~~PARENTAL~~ INSPECTION OF AND OBJECTION TO INSTRUCTIONAL AND SUPPLEMENTARY MATERIALS

Policy Code: **3210**

~~WCPSS 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 to review instructional materials and a process for parents/guardians to use when they object to instructional materials.~~

Though the Board strives to provide instructional and supplementary materials that will support and enrich the curriculum and enhance student learning, the Board recognizes that parents, teachers, and community members still may have concerns about certain instructional and supplementary materials used in the school system. The Board respects the right of parents to review instructional and supplementary materials, as those terms are defined in Policy 3200 Selection of Instructional and Supplementary Materials, and provides processes for objecting to the use of specific instructional or supplementary materials.

For purposes of this policy, all references to "parent/guardian" include a parent, legal guardian, legal custodian, or other caregiver adult authorized to enroll a student under Policy 4100 Admission to the Wake County Public School System.

A. PARENTAL/GUARDIAN RIGHT TO INSPECT MATERIALS

Parents/Guardians may review all instructional and supplementary materials, as defined in Policy 3200 Selection of Instructional and Supplementary Materials that are used in their child's classrooms. Instructional and supplementary materials do not include academic tests or assessments. Parents who would like to inspect and review instructional or supplementary materials should make a request in writing to the principal, identifying with reasonable specificity the ~~instructional~~ materials the parent would like to inspect. Within ten (10) business days of receiving the request, the principal shall either (1) provide access to the requested information or (2) provide an extension notice to the parent explaining that, due to the volume or complexity of the request, access to some or all of the information will be provided no later than twenty (20) business days from the date of the request. Access shall be provided either by providing the parent with copies of the materials in question and/or by scheduling a time when the parent may inspect some or all of the materials in person or online. All materials used in reproductive health and safety education shall be available for review as provided in ~~Regulation Code: 5120 R&P Healthful Living~~ Policy 3450 Comprehensive Health Education Program.

B. ~~PARENTAL/GUARDIAN~~ OBJECTIONS TO MATERIALS

1. Objections to an Individual Student's Use of Materials

   a. Religious-Based Objections to Instructional or Supplementary Materials

      A religious-based objection to an individual student's use of an instructional

or supplementary material will be addressed in accordance with Policy 3510 Religious-Based Exemptions from School Programs.

b. Objections to Materials Used in Reproductive Health and Safety Education

If a student's parent objects to the student's use of instructional or supplementary materials used in reproductive health and safety education instruction or in separate instruction on the prevention of STDs, including HIV/AIDS, or the avoidance of out-of-wedlock pregnancy, the parent may opt the student out of participation in the instruction in accordance with Policy 3540 Comprehensive Health Education Program.

c. Parental Restriction on Student Borrowing of School ~~Objections to the Use of Certain~~ Library Books

Any request by a student's parent/guardian that the student be prohibited from borrowing certain library books will automatically be granted. For purposes of this policy, library books are defined as ~~all instructional materials, other than textbooks, that are available at a school, whether in the~~ electronic, print, and nonprint resources, excluding instructional and supplementary materials, held in a formal school library or in a classroom ~~or other space,~~ for independent use by students and school personnel outside of the standard course of study for any grade or course. The titles of all library books at a school may be accessed through a searchable web-based catalog displayed on the homepage of the school's website.

To request that a book in the school library collection be prohibited for a student, the parent/guardian must use the parent portal in the library management software system to identify the library book(s) that the student may not borrow.

To request that a book in a classroom library be prohibited for a student, the parent/guardian must submit the request in writing to the principal and applicable teacher(s) to identify the specific book that the student may not borrow by title, author, and ISBN.

d. Other Objections to an Individual Student's Use of Materials

~~Even if an instructional or supplementary material is fit for use by most students, a student's parent still may have concerns about that individual student's use of the material.~~ If a student's parent objects to the student using a specific instructional or supplementary material, and the objection is not otherwise covered by ~~does not fall under another part of~~ this policy, ~~subsection B.1.a., B.1.b., or B.1.c., above,~~ the parent first should discuss the matter with the student's teacher in an effort to reach a resolution informally. If the parent is not satisfied with the teacher's response, the

parent should request an informal review of the matter by the principal. ~~If the parent is not satisfied with the informal review, the parent may file a grievance in accordance with policy 1740/4010, Student and Parent Grievance Procedure.~~ In determining whether to accommodate an objection, school officials shall consider: the effect on the curriculum; any burden on the school, teacher, or other students that the accommodation would create; and any other relevant factors.

2. ~~Objections~~ Challenges to ~~School System Use of~~ Instructional and Supplementary Materials

~~a. Informal Resolution of Concerns~~

~~The Board encourages informal resolution of concerns regarding instructional or supplementary materials used in the school system. Any parent of a student enrolled in a school in the school system, teacher employed by the Board, or resident of the geographic area served by the school system who has concerns about an instructional or supplementary material used in a school is encouraged to bring that concern to the principal before submitting a formal challenge. The Board believes that many concerns can be resolved promptly through open communication with school administration.~~

~~Challenges to Materials~~

A parent of a student enrolled in a school in the school system, a teacher employed by the Board, or a resident of the geographic area served by the school system may submit a challenge alleging that a specific instructional or supplementary material is: (1) obscene; (2) inappropriate to the age, maturity, or grade level of the students; or (3) except for library books, not aligned with the standard course of study. The challenge must be submitted in writing to the Board. The Board will use a community media advisory committee to investigate and evaluate the challenge.

Members of the community media advisory committee will be appointed by the superintendent and include, at minimum:

a) three principals, including a principal from a high school, a middle school, and an elementary school;
b) three teachers, including a teacher from a high school, a middle school, and an elementary school;
c) a parent of a student in high school or middle school and a parent of a student in elementary school; ~~and~~
d) three school library media coordinators, including a coordinator from a high school, a middle school, and an elementary school;
e) the Assistant Superintendent of Instructional Services and/or their designee(s).

Within two weeks of the filing of the challenge, the community media advisory committee shall hold a hearing and provide the challengers an opportunity to present their concerns to the committee. The committee may, in the committee's discretion, request additional information on the subject matter at the hearing from experts employed by the school system. Within two weeks of the hearing, the committee shall make a recommendation to the Board on whether the challenge has merit and whether the challenged material should be retained or removed as unfit material. The committee's determination will be limited to considerations of whether the material is unfit on the specific grounds of the material being: (1) obscene; (2) inappropriate to the age, maturity, or grade level of the students; or (3) not aligned with the standard course of study.

At the next meeting of the Board after the community media advisory committee's recommendation is received, the Board will determine whether the challenge has merit and whether the challenged material will be retained or removed as unfit material. The Board, at all times, has sole authority and discretion to determine whether a challenge has merit and whether challenged material should be retained or removed. The decision of the Board is not appealable.

~~**C. PARENTAL/GUARDIAN OBJECTION TO MATERIALS**~~

~~Complaint or Formal Challenge~~

~~All complaints by parents/guardians regarding instructional materials 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 a copy of 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.~~

~~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 Stage 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 Material) 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 Director of Library Media Services or their 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 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 but 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 Instructional Materials Committee

If the complainant is dissatisfied with the determination of the school Reconsideration Committee, they may appeal to the Central Instructional Materials Committee. The appeal must be made in writing to the Superintendent with a copy to the Director of Library Media Services within twenty 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 Instructional Materials Committee if there are concerns about whether the removal was lawful.

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

1. Senior Director for Digital Learning and Libraries or designee

2. Two Senior Administrators for Subject Area

3. Senior Director for K-12 Curriculum Development or designee

4. Area Superintendent for the school at which the challenge was filed

5. Representative from the Office of Equity Affairs

6. School administrator representing appropriate level and area

7. School library media coordinator representing appropriate grade level and area

8. Minimum of two parents/guardians representing appropriate grade level and area

9. Additionally, the Superintendent or designee may, in his or her discretion, appoint up to 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 Instructional Materials Committee should not be employed by or directly affiliated with the school at which the challenge was filed.

Once appointed, the Central Instructional Materials Committee will have thirty 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 make a determination on the appeal.

The superintendent or designee may extend the thirty-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 Instructional Materials Committee for the challenged material is binding for two 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-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 Instructional Materials Committee, they may appeal to the Wake County Board of Education. The appeal must be made in writing to the Board Chair with a copy to the Director of Library Media Services and Superintendent within twenty days of receiving the recommendation of the Central 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 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).~~

~~D. PARENTAL/GUARDIAN RESTRICTIONS ON STUDENT ACCESS TO SCHOOL LIBRARY BOOKS~~

~~Any request by a student's parent/guardian that the student be prohibited from borrowing certain library books will automatically be granted. For purposes of this policy, library books are defined as all instructional materials, other than textbooks, that are available at a school, whether in the school library or in a classroom or other space, for independent use by students and school personnel outside of the standard course of study for any grade or course. The titles of all library books at a school may be accessed through a searchable web-based catalog displayed on the homepage of the school's website.~~

~~To request that a book in the school library collection be prohibited for a student, the parent/guardian must use the parent portal in the library management software system to identify the library book(s) that the student may not borrow.~~

~~To request that a book in a classroom library be prohibited for a student, the parent/guardian must submit the request in writing to the principal and applicable teacher(s) to identify the specific book that the student may not borrow by title, author, and ISBN.~~

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; G.S. 115C-45, -47, -76.25(a)(5), -76.35(b), -76.40, ~~-81,~~ ~~-81.30,~~ -85.1, -98, -98.1, -98.5, -101

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