

Regulation 605.03-R(1): Objection to Instructional and Library Materials - Reconsideration of Instructional Materials Regulation **Status: ADOPTED**

Original Adopted Date: 01/14/2013 | **Last Revised Date:** 08/14/2023 | **Last Reviewed Date:** 01/09/2023

A. A member of the school district community may raise an objection to instructional materials used in the school district's education program. While the individuals recommending the selection of such material were duly qualified to make the selection and followed the proper procedure and observed the criteria for selecting such material; the district must be ready to acknowledge that an error in selection may have been made despite this process. School employees regularly read great numbers of reviews in the selection process, and occasional errors are possible.

1. The complainant will address the complaint at the lowest organizational level of licensed staff. Often this will be the classroom teacher.

2. The school official or employee receiving a complaint regarding instructional or library materials will try to resolve the issue at the lowest organizational level. The materials generally will remain in use pending the outcome of the reconsideration procedure.

a. The school official or employee initially receiving a complaint will explain to the individual the district's selection procedure, criteria to be met by the instructional materials, and qualifications of those persons selecting the material.

b. The school official or employee initially receiving a complaint will explain to the individual the role of the objected material in the education program, its intended educational purpose, and additional information regarding its use. In the alternative, the employee may refer the individual to the teacher-librarian who can identify and explain the use of the material.

c. The school official or employee receiving the initial complaint will direct the complainant to complete the Request for Reconsideration of Instructional and Library Materials Form, and notify the building level principal of receipt of the complaint within two school days after the reconsideration form is received. Schools officials will offer to assist the complainant in completing the form, but if a complainant refuses to complete the form, the complaint will be deemed invalid and no further action taken.

B. Request for Reconsideration

1. A member of the school district community may formally challenge instructional and library materials on the basis of appropriateness used in the school district's education program. This procedure is for the purpose of considering the opinions of those persons in the school district and the community who are not directly involved in the selection process.

2. Each attendance center and the school district's central administrative office will keep on hand and make available Request for Reconsideration of Instructional and Library Materials Forms.

3. The individual will state the specific reason the instructional or library material is being challenged. The Request for Reconsideration of Instructional and Library Materials Form is signed by the individual and filed with the building-level principal.

4. The building-level principal will promptly file the objection with the Superintendent for re-evaluation.

5. The Superintendent will convene a reconsideration committee within two weeks of receipt of the Reconsideration Form.

6. The committee will make their recommendation to the Superintendent within five school days of meeting.

7. The Superintendent will issue a decision related to the Reconsideration Request Form within 5 school days of receipt of the committee's recommendation. A copy of the Superintendent's decision will be provided to the complainant.

8. An appeal of the Superintendent's decision may be filed with the board secretary within five days of the Superintendent's decision. The board will determine whether to hear the appeal at the next regular meeting or within 30 days of the Superintendent's decision, whichever is later. If the board elects to hear the appeal, the board will act to affirm, modify or reverse the decision of the Superintendent. The board's decision will be communicated to the complainant. The board's decision will be deemed final.

9. Generally, access to challenged instructional material will not be restricted during the reconsideration process. However, in unusual circumstances, the instructional material may be removed temporarily by following the provisions of Section B.10.d. of this rule.

10. The Reconsideration Committee

- a. The reconsideration committee is made up of six to eight members.
 - (1) One licensed employee designated annually, as needed, by the superintendent.
 - (2) One teacher-librarian designated annually by the superintendent.
 - (3) One member of the administrative team designated annually by the superintendent.
 - (4) Three members of the community appointed annually, as needed, by the board.
- b. The committee will select their chairperson and secretary.
- c. The committee will meet at the request of the superintendent.
- d. Special meetings may be called by the board to consider temporary removal of materials in unusual circumstances. A recommendation for temporary removal will require a two-thirds vote of the committee.
- e. The committee may be subject to applicable open meetings and public records laws. Notice of the committee meeting is made public through appropriate communication methods as required by law.
- f. The committee will receive the completed Reconsideration Request Form from the superintendent.
- g. The committee will determine its agenda for the meeting which may include the following:
 - (1) Distribution of copies of the completed Reconsideration Request Form.

(2) An opportunity for the individual or a group spokesperson to talk about or expand on the Reconsideration Request Form.

(3) Distribution of reputable, professionally prepared reviews of the challenged instructional material if available.

(4) Distribution of copies of the challenged instructional material as available.

h. The Committee will determine whether interested persons, including the individual filing the challenge, may have the opportunity to share their views. The committee may request that individuals with special knowledge be present to give information to the committee.

i. The committee's final recommendation may be to take no removal action, to remove the challenged material from the school environment, or to limit the educational use of the challenged material. The sole criterion for the final recommendation is the appropriateness of the material for its intended educational use. The written final recommendation and its justification are forwarded to the superintendent, the complainant and the appropriate attendance centers.

j. The individual filing the challenge is kept informed by the Superintendent of the status of the reconsideration request throughout the reconsideration process. The individual filing the challenge and known interested parties are given appropriate notice of meetings as required by law.

k. Following the superintendent's decision with respect to the committee's recommendation, the individual may appeal the decision to the board for review.

l. A recommendation to sustain a challenge will not be interpreted as a judgment of irresponsibility on the part of the individuals involved in the original selection or use of the material.

m. Requests to reconsider materials which have previously been reconsidered by the committee must receive approval of two-thirds of the committee members before the materials will again be reconsidered.

n. If necessary or appropriate in the judgment of the committee, the committee may consolidate related challenges, or decline to hear multiple challenges to the same materials. Generally, the committee will not hear subsequent challenges to the same materials within the same school year.

I.C. Iowa Code

Iowa Code § 279.8

Iowa Code § 280.14

Iowa Code § 280.3

Iowa Code § 301

Iowa Code 279.74

Description

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I.A.C. Iowa Administrative Code

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