

COMPLAINTS CONCERNING INSTRUCTIONAL MATERIALS

To consider complaints regarding the content of instructional materials, the following procedures shall be followed and shall be applied in an impartial manner:

- I. Initially, complaints regarding instructional materials will be handled in an informal manner by the site principal and the staff member(s) involved. Every effort will be made at this level to come to a resolution.
- II. If the complaint is not resolved informally to the satisfaction of the complainant, the complainant may request formal consideration of the complaint. Upon such a request, the site principal will deliver a packet to the complainant that includes: (a) Board adopted instructional goals and objectives for the specific course, (b) Board policy for the Selection and Adoption of Instructional Materials (BP 6161.1), (c) Board policy and administrative regulation regarding Complaints Concerning Instructional Materials (BP 4116.2 & AR), and (d) a copy of the ALA Library Bill of Rights which shall be provided to the complainant for informational purposes. If the complainant wants formal consideration of the complaint, the specific questions or criticisms of the complaint shall be presented in writing using the appropriate district form (Attachment A) entitled, "Request for Reevaluation of Materials," and be presented to the site principal.
- III. Upon receipt of the formal written complaint, the following procedure shall be followed:
 - A. Within four (4) school days of receipt of the complaint the site principal will acknowledge receipt of the formal complaint, and answer any questions regarding procedure either by providing the complainant written or oral information. The site principal shall be responsible to record the date on which he/she received the formal complaint and the date of receipt shall be set forth prominently on the complaint form, which shall be the form entitled "Request for Reevaluation of Materials."
 - B. The site principal will then notify the Superintendent and the employees involved of the formal complaint and its nature within six (6) school days of receipt of the formal complaint.
 - C. The superintendent will determine within eight (8) school days of receipt of the formal complaint whether the complaint should be considered an individual request to be answered by the administration or if a building level review committee should be activated to reevaluate the complaint.
 1. If the Superintendent determines the complaint should be answered by the administration alone, the Superintendent may designate an administrator or administrators to answer the complaint in writing.
 2. If the Superintendent determines the complaint should be considered by a building level review committee, the Superintendent may appoint a building level review committee. The building committee will be under the direction of the Assistant Superintendent of Instruction and will be composed of three or more district employees selected by the Superintendent from the administrative and instructional areas directly concerned, and one parent and one student selected by the school site council. The Superintendent shall appoint the building committee within ten (10) school days of receipt of the formal complaint.
 3. The use of challenged materials by class, school or district shall not be restricted until final disposition has been made by the appropriate review committee, but at the request of the parent individual students may be excused from using challenged

materials. The teacher will then assign the student alternate materials of equal merit.

4. During consideration of challenged materials, the administrator(s) or the building committee considering the complaint shall consider the educational philosophy of the school district, the professional opinions of other teachers of the same subject and of other competent authorities, reviews of the materials by reputable bodies, the teacher's own stated objectives in using the materials, the interest of students in freedom of speech and expression, and the objections of the complainant. Before its final consideration and deliberations concerning the complaint, the administrator(s) or the building committee shall provide the complainant and the employee an opportunity to address the administrator(s) or the full committee.
 5. Upon completion of consideration and deliberations regarding the complaint and the challenged materials, the administrator(s) or building committee shall submit a written report to the Superintendent that sets forth the following:
 - a. The procedure the administrator's(s') or committee followed
 - b. The administrator's(s') or committee's response to the complainant's concerns
 - c. The administrator's or committee's findings
 - d. The recommendation of the administrator or committee for resolution of the complaint
 6. Upon receipt of the written report of the administrator(s) or building review committee, the Superintendent shall determine whether or not the material under consideration is to continue to be used and the Superintendent shall provide the complainant a written statement either adopting the administrator's recommendation or the committee's recommendation or rendering his own decision. If the Superintendent determines that the materials at issue may continue to be used, the materials will remain available for use. If the Superintendent determines the materials at issue should be withdrawn, the materials shall be withdrawn after the appeal period has passed.
 7. A copy of the written report of the administrator(s) or the building committee and the written decision of the Superintendent shall be prepared and sent to the complainant, and the complainant shall be advised of the date, time and place of the board meeting when the matter will be reported to or considered by the Board. The complainant shall also be advised in writing that he/she has ten (10) calendar days from the date of mailing or personal service of the Superintendent's decision to submit a written statement of appeal setting forth briefly the reason for the appeal.
 8. The complaint, the written report of the administrator or building review committee and the decision of the Superintendent shall be reported in writing to the Board of Trustees as soon as reasonably possible after the Superintendent's written decision is provided to the complaining party, but no later than thirty (30) days hereafter.
- D. Notwithstanding any other provision of this regulation, if the questioned material has been adopted by the County Board of Education, the Superintendent may refer the matter to the Board of Trustees which may forward the complaint, without action, to the office of the San Diego County Office of Education for reevaluation and decision or the Board may instruct the Superintendent to proceed in accordance with the provisions of these regulations.
- E. Notwithstanding any other provision of this regulation, if the questioned material has been adopted or approved by the State of California, the Superintendent may refer the matter to

- the Board of Trustees which may forward the complaint, without action, to the office of the California Department of Education for revaluation and decision or the Board may instruct the Superintendent to proceed in accordance with the provisions of these regulations.
- IV. If the complainant is not satisfied with the decision of the Superintendent and objects to the decision in writing within ten (10) school days after the decision is deposited in the U.S. mail or delivered personally to the complainant, the Board of Trustees may send the complaint to an appeals committee, or may adopt the Superintendent's decision as final. If the determination by the Board is to refer the complaint to a district appeals committee, the Superintendent shall form a district level committee of six members consisting of a principal, a district office representative, a teacher (who represents the curriculum area in question), a library/media specialist, a parent and a student selected by the superintendent. Committee members shall not be from the site from which the complaint originated.
- A. The appeals committee shall be appointed to study the material and the previous decision and reports and shall make a decision following the same process as required for the administrator(s) or building committee. Before its final consideration and deliberations concerning the complaint, the appeals committee shall provide the complainant and the employee an opportunity to address the full appeals committee. The appeals committee shall deliver its written decision to the Superintendent within calendar days of the appointment of the full committee by the Superintendent. The written decision of the appeals committee shall be presented in writing to the Board for its final decision within thirty (30) calendar days after the decision is delivered to the Superintendent.
- B. A copy of the written report of the appeals committee shall be provided to the complainant and the complainant shall be advised of the date, time and place of the board meeting when the matter will be considered by the Board.
- C. If the complainant is not satisfied with the decision of the appeals committee and objects to the decision of the appeals committee and objects to the decision in writing within ten (10) calendar days after the decision is deposited in the U.S. mail or delivered personally to the complainant, the Board of Trustees may consider a report of the Superintendent regarding the matter and all previous reports and decisions regarding the complaint. The Board may then render a decision in the matter which shall be final.
- V. Any of the deadlines for action specified in this regulation are subject to adjustment for reasonable cause as determined in the sole discretion of the Superintendent.

LEGAL REFERENCE**CALIFORNIA EDUCATION CODE**

18111	Exclusion of books by governing board
60003	Power of governing board to select instructional materials
60040-60047	Content requirements for instructional materials
60200 et seq.	Elementary school material - selection and adoption
60260	Legislative intent for ordering instructional materials
60262	Involvement of teachers, parents and community in instructional materials selection
60400	et seq. Secondary school textbooks-selection and adoption
6163.1	Selection of library-media center materials

ATTACHMENT A

(FOR OFFICE USE ONLY)

DATE ISSUED: _____

DATE RETURNED: _____

REQUEST FOR REEVALUATION OF MATERIALS
(PLEASE RESPOND TO ALL ITEMS RELATIVE TO YOUR CONCERN)

Name of person requesting reevaluation: _____

Last,

First

Phone: (____) _____ Address _____

Street

City, ST

Zip

School: _____

Course: _____ Teacher: _____ Grade Level: _____

Do you have a child in this school? YES NO

Who do you represent? SELF OTHER Name of Organization: _____

Identify every book or item in question: (If additional space is needed, please add separate page)

Title: _____ Author: _____

Publisher/Producer: _____ Copyright date: _____

Title: _____ Author: _____

Publisher/Producer: _____ Copyright date: _____

Type of Material:

Book Magazine Pamphlet VCR/DVD Software CD Other _____

Have you read, viewed or listened to this work in its entirety? YES NO If not, please give pages, frames, or passages you have read, viewed, heard (use additional pages if necessary):

Have you read any review of this work by media or literary critics? If so, please give names and dates of publication and your understanding of their views:

Have you discussed the material with the teacher who used it? YES NO What was the result?

What do you find objectionable in this instructional material? (Please be specific: cite pages and paragraphs, frames, scenes, etc.)

What do you believe might be the result of students using this instructional material?

For what age group would you recommend this instructional material? _____

What are the strengths of this instructional material?

What do you believe is the theme/purpose of this material?

What would you like the school district / your school to do about this instructional material?

Not assign it to my child reevaluate it withdraw from all students use for teachers only

What material would you recommend as a suitable alternative?

Are you aware of the district's purpose in using this instructional material? YES NO

If so, please indicate your understanding of the district's purpose:

Additional Comments:

I have read the Board Policy 4116.2 (Complaints Concerning Instructional Materials) which will be used to act upon this request for reevaluation of materials.

Your Signature

Date

PLEASE RETURN THIS FORM TO THE SCHOOL PRINCIPAL