

INSTRUCTION

Review and Challenge of Instructional Materials by ~~Adult Students or Parents/Legal Guardians of Minor Students and Adult Students~~

Instructional materials (~~whether basal, supplemental, or library materials, or materials provided by the teacher from a personal collection~~), may be challenged by an adult student currently enrolled in the School Division and taking the class or the parent/legal guardian of a minor student currently enrolled in the School Division and taking the class or an adult student in VBCPS. ~~Library materials, not prescribed as part of the approved curriculum, may also be challenged by parent, legal guardian or adult student.~~

Requests to review or challenge sexually explicit instructional materials must follow Policy 6-11 and not this Regulation. Requests to review or challenge library materials must follow Regulation 6-65.2 and not this Regulation.

An adult student or the parents/legal guardians ~~or adult of a minor students~~ (hereinafter "complainant") may review any instructional material used as part of the student's educational curriculum in a course in which the student is currently enrolled. Upon a request by a complainant parent/legal guardian or adult student to review such material, the principal or designee will make such material available within five (5) business days. If the instructional material is not provided within such time, ~~the complainant the parent/legal guardian~~ may appeal such denial to the School Board under Policy 5-6 and Regulation 5-6.2.

A. School Level Review and Challenge

~~A.~~ If a complainant challenges instructional material under this Regulation, the following procedure will be used at the school level.

1. Upon the receipt of a complaint, the principal or designee will schedule a conference with the complainant and the staff member using the material. All parties at this conference will be apprised in advance of the material being challenged and provided adequate time for review of materials.
- 1.2. At the conference, the parties will consider the complainant's concerns regarding the instructional material as well as the staff member's reasons for assigning or providing the instructional materials. The staff member will explain whether alternative instructional materials can be offered in lieu of the assigned or provided instructional materials.
3. If the complainant requests the material be withdrawn from use for the complainant's student with his or her child, the principal or designee may honor the request if he/she decides that, at the principal or designee's determination, the substitution of other instructional material is appropriate and shall notify the complainant in writing of this/his/her decision within five (5) school days. Deference to the complainant's requests

should be granted for the individual student assigned or provided instructional materials when reasonable and adequate alternative materials are available.

2-4. When a complainant challenges the appropriateness of the instructional material for use with other students, the principal or designee, after consulting with knowledgeable staff members, will determine in writing whether the instructional materials should be used with other students in the instructional program.

3-5. Material may not be withdrawn from use with other students unless the decision is made to do so after following the process in this Rregulation.

~~4. — If the complainant desires further action, the principal or designee will provide the form "Request for Reconsideration of Instructional Materials" for the complainant to complete. The complainant must submit completed form to the principal or designee within three (3) school days.~~

~~5. — Upon receipt of the completed form, the principal will set up a committee to review the completed form, study the materials in question, determine if the material meets established School Division objectives, and respond in writing to the complainant with the committee's decision within thirty (30) school days.~~

~~6. Should the complainant wish to appeal the decision, the complainant will provide a written appeal, stating the evidence and reasons for the appeal, to both the principal and Chief Academic Officer within three(3) school days.~~

~~7. The principal will notify the complainant within five (5) school days of the decision.~~

~~8. Appeals to the Division level will only be granted if the complainant can demonstrate the school acted with deliberate indifference in considering the complainant's request. Appeals will not be granted based upon the complainant's disagreement over the decision.~~

B. Superintendent Division Level appeal

1. The complainantParent/legal guardians or adult students that wish to pursue may file an appeal of the principal's or designee's decision regarding assignment of or providing of instructional materials to the student or other students by a challenge to instructional materials at the division level must submitsubmitting an Appeal of Request for Reconsideration of Instructional Materials to the Chief Academic Officer (CAO) or designee. Note:

2. Such Appeal of Request for Reconsideration must be filed with the CAO within three (3) business days of receipt of the principal's notification in A 4.

3. IInstructional materials under review will remain in use until the complainthallenge process is completed.

~~1.—4. The CAO or designee may establish an ad hoc committee or standing committee to review Superintendent Level appeals under this Regulation. Such committee will provide a written recommendation to the Superintendent or designee within thirty-five (35) business days. Such written recommendation will include an assessment of the assigned instructional material, the curriculum objectives supported by the assigned material, the availability and suitability of alternative or substitute materials, and other relevant information.~~

~~5. Within ten (10) business days of receipt the Committee's recommendation, the Superintendent or designee may accept the complainant's request regarding challenge or accept or alter the Committee's recommendation. Such decision shall be in writing and the School Board will be copied on the decision.~~

~~6. The Superintendent's or designee's decision will be final and there will be no right of appeal.~~

~~2.—The CAO or designee will review such a request to determine:~~

~~1.—a) whether to accept the request (note A8) or~~

~~2.—b) direct the complaint back to the school to follow process outlined in section A.~~

~~3.—The CAO will establish elementary and secondary standing committees to review requests for reconsideration of instructional materials.~~

~~4.—The committee will assess the material and submit a written response to the CAO within thirty-five (35) business days.~~

~~5.—The CAO will review and inform the Division Superintendent of the committee's decision within five (5) school days of receipt of recommendation.~~

~~6.—The Division Superintendent will notify the CAO of his/her decision to accept or overrule the recommendation. The CAO will notify the complainant of the review committee's decision within five (5) school days of receiving the Division Superintendent's decision.~~

~~7.—Appeals to the School Board level will only be granted if the complainant can demonstrate the CAO and Superintendent acted in an arbitrary or capricious manner or without basis in law in considering the complainant's request. Appeals will not be granted based upon the complainant's disagreement over the decision.~~

~~C.—School Board~~

~~1.—Should the challenge of instructional materials occur at the School Board level, the Chairman may respond as follows:~~

~~*"The Virginia Beach City School Board has developed a policy with accompanying regulations for reconsideration of instructional materials. In keeping with this policy, you are directed to follow the guidelines herein."*~~

~~2.—If the complainant desires further action related to instructional materials only, the Chairman of the School Board will establish a review committee made up of (3) three~~

board members to review the material and bring forward a recommendation to the Chair. The Chair will make a review of the committee's findings and render a decision whether to accept or not accept the committee's recommendation. The Chair will inform the full Board and administration of the decision so appropriate action can be taken.

Related Links

School Board [Policy 5-6](#)

School Board [Regulation 5-6.1](#)

Approved by Superintendent: July 16, 1991

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APPROVED AS TO
LEGAL SUFFICIENCY


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