



POLICY 8.1205

4-C I recommend that the Board adopt the proposed new Policy 8.1205, entitled "Challenge Procedures for Instructional Materials."

[Contact: Meezie Pierce, PX 45114.]

Adoption

CONSENT ITEM

- The Board approved development of this new Policy on April 2, 2008.
- The new Policy would formalize grievance procedures concerning instructional materials, including textbooks, library media materials, and supplemental classroom instructional materials, to ensure timely and objective review of complaints filed by any resident of Palm Beach County, or adult student, or parent of a child attending public school in Palm Beach County; and to guide the determination (and internal appeal of the determination) of whether to remove the material from use in the school where the complaint was initiated.
- A multi-tiered review and appeal process is set forth: 1) school-level informal complaint to the principal; 2) a formal school-level review if not resolved informally to the complainant's satisfaction (this formal review includes a recommendation to the principal from the School Materials Review Committee); 3) a District-level review if not resolved to the complainant's satisfaction at the formal school level (and this District-level review includes a recommendation to the Superintendent/designee by the District Materials Review Committee); and 4) a possible appeal to the School Board.

POLICY 8.1205

CHALLENGE PROCEDURES FOR INSTRUCTIONAL MATERIALS

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3 1. Grievance Procedures Concerning Instructional Materials Including Textbooks,
4 Library Media Materials, and Supplemental Classroom Instructional Materials

5 a. The Superintendent or his/her designee is authorized to administer the
6 following procedures in accordance with federal and state law to insure timely
7 and objective review of instructional materials, including textbooks.

8 b. Any resident of Palm Beach County, or adult student or parent of a child
9 attending public school in Palm Beach County may file a complaint with a
10 school concerning the use of a particular library book, or non-print media.
11 Challenged materials may be removed from use in the school where the
12 complaint was initiated only after the complaint and decision procedures of this
13 Policy have been completed.

14 c. Complaints filed by a parent or adult student shall be heard in the school in
15 which that student is registered. If the parent has children at different schools
16 in Palm Beach County, then the complaint must specify which school(s) the
17 complaint pertains to and it will be heard in that/those school(s). If the
18 complainant is not the parent of a child in the school district, the complaint will
19 be assigned to the appropriate school within the boundary corresponding to
20 the residence of the complainant for review if the material is located at that
21 school or to the school in close proximity where the material is located.

22 2. **School Level: Informal Complaint**

23 a. Any complaint arising out of the use of a material in a school shall be
24 registered in writing with the principal of the school. Within five school days of
25 the receipt of the complaint, the principal and/or his/her designee and the
26 appropriate staff member(s) shall meet with the complainant to explain:

27 i. the school's selection procedures for these materials;

28 ii. the criteria used for the selection of these materials;

29 iii. the role that the material in question has in the school's curriculum or
30 library media center or classroom collection; and

31 iv. whatever additional information is deemed needed regarding the item's
32 use.

33 b. If the complainant is not satisfied with the explanation and desires to file a

34 formal complaint, the formal procedures below shall be followed.

35 3. **School Level: Formal Complaint**

36 a. The complainant shall obtain a copy of form PBSB 1113 ("Request for
37 Reconsideration of Instructional Materials") from the principal or a designee. A
38 copy of the form is also available on the District's Web site at
39 www.palmbeach.k12.fl.us/Records/PDF/1113.pdf and is incorporated herein by
40 reference as part of this Policy. The complainant shall sign and complete the
41 form in its entirety for each instructional material to be considered, including
42 stating the basis of the objection, retain one copy, and send one copy of the
43 completed form to the principal of the school. *Failure to completely fill out the*
44 *form along with complainant's signature will result in the rejection of the form*
45 *and no formal review process under this subsection will be initiated.*

46 b. A challenge to the same material(s) by multiple challengers within one school
47 can be consolidated into one challenge for consideration by the School
48 Materials Review Committee, principal, Superintendent, District Material
49 Review Committee, and School Board (the reviewing persons and entities) as
50 set forth in the below proceedings.

51 c. A challenge to multiple materials will require additional preparation time for the
52 reviewing persons and entities set forth below. A challenge of more than five
53 instructional materials will add an additional two (2) days per item to the time
54 deadlines for the school or District actions that are specified within this Policy.

55 d. For materials used *in that school*, the completed form and the material in
56 question shall be studied by a School Materials Review Committee appointed
57 on an ad hoc basis by the school principal. Representation on the School
58 Materials Review Committee should reflect the diversity of the District and
59 school, and the following provisions apply:

60 i. The committee shall consist of the principal or his/her designee of the
61 school where the complaint was made; two teachers in the appropriate
62 subject area/grade; one teacher from another subject area/grade; a
63 library media specialist; a guidance counselor; one student from the
64 appropriate grade level or a student who is accomplished in the specific
65 subject area (middle and senior high school only); one lay person from
66 the school's Parent-Teacher Association or the School Advisory Council; a
67 representative designated by the Area Superintendent, and a
68 representative from the District department representing Instructional
69 Materials, Curriculum and/or Library Media Services.

70 ii. The School Materials Review Committee shall meet within fifteen (15)
71 school work days of receipt by the principal of the reconsideration form.
72 The complainant shall be notified of the committee's meeting date and

73 time and shall be invited to present arguments for no more than 10
74 minutes unless time is extended by the committee for good cause. A
75 question/answer period or committee discussion may follow the
76 presentation at the committee's discretion.

77 iii. The School Materials Review Committee shall solicit, if readily available,
78 professional written reviews of the material, from sources such as those
79 listed in School Board Policy 8.12(6)(d)(i).

80 iv. The School Materials Review Committee shall be chaired by the principal
81 or his/her designee. A recorder of minutes shall be appointed from the
82 membership of the committee to take minutes and to record the
83 recommendation of the committee.

84 v. If the review is not completed, the committee may schedule additional
85 meetings. Within five (5) school work days of its final meeting, the School
86 Materials Review Committee shall prepare the committee's
87 recommendation with supporting reasons and use form PBSB 1857,
88 School Materials Review Committee Recommendations, or a signed letter
89 written on school letterhead. The form can be found on the District's Web
90 site at www.palmbeach.k12.fl.us/Records/PDF/1857.pdf and is
91 incorporated herein by reference.

92 e. Guidelines for Committee's Recommendation.-- The School Materials Review
93 Committee shall review enough of the relevant portions of the material being
94 challenged in order to make an informed recommendation on the request. The
95 committee shall also consider readily available reviews of the material, study
96 the comments on the complainant's questionnaire, consider one or more of the
97 evaluative criteria in Policy 8.12(6) (for media center and supplemental class
98 room instructional materials) or State requirements and guidelines and Policy
99 8.122 (for textbooks) and shall render a decision based on a majority vote.

100 i. The selection criteria in Policy 8.12(6), for media center and supplemental
101 classroom instructional materials, shall be made available to all interested
102 persons.

103 ii. The recommendation to the principal will be based on the selection
104 criteria in School Board Policy 8.12(6) (for media center and
105 supplemental classroom instructional materials), State requirements and
106 guidelines and School Board Policy 8.122 (for textbooks), and the
107 following additional factors and criteria:

108 A. educational significance of the material;

109 B. appropriateness of age and maturity level;

- 110 C. need and value to the collection / curriculum;
111 D. summation of the professional reviews on the media;
112 E. literary merit;
113 F. validity, accuracy, objectivity, and up-to-date and appropriate
114 information;
115 G. freedom from stereotypes, bias, prejudice or distortion; and
116 H. timeliness or permanence.
117 I. In addition, the recommendation shall also consider the provisions in
118 the School Board's collective bargaining agreement with CTA relating
119 to academic freedom and responsibilities—Article II, Section K—to
120 the extent those provisions are applicable. However, pursuant to
121 current case law, the committee may not recommend removal of
122 non-curricular books from the school's media center or classroom
123 simply because a majority of the committee dislikes the ideas or the
124 points-of-view contained in the media center instructional or
125 supplemental classroom instructional materials.
- 126 f. Committee's Recommendation to the Principal.-- The committee's final
127 recommendation shall be immediately forwarded to the school principal and
128 may be any or a combination of the following:
- 129 i. allow the challenged material to maintain its current status;
130 ii. leave the challenged material in the classroom or library media center, but
131 allow students to use alternate materials approved by school personnel
132 who require the use of the disputed item;
133 iii. limit the educational use of the challenged material;
134 iv. transfer the challenged material to a higher level school (e.g. elementary
135 to a middle school); and/or
136 v. remove the challenged material from the school environment.
- 137 g. Principal's Written Decision.-- Within five (5) school work days after receipt of
138 the School Materials Review Committee's recommendation, the principal shall
139 make a decision, based on the same criteria considered by the committee as
140 set forth in subsection (3)(e) above, on whether to follow the committee's
141 recommendation, and shall inform the complainant *in writing* of the
142 recommendation of the committee, the principal's decision, and *the reasons*

143 for the recommendation and decision. This written communication must inform
144 the complainant of the next level of appeal under this policy and the time
145 deadline. Such communication shall be sent by regular U.S. Mail, and certified
146 mail, return receipt requested.

147 4. **District Level: Formal Appeal.--** The complainant may appeal the principal's
148 decision to the Superintendent, subject to the following provisions.

149 a. If the complainant appeals the principal's decision, the principal shall send
150 copies of all reports and communications to division and department heads
151 that supervise Instructional Materials, Curriculum and Library Media Services
152 and to the appropriate Area Superintendent.

153 b. Access to challenged materials shall not be restricted during the
154 reconsideration process; the materials shall remain in use unless the School
155 Materials Review Committee, through formal vote, recommended removal of
156 the instructional materials to the principal, and the decision to remove is made
157 by the principal.

158 c. Within twenty (20) calendar days of the date of the principal's decision, the
159 complainant shall notify the Superintendent in writing of the request to appeal.
160 Failure to comply with these requirements will result in the appeal not being
161 considered.

162 d. Within twenty (20) school work days of receipt of such request, the
163 Superintendent or his/her designee and appropriate staff shall review the
164 action taken at the school level and issue a decision based on the same
165 criteria set forth in subsection (3)(e) above and with the same alternative
166 results as set forth in subsection (3)(f) above. If the decision does not include
167 further review by the Superintendent/designee (and District Materials Review
168 Committee), the complainant shall be so notified of the decision and be
169 informed of the ability and deadline to request *in writing* an appearance to
170 appeal directly to The School Board of Palm Beach County, Florida in
171 accordance with this Policy. Notice to the complainant shall be made by
172 regular U.S. Mail and certified mail, return receipt requested.

173 e. If the Superintendent finds cause for further review, the complaint shall be
174 submitted to a District Materials Review Committee whose representation
175 reflects the diversity of the District and school, appointed on an ad hoc basis
176 by the Superintendent or his/her designee, according to the following
177 provisions:

178 i. Representation on District Instructional Materials Committees should
179 reflect the diversity of the District and schools.

180 ii. Individuals on the District Materials Review Committee cannot be the

- 181 same as those that served on the School Materials Review Committee.
- 182 iii. The committee shall consist of the Assistant Superintendent, Curriculum,
183 or his/her designee; an appropriate Area Superintendent or designee; one
184 principal at the appropriate level; a division or department head that
185 supervises Instructional Materials, Curriculum, and/or Library Media
186 Services, an appropriate subject area Administrators / Program Planners;
187 one teacher in the appropriate subject area/grade; one library media
188 specialists; one student from the appropriate grade level or a student who
189 is accomplished in the specific subject area (middle and senior high only);
190 a representative from the Palm Beach County Council of Parent-Teacher
191 Associations who will be appointed by the President of the District
192 Association, a representative from the District Advisory Committee; and
193 one lay person. The Chief Counsel to the School Board, or designated
194 attorney(s) of his/her Office, may be invited to provide legal advice to the
195 Committee, if deemed appropriate by the Superintendent.
- 196 iv. In the event that a person from a position named above cannot be
197 present at the District Materials Review Committee meeting(s), the
198 Superintendent may appoint an alternate.
- 199 v. District Materials Review Committee Procedures
- 200 A. The District Materials Review Committee shall be chaired by the
201 Assistant Superintendent, Division of Curriculum or his/her designee.
202 A recorder of minutes shall be appointed from the membership of the
203 committee to take minutes and to record the recommendation of the
204 committee.
- 205 B. The District Materials Review Committee shall solicit, if readily
206 available, professional written reviews of the material, from sources
207 such as those listed in Policy 8.12(6)(d)(i).
- 208 C. The District Materials Review Committee shall meet and *provide a*
209 *recommendation with supporting reasons* to the Superintendent
210 within twenty (20) school work days of receipt of the referral from the
211 Superintendent, based on the criteria set forth in subparagraph
212 (4)(e)(v)D and paragraph (vi) below. The complainant shall be
213 notified of the committee's meeting date and time and shall be
214 invited to present argument for no more then 10 minutes, unless time
215 is extended by the committee for good cause. A question/answer
216 period or committee discussion may follow the presentation *at the*
217 *committee's discretion.*
- 218 D. If the review is not completed, the committee may schedule
219 additional meetings. Within five (5) school work days of its final

220 meeting, the District Materials Review Committee shall prepare the
221 committee's recommendations with supporting reasons.

222 f. Guidelines for Recommendation to the Superintendent.-- The District Materials
223 Review Committee shall review enough of the relevant portions of the material
224 being challenged in order to make an informed recommendation on the
225 request. The committee shall also consider readily available reviews of the
226 material, study the comments on the complainant's questionnaire, consider
227 one or more of the evaluative criteria in School Board Policy 8.12(6) (for media
228 center and supplemental classroom instructional materials) or State
229 requirements and guidelines and School Board Policy 8.122 (for textbooks)
230 and shall render a decision based on a majority vote.

231 i. The Selection Criteria in Policy 8.12(6) (for media center and
232 supplemental classroom instructional materials) shall be made available
233 to all interested persons.

234 ii. The recommendation to the Superintendent will be based on the selection
235 criteria in School Board Policy 8.12(6) (for media center and
236 supplemental classroom instructional materials), State requirements and
237 guidelines and School Board Policy 8.122 (for textbooks), as well as the
238 following criteria:

239 A. educational significance of the material;

240 B. appropriateness of age and maturity level;

241 C. need and value to the collection / curriculum;

242 D. summation of the professional reviews on the media;

243 E. literary merit;

244 F. validity, accuracy, objectivity, and up-to-date and appropriate
245 information;

246 G. freedom from stereotypes, bias, prejudice or distortion; and

247 H. timeliness or permanence.

248 I. In addition, the recommendation shall also consider the provisions in
249 the School Board's collective bargaining agreement with CTA relating
250 to academic freedom and responsibilities—Article II, Section K—to
251 the extent those provisions are applicable. However, pursuant to
252 current case law, the committee may not recommend removal of
253 non-curricular books from the school's media center or classroom

254 simply because a majority of the committee dislikes the ideas or the
255 points-of-view contained in the media center or supplemental
256 classroom instructional materials.

257 g. Committee's Recommendation to the Superintendent.-- The recommendation
258 of the District Materials Review Committee and the basis for that
259 recommendation shall be transmitted to the Superintendent; the Chief
260 Academic Officer, the principal of the school that received the original
261 complaint; and the complainant.

262 h. Superintendent's/Designee's Written Decision.-- The Superintendent or his/her
263 designee shall make a final decision, based on the same criteria considered
264 by the committee as set forth in subparagraph (4)(f) above, within five (5)
265 school work days of receipt of the District Materials Review Committee
266 recommendation, and send a written report of that decision to the Chief
267 Academic Officer, the appropriate Assistant Superintendent, the principal of
268 the school; and the complainant. *The written decision shall state procedures*
269 *and time limits to appeal to the Board if the complainant is dissatisfied. This*
270 decision shall be sent to the complainant by regular U.S. mail and certified
271 mail, return receipt requested.

272 i. The Public Affairs Department shall make the selection criteria and a copy of
273 the material(s) in question available for review upon request of interested
274 persons.

275 5. **Board Level Appeal**

276 a. The complainant may appeal the decision of the Superintendent/designee to
277 the School Board under subsection (4)(b) or paragraph (4)(d) above by filing a
278 signed writing with the School Board Clerk within thirty (30) days of the
279 decision and may request an appearance before the School Board.

280 b. After notice to the appealing party, the School Board Level review shall occur
281 at a public meeting and allow presentation of evidence. The School Board's
282 decision shall be based on the same criteria considered by the Superintendent
283 as set forth in subsections (4)(f) and (h) above.

284 6. **Policy Awareness**

285 a. A copy of the selection and reconsideration procedures as set forth in this
286 Policy and in Board Policy 8.12 should be a part of the Collection
287 Development Policy for each school library media center and should be
288 available for easy access and reference.

289 b. Each school principal should include at a minimum, a summary or references
290 to this Challenge Policy and School Board Policy 8.12 in the school's staff

291 handbook and shall review the selection and reconsideration procedures with
292 the staff as needed, emphasizing Board policy pertaining to the teaching of
293 controversial issues and the ethical considerations that are needed in handling
294 citizen complaints with courtesy and integrity.

295 STATUTORY AUTHORITY: Fla. Stat. §§ 1001.41(1)(2) & (5); 1001.42 (2)(11)(13) & (23)

296 LAWS IMPLEMENTED: Fla. Stat. §§ 1001.32(2); 1001.41(i)(2) & (5); 1001.42
297 (2)(11)(13) & (23); 1001.42(7) & (17)(a); 1001.43(2)(3); 1006.28; 1006.34; 1006.40;
298 1006.41; 847.012

299 HISTORY: / 2008

Legal Signoff:

The Legal Department has reviewed proposed Policy 8.1205 and finds it legally sufficient for adoption by the Board.

Attorney

Date