Board Policy 2530: Learning Materials Review & Reconsideration

Status: ADOPTED

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Parents/guardians have the right to guide the reading, viewing, and listening of their own children but must likewise give the same right to other parents/guardians. The Board has a constitutional obligation to not remove materials simply because it disagrees with subject matter unless such ideas are in violation of IC 18-1514. The First Amendment to the US Constitution encompasses not only the freedom to share one's views but also the freedom to receive information.

Any parent/guardian of a District student, any student, or any employee, may formally challenge a specific learning material item used by the District's educational program. Challenges will only be accepted from individuals belonging to at least one of these groups.

Learning materials, for the purposes of this policy, are not limited to Board approved curriculum but shall also be considered to be any material used in classroom instruction, materials available to students in the classroom, library materials, or any materials to which a teacher might refer a student as part of the course of instruction. Materials include anything tangible, whether derived through the medium of reading, observation or sound, including any picture, photograph, drawing, sculpture, motion picture, film, or similar visual representation or image or any book, pamphlet, magazine, printed material however reproduced, or sound recording.

The major criterion for deciding whether to keep or remove a challenged resources is the appropriateness of the resource for its intended educational use. This may include:

1. The appropriateness of the material for the instructional objectives it is used to teach;
2. The appropriateness of the material's level of difficulty; and
3. The appropriateness of the material for the age group(s) with which it is used. Library and classroom materials shall be considered in light of their appropriateness for the oldest students who will have access to them.
4. Whether the material meets the definition of "harmful to minors" or "sexually explicit" provided below.

For the purposes of this policy, the term "harmful to minors" and "sexually explicit" have the meanings provided in IC 18-1514 and I.C. 18-1517B:

"Harmful to minors" includes in its meaning:

1. The quality of any material or any performance or of any description or representation, in whatever form, of nudity, sexual conduct, sexual excitement, or sado-masochistic abuse, when it:

A. Appeals to the prurient interest of minors as judged by the average person, applying contemporary community standards; and

B. Depicts or describes representations or descriptions of nudity, sexual conduct, sexual excitement, or sadomasochistic abuse which are patently offensive to prevailing standards in the adult community with respect to what is suitable material for minors and includes, but is not limited to, patently offensive representations or descriptions of:

    a. Intimate sexual acts, normal or perverted, actual or simulated; or
    b. Masturbation, excretory functions or lewd exhibition of the genitals or genital area.

"Harmful to minors" does not include material that, when considered as a whole, possesses serious literary, artistic, political, or scientific value for an adolescent minor between the ages of 13 and 17 applying contemporary community standards.

"Sexually explicit" includes in its meaning:

1. The quality of any material when it contains erotic depictions of nudity, depicts sexual conduct or sado-masochistic abuse; or
2. Contains any explicit and detailed description or narrative account of sexual excitement, sexual conduct, or sado-masochistic abuse.

"Sexually explicit" does not include diagrams about anatomy for scientific education, religious books such as the Bible and the Torah, or content relating to classical works of art. It also does not include breastfeeding, child-bearing, medical procedures and examination, and any other non-erotic physical contact.

No library material shall be removed solely because of the ideas expressed therein.

Informal Process

Any individual identified above who wishes to raise a complaint about a piece of learning material should first discuss the matter informally with the teacher, librarian, or other staff member who oversees its use. The patron should explain their objection to the material.

The staff member shall try to resolve the matter informally through such measures as:

1. Explaining the District's materials selection process, the criteria for selection and the qualifications of the professional staff who selected the questioned resource;
2. Explaining the intended educational purpose of the resource, its value as a resource, and any additional information regarding its use; and/or
3. Offering a concerned parent an alternative instructional resource to be used by that parent's child in place of the challenged resource in a manner that complies with Policy 2425 Parental Rights.

All informal complaints made to staff members of the District shall be reported to the building principal, whether received by telephone, letter, or in-person conversation. If the complainant wishes to make a formal challenge, the staff member shall direct the complainant to this policy.

Formal Process

An eligible party who wishes to make a formal objection should submit their complaint in writing to the principal of the building where the material is used using a form provided by the District. At minimum, the complaint shall reference specific sections of the materials or resources that produced the formal complaint. Vague or incomplete complaints will not be submitted to the learning materials review committee.

Additionally, the District may decline to consider a request for reconsideration of a material that has already been the subject of such reconsideration within the past four years.

The building principal shall forward the form to the Superintendent.

The Superintendent shall convene a learning materials review committee, who will provide an objective evaluation of the material. The committee shall contain an odd number of members. Members of this committee may include such parties as:

1. Instructional staff who have experience using the challenged resource with students;
2. Other teachers and librarians. If the challenged material was selected by a specific teacher or librarian, that individual will not be selected for the committee. If the District has only one librarian and that librarian selected the material in question, the District may seek to include a librarian from a nearby public library or school district on the committee;
3. Administrators;
4. Parents/guardians of District students, including parents whose children have already graduated; and
5. Any other appropriate individuals selected by the Superintendent.

A person who has submitted a formal complaint regarding a learning material shall not participate in the review of that item as a member of the committee reviewing the material. If the complainant serves on a standing learning materials review committee, they shall recuse themselves from all committee activities related to review of the material.

All members of the committee shall review the challenged resource. They shall also consider written or verbal comments submitted by District students, parents/guardians of District students, District employees, and District residents on the material in question. For library materials, the resource in question must be read or reviewed in full by each committee member. For materials that are a part of material used in classroom instruction, the teacher shall present to the committee on its role within the classroom. Passages or parts of the work shall not be considered out of context, and the values and faults of the work should be weighed against each other. Decisions about what action to take regarding the material shall be based on the materials as a whole. Where appropriate, the committee may solicit advice or opinion from other District staff and/or relevant professional organizations of librarians, English teachers, or other appropriate professionals.

The committee shall vote on whether the challenged resource should be kept or removed in accordance with the principles set out in this policy or whether some other change should be made. In the case of library material, it shall include a recommendation to:

1. Retain the material in its original location; or
2. Relocate the material to another location, such as a library or classroom that serves older students; or
3. Remove the material entirely.

The committee shall prepare a written report of its findings and provide copies to the Superintendent, the complainant, and to staff members who oversee use of the resource, that includes both majority and minority opinions on the learning material or library resource under consideration. The report may differ depending on the type of resource being challenged.

The Superintendent shall review the committee's report. If the material under consideration is part of the District's curriculum, and if the committee votes in favor of removing it from the curriculum, the Board shall review the report, and the Board shall determine whether the challenged resource should be kept or removed or whether some other change should be made.

If the material in question is a library resource, classroom library resource, or other material available to students and not part of the District's Board-approved curriculum, the Superintendent shall determine whether to accept the committee's recommendation or whether some other change should be made. The Superintendent shall notify the complainant of the outcome, including the recommendation of the committee. This decision in this regard may be appealed to the Board.

If an appeal of the Superintendent's decision is made to the Board, the Board has the sole discretion in determining how to handle the complaint review, including but not limited to the Board's option of solely reviewing the committee's report and making a determination or seeking to speak with the parties involved in the complaint during a properly noticed meeting of the Board. The decision of the Board will be final.

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Legal References	Description
IC § 18-1514(6)	Obscene Materials — Definitions
IC18-1517B	Children's School and Library Protection Act

Other References	Description
Idaho Commission for Libraries	website
ISBA Policy Services	https://www.idsba.org/member-services/policy/
The American Library Association	Library Bill of Rights

Cross References

Code	Description
2425	Parental Rights
2425	Parental Rights
2425	Parental Rights
2500	Library Materials
2500	Library Materials
2510	Selection of Library Materials
2510	Selection of Library Materials
2520	Selection, Adoption, Use, and Removal of Curricular Materials
4110	Public Complaints