

Policy 2530: Learning Materials Review and Reconsideration 

Status: DRAFT - 1st
Reading

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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 the Board disagrees with the subject matter, unless such ideas are in violation of I.C. 18-1514. The First Amendment to the US Constitution encompasses not only freedom to share one's views, but also freedom to receive information.

Any parent/guardian of a District student, any District student, or any employee of the District, 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 the Board-approved curriculum, but shall also be considered to be any material used in classroom instruction, materials available to students in the classroom, library/media center student materials, or any materials to which a teacher might refer a student as part of the course of instruction.

SECTION 1. CRITERIA FOR CHALLENGED RESOURCES

1.1 The major criterion for deciding whether to keep or remove a challenged resource 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/media center 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" provided below.

For the purposes of this policy, the term "harmful to minors" has the meaning provided in I.C. 18-1514 and I.C. 18-1517B:

"Harmful to minors" includes in its meaning:

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 sado-masochistic 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:

i. Intimate sexual acts, normal or perverted, actual or simulated; or

ii. Masturbation, excretory functions or lewd exhibition of the genitals or genital area. Nothing herein contained is intended to include or proscribe any matter which, when considered as a whole, and in context in which it is used, possesses serious literary, artistic, political, or scientific value for minors.

1.2 No library/media center material shall be removed solely because of the ideas expressed therein.

SECTION 2. COMPLAINTS REGARDING LEARNING MATERIALS

2.1 Parents/guardians may request that specific library/media center books or materials not be checked out to their child.

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

2.3 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/guardian an alternative instructional resource to be used by that parent's/guardian's child in place of the challenged resource in a manner that complies with Policy 2425 Parental Rights.

2.4 All informal complaints made to staff members of the District shall be reported by the staff member in writing to the building principal, whether received by telephone, letter, or in personal conversation.

2.5 Every effort will be made to resolve the matter informally at the building level. If the complaint is not resolved at the building level, a formal challenge may be submitted.

SECTION 3. FORMAL CHALLENGE PROCESS OR REQUEST FOR REMOVAL

3.1 An eligible complainant who wishes to make a formal challenge, must submit their complaint in writing to the principal of the school using form 2530F1 Reconsideration of Learning Materials.

3.2 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 advisory committee.

3.3 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.

3.4 The building principal shall forward a copy of the complaint form to the Superintendent.

3.5 Upon receipt of a completed Reconsideration of Learning Materials Form (2530F1), the building principal shall convene an advisory committee to consider the complaint. This committee shall consist of:

1. Superintendent/designee;
2. Librarian/Media Center Specialist from the school involved;
3. One (1) Teacher from the school involved; and
4. Library Media Manager, if appropriate.

3.6 The person initiating the formal challenge may not be a member of the advisory committee, but a committee member may contact the complainant for further clarification, at the committee's discretion.

3.7 Learning materials that are under review shall be temporarily removed from the school library/media center and/or classroom pending the formal challenge determination.

SECTION 4. ADVISORY COMMITTEE MEETING

4.1 The committee will meet within ten (10) school days of receipt of the completed reconsideration form.

4.2 All members of the committee shall review the challenged resource.

4.2.1 For library/media center materials or classroom library resources, the resource in question must be read or reviewed in full by each committee member.

4.2.2 For materials that are a part of material resources used in classroom instruction, the teacher shall present to the committee on its role within the classroom. Passages or parts of the work in context 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.

4.3 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/media center materials, it shall include a recommendation to:

- Retain the material in its present location; or
- Retain the material for use on reserved or restricted status; or
- Retain the material under certain conditions; or
- Remove the material from use.

4.4 The committee shall prepare a written report of its findings and the committee's recommendations on the disposition of the matter.

4.5 The committee shall deliver a copy of the disposition report to the building principal.

4.6 The building principal shall notify the complainant of the decision within five (5) school days of the committee's

recommendation and forward the committee's recommendation report to the Superintendent/designee.

4.7 If the complainant is not satisfied with the committee's decision, they may appeal the decision in writing to the Superintendent within five (5) school days of the issuance of the committee's decision. The Superintendent shall render a decision within ten (10) school days.

4.8 If the complainant is not satisfied with the Superintendent's decision, they may appeal the decision in writing to the Board within five (5) school days of the issuance of the Superintendent's decision.

4.9 If an appeal of the Superintendent's decision is made to the Board, the Board has the sole discretion in determining how to handle to 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.

SECTION 5. MATERIAL REMOVAL INFORMATION

5.1 School staff shall be informed by the Superintendent/designee of the decision to remove any materials from the District's libraries/media centers and/or classrooms and shall no longer use those items.

2530F1 Learning Materials Reconsideration Request Form

2530F2 Learning Materials Reconsideration Recommendation by Library/Media Center Advisory Committee

Supporting Documents



[Policy 2530F2 Learning Materials Reconsideration Advisory Committee Recommendation](#)



[Policy 2530F1 Learning Materials Reconsideration Request Form](#)

Supporting Links

Library Bill of Rights - <https://www.ala.org/advocacy/intfreedom/librarybill>

Idaho Commission for Libraries - <https://libraries.idaho.gov/>

Idaho Code § References

18-1514(6)

Description

[Obscene Materials - Definitions](#)

18-1517B

[Children's School and Library Protection Act](#)

Cross References

2425

Description

[Parental Rights](#)

2500

[Library/Media Center Materials](#)



**LEARNING MATERIALS RECONSIDERATION
RECOMMENDATION BY LIBRARY/MEDIA CENTER
ADVISORY COMMITTEE**

Title of Material: _____ Date _____

Author(s): _____

Format: _____

Publisher/Producer: _____

Edition: _____

School(s): _____

In review of the complaint filed on _____ by _____
(date) (name of person)

The committee by a vote of _____ to _____ recommends:

- Retaining the material for use in its present location
- Retaining the material for use on reserved or restricted status
- Retaining the material under the following conditions:

- Withdrawing the material from use

Rationale for recommendation: _____

Additional comments: _____

Committee Names (printed):

Signatures:



LEARNING MATERIALS RECONSIDERATION REQUEST FORM

To request reconsideration of library/media center or other learning materials, please return the completed form to the building principal.

Name: _____ Date of request: _____

Phone: _____ Cell Phone: _____

Email Address: _____

Please check one of the following statements:

- I am a student enrolled in the Caldwell School District.
- I am the parent/guardian of a student enrolled in the Caldwell School District.
- I am an employee of the Caldwell School District.

Resource on which you are commenting

Type of material (audiovisual, book, magazine, etc.): _____

Title: _____

Author/Producer: _____

What brought this title to your attention? _____

Please comment on the resource as a whole as well as being specific on those matters which concern you.

Optional

What resource(s) do you suggest that could be made available to provide additional information on the topic?

1. Additional Comments: _____

2. What action would you like the District to take concerning this material? Please indicate applicable actions that you would support.

- Do not allow my child to view/read/listen to the material.
- Retain the material for use on reserved or restricted status.
- Withdraw the material from use by all students.
- Other action _____

Complainant's Signature