Union Free School District No. 26 v. Pico* 457 U.S. 853, 869, 102 S. Ct. 2799, 2809, 73 L. Ed. 2d 435 (1982).



## Legal Analysis – Wisconsin

In Wisconsin, school districts are required to designate a library media person to direct and coordinate the library media program for the district. See Wis. Admin. Code § 8.01(2)(h). This policy operates supplementary to other library media services regulations and does not replace them. It is also important to note that Wis. Stat. § 948.11(4) states that school library and educational institution employees cannot be held criminally liable for the dissemination of what would otherwise be considered obscene material.



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