



Protecting Children in the Learning Environment

What school districts need to know about the new *Library Media rule*.

About this document

We want to inform you about an important new rule, OAC 210:35-3-126, regarding the Library Media Program in our public schools. This rule has been put in place to ensure a safe and age-appropriate learning environment for all students.

Key Points of the New Rule:

Prohibition on Pornographic and Sexualized Content:

- No library may contain pornographic material or sexualized content

Library Media Collection Requirements and Responsibilities:

- By November 10, 2023 and annually every October 1 thereafter, each school district must provide a complete listing of all books and materials available in its school libraries to the State Department of Education.
- The listing requirement only applies to the **school library**. However, prohibitions apply to all **libraries** including: classroom libraries, book fairs, librarian offices, etc.
- Every school district is required to have a written policy for reviewing the educational suitability and age-appropriate nature of library materials and for addressing complaints regarding library materials.

State Complaint Procedure:

If a parent or guardian believes there has been a violation of the Library Media rule, they can follow these steps:

1. **File a Complaint:** File a written complaint with the State Department of Education, providing details of the alleged violation, by visiting sde.ok.gov/awareity.
2. **School District Notification:** The Department will notify the school district within fourteen days and allow them to respond.
3. **Investigation:** The Department will investigate to determine if a violation occurred and inform both the parent and the school district of the results.
4. **Board Review:** If a violation is found or suspected, the school district may request a hearing before the State Board of Education within fourteen days of receiving a notice.



Penalties for Noncompliance:

1. **Willful Noncompliance:** The State Board of Education may alter the school district's accreditation status to "Accredited with Warning" or "Accredited with Probation."
2. **Negligent or Reckless Noncompliance:** In cases of negligent or reckless noncompliance, the State Board of Education can require the school district to comply with this rule under specified conditions and timeframes.
3. **Failure to Comply:** Failure to comply with the State Board of Education's orders shall be considered willful noncompliance.

Practical Advice for Districts:

1. **Apply Written Policies:** On receipt of a complaint or on receipt of a request for response from SDE, each school district is expected to apply its written policy for reviewing the educational suitability and age-appropriate nature of any material at issue. A district that does not provide any explanation of how material fits within their policy will be presumed to be in violation of OAC 210:35-3-126(12) because of failure to implement the policy.
2. **Make Consistent Determinations:** Some material in a library may also be present in the curriculum. School districts that do not implement a consistent review of material in both locations will be presumed to be in violation of OAC 210:35-3-126(12) because of failure to implement the policy.
3. **Timely Respond:** A school district that fails to respond to a complaint or a request for response within a reasonable timeframe will be presumed to agree with the assertions of the complainant. The complaint policy required by OAC 210:35-3-126(12) should specify timeframes for the district's response.

Definitions: The following words and terms shall have the following meaning unless the context clearly indicates otherwise:

- **"Library"** means a school library, media program, 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 students and that do not qualify as textbooks within the jurisdiction of the State Textbook Committee under 70 O.S. §§ 16-101-16-124.
- **"Parent"** means the natural or adoptive parent or legal guardian of a minor child.
- **"Pornographic" means:**
 - Depictions or descriptions of sexual conduct that are patently offensive as found by the average person applying contemporary community standards, considering the youngest age of students with access to the material,
 - 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
 - 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.
- **"School district" or "School"** means any public school district and public charter school district that serves students in pre-kindergarten through twelfth grades in this state.
- **"School library"** means the official library maintained by a school for use by students.
- **"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.

