

# MISSISSINEWA COMMUNITY SCHOOLS

## ADMINISTRATION OFFICE

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## OFFICE OF

LEZLIE A. WINTER, SUPERINTENDENT

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## School Library Material Removal Request Procedure

The school libraries housed within the School Corporation support and enrich the curriculum, students' personal interests, and learning. Despite the careful selection of materials and the qualification of those involved in the selection process, objections to school library materials may occur.

A parent or guardian of a student enrolled in the Corporation or a community member who resides within the geographic boundaries of the Corporation ("Requester") may submit a request to remove material from a school library on the grounds that the material is obscene or harmful to minors as those terms are defined by the Indiana criminal code:

### **35-49-2-1 Obscene matter or performance**

A matter or performance is obscene for purposes of this article if:

- (1) the average person, applying contemporary community standards, finds that the dominant theme of the matter or performance, taken as a whole, appeals to the prurient interest in sex;
- (2) the matter or performance depicts or describes, in a patently offensive way, sexual conduct; and
- (3) the matter or performance, taken as a whole, lacks serious literary, artistic, political, or scientific value.

### **35-49-2-2 Matter or performance harmful to minors**

A matter or performance is harmful to minors for purposes of this article if:

- (1) it describes or represents, in any form, nudity, sexual conduct, sexual excitement, or sado-masochistic abuse;
- (2) considered as a whole, it appeals to the prurient interest in sex of minors;
- (3) it is patently offensive to prevailing standards in the adult community as a whole with respect to what is suitable matter for or performance before minors; and
- (4) considered as a whole, it lacks serious literary, artistic, political, or scientific value for minors.

The Requester should first discuss the item of concern with the Building Administrator. If the concern still exists, the Requester can make a request to remove the material by completing a Removal Request Form explaining why the requester believes the material is obscene or harmful to minors.

A request for removal of school library material will be treated as a request to remove the material from all school libraries. Notwithstanding, material subject to a request for removal will remain on library shelves and in circulation until a final decision is made.

Upon receipt of a completed Removal Request Form, the Superintendent or designee will convene a review committee (“Committee”) to review the request for removal and the subject material. The Committee will include at a minimum: a district level administrator, a school librarian, a teacher, a building level administrator, and a school employee who lives within the geographic boundaries of the Corporation (if not already fulfilled by another Committee member).

When considering the request for removal, all Committee members should fully review the material (read or view the entire work), so that the Committee may consider the material in its entirety. The Committee shall consider both whether the material subject to the request is obscene and whether it is harmful to minors, regardless of whether the request is based on just one or the other, ground for removal. Upon completion of its review, usually within thirty (30) school days, the Committee will provide the Requester and the Board of School Trustees with a written recommendation.

If the Requester is not satisfied with the recommendation of the Committee, a written appeal may be made within ten (10) school days to the Board of School Trustees. The appeal should be sent to the Superintendent. The Board will review the recommendation and appeal at the next public meeting.

If the Requester submits no appeal, the Board will make its decision based on the recommendation of the Committee. The request for removal, Committee recommendation, and any appeal will be reviewed by the Board at the next public meeting following the recommendation.

The Corporation will not process requests regarding school library material previously subject to this procedure, absent extenuating circumstances.

References:

IC 20-26-5.5 *et seq.*

IC 35-49-2-1 – Definition of “obscene”

IC 35-49-2-2 – Definition of “harmful to minors”

Mississinewa Community Schools

Adopted: November 6, 2023

## Removal Request Form

*Instructions: Mississinewa Community Schools has established a procedure for parents or guardians of a student enrolled in the Corporation or a community member who resides within the geographic boundaries of the Corporation to request school library material be removed. Completion of this form is the first step in that procedure. The completed form must be submitted to the Building Administrator.*

Date: \_\_\_\_\_

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

### 1. The format of the material subject to this request:

\_\_\_ Book (or e-book) \_\_\_ Movie \_\_\_ Magazine \_\_\_ Audio Recording

\_\_\_ Digital Resource \_\_\_ Newspaper \_\_\_ Game \_\_\_ Other

2. Title of Material: \_\_\_\_\_

3. Author/Producer of Material: \_\_\_\_\_

4. Location of Material (i.e. which school library): \_\_\_\_\_

### 5. Basis of the request:

\_\_\_ You believe the material is “obscene” as defined by IC 35-49-2-1.

\_\_\_ You believe the material is “harmful to minors” as defined by IC 35-49-2-2.

\_\_\_ Both of the above.

### 6. Have you examined the entire resource? If not, what sections did you review?

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**7. Please cite the specific portions of the material (page number(s) for printed materials, time-stamp(s) for audio/video materials etc.) you believe describes or represents nudity, sexual conduct, sexual excitement, or sado-masochistic abuse:**

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**8. Please cite the specific portions of the material (page number(s) for printed materials, time-stamp(s) for audio/video materials etc.) you believe appeal to a prurient interest in sex or sex of minors:**

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**9. Please cite the specific portions of the material (page number(s) for printed materials, time-stamp(s) for audio/video materials etc.) you believe is patently offensive to prevailing standards in the adult community as a whole with respect to what is a suitable matter for minors:**

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**10. Please cite the specific portions of the material (page number(s) for printed materials, time-stamp(s) for audio/video materials etc.) you believe depicts or describes in a patently offensive way, sexual conduct:**

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**11. Please describe why you believe the material lacks serious literary, artistic, political, or scientific value for minors:**

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(Attach additional pages as needed)

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