

COMPLAINTS CONCERNING INSTRUCTIONAL MATERIALS

Guiding Principles

1. Residents or employees of the school district may raise an objection to learning resources used in a school's educational program despite the fact that the individuals selecting such resources were duly qualified to make the decision, followed ~~that~~ proper procedure, and observed the criteria for selecting learning resources.
2. Principals should review the selection and reconsideration procedures with the teaching staff annually. The staff should be reminded that the right to object to learning resources is one granted by policies adopted by the Board of Education.
3. No parent has the right to determine reading, viewing, or listening matter for students other than his/her own children.
4. When learning resources are challenged, the principles of freedom to read, listen and view must be defended.
5. Access to challenged material shall not be restricted during the reconsideration process.
6. The criteria for the final decision is described in AR 1312.2.
7. A decision to sustain a challenge shall not necessarily be interpreted as a judgment of irresponsibility on the part of the professionals involved in the original selection and/or use of the material.

Legal Reference:

California Education Code 60003
Instructional Materials
School District Governing Board Powers

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REQUEST FOR RECONSIDERATION OF INSTRUCTIONAL MATERIALS

This form is for use only by district employees, district residents, or parents/guardians of children enrolled in a district school to request reconsideration of an instructional material, because of content or use. For complaints regarding Sufficiency of Instructional Materials, please use the Williams Uniform Complaint Procedure form.

Date
Name
Address
City State ZIP
Phone E-mail Address

Complainant represents [] Self [] an organization: Name of organization:

FORMAT OF RESOURCE

- __Book/E-Book __Database __Textbook __Game
__Movie __Audio recording __App __Streaming Media
__Magazine __Digital resource __Newspaper __Other

Title
Author/Producer
Publisher

Date of Edition

Name of school/classroom where material was used

- 1. Please specifically state the nature of your concern or objection and identify your objection by page, tape sequence, video frame, and/or specific passages and words, as appropriate to this material's format. You may use additional pages as necessary.
2. What brought this resource to your attention?
3. Have you read/ viewed/ examined the entire resource (as required)? If not, what parts or percentages did you read/ view/ examine?
4. -Explain the purpose and theme of this material. What worthy qualities does this material contain?

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5. How has this material been assessed by professional reviewers or educators?
 - a. Please provide the text and citation of a review from a professional objective review source that supports this material worthy qualities.
 - b. Please provide the text and citation of a review from a professional objective review source that supports your objections to the material.

6. Describe the ways this material fails to comply with the selection objectives and criteria in
 - a. BP and AR 6161.1 Selection and Evaluation Of Instructional Materials
 - b. BP and AR 6161.11 Supplementary Instructional Materials
 - c. BP and AR 6163.1 Library Resource Centers
 - d. BP and AR 6144 Controversial Issues

7. Describe the ways the material fails to comply with one or more of the attached California Educational Code requirements?
 - a. ED CODE 18111
 - b. ED CODE 44805
 - c. ED CODE 60040-4

8. Describe the ways the material fails to comply with one or more of the content area standards and/frameworks adopted by the State Board of Education? (Contact the Director of Instructional Media and Curriculum for assistance in locating this material)

9. In what ways does the material fail to comply with the attached reference documents from BP and AR 1312.2?
 - a. The American Library Association’s Library Bill of Rights (2019)
 - 1 Access to Library Resources and Services for Minors: An Interpretation of The Library Bill of Rights (2019)
 - 2 Access to Resources and Services in the School Library: An Interpretation of The Library Bill of Rights (2014)
 - b. The National Council of Teachers of English’s “The Student’s Right to Read” Resolution (2018)
 - c. Educational Rights and Requests to Remove Instructional Material (2023)

10. How do you believe students would be affected by this material?
 - a. What is your evidence for this belief? Please provide the text and citation of the relevant research.

11. In place of this material, what high-quality educational resources do you suggest to provide additional information or viewpoints on this topic?
 - a. Please provide the text and citation of a review from a professional objective review source for the material you recommend.

12. What action are you requesting from the district?
 - ___ Do not assign it to my child
 - ___ Withdraw it from all students

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13. Why do you believe you should be permitted to restrict the reading choices of children other than your own?

14. Do you authorize other parents or community members to determine your child's access to library materials?

Signature of Complainant

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**COMPLAINTS CONCERNING INSTRUCTIONAL MATERIALS
REFERENCE DOCUMENT
CALIFORNIA EDUCATION CODE**

1. ED CODE 18111
 - a. “The governing board of any school district may exclude from schools and school libraries all books, publications, or papers of a sectarian, partisan, or denominational character.”
2. ED CODE 44805
 - a. “Every teacher in the public schools shall enforce the course of study, the use of legally authorized textbooks, and the rules and regulations prescribed for schools.
3. ED CODE 60040-4
 - a. “When adopting instructional materials for use in the schools, governing boards shall include only instructional materials which, in their determination, accurately portray the cultural and racial diversity of our society, including:
 - (a) The contributions of both men and women in all types of roles, including professional, vocational, and executive roles.
 - (b) The role and contributions of Native Americans, African Americans, Mexican Americans, Asian Americans, Pacific Islanders, European Americans, lesbian, gay, bisexual, and transgender Americans, persons with disabilities, and members of other ethnic and cultural groups to the total development of California and the United States.
 - (c) The role and contributions of the entrepreneur and labor in the total development of California and the United States.”

Acknowledged:

**COMPLAINTS CONCERNING INSTRUCTIONAL MATERIALS
REFERENCE DOCUMENT
THE AMERICAN LIBRARY ASSOCIATION
LIBRARY BILL OF RIGHTS**

The American Library Association affirms that all libraries are forums for information and ideas, and that the following basic policies should guide their services.

I. Books and other library resources should be provided for the interest, information, and enlightenment of all people of the community the library serves. Materials should not be excluded because of the origin, background, or views of those contributing to their creation.

II. 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.

III. Libraries should challenge censorship in the fulfillment of their responsibility to provide information and enlightenment.

IV. Libraries should cooperate with all persons and groups concerned with resisting abridgment of free expression and free access to ideas.

V. A person's right to use a library should not be denied or abridged because of origin, age, background, or views.

VI. Libraries which make exhibit spaces and meeting rooms available to the public they serve should make such facilities available on an equitable basis, regardless of the beliefs or affiliations of individuals or groups requesting their use.

VII. All people, regardless of origin, age, background, or views, possess a right to privacy and confidentiality in their library use. Libraries should advocate for, educate about, and protect people's privacy, safeguarding all library use data, including personally identifiable information.

Adopted June 19, 1939, by the ALA Council; amended October 14, 1944; June 18, 1948; February 2, 1961; June 27, 1967; January 23, 1980; January 29, 2019.

Acknowledged:

**COMPLAINTS CONCERNING INSTRUCTIONAL MATERIALS
REFERENCE DOCUMENT
ACCESS TO LIBRARY RESOURCES AND SERVICES FOR MINORS
An Interpretation of the Library Bill of Rights**

The American Library Association supports equal and equitable access to all library resources and services by users of all ages. Library policies and procedures that effectively deny minors equal and equitable access to all library resources and services available to other users is in violation of the American Library Association's *Library Bill of Rights*. The American Library Association opposes all attempts to restrict access to library services, materials, and facilities based on the age of library users.

Article V of the *Library Bill of Rights* states, "A person's right to use a library should not be denied or abridged because of origin, age, background, or views." The right to use a library includes free access to, and unrestricted use of, all the services, materials, and facilities the library has to offer. Every restriction on access to, and use of, library resources, based solely on the chronological age, apparent maturity, educational level, literacy skills, emancipatory or other legal status of users violates Article V. This includes minors who do not have a parent or guardian available to sign a library card application or permission slip. Unaccompanied youth experiencing homelessness should be able to obtain a library card regardless of library policies related to chronological age.

School and public libraries are charged with the mission of providing services and resources to meet the diverse interests and informational needs of the communities they serve. Services, materials, and facilities that fulfill the needs and interests of library users at different stages in their personal development are a necessary part of providing library services and should be determined on an individual basis. Equitable access to all library resources and services should not be abridged based on chronological age, apparent maturity, educational level, literacy skills, legal status, or through restrictive scheduling and use policies.

Libraries should not limit the selection and development of library resources simply because minors will have access to them. A library's failure to acquire materials on the grounds that minors may be able to access those materials diminishes the credibility of the library in the community and restricts access for all library users.

Children and young adults unquestionably possess First Amendment rights, including the right to receive information through the library in print, sound, images, data, social media, online applications, games, technologies, programming, and other formats.¹ Constitutionally protected speech cannot be suppressed solely to protect children or young adults from ideas or images a legislative body believes to be unsuitable for them.² Libraries and their library governing bodies should not resort to age restrictions in an effort to avoid actual or anticipated objections, because only a court of law can determine whether or not content is constitutionally protected.

Article VII of the *Library Bill of Rights* states, "All people, regardless of origin, age, background, or views, possess a right to privacy and confidentiality in their library use." This includes students and minors, who have a right to be free from any unreasonable intrusion into or surveillance of their lawful library use.³

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The mission, goals, and objectives of libraries cannot authorize libraries and their governing bodies to assume, abrogate, or overrule the rights and responsibilities of parents and guardians. As “Libraries: An American Value” states, “We affirm the responsibility and the right of all parents and guardians to guide their own children’s use of the library and its resources and services.”⁴ Libraries and their governing bodies cannot assume the role of parents or the functions of parental authority in the private relationship between parent and child. Libraries and their governing bodies shall ensure that only parents and guardians have the right and the responsibility to determine their children’s—and only their children’s—access to library resources. Parents and guardians who do not want their children to have access to specific library services, materials, or facilities should so advise their own children. Libraries and library governing bodies should not use rating systems to inhibit a minor’s access to materials.⁵

Libraries and their governing bodies have a legal and professional obligation to ensure that all members of the communities they serve have free and equitable access to a diverse range of library resources and services that is inclusive, regardless of content, approach, or format. This principle of library service applies equally to all users, minors as well as adults. Lack of access to information can be harmful to minors. Libraries and their governing bodies must uphold this principle in order to provide adequate and effective service to minors.

¹ *Brown v. Entertainment Merchant’s Association, et al.* 564 U.S. 08-1448 (2011).

² *Erznoznik v. City of Jacksonville*, 422 U.S. 205 (1975): “Speech that is neither obscene as to youths nor subject to some other legitimate proscription cannot be suppressed solely to protect the young from ideas or images that a legislative body thinks unsuitable for them. In most circumstances, the values protected by the First Amendment are no less applicable when government seeks to control the flow of information to minors.” See also *Tinker v. Des Moines School Dist.*, 393 U.S.503 (1969); *West Virginia Bd. of Ed. v. Barnette*, 319 U.S. 624 (1943); *AAMA v. Kendrick*, 244 F.3d 572 (7th Cir. 2001).

³ “Privacy: An Interpretation of the Library Bill of Rights,” adopted June 19, 2002, by the ALA Council; amended July 1, 2014; and June 24, 2019.

⁴ “Libraries: An American Value,” adopted on February 3, 1999, by ALA Council.

⁵ “Rating Systems: An Interpretation of the Library Bill of Rights,” adopted on June 30, 2015, by ALA Council; amended June 25, 2019.

Adopted June 30, 1972, by the ALA Council; amended July 1, 1981; July 3, 1991; June 30, 2004; July 2, 2008 *under previous name* "Free Access to Libraries for Minors"; July 1, 2014; and June 25, 2019.

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**COMPLAINTS CONCERNING INSTRUCTIONAL MATERIALS
REFERENCE DOCUMENT
ACCESS TO RESOURCES AND SERVICES IN THE SCHOOL LIBRARY
An Interpretation of the Library Bill of Rights**

The school library plays a unique role in promoting, protecting, and educating about 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, the principles of the American Library Association's *Library Bill of Rights* apply equally to all libraries, including school libraries. Under these principles, all students have equitable access to library facilities, resources, and instructional programs.

School librarians assume a leadership role in promoting the principles of intellectual freedom within the school by providing resources and services that create and sustain an atmosphere of free inquiry. School librarians work closely with teachers to integrate instructional activities in classroom units designed to equip students to locate, evaluate, and use a broad range of ideas effectively. Intellectual freedom is fostered by educating students in the use of critical thinking skills to empower them to pursue free inquiry responsibly and independently. Through resources, programming, and educational processes, students and teachers experience the free and robust debate characteristic of a democratic society.

School librarians cooperate with other individuals in building collections of resources that meet the needs as well as the developmental and maturity levels of students. These collections provide resources that support the mission of the school district and are consistent with its philosophy, goals, and objectives. Resources in school library collections are an integral component of the curriculum and represent diverse points of view on both current and historical issues. These resources include materials that support the intellectual growth, personal development, individual interests, and recreational needs of students.

While English is, by history and tradition, the customary language of the United States, the languages in use in any given community may vary. Schools serving communities in which other languages are used make efforts to accommodate the needs of students for whom English is a second language. To support these efforts, and to ensure equitable access to resources and services, the school library provides resources that reflect the linguistic pluralism of the community.

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 have access to resources and services free of constraints resulting from personal, partisan, or doctrinal disapproval. School librarians resist efforts by individuals or groups to define what is appropriate for all students or teachers to read, view, hear, or access regardless of technology, formats or method of delivery.

Major barriers between students and resources include but are not limited: to imposing age, grade-level, or reading-level restrictions on the use of resources; limiting the use of interlibrary loan and

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access to electronic information; charging fees for information in specific formats; requiring permission from parents or teachers; establishing restricted shelves or closed collections; and labeling. Policies, procedures, and rules related to the use of resources and services support free and open access to information.

It is the responsibility of the governing board to adopt policies that guarantee students access to a broad range of ideas. These include policies on collection development and procedures for the review of resources about which concerns have been raised. Such policies, developed by persons in the school community, provide for a timely and fair hearing and assure that procedures are applied equitably to all expressions of concern. It is the responsibility of school librarians to implement district policies and procedures in the school to ensure equitable access to resources and services for all students.

Adopted July 2, 1986, by the ALA Council; amended January 10, 1990; July 12, 2000; January 19, 2005; July 2, 2008; and July 1, 2014.

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State	Description
5 CCR 4600-4670	<u>Uniform complaint procedures</u>
Ed. Code 1240	<u>County superintendent of schools; duties</u>
Ed. Code 18111	<u>Exclusion of books by Governing board that are sectarian, partisan, or denominational character</u>
Ed. Code 220	<u>Prohibition of discrimination</u>
Ed. Code 242	<u>Access to information about educational laws and policies regarding right to accurate and inclusive curriculum</u>
Ed. Code 243	<u>Unlawful discrimination related to the use or prohibited use of textbooks and instructional materials</u>
Ed. Code 35010	<u>Control of district; prescription and enforcement of rules</u>
Ed. Code 35160	<u>Powers and duties of school boards</u>
Ed. Code 35186	<u>Williams uniform complaint procedures</u>
Ed. Code 44805	<u>Teacher enforcement of course of studies; use of textbooks, rules and regulations</u>
Ed. Code 48907	<u>Exercise of free expression; time, place and manner rules and regulations</u>
Ed. Code 48950	<u>Speech and other communication</u>
Ed. Code 51204.5	<u>Social sciences instruction; contributions of specified groups</u>
Ed. Code 51501	<u>Nondiscriminatory subject matter</u>
Ed. Code 51511	<u>Religious matters properly included in courses of study</u>
Ed. Code 51933	<u>Sexual health education and HIV prevention materials</u>
Ed. Code 60000-60005	<u>Instructional materials; legislative intent</u>
Ed. Code 60040-60052	<u>Requirements for instructional materials</u>
Ed. Code 60119	<u>Public hearing on sufficiency of textbooks and instructional materials</u>
Ed. Code 60200-60213	<u>Elementary school materials</u>
Ed. Code 60226	<u>Requirements for publishers and manufacturers</u>
Ed. Code 60400-60411	<u>High school textbooks and instructional materials</u>
Ed. Code 60510-60511	<u>Donation or sale of obsolete instructional materials</u>

Management Resources
 California Department of Education
 Acknowledged:

Description
Instructional Materials, FAQ

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State	Description
Publication	
California Department of Education Publication	<u>Standards for Evaluating Instructional Materials for Social Content, 2013</u>
Website	<u>CSBA District and County Office of Education Legal Services</u>
Website	<u>Department of Justice</u>
Website	<u>California Department of Education, Curriculum and Instruction Resources</u>
Website	<u>CSBA</u>
Website	<u>U.S. Department of Education, Office for Civil Rights</u>

Cross References

Code	Description
0410	<u>Nondiscrimination In District Programs And Activities</u>
1100	<u>Communication With The Public</u>
1250	<u>Visitors/Outsiders</u>
1250	<u>Visitors/Outsiders</u>
1312.1	<u>Complaints Concerning District Employees</u>
1312.1	<u>Complaints Concerning District Employees</u>
1312.3	<u>Uniform Complaint Procedures</u>
1312.3	<u>Uniform Complaint Procedures</u>
1312.3-E(1)	<u>Uniform Complaint Procedures</u>
1312.3-E(2)	<u>Uniform Complaint Procedures</u>
1312.4	<u>Williams Uniform Complaint Procedures</u>
1312.4-E(1)	<u>Williams Uniform Complaint Procedures</u>
1312.4-E(2)	<u>Williams Uniform Complaint Procedures</u>
5145.3	<u>Nondiscrimination/Harassment</u>
5145.3	<u>Nondiscrimination/Harassment</u>
6000	<u>Concepts And Roles</u>
6141	<u>Curriculum Development And Evaluation</u>
6141	<u>Curriculum Development And Evaluation</u>
6142.6	<u>Visual And Performing Arts Education</u>
6142.92	<u>Mathematics Instruction</u>

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Code	Description
6142.94	<u>History-Social Science Instruction</u>
6143	<u>Courses Of Study</u>
6143	<u>Courses Of Study</u>
6144	<u>Controversial Issues</u>
6161.1	<u>Selection And Evaluation Of Instructional Materials</u>
6161.1	<u>Selection And Evaluation Of Instructional Materials</u>
6161.1-E(1)	<u>Selection And Evaluation Of Instructional Materials</u>
6161.11	<u>Supplementary Instructional Materials</u>
6161.2	<u>Damaged Or Lost Instructional Materials</u>
6163.1	<u>Library Media Centers</u>
9000	<u>Role Of The Board</u>
9005	<u>Governance Standards</u>
9012	<u>Board Member Electronic Communications</u>
9200	<u>Limits Of Board Member Authority</u>
9322	<u>Agenda/Meeting Materials</u>

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