

PARENTAL INSPECTION OF AND OBJECTION TO INSTRUCTIONAL MATERIALS

Policy Code:

3210

~~In policy 3200, Selection of Instructional Materials, the board establishes a process for the selection of instructional materials to meet State Board of Education requirements and the educational goals of the board. That process provides an opportunity for parental input in the selection of materials.~~

~~The board recognizes that despite the opportunity to participate in the selection of materials, parents still may have concerns about instructional materials used in the school system. Thus, to further involve parents in the education of their children, the board also provides opportunities for parents to review instructional materials and a process for parents to use when they object to instructional materials.~~

The Cumberland County Board of Education values parental/guardian feedback and input on the instructional process. Parents/guardians may have concerns about instructional materials used in the school system. Thus, the Board provides opportunities for parents/guardians of current Cumberland County Schools (“CCS”) students to review instructional materials and a process for CCS parents/guardians to use when they object to instructional materials.

A. PARENTAL RIGHT/GUARDIAN RIGHT TO~~TO~~ INSPECT MATERIALS

Parents/Guardians have a~~a~~ rights under federal and state law to inspect all instructional materials which will be used in connection with any survey, analysis or evaluation as part of any applicable federally funded programs as set forth in Board Policy 4720, Survey of Students.~~Parents also may review all other instructional materials following procedures provided by the school or superintendent.~~ The term “instructional materials” does not include academic tests or assessments.~~Some materials available through the Internet and used in individual classes to provide up-to-date information or information on current events may not be available for advance review; however,~~ a~~a~~All materials used in reproductive health and safety education shall be available for review as provided in Board Ppolicy 3540, Healthful Living.

B. PARENTAL/GUARDIAN OBJECTION TO MATERIALS

Complaint or Formal Challenge

~~Parents may submit objections to the principal regarding the use of instructional materials. If a parent objects to a particular classroom material on moral or religious grounds, the teacher must provide an alternative material to the student whose parent objects. If the teacher determines that no such alternative is available, the teacher shall excuse the student from the assignment.~~All complaints by parents/guardians of current CCS students shall first be referred to the school principal at the school where their child attends. The principal will schedule an informal meeting with the parent/guardian. During the meeting, the parent/guardian will have the opportunity to share concerns and discuss

potential resolutions. The principal will explain the formal process to challenge instructional materials, provide the Request for Reconsideration of Instructional Materials form, and may offer additional information about the material in question. The principal may accommodate the individual student/parent/guardian by offering alternate assignments or materials for the student in compliance with applicable curriculum standards. In the case of a parent/guardian/complaint regarding core materials, supplemental materials or school library collection materials (as defined in Policy 3200 Selection of Instructional Material), including classroom library material selected by the teacher, the principal is authorized to refer the material to the appropriate selection team for reconsideration.

~~When a parent wishes to pursue a formal challenge for the removal of an instructional material from the school library or classroom, the parent should first discuss his or her views with a classroom teacher, the principal or the media coordinator. If this does not resolve the issue, the parent may request formal review of the material by completing, within five school days, a Request for the Reconsideration of Instructional Materials, on the form provided by the principal for that purpose. If a written objection is not received within five days, the complaint will be considered closed.~~ If the parent/guardian does not submit a formal request for reconsideration within twenty days after the meeting with the principal, the complaint will be considered closed. If the parent/guardian chooses to file a formal complaint, the following process shall be used, though timelines may be suspended during any period in which school is not in session. As used herein, “days” are working days, exclusive of Saturdays, Sundays, vacation days, or holidays, as set forth in the school calendar. In counting days, the first day will be the first full working day following the receipt of the complaint.

1) Challenges to Supplemental Materials and School Library Collection Materials

a. Formal Challenge State 1 – Reconsideration Committee

This process shall apply when a parent/guardian seeks to challenge supplemental materials (as defined in Section C of Policy 3200, “Selection of Instructional Material”) used in their child’s classroom or school library collection materials (as defined in Section D of Policy 3200, “Selection of Instructional Materials”) located in the media center of their child’s school.

The principal or his/her designee will provide the complainant with a copy of the form *Request for Reconsideration of Instructional Materials*. The complainant should be advised to complete the form in full and submit the completed form and any additional supporting information to the principal. This is the complainant’s opportunity to submit any and all documents and information that they wish to be considered during the challenge process. A *Request for Reconsideration of Instructional Materials* form must be completed separately for each material challenged, and each complaint will be reviewed individually in accordance with this policy.

After receiving a formal challenge, the principal will inform the Chief Academic Officer or designee. The principal will then appoint an ad hoc Reconsideration Committee for each challenge. Minimum representation on this committee will be:

1. Media coordinator;
2. Two teacher representatives who are specialists in the curricular area(s) being challenged;
3. School counselor;
4. Two parents/guardians;
5. Principal.

The challenged material will continue to be used until the challenge process is completed; however, the use of the material(s) for that particular student shall be suspended, if requested by the parent(s)/guardian(s).

Once appointed, the Reconsideration Committee will have thirty (30) days to:

1. Read in full the challenged material;
2. Read reviews of the material from professional sources;
3. Examine the reconsideration form and any other information submitted by the parent/guardian complainant;
4. Form opinions based on the material as a whole and not on isolated passages; scenes, or segments;
5. Review N.C.G.S. 115C-98; and
6. Meet in accordance with the North Carolina Open Meetings Law in order to make a determination on the reconsideration request.

The principal can extend the thirty-day period based on appropriate circumstances, including by not limited to the length of the book or material and shall inform the parent/guardian complainant of the extension.

If the committee determines that the challenged material violates the constitutional or other legal rights of the parent/guardian or student, the committee shall accommodate the particular student and parent/guardian. If the committee determines that the challenged material is educationally unsuitable, pervasively vulgar, or inappropriate to the age, maturity, or grade level of the students, the committee shall take appropriate action, including but not limited to removing the material from instructional use or modifying student access to the material. Books and other instructional materials may be removed from the school library collection only for legitimate educational reasons and are subject to the limitations of the First Amendment.

The Committee shall provide a copy of its determination in writing to the parent/guardian and will include the timeline for appeal. The determination will be binding for two years from the date of its issuance at the school where the complaint was filed, and no further challenges to the material at that school site will be permitted during the two-year period

unless the determination is overturned on appeal.

b. Formal Challenge Stage 2 – Central Services Materials Committee

If the complainant is dissatisfied with the determination of the school Reconsideration Committee, they may appeal to the Central Services Instructional Materials Committee. The appeal must be made in writing to the Superintendent with a copy to the Chief Academic Officer within twenty (20) days of receiving the school Reconsideration Committee's determination and should specify the reasons for appeal.

In addition, the Superintendent or designee is authorized to refer a determination to remove a book by a school Reconsideration Committee to the Central Services Instructional Materials Committee if there are concerns about whether the removal was lawful.

The Central Services Instructional Materials Committee shall be appointed by the Superintendent or designee for each challenge and will be composed of the following:

1. Chief Academic Officer or designee
2. Assistant Superintendent of Curriculum area or designee
3. Area Superintendent for the school at which the challenge was filed
4. School administrator representing appropriate level and area
5. School library media coordinator representing appropriate grade level and area
6. Minimum of two parents/guardians representing appropriate grade level and area
7. Two students attending high school within the area superintendent's region when challenge arises at high school level, with parent/guardian consent.

The school staff, parent/guardian, and student representatives on the Central Services Instructional Materials Committee should not be employed by or directly affiliated with the school at which the challenge was filed.

Once appointed, the Central Services Instructional Materials Committee will have thirty (30) days to:

1. Read in full the challenged material;
2. Read reviews of the material from professional sources;
3. Examine the reconsideration form as filed with the school;
4. Form opinions based on the material as a whole and not on isolated passages, scenes, or segments;
5. Review N.C.G.S. 115C-98; and
6. Meet in accordance with the North Carolina Open Meetings Law in order to make a determination on the appeal

The Superintendent or designee may extend the thirty (30) day period based on appropriate circumstances, including but not limited to the length of the book or material and shall inform the complainant of the extension.

If the committee determines that the challenged material violates constitutional or other legal rights of the parent/guardian or student, the committee shall accommodate the particular student and parent/guardian. If the committee determines that the challenged material is educationally unsuitable, pervasively vulgar, or inappropriate to the age, maturity, or grade level of the students, the committee shall take appropriate action, including but not limited to removing the material from instructional use or modifying student access to the material. Books and other instructional materials may be removed from the school library collection only for legitimate educational reasons and subject to the limitations of the First Amendment.

The determination of the Central Services Instructional Materials Committee for the challenged material is binding for two (2) years, and the committee will determine the grade or grade spans at which the determination applies. No complaints against the challenged material will be reviewed through this process during that two (2) year period.

The Committee shall provide a copy of its determination in writing to the parent/guardian complainant and will include the timeline for appeal.

c. Formal Challenge Stage 3 – Board of Education

If the parent/guardian complainant is dissatisfied with the determination of the Central Services Instructional Materials Committee, they may appeal to the Cumberland County Board of Education. The appeal must be made in writing to the Board Chair with a copy to the Superintendent within twenty (20) days of receiving the recommendation of the Central Services Instructional Materials Committee. A panel of the Board of Education will be appointed to review the appeal. The review will be conducted on the record only, with no oral presentation by either party. The Board panel will make a final determination in an open meeting and will provide written notice of its determination to the parent/guardian complainant. The Board of Education determination may be binding for up to two (2) years at the discretion of the Board, and the Board may determine the applicability of the determination throughout the district (such as a determination applying to specific grade levels only).

2) Challenges to Core Instructional Materials

This process shall apply when a parent/guardian of a current CCS student seeks to challenge core instructional materials (as defined in Section B of Policy 3200, “Selection of Instructional Material) used in their child’s classroom.

The principal or their designee will provide the parent/guardian complainant with a copy of the form *Request for Reconsideration of Instructional Materials*. The parent/guardian complainant should be advised to complete the form in full and submit the completed form and any additional supporting information to the principal. This is the parent/guardian complainant’s opportunity to submit any and all documents and information that they wish to be considered during the challenge process. *A Request for*

Reconsideration of Instructional Materials form must be completed separately for each material challenged, and each complaint will be reviewed individually in accordance with this policy.

The principal shall provide a copy of the complaint and completed *Request for Reconsideration of Instructional Materials* form to the Superintendent with a copy to the Chief Academic Officer or designee.

A challenge to a core instructional resource shall follow the same process as is outlined above for challenges to Supplemental Materials and School Library Materials, except that it shall start at the level of the Central Services Instructional Materials Committee. Before any material is removed, the Central Services Instructional Materials Committee shall ensure that the curriculum is still aligned with current statewide instructional standards and articulated from grade to grade.

~~Upon timely receipt of a written objection, the principal shall forward the request to the superintendent, who shall appoint a committee to review the objection. The major criterion for the selection and utilization of the material is appropriateness of the material for its intended educational use. While input from the community may be sought, the board believes professional educators are in the best position to determine whether a particular instructional material is appropriate for the age and maturity of the students and for the subject matter being taught.~~

~~The review committee will: (1) determine if the challenged material remains in circulation during the reconsideration process; (2) re-examine the challenged material; (3) survey appraisals of the materials in professional reviewing sources; (4) determine the extent the material supports the curriculum; (5) weigh the merits against alleged faults to form opinions based on the material as a whole and not on passages isolated from context; (6) discuss the material; (7) determine whether the material likely violates constitutional or other legal rights of the parent or student; and (7) prepare a written recommendation to the superintendent and board within a reasonable amount of time, not to exceed 30 days, after receipt of the written complaint.~~

~~If the committee determines that any material likely violates constitutional or other legal rights of the parent or student, the committee shall either remove the material from instructional use or accommodate the particular student and parent. Before any material is removed, the committee shall ensure that the curriculum is still aligned with the current statewide instructional standards and articulated from grade to grade. If an objection made by a parent or student is not based upon constitutional or legal rights, the committee may accommodate the objection after considering the effect on the curriculum; any burden on the school, teacher or other students that the accommodation would create; and any other relevant factors. Books and other instructional materials may be removed from the school media collection only for legitimate educational reasons and subject to the limitations of the First Amendment.~~

~~The recommended decision of the committee shall be delivered to the complainant and affected staff members in writing and may be appealed to the superintendent. The decision of the superintendent may be appealed to the board. The board has final~~

~~authority and discretion to determine whether a challenge has merit and whether challenged material should be retained or removed.~~

~~The superintendent shall develop administrative procedures to implement this policy.~~

Legal References: U.S. Const. amend. I; 20 U.S.C. 1232h; N.C. Const. art. I, § 14; *Board of Educ. v. Pico*, 457 U.S. 853 (1982); G.S. 115C art. 8 pt. 1; 115C-45, -47, [-81](#), [-81.30](#), -98, -101

Cross References: Goals and Objectives of the Educational Program (policy 3000), Curriculum Development (policy 3100), Selection of Instructional Materials (policy 3200), Religious-Based Exemptions from School Programs (policy 3510), Healthful Living (policy 3540)

Replaces: IDA (in part) (revised September 12, 1995), IFA (in part) (adopted July 1, 1985), IFAB (in part) (revised December 12, 1995), KNBA (adopted July 1, 1985)

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