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*Application for admission
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UNITED STATES DISTRICT COURT
DISTRICT OF UTAH
NORTHERN DIVISION

A.W. and C.W., by and through their
mother Tina Weber, individually and
on behalf of others similarly situated,

Plaintiffs,

v.

DAVIS SCHOOL DISTRICT,

Defendant.

)
) Case No. 1:12-cv-242 EJF
)
)
) PROPOSED CLASS ACTION
) COMPLAINT FOR
) DECLARATORY JUDGMENT,
) INJUNCTIVE RELIEF, AND
) NOMINAL DAMAGES
)
)

PROPOSED CLASS ACTION COMPLAINT

1. *In Our Mothers' House*, by Patricia Polacco, is a children's book about three adopted children and their two mothers. In response to complaints from a subset of parents that the book "normalizes a lifestyle we don't agree with," Davis School District (the "District") has instructed its elementary school librarians to remove all copies of *In Our Mothers' House* from the library shelves and place the book behind a counter where students must have written parental permission to read it. The District does not dispute that it restricted access to *In Our Mothers' House* because of the ideas the book contains; indeed, the District's primary

justification for removing the book from the shelves is that, by telling the story of children raised by same-sex parents, the book constitutes “advocacy of homosexuality,” in purported violation of Utah’s sex-education laws.

2. Over 30 years ago, the Supreme Court held that school officials may not remove books from school library shelves because they or their constituents disagree with the ideas those books contain. The District can respect the wishes of parents who disagree with *In Our Mothers’ House* by allowing parents to place limits on their own children’s ability to check out particular books. But the District cannot constitutionally use the personal views of some parents to restrict access to books for the entire school community. By restricting access to *In Our Mothers’ House* based on the fact that the book depicts a family with same-sex parents, the District has placed a discriminatory burden on students’ ability to access fully protected speech. Even worse, restricting access to *In Our Mothers’ House* and segregating it from the rest of the library collection places an unconstitutional stigma on the ideas contained in the book and the students who wish to read it.

3. Individually and on behalf of a class of those similarly situated, Plaintiffs complain against Defendant as follows:

PARTIES

4. Plaintiffs A.W. and C.W. bring their claims by and through their mother, Tina Weber. Plaintiffs are students at one of the elementary schools in Davis School District where *In Our Mothers' House* was previously on the library shelves and available to be checked out without restrictions. Plaintiffs attended that elementary school in the 2011-12 school year and continue to attend the school for the 2012-13 school year.

5. Defendant Davis School District (the "District") is a school district that provides public education to school-aged students within Davis County, Utah. The District is a public school system organized and maintained under the laws of the State of Utah.

6. The Davis School District Board of Education (the "School Board") is an elected body responsible for the educational policy of the District.

7. The School Board has delegated to Superintendent Bryan Bowles the power to enforce the general policies of the School Board as part of the administration of schools in the District.

8. Pursuant to the School Library Media Policies dated June 2011, the School Board has also "delegate[d] authority for the selection of library resources and materials to library media professionals. The secondary library media teacher or elementary library media specialist is, therefore, responsible for the selection and acquisition of all materials for the library media center." (Ex. A at 4.)

9. Pursuant to the School Library Media Policies, the District Library Media Committee is vested with final authority to decide requests by parents to remove or restrict access to library materials. The School Library Media Policies do not provide any mechanism for appealing the committee's decision.

JURISDICTION AND VENUE

10. This Court has federal-question jurisdiction over Plaintiffs' claims arising under the First and Fourteenth Amendments of the United States Constitution and 42 U.S.C. § 1983. Jurisdiction is therefore proper under 28 U.S.C. § 1331 (general federal question jurisdiction) and § 1343 (civil rights actions). This Court has jurisdiction to render the declaratory relief requested under 28 U.S.C. §§ 2201 and 2202.

11. Venue is proper in this district under 28 U.S.C. § 1391 because Defendant resides in this district and the action arose in this district.

FACTUAL ALLEGATIONS

In Our Mothers' House

12. Patricia Polacco is a highly regarded author of children's books. She has received numerous literary awards for her work, including the Sydney Taylor Book Award, the International Reading Association Award, the Society of Children's Book Writers and Illustrators Golden Kite Award for Illustration, three Parent's Choice Honors, the North Dakota Library Association Children's Book Award, the Jo Osborne Award For Humor in Children's Literature, the Missouri Association of School Librarians Show Me Readers Award, the West Virginia Children's Book Award, and the Mid-South Independent Booksellers for Children Humpty Dumpty Award.

13. Polacco's children's books feature an array of families from different races, religions, ethnicities, cultures, and backgrounds, including families who are Jewish, Christian, Asian-American, interracial, and Amish.

14. Polacco wrote *In Our Mothers' House* in 2009. The book is published by Philomel Books, a division of Penguin Young Readers Group.

15. *In Our Mothers' House* tells the story of three adopted children and their two mothers.

16. Polacco was inspired to write *In Our Mothers' House* after sitting in on a student writing class while visiting an elementary school as a guest speaker. As part of the class, students were asked to write an essay on the topic of "My Family" and read their essays aloud. When one of the students who had two same-sex parents stood up to read her essay, the teacher's assistant in the classroom told her: "No, sit down. You don't come from a real family." After witnessing that event, Polacco started writing *In Our Mothers' House*.

17. School Library Journal's review of *In Our Mothers' House* states:

Grade 1–4 —This gem of a book illustrates how love makes a family, even if it's not a traditional one. The narrator, a black girl, describes how her two Caucasian mothers, Marmee and Meema, adopted her, her Asian brother, and her red-headed sister. She tells about the wonderful times they have growing up in Berkeley, CA. With their large extended family and friends, they celebrate Halloween with homemade costumes, build a tree house, organize a neighborhood block party, and host a mother-daughter tea party. The narrator continually reinforces the affectionate feelings among her mothers and siblings, and the illustrations depict numerous scenes of smiling people having a grand time. Most of the neighbors are supportive, except for one woman who tells Marmee and Meema, "I don't appreciate what you two are." Eventually, the children grow up, marry heterosexual spouses, and return home to visit their aged parents with their own children. Is this an idealized vision of how a gay couple can be accepted by their family and community? Absolutely. But the story serves as a model of inclusiveness for children who have same-sex parents, as well as for children who may have questions about a "different" family in their neighborhood. A lovely book that can help youngsters better understand their world.

18. The book's publisher and School Library Journal recommend *In Our Mothers' House* for readers in grades 1 through 4.

Elementary School Libraries in the District

19. Elementary schools in the District serve students in grades K through 6.

20. At the time the events underlying this Complaint occurred, the policies for school libraries in the District, including the policy for removal of library books, were set forth in the School Library Media Policies, dated June 2011 (attached as Ex. A).

21. Until recently, the School Library Media Policies were publicly available on the District's website. After the events underlying this litigation took place, the District removed the School Library Media Policies from the website and posted a message in its place stating: "The Davis District Library Media Policies are undergoing review at this time."

22. In the School Library Media Policies, the District holds itself out as following the principles of intellectual freedom and viewpoint neutrality that have been adopted by the American Library Association and the American Association of School Librarians.

23. The School Library Media Policies state that the District supports several statements from the American Library Association, including: "Library Bill of Rights," "The Freedom to Read," "Libraries: An American Value," and "Access to Resources and Services in the School Library." (Ex. A at 1.) Those statements from the American Library Association include the following principles:

- a. Libraries should provide materials and information presenting all points of view on current and historical issues. Materials should not be proscribed or removed because of partisan or doctrinal disapproval. (Library Bill of Rights, Policy II)
- b. Libraries should cooperate with all persons and groups concerned with resisting abridgment of free expression and free access to ideas. (Library Bill of Rights, Policy IV)

- c. It is in the public interest for publishers and librarians to make available the widest diversity of views and expressions, including those that are unorthodox, unpopular, or considered dangerous by the majority. (The Freedom to Read, Proposition 1)
- d. Publishers, librarians, and booksellers do not need to endorse every idea or presentation they make available. It would conflict with the public interest for them to establish their own political, moral, or aesthetic views as a standard for determining what should be published or circulated. (The Freedom to Read, Proposition 2)
- e. We defend the constitutional rights of all individuals, including children and teenagers, to use the library's resources and services. (Libraries: An American Value)
- f. We value our nation's diversity and strive to reflect that diversity by providing a full spectrum of resources and services to the communities we serve. (Libraries: An American Value)
- g. We celebrate and preserve our democratic society by making available the widest possible range of viewpoints, opinions and ideas, so that all individuals have the opportunity to become lifelong learners—informed, literate, educated, and culturally enriched. (Libraries: An American Value)
- h. The school library media program plays a unique role in promoting intellectual freedom. It serves as a point of voluntary access to information and ideas and as a learning laboratory for students as they acquire critical thinking and problem-solving skills needed in a pluralistic society. Although

the educational level and program of the school necessarily shape the resources and services of a school library media program, the principles of the Library Bill of Rights apply equally to all libraries, including school library media programs. (Access to Resources and Services in the School Library)

- i. Members of the school community involved in the collection development process employ educational criteria to select resources unfettered by their personal, political, social, or religious views. Students and educators served by the school library media program have access to resources and services free of constraints resulting from personal, partisan, or doctrinal disapproval. School library media specialists resist efforts by individuals or groups to define what is appropriate for all students or teachers to read, view, hear, or access via electronic means. (Access to Resources and Services in the School Library)

24. The School Library Media Policies also state that the school librarians should, among other things, “provide equal access to the library media center for all members of the school community,” “offer a variety of materials in formats to enhance curriculum instruction and to provide accurate, authoritative and balanced informational views,” “provide for recreational reading,” and “empower students and teachers with life-long learning skills as outlined in *Standards for the 21st-Century Learner*, AASL, 20007.” (Ex. A at 3-4.)

25. *Standards for the 21st-Century Learner* is published by the American Association of School Librarians. *Standards for the 21st-Century Learner* sets forth several learning skills for students, including:

- a. Solicit and respect diverse perspectives while searching for information, collaborating with others, and participating as a member of the community. (Standards for the 21st-Century Learner § 3.3.1)
- b. Respect the different interests and experiences of others and seek a variety of viewpoints. (Standards for the 21st-Century Learner § 3.3.2)
- c. Use knowledge and information skills and dispositions to engage in public conversation and debate about issues of public concern. (Standards for the 21st-Century Learner § 3.3.3)
- d. Create products that apply to authentic real-world contexts. (Standards for the 21st-Century Learner § 3.3.4)
- e. Respect the principles of intellectual freedom. (Standards for the 21st-Century Learner § 3.3.7)
- f. Read widely and fluidly to make connections with self, the world, and previous reading. (Standards for the 21st-Century Learner § 4.1.2)
- g. Maintain openness to new ideas by considering divergent opinions, changing opinions or conclusions when evidence supports the change, and seeking information about new ideas encountered through academic or personal experiences. (Standards for the 21st-Century Learner § 4.2.3)
- h. Show an appreciation for literature by electing to read for pleasure and expressing an interest in various literary genres. (Standards for the 21st-Century Learner § 4.2.4)
- i. Recognize the limits of own personal knowledge. (Standards for the 21st-Century Learner § 4.4.2)

- j. Interpret new information based on cultural and social context. (Standards for the 21st-Century Learner § 4.4.4)
- k. Evaluate own ability to select materials that are engaging and appropriate for personal interests and needs. (Standards for the 21st-Century Learner § 4.4.6)

26. The collections of elementary school libraries in the District contain a wide array of books dealing with family-life issues, including books about adoption, divorce, remarriage, death, and the birth of brothers and sisters.

27. The collections of elementary school libraries in the District contain a wide array of books about diverse religious and cultural beliefs, including children's books about the stories and customs of families that are Christian, Jewish, Muslim, and Hindu.

28. The collections of elementary school libraries in the District contain many of Polacco's other children's books, including: *Appelmando's Dreams*; *The Art of Miss Chew*; *Aunt Chip and the Great Triple Creek Dam Affair*; *Babushka Baba Yaga*; *Babushka's Doll*; *Babushka's Mother Goose*; *The Bee Tree*; *Betty Doll*; *Boat Ride With Lillian Two Blossoms*; *The Butterfly*; *Chicken Sunday*; *Christmas Tapestry*; *Emma Kate*; *Firetalking*; *For the Love of Autumn*; *Ginger and Petunia*; *The Graves Family*; *The Graves Family Goes Camping*; *I Can Hear the Sun*; *In Enzo's Splendid Gardens*; *January's Sparrow*; *John Phillip Duck*; *Junkyard Wonders*; *Just Plain Fancy*; *The Keeping Quilt*; *The Lemonade Club*; *Luba and the Wren*; *Meteor!*; *Mommies Say Shhh!*; *Mr. Lincoln's Way*; *Mrs. Katz and Tush*; *Mrs. Mack*; *My Rotten Redhead Older Brother*; *Oh, Look!*; *My Ol' Man*; *An Orange for Frankie*; *Picnic at Mudsock Meadow*; *Pink and Say*; *Rechenka's Eggs*; *Rotten Richie and the Ultimate Dare*; *Some Birthday!*; *Someone for Mr. Sussman*; *Something About Hensley's*; *Thank you, Mr. Falker*; *Thunder Cake*;

The Trees of the Dancing Goats; Tikvah Means Hope; Uncle Vova's Tree; Welcome Comfort; and When Lightning Comes in a Jar.

Procedure for Removing or Restricting Library Books

29. According to the School Library Media Policies, the District's Board of Education has "delegate[d] authority for the selection of library resources and materials to library media professionals. The secondary library media teacher or elementary library media specialist is, therefore, responsible for the selection and acquisition of all materials for the library media center." (Ex. A at 4.)

30. According to the School Library Media Policies, the Library Media Steering Committee is a standing committee that exists to promote library media programs, provide professional development, recommend policies and procedures, and address library issues. (Ex. A at 2.) The Library Media Steering Committee meets on a monthly basis and consists of librarians from elementary and secondary schools. The Library Media Steering Committee does *not* play any role in deciding whether a challenged book should be removed or restricted.

31. Under the School Library Media Policies, in order to trigger the process for removing or restricting a book, a complainant must submit a completed Request for Reconsideration of Materials Form. (Ex. A at 5.)

32. The School Library Media Policies provide that when a school library book is challenged, the complaint is initially reviewed by a School Library Media Committee. Each school in the District has a school library media committee, which is chaired by the school librarian, and may include an administrator, department chair, teacher, parent representative, or student representative. (Ex. A at 2.)

33. If a complainant wishes to appeal the decision of the School Library Media Committee, the appeal is heard by the District Library Media Committee, which is chaired by the district library media supervisor and may include a superintendent, school board member, parent representative, curriculum development director, and student representative. (Ex. A at 2.)

34. There is no standing District Library Media Committee; members are selected on an ad hoc basis. Until the events underlying this litigation occurred, the District had not convened a District Library Media Committee to review a book challenge in many years.

35. The decision of the District Library Media Committee on whether to remove or restrict access to a book is the final decision on the issue and may not be reconsidered for three years. The School Library Media Policies do not provide any further mechanism for review. (Ex. A at 6.)

36. The District's policy for reviewing complaints about library books is separate and distinct from the District's policy for reviewing complaints about "instructional materials," which is set forth in Policy 4I-200.

37. Challenges to instructional materials are (1) initially heard by the teacher using the materials and then appealed to (2) a conference with the teacher, department head, and a school administrator, (3) the department for the relevant subject matter, (4) a district committee chaired, and (5) the Assistant Superintendent for Curriculum.

38. Policy 4I-200 defines "instructional materials" as "systematically arranged text materials, in harmony with the Core framework and required by students or teachers or both as principal sources of study and which cover any portion of the course."

39. Library books are not "instructional materials" as defined by Policy 4I-200.

Removal of *In Our Mothers' House* from the Library Shelves

40. The librarians for four elementary schools in the District purchased copies of *In Our Mothers' House* for their library collections. Those elementary schools are: Parkside Elementary School, Snow Horse Elementary School, South Weber Elementary School, and Windridge Elementary School.

41. At least one of those school librarians purchased *In Our Mothers' House* because a student at the school has same-sex parents and the librarian wanted the student to feel included and welcome.

42. At some point during the 2011-12 school year, a parent with a kindergartener at Windridge Elementary School complained that her child had come home from school with a copy of *In Our Mothers' House*. The parent filled out a form to request that the school remove the book from the library shelves.

43. On January 27, 2012, the Windridge School Library Media Committee met to consider the parent's request. The minutes of the meeting are attached as Exhibit B. The committee consisted of the school media specialist/librarian, the district library media supervisor, the Windridge Elementary School Principal, two teachers at Windridge, and a parent representative. At the meeting, the Windridge School Library Media Committee decided to move the book from the "Easy Reading" section to the "Fiction" section, which is designed for students in grades 3 to 6.

44. The complaining parent was unhappy with the decision of the School Library Media Committee and appealed to the District Library Media Committee. In connection with the appeal, the parent submitted complaint forms from 25 other parents who also wanted the book removed. The reasons given by the parents for removing the book included:

- a. "I believe it glamorizes and normalizes something that is a sensitive issue. I also view it as propaganda on this subject. This is propaganda because it puts forth an idea, then makes it look attractive and normal." (Ex. C.)
- b. "The entire book promotes homosexuality and makes the reader feel that life inside a homosexual home is great, wonderful & with no problems. I believe that the author is wanting us to accept homosexuality as a norm. It is not a norm! She made it seem like there is only 1 person that does not accept it." (Ex. D.)
- c. "I don't agree that wholesome complete parenting can be done by lesbians without a father role. It's not a natural process to have a complete family without a male & female. This book makes it sound OK and brainwashes very young children when these issues should be decided by the parents. It's too controversial of a subject for children under 18 who's [sic] brains are still being developed." (Ex. E.)
- d. "I object to a homosexual lifestyle but even more to allowing couples who decide to live together a homosexual life to adopt children. Homosexuality is a very sensitive topic one that brings much heartache and sadness, unfortunately this book does not explain more of the psychological and emotional hurt that these people go through. It paints a picture of false happiness. It says it is ok for a homosexual couple to adopt and raise children and even when they mention about one person as not accepting of them, there are more issues that affect negatively a child who grows up in this kind of environment." (Ex. F.)

- e. “The purpose of this material is to make the choice homosexuality normal and fun. The child’s mothers went to great effort to be fun & exciting – in a loving neighborhood everyone dreams of living. . . . This book makes a homosexual lifestyle seem fun and exciting – lots of parties, costumes & events with children who grow up to having successful high paying careers. It normalizes a lifestyle we don’t agree with.” (Ex. G.)

45. The District Library Media Committee met on April 30, 2012 to decide the parent’s appeal. The minutes of the meeting are attached as Exhibit H.

46. The District had no formal mechanism for choosing members of the committee. The committee included only one person with a background in librarianship: a high school library media teacher. (Ex. H at 1.) The rest of the committee consisted of the District’s Supervisor of Gifted and Talented Programs, a teacher who currently serves as president of the District’s teacher’s union, a sixth-grade mathematics teacher, the District’s Elementary School Director, a parent representative, and the District’s Legal Issues Specialist. (Ex. H at 1.) The District Library Media Supervisor did not sit on the committee. (Ex. H at 1.)

47. The composition of the District Library Media Committee did not comply with the School Library Media Policies. The School Library Media Policies state that the committee should be chaired by the District Library Media Supervisor, but in this case the District Library Media Supervisor did not even sit on the committee. (Ex. A at 2; Ex. H at 1.) The School Library Media Policies also state that other members of the committee may include a superintendent, school board member, parent representative, curriculum development director, and student representative. (Ex. A at 2.) In this case, however, the committee included a parent representative but did not include a superintendent, school board member, curriculum

development director, or a student representative. (Ex. H at 1.) The School Library Media Policies do not authorize district directors, teachers, or legal issues specialists to serve as members of the committee.

48. The District did not provide advanced notice to the school community and the public at large that a District Library Media Committee would be meeting to decide whether to remove or restrict access to *In Our Mothers' House*.

49. Three parents appeared before the committee and explained why they wanted *In Our Mothers' House* removed. Among other things, the parents stated that “the book was too controversial for young children” and that “the book did not reflect their community’s morals and values.” (Ex. H at 2.)

50. The parents also said they were “dismayed to discover how much autonomy the media specialist [at each individual school] has in ordering books for the school.” (Ex. H at 2.)

51. A committee member asked the parents if they were aware that instead of removing the books from the shelves, they could fill out a form requesting that their own children not be allowed to check out certain books. (Ex. H at 2.) The parents said they were not aware of that option, but they said that even if their children could not check out the book, the parents would still be concerned that their children would be able to read that book at school without the parent knowing about it. (Ex. H at 2.)

52. During deliberations, the school Legal Issues Specialist, who was a member of the committee and ultimately voted to restrict access to the book, gave two reasons for removing or restricting access to *In Our Mothers' House*.

53. First, the Legal Issues Specialist said that books in the elementary school library should be treated as part of the curriculum. The Legal Issues Specialist said that the Supreme

Court's decision in *Bd. of Educ., Island Trees Union Free Sch. Dist. No. 26 v. Pico*, 457 U.S. 853 (1982), which prohibits school officials from restricting library books based on the ideas the books contain, did not involve an elementary school library. The Legal Issues Specialist said that elementary school libraries should be treated as part of the school curriculum because elementary school students' library time is more structured than library time for students in junior and senior high schools. (Ex. H at 2-3.)

54. Second, the Legal Issues Specialist said that keeping the book on the library shelves would violate Utah's sex-education law, U.C.A. 1953 § 53A-13-101, which prohibits sex-education curricula from using instructional materials that contain "advocacy of homosexuality." The Legal Issues Specialist told the committee that because an elementary school library should be treated as part of the curriculum, leaving *In Our Mothers' House* on the library shelves would violate the ban on "advocacy of homosexuality." (Ex. H at 3.)

55. After the Legal Issues Specialist spoke, the committee discussed options for restricting access to *In Our Mothers' House* without removing the book from the school libraries completely. (Ex. H at 3.)

56. During the deliberations, none of the committee members suggested that *In Our Mothers' House* was vulgar or educationally unsuitable for an elementary school audience. The minutes of the meeting state without attribution that: "Removing the book completely is not a good option. We all know many non-traditional families. Kids ask questions. This book could help to answer questions by peers in the school situation. It could help those children in same sex families see their family in a book."

57. At the end of the discussion, the committee voted 6-1 to remove *In Our Mothers' House* from the shelves of all elementary school libraries in the district and place the book

behind the librarian's desk where it could be checked out only with written parental permission. (Ex. H at 3.) The dissenting vote was cast by the school library media teacher, who did not think the book should be restricted. (Ex. H at 3.)

58. The minutes of the meeting do not explain why the committee concluded that placing *In Our Mothers' House* behind the librarian's desk addressed the purported concern that the book constituted instructional material containing "advocacy of homosexuality," in violation of Utah's sex-education laws.

59. The only portion of the minutes that addresses why restricting access to the book would be the optimal solution is an unattributed statement that: "Restricting the book and requiring parent signature would cause the issue to be buried." (Ex. H at 3.)

Other Books With "Homosexual Themes"

60. On May 23, 2012, the District Library Media Committee's decision was reported to the Library Media Steering Committee, which – unlike the District Library Media Committee – is comprised of trained librarians.

61. The Library Media Steering Committee was told that the decision to remove *In Our Mothers' House* was based on the determination by the Legal Issues Specialist that elementary school libraries are part of the curriculum and that books with "homosexual themes" could therefore not be included in the elementary school libraries.

62. The Library Media Steering Committee was further instructed that librarians should proactively restrict access to any book containing "homosexual themes."

63. The Library Media Steering Committee was told that it is important to proactively address this issue because a group of parents were ready to challenge more books and take away the power of individual school librarians to make their own collection decisions.

64. The District also held a meeting with elementary school librarians to inform them that they should proactively remove from the shelves any books that have “homosexual themes.”

65. On May 31, 2012, the Salt Lake Tribune reported that the District had restricted access to *In Our Mothers’ House*. (Ex. I.) The article quotes District Spokesman, Chris Williams, stating: “State law says schools can’t have anything in the curriculum that advocates homosexuality. That is why it is now behind the counter.”

66. Williams also told the Salt Lake Tribune that “he’s heard rumblings that some parents in the district are also concerned about *And Tango Makes Three*. But so far, those concerns haven’t reached the level of organizing a panel to discuss the book’s content.” *And Tango Makes Three* is a children’s book about two male penguins that hatch an egg and raise the baby penguin together.

67. In a follow-up story published on June 1, 2012, the Salt Lake Tribune reported that school librarians had been instructed to proactively remove other books with “homosexual themes” from the library shelves. (Ex. J.) One of the librarians told the paper that she felt like she was in the McCarthy era and being asked to “name names.”

68. In response to the news stories, the District publicly denied that librarians in the District had been instructed to proactively remove other books from the shelves. Instead of publishing the original minutes from the May meeting of the Library Meeting Steering Committee on the District’s website, the District published amended minutes that were approved in July. (Ex. K.) The amended minutes state: “Davis School District has a policy and process for the restriction or removal of library materials. All librarians should strictly adhere to the DSD policy and process, located [on the District’s website] and not restrict or remove library materials unless that action is determined by the school or district media committee. Any

statements made to the contrary are the opinions of the committee member(s) and should not be considered district policy.” (Ex. K. at 1.)

69. The School Library Media Policies provide that when a library book is challenged, “[t]he material in question will remain in use during the reconsideration process. No item is to be removed from school use without the recommendation of the [school or district] library media committee.” (Ex. A at 5, 6.)

70. The amended minutes state that instead of proactively removing books with “homosexual themes,” librarians should leave the books in place until the books are challenged and the removal committees have made a final decision. But the amended minutes do not contradict reports that if complaints are received about other books with “homosexual themes,” those books would ultimately be similarly restricted in elementary school libraries based on the District’s interpretation of Utah’s sex-education law.

Harm Caused By District’s Restriction of *In Our Mothers’ House*

71. The District can respect the wishes of parents who disagree with *In Our Mothers’ House* by allowing parents to place limits on their own children’s ability to check out particular books. But the District cannot constitutionally allow the religious, political, or cultural preferences of some parents to dictate what other people’s children should and should not be allowed to read or place burdens on their ability to access fully protected ideas.

72. The District’s restrictions apply to all elementary school students through sixth grade.

73. Even though Ms. Weber has provided her children with parental permission to check out *In Our Mothers’ House*, the restrictions placed on the book unconstitutionally interfere with their ability to access the ideas and viewpoints contained in the book.

74. Even with parental permission, the District's restriction places a prior restraint on the ability of Plaintiffs and other students to read *In Our Mothers' House* that does not exist for comparable books. With other books, Plaintiffs and other students can access the book while browsing the library shelves, thumb through the book, and reread a favorite passage or look at a favorite picture without having to go through the process of checking the book out of the library. But before they can even open the covers of *In Our Mothers' House*, students must first get a written note from their parents, find the librarian, wait their turn to speak with the librarian, ask to check out the book, and wait while the librarian verifies that she has parental permission to do so. The First Amendment does not permit the government to place these unequal burdens on accessing particular books based on the books' viewpoint.

75. Even more importantly, the restriction of access places an unconstitutional viewpoint-based stigma on Plaintiffs and other students who wish to read the book. It sends the message to the school community that students who read *In our Mothers' House* are reading a "bad" book and that the ideas contained in the book are unacceptable and should not be discussed. The District's public statements that the book was removed because it has "homosexual themes" or constitutes "advocacy of homosexuality" reinforces that stigmatizing message.

76. Indeed, segregating *In Our Mothers' House* from other books about children's families directly undermines the book's message of inclusion and diversity. The parents who complained about *In Our Mothers' House* argued that including the book on the library shelves "normalized a lifestyle that we don't agree with." By appeasing those parents and segregating the book from stories about other families, the District conveys the message to all students –

including students who have same-sex parents and students who do not – that families with same-sex parents are not acceptable in the school community.

Class Action Allegations

77. Plaintiffs are members of a proposed class of current and future students in District elementary schools where *In Our Mothers' House* was removed from the shelves.

78. Approximately 600 students are enrolled in Parkside Elementary School; approximately 800 students are enrolled in Snow Horse Elementary School; approximately 840 students are enrolled in South Weber Elementary School; and approximately 700 students are enrolled in Windridge Elementary School.

79. There are questions of law and fact that are common to the Class, including, but not limited to, the factual and legal questions about whether the District's removal of *In Our Mothers' House* from the library shelves in those schools violates the First Amendment.

80. Plaintiffs' claims that the viewpoint-based decision to remove *In Our Mothers' House* from the library shelves violates their rights under the First and Fourteenth Amendment are typical of the claims of the Class.

81. As current students in a District elementary school where *In Our Mothers' House* was removed from the library shelves, Plaintiffs will fairly and adequately protect the interests of the Class.

82. The District's decision to remove *In Our Mothers' House* from the shelves of all elementary school libraries in the District and restrict student access to the book causes the District and its employees and agents to act on grounds generally applicable to the Class, thereby making it appropriate for this Court to grant injunctive relief and any corresponding declaratory relief to the Class as a whole pursuant to Federal Rule of Civil Procedure 23(b)(2).

CLAIM FOR RELIEF
Against Davis School District

Civil Action for Deprivation of Constitutional Rights
Pursuant to 42 U.S.C. § 1983

83. Plaintiffs reincorporate the allegations of paragraphs 1-82 as this paragraph 83.

84. Pursuant to the School Library Media Policies, the District Library Media Committee had final policymaking authority for the District with respect to removing *In Our Mothers' House* from library shelves in the District.

85. Moreover, Superintendent Bowles, who has been delegated the power to enforce the general policies of the school board, has ratified and acquiesced in the decision of the District Library Media Committee to remove *In Our Mothers' House* from library shelves.

86. District agents and employees who removed *In Our Mothers' House* from library shelves in the District and restricted access to the book were acting pursuant to the District's policy, custom, or practice.

87. The District unconstitutionally removed *In Our Mothers' House* from the library shelves and restricted access to the book to appease constituents who disagree with the ideas contained in the book.

88. Utah's sex-education law, U.C.A. 1953 § 53A-13-101, does not provide a valid justification for removing *In Our Mothers' House* from the library shelves and restricting access to the book.

89. Utah's sex-education law, U.C.A. 1953 § 53A-13-101, does not require that *In Our Mothers' House* be removed from the library shelves because the elementary school library is not part of the school curriculum for purposes of the statute, books on the library shelves are

not “instructional materials” under the statute, and library books depicting a family with same-sex parents do not constitute endorsement or advocacy of homosexuality.

90. If Utah’s sex-education law, U.C.A. 1953 § 53A-13-101, did require that *In Our Mothers’ House* be removed from the library shelves, then the statute would be unconstitutional as applied because the statute facially discriminates on the basis of a book’s viewpoint; courts have held that such viewpoint discrimination is permissible in the context of curricular speech but is constitutionally impermissible in the context of a school library.

91. Removing *In Our Mothers’ House* from the library shelves and restricting access to the book has interfered with the ability of Plaintiffs and the Class to access the ideas contained in the book by, among other things, imposing additional hurdles on students who wish to read the book, preventing students from browsing through the book without going through the formal process of checking the book out, and stigmatizing the ideas contained in the book and the students who read it.

92. The District’s restriction on *In Our Mothers’ House* and its stated position that keeping the book on the library shelves would violate Utah’s sexual education law creates a credible threat that any other book that is deemed to contain “homosexual themes” will also be removed.

93. The District’s decision to remove *In Our Mothers’ House* from the library shelves and restrict access to the book violates the rights of Plaintiffs and the Class under the First Amendment, which is made applicable to the states through the Fourteenth Amendment.

94. Pursuant to 42 U.S.C. § 1983, the District is liable for, under color of state law, violating the rights of Plaintiffs and the Class under the First and Fourteenth Amendments.

95. Unless restrained by this Court, the District will continue to violate the First and Fourteenth Amendment rights of Plaintiffs and the Class.

96. Plaintiffs and the Class have no adequate remedy at law for this continuing violation of their federal constitutional rights.

PRAYER FOR RELIEF

WHEREFORE, for the reasons stated above, Plaintiffs and the Class request that the Court enter judgment in their favor, and against the District, for full relief, including the following:

- A. A permanent injunction requiring the District to return copies of *In Our Mothers' House* to the elementary school library shelves and requiring the District to allow students to access the book on the same terms and conditions as other books in the library at a comparable reading level;
- B. A permanent injunction prohibiting the District from removing or restricting access to additional books in the school libraries based on a purported concern that the library books contain "homosexual themes" or "advocacy of homosexuality";
- C. A declaratory judgment finding that the District's actions violate Plaintiffs' and the Class's First Amendment rights under the United States Constitution, as applied to the states through the Fourteenth Amendment;
- D. A declaration that the District may not rely upon U.C.A. 1953 § 53A-13-101 to remove or restrict access to library books that purportedly contain "homosexual themes" or "advocacy of homosexuality";
- E. Nominal damages in the amount of \$1.00 for the violation of Plaintiffs and the Class's constitutional rights;

F. Plaintiffs' and the Class's costs and attorneys' fees herein pursuant to 42 U.S.C. § 1988; and

G. Such other relief as the Court deems just and appropriate under the circumstances.

Dated: November 13, 2012

Respectfully Submitted,

/s/ John Mejia

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* Application for admission
pro hac vice to follow

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

A.W. and C.W., by and through their mother Tina Weber, individually and on behalf of others similarly situated

(b) County of Residence of First Listed Plaintiff Davis County (EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number) ACLU 125 Broad Street NYC, NY 10004 (212) 549-2600 ACLU of Utah 355 N 600 W SLC, UT 84103 (801) 521-9862

DEFENDANTS

County of Residence of First Listed Defendant Davis School District (IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- 1 U.S. Government Plaintiff, 2 U.S. Government Defendant, 3 Federal Question (U.S. Government Not a Party), 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- Citizen of This State, Citizen of Another State, Citizen or Subject of a Foreign Country, PTF DEF, Incorporated or Principal Place of Business In This State, Incorporated and Principal Place of Business In Another State, Foreign Nation

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Table with 5 columns: CONTRACT, REAL PROPERTY, TORTS, CIVIL RIGHTS, PRISONER PETITIONS, FORFEITURE/PENALTY, LABOR, IMMIGRATION, BANKRUPTCY, SOCIAL SECURITY, FEDERAL TAX SUITS, OTHER STATUTES. Includes various legal categories like Insurance, Personal Injury, Real Property, etc.

V. ORIGIN (Place an "X" in One Box Only)

- 1 Original Proceeding, 2 Removed from State Court, 3 Remanded from Appellate Court, 4 Reinstated or Reopened, 5 Transferred from another district (specify), 6 Multidistrict Litigation

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

42 USC §1981 and 1983; U.S. Constitution

Brief description of cause:

1st Amendment violation

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23, DEMAND \$ Injunction, nominal \$ dmgs, CHECK YES only if demanded in complaint: JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

11/13/2012

/s/ John Mejia

FOR OFFICE USE ONLY

RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE

School Library Media Policies

Davis School District

June 2011

Philosophy

The school library media centers of the Davis School District exist to provide informational resources for teachers and students, assist students in developing literacy and research skills, and provide recreational reading opportunities. The library media teachers/specialists implement the library media program; coordinate interaction among administrators, teachers, and students relating to information and media; and assist teachers with resources to augment their school curriculum. As a result of a successful library media program, the library media center becomes the school's center for information.

Secondary school library media centers subscribe to evaluation standards set by the Northwest Accreditation Commission. All school library media centers aspire to higher quantitative standards set forth in the *Utah State Standards for School Library Media Centers*, published by the Utah State Office of Education, and *Standards for the 21st-Century Learner*, published by the American Association of School Librarians.

The Davis School District supports current copyright laws and guidelines as well as the following statements from the American Library Association.

Library Bill of Rights

The Freedom to Read

Libraries: An American Value

Access to Resources and Services in the School Library Media Program

Access to Digital Information, Services, and Networks

Confidentiality of Library Records

Library Staff

Secondary school library media centers are staffed by at least one professional library media teacher, who has a teaching certificate with library media certification. Elementary school library media centers are staffed by at least one para-professional library media specialist. In addition secondary school library media centers may have clerical assistant and/or student assistants. The library media teachers/specialists are responsible for the selection, acquisition and circulation of all library materials. The clerical assistant and/or student assistants supervise the library media center in the absence of the library media teacher/specialist, and assist with tasks as instructed by that teacher/specialist.

Secondary library media teachers are paid for five extra days above regular contract time as negotiated in the secondary policy contract. Elementary library media specialists are paid for

three extra days above regular contract time. These extra days may be scheduled at the discretion of the library media teacher/specialist within the same fiscal year (July 1-June30).

District Organization

An administrator, District Library Media Supervisor, is responsible at the district level to represent all library media teachers/specialists and to advise on district policies and procedures. The district supervisor is a member of the library media steering committee, and chairs the district library media committee, which is responsible to respond to reconsideration cases appealed from school library media committees.

In addition, the Secondary Library Media Teachers Association (SLMTA) and the Davis Elementary Library Media Association (DELMA) are local organizations of library media personnel, established to help the district supervisor with library media issues, curriculum, and professional development.

Library Media Steering Committee

The library media steering committee exists to promote library media programs, provide professional development, recommend policies and procedures, and address library issues. The committee consists of the district library media supervisor, and representatives from elementary media specialists and secondary library media teachers as outlined by steering committee bylaws.

Library Media Committee

The district library media committee exists to promote library media programs and assist in reconsideration procedures. The committee consists of an odd number of voting members, not less than five, and may include a superintendent, school board member, parent representative, curriculum development director, and student representative. The district Library Media Supervisor chairs the committee.

The school library media committee promotes library programs, upholds and approves policies, and assists in reconsideration procedures at the school level. The committee consists of an odd number of voting members, not less than five, and may include an administrator, department chair, teacher, parent representative, and student representative. The school library media teacher or library media specialist chairs the committee.

Library Technology Committee

The library technology committee exists to maintain the Follett Destiny shared library catalog. They keep current on updates to Follett, provide a yearly professional development to set up library programs for the coming year, and train new library media personnel on the Destiny system. The committee also maintains the library catalog. The committee consists of a district informational technology specialist, three secondary library media teachers, and three elementary media specialists.

Facility

Every school in the Davis School District has an adequate library media center which is the information center of the school. The facility provides for large group study and instruction as well as individual study areas, an area for processing and repairing library materials, storage space for all print/non-print media and equipment, and office space for the library media teacher/specialist and staff.

Accountability for use of library media materials

The entire school community is accountable for the use of library media materials and equipment. Although it is evident that all materials and equipment are consumable over an extended period of time, it is the individual responsibility of each patron to use the necessary care required to avoid loss or damage to all forms of media. If damage or loss of materials occurs patrons are required to pay replacement or repair costs. Teachers are responsible for selection and utilization of all media and equipment in their individual classrooms; therefore, careful discrimination must be used to adhere to district and school library media policies and to observe copyright laws.

Evaluation of library media teachers and library media specialists

Secondary library media teachers are evaluated according to district procedures for classroom teachers modified for their specific job descriptions, and based on the yearly goals agreed upon by the library media teacher and the school administrator responsible for evaluation (See Educator Assessment System Manual). Elementary library media specialists are evaluated according to the Davis School District Classified Performance Assessment System.

Standards/Goals

Library media teachers/specialists set the following goals to reach qualitative and quantitative standards which will enhance performance and meet the needs of library patrons:

- To provide equal access to the library media center for all members of the school community
- To maintain a specialized staff capable of providing guidance for individual information needs
- To continue best practices through attendance at required trainings to remain current with library media trends and resources.
- To provide a congenial and appropriate environment which will encourage and stimulate the expanding use of the library media center

- To abide by district policies for computer and video usage
- To maintain and abide by a written school library media policy
- To maintain a properly catalogued and organized collection
- To offer a variety of materials in formats to enhance curriculum instruction and to provide accurate, authoritative and balanced informational views
- To provide for recreational reading
- To provide evaluation, selection, ordering, processing and maintenance services for the acquisition and use of materials and equipment
- To provide instruction in the use of library media materials in print, visual and electronic formats
- To help students and teachers become information literate as outlined in *Information Power: Building Partnerships for Learning*, AASL/AECT, 1998.
- To empower students and teachers with life-long learning skills as outlined in *Standards for the 21st-Century Learner*, AASL, 2007.
- To implement the Core Curriculum for Library Media as outlined by the Utah State Board of Education.
- To provide information and access to resources available beyond the library media center's collection

School Policies

Each school library media center maintains current policies governing the circulation of materials, the selection/acquisition of materials, scheduling of the library media center, inventory procedures, computer use, and weeding. In addition, each school is required to adhere to district computer usage and video policies.

Selection/Acquisition of Materials

As the governing body of the school district, the Board of Education delegates authority for the selection of library resources and materials to library media professionals. The secondary library media teacher or elementary library media specialist in each school is, therefore, responsible for the selection and acquisition of all materials for the library media center. Requests and suggestions from school faculty, administrators or the library media committee are considered valuable and viable choices for purchase. Materials selected for the library media

center support the curriculum and offer a variety of materials in different formats. Materials will be selected for their accuracy, timeliness, authoritative and balanced views, and to meet the recreational reading needs of the school community.

Materials donated to school library media centers are appreciated and dealt with in a professional manner at the discretion of the library media teacher/specialist.

Reconsideration of Materials

All complaints regarding collection holdings must be submitted in writing on forms available from the library media teacher at individual schools or from the district library media supervisor (See Appendix B). No action or recognition of the complaint will be considered until a completed form is submitted to the library media teacher/specialist. This form must be submitted no later than 3 weeks before the close of the school year.

School Library Media Committee Procedures:

- Upon receipt of the completed Request for Reconsideration of Materials form, the library media teacher will call a meeting of the school library media committee to introduce the complaint.
- If twenty-five or more complaints about the same item are received from different individuals, the matter is automatically referred to the district library media committee.
- The school library media committee members will be assigned to read, view or listen to the material in its entirety, and the library media teacher will provide public written reviews of the material being reconsidered from magazines or other review sources.
- The school library media committee will meet after reading, viewing or listening to the material, at which time the complainant has the option to meet with the committee to present his/her views. The committee will then dismiss the complainant and hear the views of other committee members.
- A decision is made by a majority vote. The committee will decide whether to retain the material in the library media center, move the material to an appropriate library media center, restrict or discard the material, or sanction another appropriate action.
- The complainant will be notified of the school committee's decision in writing within three-weeks after formal submission of the complaint.
- If the complainant is not satisfied with the decision of the school committee, the matter will be referred to the district library media committee. The same materials may not come before the school library media committee for reconsideration for at least three years.
- The material in question will remain in use during the reconsideration process. No item is to be removed from school use without the recommendation of the school library media committee.

District Library Media Committee Procedures:

- Upon receipt of the completed Request for Reconsideration of Materials form, the library media supervisor will call a meeting of the district library media committee to introduce the complaint or complaints.
- The district library media committee members will be assigned to read, view or listen to the material in its entirety, and the library media supervisor will provide public written reviews of the material being reconsidered from magazines or other, review sources.
- The district library media committee will meet after reading, viewing or listening to the material, at which time the complainant has the option to meet with the committee to present his/her views. The committee will then dismiss the complainant and hear the views of other committee members.
- A decision is made by a majority vote. The committee will decide whether to retain the material in the library media center, move the material to an appropriate library media center, restrict or discard the material, or sanction another appropriate action.
- The same materials may not come before the district library media committee for reconsideration for at least three years.
- The complainant and all school library media teachers/specialists will be notified of the district committee's decision in writing within three-weeks after formal submission of the complaint.
- The material in question will remain in use during the reconsideration process. No item is to be removed from school use without the recommendation of the district library media committee.

Inventory

- All school library media centers are responsible to maintain a regular inventory of materials and equipment.
- An ongoing inventory process identifies lost, stolen or damaged items and allows for an organized collection development process.
- A formal inventory may be conducted at the end or beginning of the school year to assess the collection and help with selection/acquisition of materials.

Weeding

Weeding is the activity of examining and evaluating library materials for possible removal from the collection. It is the responsibility of the individual secondary library media teacher or elementary library media specialist to maintain an attractive, up-to-date, and accurate collection by regularly implementing a weeding policy. District policies for disposition of weeded materials include the following guidelines:

- Materials may be removed from the collection for being outdated, inaccurate, damaged or no longer part of the curriculum.
- Remove the barcode, spine label and card pocket from materials being removed from the collection.
- Stamp "No longer property of Davis School District" or "Withdrawn" inside the front and back of the book or on the front of AV materials.
- Books may be sold at a used book sale, given to a recycling vendor or other organization, or disposed of through the school trash pick-up system.
- Videos, filmstrips or other materials may be given to another organization or disposed of through the school trash pick-up system.
- A Physical Asset Action Form must be filled out for discarded equipment which will then be shipped to the District warehouse.

Computer Use

Computers in school library media centers must be able to run current upgraded circulation and cataloging software, electronic databases, and access the Internet. Because of their involvement with accessing electronic information, it is highly recommended that school library media teachers/specialists be part of the school's technology committee.

School library media centers adhere to the Davis School District Computer Use Policies. In addition, individual schools may implement policies to meet their needs for computer usage. School library computer policies may include specific items and procedures for student use of computers within the library media center.

District Video Policy

All district personnel, including library media teachers/specialists, adhere to the Davis School District Movies and Videos policy as adopted February 4, 1997 and as updated periodically by the district. The library media teacher/specialist in each school is a member of the school-level review process to evaluate videos that will be shown within the school.

Copyright Law

All district personnel are subject to the Copyright Law (Title 17, United States Code), and understand the need for educators to utilize available media in an electronic age within the parameters set by the "Fair Use Act" (Section 107, PL 94-533). In addition, district personnel adhere to the Davis School District copyright guidelines, which are updated periodically by Davis district administrators. Secondary library media teachers and elementary library media specialists are responsible to keep the faculty and staff in their school informed of current copyright laws and procedures.

January 27, 2012

Reconsideration Meeting for "In My Mothers' House".

As a result of [REDACTED] completing a Request for Reconsideration form, a meeting of the Windridge School Library Media Committee was held on January 27, 2012. The members of the committee met with [REDACTED] to discuss a request for reconsideration of the book "In Our Mothers' House", by Patricia Polacco. The committee members in attendance were Nancy Peterson, Media Specialist, Belinda Kuck, SLC Coordinator/Accreditation Specialist/District Media Supervisor, Dr. Maren Zimmerman, Windridge Elementary Principal, Ms Jer Call and Ms Heather Schulz, Windridge Elementary teachers, and [REDACTED] parent representative.

[REDACTED] presented her views as to why she felt the book should be removed from the library. An agreement was reached wherein while she objected to the subject matter of the book, the book was appropriate for the Windridge Elementary School library. It would be re-catalogued and would no longer be located in the "E" (Easy Reading) section but would now be in the "F" (Fiction) section. [REDACTED] agreed that this would be acceptable to her. She was notified that she would receive a written copy of the school's committee findings in writing, which she declined. The book is now in circulation in the "Fiction" section of the Windridge Elementary Media Center.

A copy of her complaint and a copy of the outcome of the meeting will be on file in the media center, along with copies going to Belinda Kuck at the District, and Dr. Zimmerman at Windridge Elementary School.

Nancy Peterson

Nancy Peterson
Windridge Elementary School Media Specialist/Librarian

DAVIS SCHOOL DISTRICT
 REQUEST FOR RECONSIDERATION OF LIBRARY MATERIALS

Please check type of material: <input checked="" type="checkbox"/> Book <input type="checkbox"/> Video <input type="checkbox"/> Audio Recording <input type="checkbox"/> Periodical <input type="checkbox"/> Other _____	
Title:	In Our Mothers' House
Author:	Patricia Polacco
Publisher or Producer:	Philomet Books
Re:	[REDACTED]
Ac:	[REDACTED]
Ph:	[REDACTED]
Are you making this request on behalf of a group or organization? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes (Name of group or organization) _____	

The following questions are to be answered after the complainant has read, viewed or listened to the school library material. If sufficient space is not provided, attach additional sheets. Please sign your name to each additional attachment.

1. I have read (viewed) the material: (circle one)

In its entirety

Only part of it

2. To what in the material do you object? (Please be specific, cite pages, frames, film sequence, etc.).

The entire book and its subject matter - I believe that this topic is the parents right to teach their children. It is not a book that belongs in an open shelf in an elementary school where children do not have parental supervision.

3. What do you believe is the theme or purpose of this material?

homosexuality. I believe it glamorizes, and normalizes something that is a sensitive issue. I also view it as propaganda on this subject.

4. What do you feel might be the result of a student using this material?

This is propaganda because it puts forth an idea, then makes it look attractive + normal. It portrays that if you don't embrace it then you have hate in your heart.

5. For what age group would you recommend this material?

high school + lit unsupervised
under that I feel like a parent should use it at their discretion - each child is different

6. Is there anything good in this material? Please comment.

For me no - some people may see it as useful. It should be available to them, as adults to check out if they feel they have a need for it.

7. Would you care to recommend other school library materials of the same subject and format?

No - not for elementary school. These books belong in the Public Library

[Redacted Signature]

Signature of Complainant

April 2, 2012

Date

Please return completed form to the school library media teacher/specialist or the district library media supervisor.

DAVIS SCHOOL DISTRICT
REQUEST FOR RECONSIDERATION OF LIBRARY MATERIALS

Please check type of material: <input checked="" type="checkbox"/> Book <input type="checkbox"/> Video <input type="checkbox"/> Audio Recording <input type="checkbox"/> Periodical <input type="checkbox"/> Other _____	
Title:	In our Mothers House
Author:	Patricia Polacco
Publisher or Producer:	Philomena Books
Requester:	[Redacted]
Address:	[Redacted]
Phone:	[Redacted]
Are you making this request on behalf of a group or organization? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes (Name of group or organization) _____	

The following questions are to be answered after the complainant has read, viewed or listened to the school library material. If sufficient space is not provided, attach additional sheets. Please sign your name to each additional attachment.

1. I have read (viewed) the material: (circle one)

a. In its entirety

Only part of it

2. To what in the material do you object? (Please be specific, cite pages, frames, film sequence, etc.).

Homosexuality. The entire book promotes Homosexuality and makes the reader feel that life inside a Homosexual Home is great, wonderful, & with no problems.

3. What do you believe is the theme or purpose of this material?

I believe that the Author is wanting us to accept Homosexuality as a norm. It is not a norm! She made it seem like there is only 1 person that does not accept it.

4. What do you feel might be the result of a student using this material?

The power of Suggestion goes a long way. I think it is wrong to suggest to children of any age that Homosexuality is an option to be looked at.

5. For what age group would you recommend this material?

Over 18

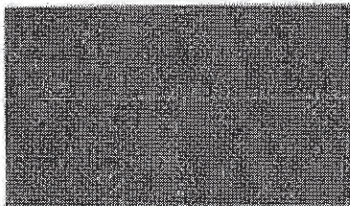
6. Is there anything good in this material? Please comment.

No. I knew that the Author is trying to portray Acceptance of others - and that is fine, but the Author made it look like it is so wonderful, perfect, and fun and Happy all the time to be in a Homosexual environment.

7. Would you care to recommend other school library materials of the same subject and format?

No.

This subject matter does not belong in a School library!



Complainant

3-7-12

Date

Please return completed form to the school library media teacher/specialist or the district library media supervisor.

DAVIS SCHOOL DISTRICT
REQUEST FOR RECONSIDERATION OF LIBRARY MATERIALS

Please check type of material:

Book Video Audio Recording Periodical Other

Title: In our Mothers House

Author: Patricia Polacco

Publisher or Producer:

Request

Address

Phone

Are you making this request on behalf of a group or organization?

No Yes (Name of group or organization)

The following questions are to be answered after the complainant has read (or viewed) or listened to the school library material. If sufficient space is not provided, attach additional sheets. Please sign your name to each additional attachment.

1. I have read (viewed) the material. (circle one)

In its entirety

Only part of it

2. To what in the material do you object? (Please be specific, cite pages, titles, sequence, etc.)

I don't agree that wholesome complete parenting can be done by lesbians without a father's role. It's not a medical process to have a complete family without a male/female. This book makes it sound OK and brainwashes very young children when these issues should be decided by the parents. It's too controversial at a subject for children under 18 who's brains are still being developed.

What do you believe is the theme or purpose of this material?

It's all OK to be homosexual. Presenting the notion that parenting is just as effective for children with two lesbian women vs a husband & wife.

4. What do you feel might be the result of a student using this material?

Childrens brains are still developing till they're 25. This stuff has no place in the public school system funded by my tax dollars. Other: Material might arouse curiosity in children towards homo sexual tendencies.

5. For what age group would you recommend this material?

25+ where research shows the brain is fully developed and adults are able to make their own decisions.

6. Is there anything good in this material? Please comment.

Love - True love - doesn't matter with who? - Not sure what positive value this book has, ~~but~~ unless you consider the goal of trying to encourage diversity.

7. Would you care to recommend other school library materials of the same nature and format?

All homosexual books should be removed from libraries. Let parents be parents and let parents decide what alternate lifestyles they wish to teach their children.

[Redacted Signature]

Signature of participant

3-24-12

Date

Please return completed form to the school library media teacher/specialist or the district or state media supervisor

DAVIS SCHOOL DISTRICT
 REQUEST FOR RECONSIDERATION OF LIBRARY MATERIALS

Please check type of material: <input checked="" type="checkbox"/> Book <input type="checkbox"/> Video <input type="checkbox"/> Audio Recording <input type="checkbox"/> Periodical <input type="checkbox"/> Other _____	
Title:	In our Mothers' House
Author:	Patricia Polacco
Publisher or Producer:	Philomel Books
Requester:	[REDACTED]
Address:	[REDACTED]
Phone:	[REDACTED]
Are you making this request on behalf of a group or organization? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes (Name of group or organization) _____	

The following questions are to be answered after the complainant has read, viewed or listened to the school library material. If sufficient space is not provided, attach additional sheets. Please sign your name to each additional attachment.

1. I have read (viewed) the material: (circle one)

- a. In its entirety Only part of it

2. To what in the material do you object? (Please be specific, cite pages, frames, film sequence, etc.). The pages before the last sum up the information implied throughout the book. I object to a homosexual lifestyle but even more to allowing couples, who decide to live together a homosexual life, to adopt children. Homosexuality is a very sensitive topic one that brings much heartache and sadness, unfortunately this book does not explain more of the psychological and emotional hurt that these people go through.

3. What do you believe is the theme or purpose of this material?

It paints a picture of false happiness. It says it is ok for a homosexual couple to adopt and raise children and ~~and~~ even when they mention about one person as not accepting of them, there are more issues that affect negatively a child who grows up in this kind of environment.

4. What do you feel might be the result of a student using this material?

I feel this material would not be of any benefit to a child. An adult, a parent needs to be present when a child is reading this because the child will be confused and questions will arise.

5. For what age group would you recommend this material?

Adult parent

6. Is there anything good in this material? Please comment.

As happy as the drawings want to be, there is no connection with the real struggles (emotional, psychological, spiritual and social) people who go through with homosexuality.

7. Would you care to recommend other school library materials of the same subject and format?

No



Signature of Complainant

032012

Date

Please return completed form to the school library media teacher/specialist or the district library media supervisor.

DAVIS SCHOOL DISTRICT
REQUEST FOR RECONSIDERATION OF LIBRARY MATERIALS

Please check type of material: <input checked="" type="checkbox"/> Book <input type="checkbox"/> Video <input type="checkbox"/> Audio Recording <input type="checkbox"/> Periodical <input type="checkbox"/> Other _____	
Title:	In our Mothers' House
Author:	Patricia Polacco
Publisher or Producer:	
Requester's Name:	[REDACTED]
Address:	[REDACTED]
Phone:	[REDACTED]
Are you making this request on behalf of a group or organization? <input type="checkbox"/> No <input type="checkbox"/> Yes (Name of group or organization) _____	

The following questions are to be answered after the complainant has read, viewed or listened to the school library material. If sufficient space is not provided, attach additional sheets. Please sign your name to each additional attachment.

1. I have read (viewed) the material: (circle one)

- In its entirety Only part of it

2. To what in the material do you object? (Please be specific, cite pages, frames, film sequence, etc.).

~~The purpose~~ I object to the theme of this book. The theme makes a homosexual lifestyle seem fun & normal, it is not appropriate for young children.

3. What do you believe is the theme or purpose of this material?

The purpose of this material is to make the choice of homosexuality normal and fun. The child's mother's ~~were~~ went to great effort to be fun & exciting - in a loving neighborhood everyone dreams of living in. I'm not opposed to the purpose or theme of this book. I am opposed to having it readily available for very young children who do not understand the complexities of choosing this lifestyle. As a parent, I want to be the one to choose how & when this is presented. As a parent, this is not a topic we →

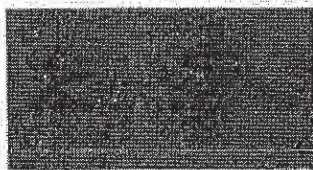
ll

2

ignoc. We want to be able to
present it under our own terms.

11/13/12

4. What do you feel might be the result of a student using this material?
This book makes a homosexual lifestyle seem fun and exciting - lots of parties, costumes & events with children who grow up to having successful high paying careers. It ~~is~~ normalizes a lifestyle we don't agree with.
5. For what age group would you recommend this material?
Adults who wish to use it as a teaching tool to their children at their discretion.
6. Is there anything good in this material? Please comment.
I think it is well done. I do not think its appropriate for children to check this out on their own accord, it needs to be done with parent approval.
7. Would you care to recommend other school library materials of the same subject and format?



Complainant

3/25/2012

Date

Please return completed form to the school library media teacher/specialist or the district library media supervisor.

Minutes

Internal District Library Media Committee

4/30/2012

4:00 p.m.

Sheri Sauve welcomed the participants to the committee meeting. Introductions were made. Participants are:

Sheri Sauve – Committee Chair

Susan Firmage – Teacher

Trudena Fager – Library Media Teacher at Bountiful High

[REDACTED] (Parent member)

Susan Johnston – Teacher

Kristi Frodsham – School Director

Michelle Beus – Legal Issues Specialist

Sheri Sauve reviewed the following with the committee:

District Library Media Committee Procedures:

- Upon receipt of the completed Request for Reconsideration of Materials form, the library media supervisor will call a meeting of the district library media committee to introduce the complaint or complaints.
- The district library media committee members will be assigned to read, view or listen to the material in its entirety, and the library media supervisor will provide public written reviews of the material being reconsidered from magazines or other, review sources.
- The district library media committee will meet after reading, viewing or listening to the material, at which time the complainant has the option to meet with the committee to present his/her views. The committee will then dismiss the complainant and hear the views of other committee members.
- A decision is made by a majority vote. The committee will decide whether to retain the material in the library media center, move the material to an appropriate library media center, restrict or discard the material, or sanction another appropriate action.
- The same materials may not come before the district library media committee for reconsideration for at least three years.
- The complainant and all school library media teachers/specialists will be notified of the district committee's decision in writing within three-weeks after formal submission of the complaint.
- The material in question will remain in use during the reconsideration process. No item is to be removed from school use without the recommendation of the district library media committee.

Purpose of Committee:

In regards to the challenged book, decide whether or not to: retain, move, restrict, discard, or sanction another action.

Parent Representatives:

██████████ – Parent

██████████ – Parent

██████████ – Parent

A parent related her experience with the book “In Our Mothers’ House” by Patricia Polacco. Her Kindergartener brought the book home from school. She started to read the book with her child and realized her child was not mature enough to understand the subject of the book. The book depicts a lesbian couple who have adopted three children. As a parent she wanted to be able to teach her children about homosexuality on her timetable.

A parent stated, “If there was a book regarding other sexual topics, I would still be here.”

The Kindergarten child had a lot of questions about the book.

The parents felt the topic of the book was too controversial for young children.

The parents explained the process which they had already gone through at the school site. A meeting was held at the school with the library media specialist, community members, and concerned parents. The decision was made to move the book to a shelf that older children would have access to. The parents wanted to restrict access to the book and felt the committee would never agree to restrict the book. They also felt the book did not reflect their community’s morals and values.

A parent expressed the feeling that her ability to choose when to teach her children about homosexuality was taken away.

The parents expressed they would like to have had the librarian guide children to a different book.

The parents have read the book and were dismayed to discover how much autonomy the media specialist has in ordering books for the school.

Committee Members were asked if any had questions for the parents.

A committee member asked the parents if they were aware of the process by which a parent could request the librarian place information in their child’s file to restrict their own child from checking out certain types of books. The parents were not aware of this option.

All three parents were concerned about children checking the book out and reading it at school, without parents ever knowing their child had read the book.

The parents asked for the book to be placed behind the librarian’s desk and to only check the book out to students who have written parental permission.

The parent members were dismissed to allow the committee to deliberate.

Committee Discussion

A committee member began by stating that the author of the book is a well-known and loved author of many children’s books.

It was stressed to the committee the importance of only looking at this book. The committee is not to make a decision based on other books by the same author or about other books. The petition was only to review this book.

The Committee reviewed case law, specifically, several rulings from the Supreme Court regarding school libraries.

Court rarely had a unanimous vote regarding school libraries.

A book cannot be removed because it is offensive to someone’s personal belief.

A book may be removed if it is violent, offensive, or contains vulgar language, will cause substantial disruption, or is not age appropriate but not on whether we morally agree with the content of the book.

In determining whether a book, once placed in a library, can be removed, the Supreme Court asked what is the purpose of a school library? *In the Pico case the* school library was an extension of curriculum **and** for recreational reading **and** was open to the students and parents one evening per week.

None of the cases for elementary schools have reached the Supreme Court.

It is important to remember elementary school libraries are not public libraries.

Our elementary school library media centers are very structured and students are not free to come and go. Student use of the elementary school library is very supervised and generally part of a lesson related to the core curriculum library media skills or

extension of a classroom lesson. Being so closely related to the structured instructional time of students, elementary school libraries should look to the curriculum standards for direction.

Utah state law has specific parameters for discussion of sexual orientation. Such discussions are not even introduced until 8th grade and Utah law specifically prohibits in 53A-13-101 instructional materials containing the "advocacy of homosexuality."

The committee discussed again that the library should be to extend curriculum and provide recreational reading. Some members voiced concern that if the law specifically prohibits a topic to even junior high and high school students, it would be inappropriate to provide it as recreational reading in lower elementary grades as a picture book.

The committee reviewed the five actions the committee can take. They can decide to:

- Retain the material in the library media center
- Move the material to an appropriate library media center
- Restrict material
- Discard material
- Sanction another appropriate action

The committee then discussed several more issues:

There are alternatives to removing the book. The manner or method for accessing the book could be restricted.

There are five copies of this book in elementary school libraries in the district.

The library media specialist purchased the book to help support non-traditional families in the school's boundaries.

If access were restricted, how would a same sex family know the book existed in order to check it out for their kids? The library media specialist indicated that in elementary schools, they generally know who the students are and can let the student or parent know that the book is available with parent permission.

Moving the book to an older readers' location in the library would result in no one checking it out and that would be a bad result because students who may benefit by reading it wouldn't even have the option.

Restricting the book and requiring parent signature would cause the issue to be buried. The elementary librarian contradicted this by saying that likely the opposite result would occur. That once kids were aware of the book needing permission, it often becomes a novelty and a challenge and many would want to check out the book.

Removing the book completely is not a good option. We all know many non-traditional families. Kids ask questions. This book could help to answer questions by peers in the school situation. It could help those children in same sex families see their family in a book.

The author's other books deal with many sensitive issues and this book teaches acceptance and tolerance. The book could help prevent bullying of kids from same sex families.

It could be used by a family to discuss the issues, but by law, teachers cannot use this book in their classroom as instructional material.

The committee was asked to vote by secret ballot and placed in a basket.

Vote

The committee voted 6 to 1 to restrict the book by placing it behind the library media specialist's desk and allowing students to check the book out with written parent permission.

This decision applies to all elementary library media centers in the district. Belinda will send a copy of the letter to committee members.

The Salt Lake Tribune

Utah school district places book about lesbian moms behind counter

Kaysville parents objected when kindergartner brought home *In Our Mothers' House*.

BY MELINDA ROGERS THE SALT LAKE TRIBUNE

PUBLISHED MAY 31, 2012 8:54 AM

This is an archived article that was published on sltrib.com in 2012, and information in the article may be outdated. It is provided only for personal research purposes and may not be reprinted.

A picture book about a lesbian couple raising a child was removed from the shelves of elementary school libraries in Davis County after a group of parents raised objections about the suitability of the story.

In Our Mothers' House by Patricia Polacco remains accessible at schools in the Davis School District, but only if a student presents a permission slip from a parent to check out the book, said district spokesman Chris Williams.

The decision to keep the book "behind the counter" in libraries followed an April 30 meeting during which a seven-member committee determined the book didn't align with district curriculum standards. The committee, comprised of teachers, administrators and parents, voted 6-1 to keep the book off shelves, with a high school librarian casting the dissenting vote.

"State law says schools can't have anything in the curriculum that advocates homosexuality," Williams said. "That is why it is now behind the counter."

Concerns about the book bubbled up in January, when the mother of a kindergartner student at Windridge Elementary in Kaysville became upset when her child checked out the book and brought it home. The mother and her husband brought their concerns to elementary school officials, according to Williams.

A committee at the school level decided to move the title to a section of the library for grades 3 to 6, after determining the book — recommended for students in kindergarten through second grade — was better suited for older readers, Williams said. That didn't appease the parents of the kindergartner student, who gathered 25 signatures on a petition to move the discussion to the district level.

The district committee voted in April to place the book behind the counter. Parents who signed the petition were notified of the move earlier this month.

Williams said the book was purchased in part because a student who attended Windridge Elementary has two mothers and librarians wanted to foster inclusion.

"While we've restricted the book, this book is still available," Williams said.

The district's decision indicates there is more work to be done in Utah to promote understanding of the state's increasingly diverse communities, said Brandie Balken, executive director of Equality Utah.

"My first take is this: Parents have and should take seriously the importance of speaking to their children about their families, their history and their deeply held personal values. But as a community, we have a responsibility to hold open a space for children to accurately understand families, history and personal values as they actually exist in our diverse community," Balken said of the district's decision to limit access to the book.

"I think at its core, it's important for us as a community to be committed to all children feeling like their families are valuable. And that they are safe in being their full selves at school," she said.

Polacco offers a description of the book, published in 2009, on her website, www.patriciapolacco.com. The book has been banned in other U.S. schools, including in several Texas districts.

"Marmee, Meema, and the kids are just like any other family on the block. In their beautiful house, they cook dinner together, they laugh together, and they dance together. But some of the other families don't accept them. They say they are different. How can a family have two moms and no dad?," the description states. "But Marmee and Meema's house is full of love. And they teach their children that different doesn't mean wrong. And no matter how many moms or dads they have, they are everything a family is meant to be."

Polacco's tale joins other popular children's books that explore LGBT themes, including *And Tango Makes Three* and *Heather Has Two Mommies*, which routinely grace the list of often-banned books.

Heather Has Two Mommies, published in 1989, is the story of a child whose biological mother gave birth to her after artificial insemination. The girl is raised by her mother's partner. The book is ranked in the top 20 of the most frequently challenged books in the U.S., according to the American Library Association.

And Tango Makes Three, published in 2005 by a gay couple from New York City, has also proven controversial. The book is based on the true story of Roy and Silo, a pair of male penguins in the Central Park Zoo who tended to an egg in their nest until it hatched. The egg came from another penguin couple, which struggled to care for two eggs. Zookeepers named the baby penguin Tango when it hatched.

Williams said he's heard rumblings that some parents in the district are also concerned about *And Tango Makes Three*. But so far, those concerns haven't reached the level of organizing a panel to discuss the book's content, he said.

Other books have been contested in Davis County schools in the past.

More than a decade ago, some parents were troubled about violence in a 1971 book titled *Grendel* by John Gardner. John Steinbeck's *Of Mice and Men*, along with

J. K. Rowling's "Harry Potter" series and Stephanie Meyer's "Twilight" series, have also sparked parental concerns over the years, Williams said. Those books were never removed from shelves, however.

Williams said district librarians look at several factors when choosing books, including state curriculum recommendations, suggestions from colleagues, student recommendations and lists from the American Library Association. He said school librarians have "a lot of autonomy" in the books they choose.

He said the district hasn't received any complaints from parents about Polacco's book being placed behind the counter.

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The Salt Lake Tribune

Utah Librarians fear decision about lesbian mom book sets bad precedent

Removing book about lesbian moms sets bad precedent, they say.

BY MELINDA ROGERS THE SALT LAKE TRIBUNE

PUBLISHED JUNE 1, 2012 9:07 PM

This is an archived article that was published on sltrib.com in 2012, and information in the article may be outdated. It is provided only for personal research purposes and may not be reprinted.

Controversy over a book describing a household with lesbian mothers has prompted the Davis School District to ask school librarians to name other titles that parents might find objectionable, according to one district librarian.

In *Our Mothers' House* by Patricia Polacco was recently removed from shelves of elementary school libraries in Davis County after a group of parents objected to the story's content. The book remains accessible but only if a student presents a permission slip from a parent to check out the book.

DaNae Leu, a media specialist at Snow Horse Elementary School in Kaysville, said the district is taking a proactive stance on pulling other books in the wake of the controversy. Also marked for removal is *And Tango Makes Three*, the story of a pair of male penguins who sit on an egg at a zoo until it hatches; and *Totally Joe*, a book for ages 10 and up about a teenager who is gay.

She said librarians are being asked to supply names of books that contain gay and lesbian characters. Many librarians are frustrated about the situation, she said, but are nervous about speaking out because they fear reprisals.

"I've never seen this happen. It's almost like they want to preemptively pull books that might disturb somebody," she said. "I feel like Joe McCarthy is asking me to name names," she said of discussions in which administrators have asked for book names.

Calls to district spokesman Chris Williams and Belinda Kuck, the district's library media supervisor, were not immediately returned on Friday.

Leu said some librarians believe the decision to remove *In Our Mothers' House* sets a precedent of letting parents call the shots on what material should be allowed in school libraries.

"I don't want to disparage my district. I think they were trying to protect themselves against state law," said Leu. "Ethically, I don't feel right about it. I feel like the book is age-appropriate. I know it's available upon asking, but it's also available under a stigma."

"I feel that history is not going to look favorably on this. In 20 years, we're going to look and think, 'How could we ever have thought that?'" she said of limiting access to the book.

The decision to keep *In Our Mothers' House* behind the counter in libraries followed an April 30 meeting during which a seven-member committee determined the book didn't align with district curriculum standards. The committee, comprised of teachers, administrators and parents, voted 6-1 to keep the book off shelves, with Bountiful High librarian Trudena Fager casting the dissenting vote.

"State law says schools can't have anything in the curriculum that advocates homosexuality," Williams said earlier this week. "That is why it is now behind the counter."

Concerns about the book bubbled up in January, when the mother of a kindergarten student at Windridge Elementary in Kaysville became upset when her child checked out the book and brought it home. The mother and her husband brought their concerns to elementary school officials, according to Williams.

A school committee decided to move the title — recommended for students in kindergarten through second grade — to a section of the library for grades 3 to 6, after determining it was better suited for older readers, Williams said. That didn't appease parents of the kindergarten student, who gathered 25 signatures on a petition to move the discussion to the district level.

The district committee voted in April to place the book behind the counter. Parents who signed the petition were notified of the move last month.

Williams said the book was purchased in part because a student who attended Windridge Elementary has two mothers and librarians wanted to foster inclusion.

Polacco offers a description of the book, published in 2009, on her website, www.patriciapolacco.com. The book has been banned in other U.S. schools, including in several Texas districts.

"Marmee, Meema, and the kids are just like any other family on the block. In their beautiful house, they cook dinner together, they laugh together, and they dance together. But some of the other families don't accept them. They say they are different. How can a family have two moms and no dad?," the description states. "But Marmee and Meema's house is full of love. And they teach their children that different doesn't mean wrong. And no matter how many moms or dads they have, they are everything a family is meant to be."

Leu said the book controversy has prompted the district to take a proactive stance on pulling other books that parents might find objectionable. Also marked for removal is *And Tango Makes Three*, the story of a pair of male penguins who sit on an egg at a zoo until it hatches; and *Totally Joe*, a book for ages 10 and up about a teenager who is gay.

Leu called *Totally Joe* one of the best books written on bullying. She said teen suicide is a concern in Utah and it's important to provide material in schools to

which all students can relate.

"There is a high incidence among teens who commit suicide who are gay," Leu said. "Having some understanding, having some empathy is not a bad thing. None of these books are going to turn anybody gay."

The controversy in Davis County comes as Utah prepares to celebrate the LGBT community at Salt Lake City's annual Pride Festival this weekend.

How to help school districts better serve the LGBT population will be a topic of discussion at festival events, where members of Parents, Families & Friends of Lesbians and Gays (PFLAG) will solicit volunteers to mobilize school outreach efforts next year, said Kathy Godwin, PFLAG's Mountain West director.

Ninety-percent of LGBT youth are bullied at some point during their school years, Godwin said, citing research published in 2011 by the American Academy of Child and Adolescent Psychiatry. She said PFLAG wants to work to end bullying at schools and that ensuring libraries contain materials about Utah's diverse families is essential to that effort.

"When you take books off the shelf, you are denying information. These are real families and they are in their school districts," she said, noting LGBT families and kids should feel safe and included at school.

Leu said she would like clarity from lawmakers on why school library books fall under the umbrella of curriculum, when it's equally important to provide books for recreational reading.

"I would like the state law to specifically state that library books are not exclusively curriculum," she said. "To me, it makes sense that libraries should have some autonomy on collecting books that meet the needs of the students."

Leu provided a letter expressing her objections to the removal of *In Our Mothers' House* to committee members who decided to remove the book earlier this year.

"It should not be a place where every book will appeal to every patron," she wrote about what an elementary school library should be. "It is not a place where only a narrow view of the world is to be found. Parents should be actively interested and involved in the books their children read. Parents have every right to request that their children avoid or actively seek out individual titles. Parents shouldn't expect to make that choice for other people's children."

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Library Media Steering Committee

May 23, 2012 Minutes

3:30 – 5:30 p.m.

Minutes revised in Library Steering Committee Meeting on July 12, 2012. The motion to approve the corrections made by Rebecca Hatch, second by Barbara Williams. Vote in the affirmative by majority.

Attendees: LaRue Fillerup, Barbara Williams, Trudena Fager, Connie Kearl, Cathleen Edwards, Susan Forsgren, Shannon Johns, Rebecca Hatch, Belinda Kuck.

Excused: Kim VanLeuven

Library Media By-laws -- Changes

- A change in Utah Code in the last legislative session makes it necessary to change the DELMA(Davis Elementary Library Media Association) by-laws. At this time, the president and vice president of DELMA must be members of the Davis Classified Employees organization -- DESP (Davis Educational Support Professionals) to allow them to represent DELMA on the DESP board. The language of the Utah Code makes it clear that anyone in DELMA may be elected to serve as president or vice-president regardless of membership in DESP. The language in the by-laws needs to be changed to say that anyone can be elected to serve on the DELMA board, and that any person serving on the board who is a member of DESP may represent DELMA on the DESP board, not just the president or vice-president. Since membership in DESP is a mandatory requirement to serve on their board, the person chosen to represent DELMA must be a member of DESP.
- Barbara Williams has been asked to work on the language needed to change the DELMA By-laws and have those changes ready to vote on in the fall meeting of DELMA.
- The SLMTA (Secondary Library Media Teachers Association) by-laws should include language to reflect the situation when a past-president is elected to the steering committee, the president-elect should join the committee in June rather than waiting until January to be able to fill the required numbers of secondary posts on the steering committee.
- Brian Ferguson will be asked to amend the SLMTA by-laws for the fall meeting of SLMTA.

District Reconsideration Committee decision on *In Our Mother's House*

- The District Reconsideration Committee voted to restrict the book *In Our Mother's House*, and put the book behind the desk in a Parent Resource section.
- See minutes of the District Reconsideration Committee for details of the committee discussion.
- Davis School District has a policy and process for the restriction or removal of library materials. All librarians should strictly adhere to the DSD policy and process, located at: <http://www.davis.k12.ut.us/213810329158410/FileLib/browse.asp?A=374&BMDRN=2000&BCO B=0&C=57000> and not restrict or remove library materials unless that action is determined by the school or district media committee. Any statements made to the contrary are the opinions of the committee member(s) and should not be considered district policy.
- Remind students that the power to close a book and return it if it offends them remains theirs.

- **IMPORTANT!** – Any parent who comes into a school library and asks for a book to be taken from the shelves should be told their options:
 - A. The librarian may restrict that title for their child/children alone in the Destiny system by putting a note not to check out books with a specific title or theme to this child. (This is the preferred method of handling the situation right now). All restrictions must be renewed by a parent when the student leaves elementary school to attend Jr. High or the note no longer applies.
 - B. If the first method is rejected, the librarian should courteously hand the parent a reconsideration form and allow them to fill it out and return it to the school. (We would like to keep these procedures to a minimum as they take so much time and energy)
 - C. There is a group of parents in Davis County and elsewhere in Utah who are poised and ready to take as many books off the shelves as they can. They are even advocating that the School Board take away the rights of the librarians to choose the books put into their libraries, and have those titles purchased by a district librarian.
 - D. As professional librarians we will continue to work to meet the needs of our students and parents.

Destiny

- Training meetings have been scheduled as follows:
 - A. Year-round Library Media Specialists: Monday June 25th from 8:00--11:30 a.m. at Syracuse Elementary
 - B. New Library Media Teachers/Specialists: Monday August 20th from 8:00 – 3:00 at TIC Lab in the Administration Building
 - C. 2nd and 3rd year Library Media Teachers/Specialists: Tues. August 21st from 8:00-11:30 a.m. at North Layton Jr. High
 - D. Elementary Library Media Specialists:
Tues. August 21st from 12 – 3:30 p.m. at North Layton Jr. High
OR Wednesday August 22nd from 8:00 –11:30 a.m. at Woods Cross High School
(Please contact Kristen Rast to sign up for the day you want).
 - E. Secondary Library Media Teachers: Monday August 27th from 8:00 – 12:00 at North Layton Jr. High

Sale of used books to students:

- In order for district auditors to account for money from a used book sale it is absolutely necessary for a journal to be kept with the student's name and the amount they pay for the book. This journal is kept by the secretary when entering the totals into library accounts.
- Barbara Williams puts her used books in the office with a box for the money and allows students to take a book and put their money in the box. She will add a journal for students to sign their names and the amount they pay before putting the money in the box. The beauty of this is that Barbara is not taking any money from students. If this method works, a procedure will be written up to handle used book sales.

Safari Montage

- Safari Montage is our district audio visual program. Any gaps in information that teachers need should be addressed to Roger Martin so he can look into purchasing media from Safari Montage.
- Audio visual collections at the school level should consist of those programs not available on Safari Montage that your teachers use.

New Calendar

- The district has revised the school calendar for next year to include instructional days for the Common Core that will be rolled out in all subjects this year simultaneously. Those training days are November 5th and March 25th for secondary teachers and November 5th and January 22nd for elementary. Training will also be on August 30th.
- Secondary Librarians have been asked whether we want to attend the Language Arts meetings or branch out to other meetings for Social Studies, Science or join other groups. If you could choose one area to work with on the Common Core, which area would it be? Where should we focus our efforts? The committee would like feedback on these questions.

Budgets

- Belinda's budget will pay for UELMA registration fees for next year. ***NO Substitutes for anyone to attend UELMA will be paid for.*** Library Media Teachers/Specialists should ask their JSSC Committee for a Professional Leave Day at the beginning of the school year next year to attend the conference.
- Substitutes for next year's secondary librarian training meetings will not be paid for more than 6 hrs. Any time over that amount must be paid by the individual school. The six hours includes driving time to and from the meetings which will be held from 8:00 a.m. – 12:00 noon.

Next year

- Training meetings for Elementary Library Media Specialists will be held on the 2nd Friday of each month from 2:00-3:30 p.m. and each meeting will include a 20-30 minute presentation on policies.
- Survey results will determine the content of the meetings and those results will be discussed in the June steering committee meeting
- A new mentoring program is being implemented by the district and teacher librarians will be included. Additional information will be forthcoming. Congratulations to the following new teacher librarians:
 - A. Selena Campbell has been hired to work at Northridge High School
 - B. Jennifer Harward will be at Davis High
 - C. Bruce Venable is at Mueller Park Jr. High
 - D. North Davis has not hired anyone yet, nor has Holbrook Elementary.

Next meetings: June 14, 2012 at 8:30 a.m.; July 12, 2012 at 8:30 a.m.; August 22, 2012 at 3:30 p.m.