

## **OBJECTION TO INSTRUCTIONAL AND LIBRARY MATERIALS - RECONSIDERATION OF INSTRUCTIONAL MATERIALS REGULATION**

- A. A member of the school district community may raise an objection to instructional materials used in the school district's education program. While the individuals recommending the selection of such material were duly qualified to make the selection and followed the proper procedure and observed the criteria for selecting such material, the district must be ready to acknowledge that an error in selection may have been made despite this process. School employees regularly read a great number of reviews in the selection process, and occasional errors are possible.
1. The complainant will address the complaint at the lowest organizational level of licensed staff. Often this will be the classroom teacher.
  2. The school official or employee receiving a complaint regarding instructional or library materials will try to resolve the issue at the lowest organizational level. The materials generally will remain in use pending the outcome of the reconsideration procedure.
    - a. The school official or employee initially receiving a complaint will explain to the individual the district's selection procedure, criteria to be met by the instructional materials, qualifications of those persons selecting the material, and may offer the option to complete the Request to Prohibit a Student from Checking Out Specific Library Materials or Accessing Specific Instructional Materials form.
    - b. The school official or employee initially receiving a complaint will explain to the individual the role of the objected material in the education program, its intended educational purpose, and additional information regarding its use. In the alternative, the employee may refer the individual to the teacher-librarian who can identify and explain the use of the material.
    - c. The school official or employee receiving the initial complaint will direct the complainant to complete the Request for Reconsideration of Instructional and Library Materials Form, and notify the building level principal of receipt of the complaint within two school days after the reconsideration form is received. School officials will offer to assist the complainant in completing the form, but if a complainant refuses to complete the form, the complaint will be deemed invalid and no further action will be taken.
- B. Request for Reconsideration
1. A member of the school district community may formally challenge instructional and library materials on the basis of appropriateness used in the school district's education program. This procedure is for the purpose of considering the opinions of those persons in the school district and the community who are not directly involved in the selection process.

2. Each attendance center and the school district's central administrative office will keep on hand and make available the "Request for Reconsideration of Instructional and Library Materials" Forms.
3. The individual will state the specific reason the instructional or library material is being challenged. The Request for Reconsideration of Instructional and Library Materials Form is signed by the individual and filed with the building-level principal.
4. The building-level principal will file the objection with the Superintendent for re-evaluation within two school days after the reconsideration form is received.
5. The Superintendent will assemble a reconsideration committee within 14 calendar days of receipt of the Reconsideration Form (the timeframe may be dependent upon the time of year/school calendar). Upon assembling, the superintendent's designee will provide the committee members with the following:
  - a. The completed Reconsideration Request Form
  - b. A copy of the challenged instructional or library material
  - c. Distribution of reputable, professionally prepared reviews of the challenged instructional material if available.
6. The Reconsideration Meeting will convene within 28 calendar days of the reconsideration committee being assembled (the timeframe may be dependent upon the time of year/school calendar).
7. The committee will make their recommendation to the Superintendent within seven calendar days of meeting.
8. The Superintendent will issue a decision related to the Reconsideration Request Form within seven calendar days of receipt of the committee's recommendation. A copy of the Superintendent's decision will be provided to the complainant.
9. An appeal of the Superintendent's decision may be filed with the board secretary within seven calendar days of the Superintendent's decision. The board will determine whether to hear the appeal at the next regular meeting or within 30 calendar days of the Superintendent's decision, whichever is later. If the board elects to hear the appeal, the board will act to affirm, modify or reverse the decision of the Superintendent. The board's decision will be communicated to the complainant. The board's decision will be deemed final.
10. Generally, access to challenged instructional material will not be restricted during the reconsideration process. However, in unusual circumstances, the instructional material may be removed temporarily by following the provisions of Section B.10.d. of this rule.
11. The Reconsideration Committee will be designated by the superintendent
  - a. The reconsideration committee is made up of six members (five voting and one non-voting member).

- (1) Superintendent's designee who will serve as the non-voting chairperson
  - (2) One licensed employee representing the level of the instructional or library materials being reviewed
  - (3) One teacher-librarian who is not from the level of the instructional or library materials being reviewed
  - (4) Two parent members from the level of the instructional or library materials being reviewed
  - (5) One school board member
- b. The Board Secretary will take minutes of all open meetings.
- c. The reconsideration committee will meet at the request of the superintendent.
- d. The reconsideration committee is subject to Iowa's Open Meetings and Public Records laws. Notice of the committee meeting is made public through appropriate communication methods as required by law.
- e. The reconsideration committee will determine its agenda for the meeting which may include the following:
1. Opportunity for the individual or a group spokesperson to talk about or expand on the Reconsideration Request Form.
  2. Opportunity for a licensed employee with special knowledge to talk about or expand on the selected instructional or library material.
  3. Opportunity to hear from members of the school district community. The non-voting chairperson may in special circumstances limit comments by community members.
  4. Opportunity for Reconsideration committee members to deliberate.
- f. The Reconsideration Committee will hold an open meeting pertaining to the challenged material, and each person who addresses the committee will state their name, home address, association with the district and then have three minutes to present.
- g. The committee's final recommendation may be
1. to take no removal action, or
  2. to remove the challenged material from the total school environment, or
  3. to agree on a limitation of the educational use of the materials.

The sole criterion for the final recommendation is the appropriateness of the material for its intended educational use. The written final recommendation and its justification are forwarded to the superintendent and the complainant.

- h. The individual filing the challenge is kept informed by the Superintendent of the status of the reconsideration request throughout the reconsideration process. The individual filing the challenge and known interested parties are given appropriate notice of meetings as required by law.
- i. Following the superintendent's decision with respect to the committee's recommendation, the individual may appeal the decision to the board for review.
- j. A recommendation to sustain a challenge will not be interpreted as a judgment of irresponsibility on the part of the individuals involved in the original selection or use of the material.
- k. Requests to reconsider materials which have previously been reconsidered by the committee must receive approval of two-thirds of the committee members before the materials will again be reconsidered.
- l. If necessary or appropriate in the judgment of the committee, the committee may consolidate related challenges, or decline to hear multiple challenges to the same materials. Generally, the committee will not hear subsequent challenges to the same materials within the same school year.

Legal Reference: Iowa Code § 279.8, 280.14, 280.3, 301, 279.74. 281 I.A.C.12.3

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Reviewed

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