

<b>8330</b>	<b>Objection to Instructional and Library Materials</b>
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Despite the care taken to select diverse, quality materials for student and teacher use and access, objections, both formal and informal, to instructional materials and library materials may occur. The Board recognizes the right of District community members to voice concerns and objections about instructional and library materials. Community members of Ballston Spa Central School District may express a concern or request for objection of a Ballston Spa Central School District instructional or library material by the process set forth in this policy.

### **Definitions**

For purposes of this policy, the following definitions apply:

- a) "Instructional material" means any print or non-print material with instructional content or an instructional function that is used to facilitate formal or informal learning. Examples of instructional materials include, but are not limited to: textbooks; workbooks; hardcover and paperback books; e-books; online databases; DVDs; streaming videos; sound recordings; magazines; newspapers; pamphlets; pictures; charts; games; kits; maps; models; microforms; slides; specimens; and transparencies.
- b) "Library material" means any print or non-print material which is catalogued and processed as part of the library media center for use by students and staff. Examples of library materials include, but are not limited to: hardcover and paperback books; e-books; online databases; DVDs; streaming videos; sound recordings; magazines; newspapers; pamphlets; pictures; charts; games; kits; maps; models; microforms; slides; specimens; and transparencies.

The Board has authority to prescribe curriculum in the District and to designate through the Superintendent the textbooks, library materials, and instructional materials to be used in the District. The parent of a student cannot compel the Board to use a particular material or discontinue the use of a particular material. Further, the District may not be compelled to assign an alternate curriculum to a student based upon a parent's disapproval of classroom assignments. Students may be able to be excused from instruction in very limited circumstances outlined in law and regulation.

The District's Collection Development Guidelines provide the principles that guide selection of library materials and the process for acquisition.

District community members who have questions or concerns about instructional and library materials are encouraged to bring these questions and concerns to staff.

### **Objection of Instructional and Library Materials**

#### **Informal Complaints**

Community members and staff are encouraged to resolve issues informally.

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Community members who object to an instructional material are encouraged to speak with the teacher or staff member utilizing that material and the building principal. Community members who object to a library material are encouraged to speak with the library media specialist and the building principal. The discussion shall include explanation of the instructional or literary value of the material and the District's selection criteria. Throughout the process, no materials shall be removed or restricted from use.

If the complaint cannot be resolved informally, the community member may submit a formal request.

**Formal Request for Objection to Instructional and Library Materials**

The following procedures must be followed if, after informally discussing the questioned material, no resolution is reached.

1. The complainant is required to complete and submit the reconsideration form to the building principal. Upon receipt of the form, the principal will notify and provide a copy of the reconsideration form to the Superintendent and Director of Curriculum, Instruction and Assessment.
2. The Superintendent will, within five (5) working days of receiving the formal request, refer the request to a Review Committee.
  - a. The district established review committee will be appointed by the Superintendent and will include at least one of each of the following: library media specialist, administrative staff, parent representative, representative from the teaching staff, and secondary student body member.
3. The Review Committee shall judge the material in question on its conformity to the objectives and criteria outlined in the district's selection policy.
  - a. Superintendent or designee will secure copies of the objected material for the committee to review. Each committee member must fully review the material.
  - b. For library materials, the Review Committee will review vision/mission statement, Ballston Spa Central School Library Collection Development Guidelines, the Library Bill of Rights, the completed reconsideration form, reviews of the resource being reconsidered, and a list of awards or honors if any. For instructional materials, the Review Committee will review curriculum and instruction policies and goals as well as reviews and related resources.
  - c. The Review Committee has 60 days to make a determination on the objection. The determination will be by simple majority. Determinations may include removing the material from use or access, moving the material to a different grade level for access, or maintaining the material at current use and grade levels.
  - d. The Review Committee's written decision will be submitted to the superintendent.
  - e. The members of the Review Committee will remain confidential.

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4. The Principal will share the Committee's determination with the requestor.
5. Appeal of decision by the review committee may be submitted in writing to the Superintendent. The Superintendent has 30 days to make a determination on the objection.
6. Appeal of the decision by the Superintendent may be submitted in writing to the Board of Education.
  - a. The Board of Education will review the determination of the Review Committee and Superintendent.
7. A decision on the complaint will be made at a regular board meeting or special board meeting within 60 days of receipt of the written appeal.
  - a. The Board of Education decision will be final, and the Superintendent will implement the decision.

Materials being reviewed will remain in use and available during the period of review and appeal, if any, unless otherwise determined by the Superintendent.

Objection of the same material(s) for substantially similar concerns will not be entertained for a period of five years after a decision has been made.

### **Roles and Responsibilities of Review Committee**

1. The Review Committee will schedule a formal meeting within five (5) business days/school days after the Superintendent receives the written request for objection.
  - a. The meeting itself may occur outside of this 5-day period in order to accommodate committee members' availability.
2. At the initial Review Committee meeting:
  - a. The committee will review objection committee guidelines and procedures.
  - b. A member of the committee should keep minutes that reflect the rationale and conversation without attributing comments to any particular committee member.
  - c. Plans for distribution of challenged material will be shared with the committee.
  - d. The committee reserves the right to use outside expertise if necessary to help in its decision-making process.
  - e. The complainant may not participate in or observe the committee's deliberations.
  - f. All committee members will remain anonymous and only identified by role.
3. During subsequent Review Committee meetings:
  - a. All committee members should fully review the objected material (read or view the entire work) before voting.
  - b. The committee will make its decision determined by the simple majority to retain, move the resources to a different level, or remove the resource.

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4. The committee's written decision will be submitted to the superintendent within 60 days of formal written objection.

Education Law §§ 701, 711, 809, 1604, 1709, 1804, 2503, and 3204 8 NYCRR §§ 16.2 and 135.3

NOTE: Refer also to Policies #8320 -- Textbooks, Library Materials, and Other Instructional Materials

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

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**Appendix 1**

BALLSTON SPA CENTRAL SCHOOL DISTRICT

Request for Reconsideration Form

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Responsibility for selection and evaluation of Ballston Spa Central School District library materials that have been delegated to the superintendent and professional staff, and reconsideration procedures have been established to address concerns about those resources. Completion of this form is the first step in these procedures.

If you wish to formally request reconsideration of Ballston Spa Central School District library resources, please return the completed and signed form to the building principal and building librarian.

School Name \_\_\_\_\_

Date \_\_\_\_\_

Your Name \_\_\_\_\_

Your Address \_\_\_\_\_

City \_\_\_\_\_ State/Zip \_\_\_\_\_

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

Do you represent yourself? \_\_\_\_\_

Or an organization? \_\_\_\_\_ Name of Organization \_\_\_\_\_

1. Resource on which you are commenting:

Title \_\_\_\_\_

Author/Creator \_\_\_\_\_

Publisher \_\_\_\_\_

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2. In which section or collection within the library is this resource located? \_\_\_\_\_

3. What brought this resource to your attention?

\_\_\_\_\_

4. Did you read, view, or listen to the entire work? \_\_\_\_ Yes \_\_\_\_ No  
If not, what sections did you review?

\_\_\_\_\_

5. What is positive or relevant about this book?

\_\_\_\_\_

6. What specific pages or parts concern you about the resource?

\_\_\_\_\_

7. What do you feel might be the result of reading, viewing, or listening to this work?

\_\_\_\_\_

8. For what age group would you recommend this work?

\_\_\_\_\_

9. Are there resource(s) you suggest to provide additional information and/or other viewpoints on this topic?

\_\_\_\_\_

10. What action are you requesting the committee consider?

\_\_\_\_\_

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\_\_\_\_\_  
Signature of the complainant

\_\_\_\_\_  
Date