

STANDARDS: THE MEDIA PROGRAM

210:35-3-121. Statement of the standard [AMENDED]

(a) Mission of school library media program.

The mission of the media program is to assist students and teachers in becoming effective users of ideas and information. Emphasis is placed on the development of skills necessary for independent lifelong learning. To that end, schools shall provide an effective library media program through the employment of qualified staff and the acquisition of library media materials sufficient to meet the instructional needs of the staff and students. One centralized library media center can serve two or more organizational units if the units are housed at one site. The library media program is to be based on the combined enrollment and standards for the highest grade unit served.

(b) Prohibition on Pornographic material and Sexualized content in library media program.

The State Board of Education recognizes its duty and responsibility to protect minor students from accessing Pornographic materials and Sexualized content and will implement this duty by exercising the State Board of Education's authority to adopt policies and make rules for public schools. Okla. Const. art. XIII, § 5; 70 O.S. § 3-104(A)(1). 210:35-3-121.1. Definitions.

[NEW]

For purposes of this Part (13):

(a) "Library" means a school library, media program, a classroom library, or any other collection of books or other materials, print or digital, that are maintained by a school district or its employees for use by minor students and that do not qualify as textbooks within the jurisdiction of the State Textbook Committee under 70 O.S. §§ 16-101–16-124.

(b) "School library" means the official library maintained by a school for use by minor students.

(c) "Pornographic" means:

(1) depictions or descriptions of sexual conduct which are patently offensive as found by the average person applying contemporary community standards, considering the youngest age of students with access to the material,

(2) materials that, taken as a whole, have as the dominant theme an appeal to prurient interest in sex as found by the average person applying contemporary community standards, and

(3) a reasonable person would find the material or performance taken as a whole, lacks serious literary, artistic, educational, political, or scientific purposes or value, considering the youngest age of students with access to the material.

(d) "Sexualized content" means material that is not strictly Pornographic but otherwise contains excessive sexual material in light of the educational value of the material and in

light of the youngest age of students with access to said material.

(e) "School district" or "School" means any public school district and public charter school district that serves students in prekindergarten through twelfth grades in this state.

(f) "Parent" means the natural or adoptive parent of legal guardian of a minor child.

210:35-3-126. Collection requirements and penalty for noncompliance [AMENDED]

(a) Requirements.

(1) There shall be a written policy, approved by the local board, concerning the criteria to be used in the evaluation and selection of materials for the media program. The written policies should contain criteria for selection, responsibility for selection, and guidelines for reconsideration.

(2) The media program shall consist of a balanced collection of print materials, nonprint materials, multimedia resources, and equipment and supplies adequate in quality and quantity to meet the needs of students and staff in all areas of the school's program.

(3) A library of professional materials containing print and multimedia resources shall be available to the staff. The professional library is an organized collection to support the instructional process and continued professional growth.

(4) All media materials and equipment shall be maintained adequately with provisions made for regular replacement of outdated materials and equipment.

(5) The school shall provide a variety and diversity of instructional/learning materials sufficient to accommodate the scope of the program and the individual differences among students.

(6) Instructional/learning materials and equipment shall be available in a sufficient quantity to provide for the number of students involved in learning activities and for the number of teachers in the school.

(7) Records of acquisition, classification, cataloging, circulation, and financing shall be accurate and current. A computerized library catalog or an alphabetically arranged card catalog, using a recognized system, and a shelf list of holdings shall be maintained.

(8) All instructional/learning materials in the school related to the media program shall be listed in a central catalog.

(9) The school shall provide equipment, materials, space, and professional guidance for the staff and students in designing and producing instructional/learning materials.

(10) Within 60 days of the effective date of this rule, and annually every October 1, each School District shall transmit to the State Department of Education a complete listing of all books and other materials available in any School library in that district. An attestation from the Superintendent that a public online LibrarySchool library catalog or catalogs contain a complete and accurate list, along with the website for accessing the relevant LibrarySchool library catalog or catalogs, shall fulfill this requirement.

(11) No Library shall have available to minor students any Pornographic materials or

Sexualized content.

(12) Every School District shall have a written policy for reviewing the educational suitability and age-appropriate nature of any material in a Library in the district and for receiving and responding to complaints regarding materials in Libraries in the district.

(13) Nothing in this section shall be construed to prohibit students from reading, owning, possessing, or discussing any book they obtained without the assistance or encouragement of a School District, its employees, or its Libraries; provided, nothing in this Part shall be construed to authorize bringing Pornographic material or Sexualized content on the grounds of any public School district.

(b) Noncompliance.

(1) Procedure

(A) If a Parent or guardian alleges a violation of OAC 210:35-3-126(a), the Parent or guardian shall provide a written complaint to the State Department of Education that summarizes the alleged violation, including the time, date, and location of the violation and the identity of any person involved. The complaint must also include a copy of any complaint to the School district and any response.

(B) Within fourteen days of receiving a complaint, the Department shall notify the School district of the allegation and provide an opportunity for response.

(C) The Department shall then conduct an investigation to determine whether a violation has occurred. The Department's Legal Services staff shall notify the Parent or guardian and the School district of the results of the investigation.

(D) If the Department concludes that a violation has occurred or may have occurred, the School district shall have fourteen days to request a hearing before the Board. The Board shall review the Complaint and the record using a preponderance of the evidence standard, may take additional evidence at its discretion, and shall publish an order with its findings of fact and conclusions of law.

(2) Penalties

(A) If the State Board of Education makes a finding of willful noncompliance with any requirement of this section, the State Board of Education shall alter the accreditation status of the school district at issue to either Accredited With Warning or Accredited With Probation as classified in OAC 210:35-3-201. The Board Shall adjust the status to Accredited With Probation if the School district is already Accredited With Warning.

(2B) If the State Board of Education makes a finding of negligent or reckless noncompliance with this rule, the State Board of Education shall require the school district at issue to comply with this rule within a reasonable timeframe ordered by the State Board of Education.

(3C) Failure to comply with an order of the State Board of Education pursuant to paragraph (b)(2)(B) of this section shall constitute willful noncompliance within the meaning of paragraph (b)(12)(A) of this section.

210:35-3-128. Evaluation [AMENDED]

Subject to the requirements and prohibitions of this Part (13), The the media program shall reflect the philosophy of the school. The effectiveness of the program shall be judged on the basis of how it facilitates the instructional program, while ensuring minor students are not exposed to Pornographic material or Sexualized content. There shall be an ongoing evaluation of the effectiveness of the organization, services, and resources of the media program.