

**Authority given by Nebraska Constitution Article VII, Section II**

**Authority given by State Statute 79-318 and 79-703**

006 Library/Media and /Technology Resources

006.01 Quality Indicator: The library/media/technology program provides a wide range of accessible print and electronic resources that expand opportunity for learning, contribute to information literacy, support the local curriculum, and enhance and enrich learning experiences for all students.

The mission of the library/ media/ technology program is to assist students and teachers in becoming effective users of ideas and information. Emphasis is placed on the development of skills necessary for independent lifelong learning. To that end, schools shall provide an effective library/media/technology program through the employment of qualified staff and the acquisition of library/media/technology materials sufficient to meet the instructional needs of the staff and students.

~~006.01A Each school has a library media area(s) which is available to students during the entire school day. All library media resources are properly cataloged, marked, and shelved according to a standard classification system. Each school has at least one set of encyclopedia available in either print or electronic format with copyright dates in the past five years. The library/media/technology program shall consist of a balanced collection of print materials, non-print materials, multimedia resources, and equipment and supplies adequate in quality and quantity to meet the needs of students and staff in all areas of the school's program.~~

~~006.01B Each elementary school acquires a minimum of 25 new library media resources in print format, exclusive of textbooks and encyclopedia, of different titles, per teacher per year, up to 150 titles during one year. The minimum number of new titles in print format is 75 if library media resources are also available through electronic format. Each middle and high school acquires a minimum of 150 titles each year in either print or in full text electronic format. No library shall have any pornographic materials or sexualized content available to minor students.~~

~~006.01C Each middle level school subscribes to at least ten periodicals either in print or in full text electronic format.~~

~~006.01D Each secondary school subscribes to at least 25 periodicals in print or in full text electronic format.~~

Definitions

For purposes of this Rule:

(a) "Library" means a school library, media program, a classroom library, or any other collection of books or other materials, print or digital, that are maintained by a school district or its employees for use by students.

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

(c) "Technology" means any equipment, components, peripherals, software, hardware, online content.

(d) "Pornographic" means:

1. depictions or descriptions of sexual conduct which are patently offensive as found by the average person applying contemporary community standards, considering the youngest age of students with access to the material,
2. materials that, taken as a whole, have as the dominant theme an appeal to prurient interest in sex as found by the average person applying contemporary community standards, and
3. a reasonable person would find the material or performance taken as a whole, lacks serious literary, artistic, educational, political, or scientific purposes or value, considering the youngest age of students with access to the material.

(e) "Sexualized content" means: material that is not strictly pornographic but otherwise contains excessive sexual material in light of the educational value of the material and in light of the youngest age of students with access to said material. Sexually explicit conduct means: (a) Real or simulated intercourse, whether genital-genital, oral-genital, anal-genital, or oral-anal between persons of the same or opposite sex or between a human and an animal or with an artificial genital; (b) real or simulated masturbation; (c) real or simulated sadomasochistic abuse; (d) erotic fondling; (e) erotic nudity; or (f) real or simulated defecation or urination for the purpose of sexual gratification or sexual stimulation of one or more of the persons involved; and visual depiction means live performance or photographic representation and includes any undeveloped film or videotape or data stored on a computer disk or by other electronic means which is capable of conversion into a visual image and also includes any photograph, film, video, picture, digital image, or computer-displayed image, video, or picture, whether made or produced by electronic, mechanical, computer, digital, or other means.

(f)"school district" or "school" means any public and non-public school district that serves students in prekindergarten through twelfth grades in this state.

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

#### Requirements and penalty for noncompliance

##### (a) Requirements.

(1) No library shall have any pornographic materials or sexualized content available to minor students.

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

(3) There shall be a written policy, approved by the local board, concerning the criteria to be used in the evaluation, selection, educational, suitability and age-appropriate nature of materials for the library/media/technology program. The written policies shall contain criteria for selection, responsibility for selection, and guidelines for responding to complaints regarding materials in the libraries in the district.

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

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

(6) By August 1<sup>st</sup>, 2024 and annually every October 1, starting 2025, a district shall send an attestation from the superintendent that a public online school library catalog or catalogs are available to access by the general public. The specific webpage address must be included and the information must be a complete and accurate list.

Nothing in this section shall be construed to prohibit students from reading, owning, possessing, or discussing any book they obtained without the assistance or encouragement of a school district, its employees, or its libraries; provided, nothing in this part shall be construed to authorize bringing pornographic material or sexualized content on the grounds of any school district.

(b) Noncompliance

(1) Procedure

(A) If a concerned individual alleges a violation of this rule, the concerned individual shall provide a written complaint to the local superintendent. If not resolved to the satisfaction of the concerned individual, a written complaint may be provided to the Department of Education that summarizes the alleged violation, including the time, date, and location of the violation and the identity of any person involved. The complaint to the Department of Education must also include a copy of any complaint to the local superintendent and any response.

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

(C) The Department of Education shall then conduct an investigation to determine whether a violation has occurred. The Department of Education's legal services staff shall notify the concerned individual and the school district of the results of the investigation.

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

(E) The department has full authority to remove the accreditation of the school district as detailed in Title 92, Chapter 10, 014, if a school district fails to comply.