

INSTRUCTIONAL RESOURCES
INSTRUCTIONAL MATERIALS SELECTION AND ADOPTION

EFA
(LOCAL)

DEFINITIONS

In this policy, “instructional resources” means all materials used with students for purposes of instruction other than “textbooks” [as textbooks are defined in Education Code 31.022 or Board policy EFAA(LOCAL)] and “instructional materials” [as instructional materials are defined in Education Code 28.004 and Board policy EHAA].

The term “day” as used in this policy shall mean days when the District is open for business.

The term “concerned party” as used in this policy shall mean any parent or legal guardian of a District student, any employee, or any other resident of the District.

PURPOSE
STATEMENT

The Board shall provide a wide range of instructional resources in addition to Board-approved textbooks and instructional materials for students and faculty that present varying levels of difficulty, diversity of appeal, and a variety of points of view. Although trained professional staff are afforded the freedom to select instructional resources for their use in accordance with this policy, the ultimate authority for determining and approving the curriculum and instructional program of the District lies with the Board.

OBJECTIVES

The primary objectives of instructional resources are to deliver, support, enrich, and assist in implementing the District’s educational program. [See EFAA(LOCAL) for selection and adoption of textbooks and other instructional materials; and EHAA(LOCAL) as well as Board Resolution 95-96-12 for selection and approval of instructional materials used in human sexuality instruction]

The Board generally shall rely on its professional staff to select and acquire instructional resources that:

1. Enrich and support the curriculum, taking into consideration students’ varied interests, abilities, learning styles, and maturity levels.
2. Stimulate growth in factual knowledge, enjoyment of reading, literary appreciation, aesthetic values, and societal standards.
3. Present various sides of controversial issues so that students have an opportunity to develop, under guidance, skills in critical analysis and in making informed judgments in their daily lives.
4. Represent many ethnic, religious, and cultural groups and their contributions to the national heritage and world community.

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5. Provide a wide range of background information that will enable students to make intelligent judgments in their daily lives.

SELECTION CRITERIA

In the selection of instructional resources, especially library acquisitions and resource or reference materials for classroom use, professional staff shall ensure that materials:

1. Support and are consistent with the general educational goals of the state and District and the aims and objectives of individual schools and specific courses.
2. Meet high standards in presentation, format, readability, content, accuracy, artistic or literary quality, and educational significance.
3. Are appropriate for the subject and for the age, ability level, learning styles, and social and emotional development of the students for whom they are selected.
4. Are designed to provide information that will motivate students to examine their own attitudes and behavior, to understand their rights, duties, and responsibilities as citizens, and to make informed judgments in their daily lives.

Recommendations to the librarian for library acquisitions shall involve administrators, teachers, other District personnel, and community representatives, as appropriate. Gifts of instructional resources shall be evaluated according to these criteria and accepted or rejected accordingly. These criteria and the selection process shall be defined in the District Library Policies and Procedures Handbook.

Selection of instructional resources is an ongoing process that includes the removal of resources determined to conflict with the selection criteria enumerated in this policy and the periodic replacement or repair of lost and worn materials determined to be consistent with the selection criteria enumerated in this policy.

CONTROVERSIAL
ISSUES

The selection of instructional resources on controversial issues shall endeavor to maintain a balanced collection representing various views. Instructional resources shall be chosen to clarify historical and contemporary forces by presenting and analyzing intergroup tension and conflict objectively, placing emphasis on recognizing and understanding social and economic problems. [See also EMB(LOCAL) regarding instruction about controversial issues and EHAA(LOCAL) regarding human sexuality instruction]

CHALLENGED
MATERIALS

A concerned party may formally challenge an instructional resource used, or made available for use, in the District's educational pro-

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gram on the basis of conformity with the selection criteria enumerated in this policy.

DISTRICT
RECONSIDERATION
COMMITTEE

The District-level reconsideration committee referred to in this policy is a committee appointed by the assistant superintendent for teaching and learning to hear requests for reconsideration of instructional resources. The committee shall include the appropriate division director of elementary or secondary teaching and learning; an appropriate level librarian from a different campus; the director of learning resources; an appropriate content coordinator; a teacher familiar with the material being challenged; a neutral parent from a different campus; and others as deemed appropriate by the assistant superintendent of teaching and learning. **Note:** "Different campus" means a campus other than the one involved at the informal, campus-level review.

The division director of elementary or secondary teaching and learning shall chair the committee.

GUIDELINES

The following guidelines shall be used by the committee(s), Board, and staff in responding to challenges of instructional resources:

1. A parent of a District student, any employee, or any District resident may raise an objection to an instructional resource used in a school's educational program, despite the fact that the professional staff selecting the resources were qualified to make the selection, followed the proper procedure, and adhered to the objectives and criteria for instructional resources set out in this policy.
2. A parent's ability to exercise control over reading, listening, or viewing matter extends only to his or her own children.
3. When instructional resources are challenged, the principles of the freedom to read, listen, and view must be defended as well.
4. Access to challenged material shall not be restricted during the reconsideration process.
5. Less restrictive measures than complete or absolute removal should be first considered, such as
 - a. Making the challenged subject matter accessible only with parental consent,
 - b. Restricting the material to other specific resource areas or libraries, or
 - c. Placing the challenged material in reserved or restricted areas or shelves.

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CAMPUS-LEVEL
REVIEW

The purpose of the campus-level review is to attempt to resolve the matter at the campus level. The campus-level employee who receives the complaint shall report it to the campus principal who will guide the campus review. The campus-level review shall informally explain the school's selection process, the criteria for selection, and the qualifications of the professional who selected the questioned material. The appropriate campus personnel shall explain the role the questioned material plays in the instructional program, its intended educational usefulness, and any additional information regarding its use. The campus principal is authorized to use any measure, short of removal, including those listed in item 5 of the guidelines above, to resolve the issue. If appropriate, the principal may offer a concerned parent another resource to be used by that parent's child in place of the challenged material.

The campus principal is not authorized to determine complete or absolute removal of the challenged material. If resolution cannot be reached at the informal, campus-level review, the principal shall explain the formal, District-level reconsideration process to the concerned party. The principal shall prepare minutes of the campus-level review that include a summary of his or her findings.

The facts that might warrant removal or limited access at the District level, as well as the reasons that he or she believes removal is justified at another level, shall be forwarded to the appropriate division director.

DISTRICT-LEVEL
RECONSIDERATION

After the informal, campus-level review, if the concerned party wishes to request formal reconsideration, he or she shall complete the request for reconsideration of instructional materials form [EFA(EXHIBIT)] and file the form with the assistant superintendent of teaching & learning.

1. Within ten days of receipt of the request for reconsideration of instructional materials form, the assistant superintendent of teaching and learning shall notify the campus principal where the challenge was initiated and appoint a District-level reconsideration committee. The chair of this committee shall send the members copies of the materials for review and study. The principal shall identify one or more professionals to present the campus's position to the District-level reconsideration committee.
2. All members of the committee shall review the challenged material in its entirety.
3. Within five days of receipt of the request, the concerned party and professional selecting or using the instructional resource who will represent the campus shall be notified of the date for

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a hearing and shall be given the opportunity to present their reasons for requesting reconsideration orally or in writing.

4. Within 15 days of receipt of the request the committee shall conduct a hearing to consider the objectives of the concerned party or the professional selecting or using the instructional resource and determine whether the material meets the criteria and objectives for removal outlined in this policy.
5. Minutes of the committee's hearing reflecting the deliberations and decisions of the committee shall be kept on file. A copy of the minutes shall be sent to the concerned party, professional selecting the instructional resource, and members of the committee within ten days following the hearing.
6. The chair of the committee shall notify the concerned party and professional selecting or using the instructional resource of the committee's decision within ten days following the hearing.
7. The District-level reconsideration committee should consider various alternatives before recommending complete, absolute removal of the challenged materials. For example, its decision may be applicable only at the campus where the concerned party or professional selecting the instructional resource is enrolled or is assigned; be applicable only to a particular grade level or age-group; affect all campuses Districtwide; or entail any resolution that the committee finds to be reasonable based on the SELECTION CRITERIA.

CRITERIA FOR
REMOVAL AND
LIMITING ACCESS

Criteria for removal or limiting access to the challenged materials are as follows for the campus-level review and/or the District-level reconsideration committee. The decision shall be sufficiently explained and demonstrated.

1. The criterion for the final decision on challenged materials is the conformity of the material to the selection criteria enumerated in this policy. No challenged library material shall be removed solely because of the ideas expressed therein.
2. A decision to remove or limit access to instructional resources must be content neutral.
3. Political, philosophical, or other ideological objections shall not be the motivating reason(s) to remove or limit the use of or access to instructional resources.

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APPEAL

GUIDELINES FOR
SUPERINTENDENT'S
RECONSIDERATION

Either the concerned party or the professional selecting or using the instructional resource may appeal any decision of the District reconsideration committee to the Superintendent or designee by filing a written request with the Superintendent or designee within seven days of the reconsideration committee's decision. The Superintendent shall obtain a copy of the original complaint, the challenged material, the campus and District reconsideration committee's decisions with accompanying records, and dates of informal campus-level conference(s) with the principal.

The Superintendent shall review these records and the minutes from the District-level reconsideration committee's hearing along with any administrative recommendation. The Superintendent's hearing shall not be limited to a review of the committee's hearing record. The Superintendent shall hear and consider all relevant and material evidence submitted by the parties at the hearing. The Superintendent shall hear the complaint within 15 days after the written request is filed with the Superintendent and shall communicate his or her decision within ten days following the hearing.

The Superintendent should consider various alternatives before recommending complete, absolute removal of the challenged materials. For example, its decision may be applicable only at the campus where the concerned party or professional selecting the instructional resource is enrolled or is assigned; be applicable only to a particular grade level or age-group; affect all campuses Districtwide; or entail any resolution that the Superintendent finds to be reasonable based on the SELECTION CRITERIA.

GUIDELINES FOR
BOARD'S
RECONSIDERATION

Either the concerned party or the professional selecting or using the instructional resource may appeal any decision made at the Superintendent level to the Board by filing a written request with the Superintendent or designee within seven days of the decision.

1. Upon receipt of the request, the Superintendent shall cause to be submitted to the Board within ten days:
 - a. A copy of the request for appeal,
 - b. A copy of the original complaint,
 - c. A copy of the principal's decision,
 - d. A copy of the reconsideration committee's minutes and decision,
 - e. A copy of the Superintendent's decision,
 - f. A copy of the record evidence made at the Superintendent's hearing, and

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- g. A copy of the challenged material.
2. The Board's review of the appeal shall be scheduled for hearing within 30 days from receipt of the notice of appeal to the Board. The Board shall cause notice of the hearing date to be given to the concerned party within 15 days from the date the notice of appeal is received.
3. The Board may limit its review of the appeal to the record made at the Superintendent's review hearing and oral argument presented at the Board's hearing.

The appealing party is not entitled as a matter of right to present additional evidence to the Board unless he or she can satisfy the Board they were improperly prevented from presenting such evidence to the Superintendent or that such evidence was newly discovered since, or not available at, the Superintendent's hearing.

4. The Board shall render its decision within 15 days from completion of the Board's hearing and review.
5. The Board should consider various alternatives before recommending complete, absolute removal of the challenged materials. For example, its decision may be applicable only at the campus where the concerned party or professional selecting the instructional resource is enrolled or is assigned; be applicable only to a particular grade level or age-group; affect all campuses Districtwide; or entail any resolution which the Board finds to be reasonable based on the SELECTION CRITERIA.

CRITERIA FOR
REMOVAL AND
LIMITING ACCESS
AFTER AN APPEAL

To remove or limit access to instructional material in question, the Superintendent and/or Board shall apply the CRITERIA FOR REMOVAL AND LIMITING ACCESS. In addition, they shall:

1. Find that the SELECTION CRITERIA of this policy were not followed when the material in question was selected;
2. Find that the material in question is pervasively vulgar; or
3. Find that the material in question is not educationally suitable.