

## INSTRUCTION

### Procedure for Dealing with Challenged Educational Resources:

The primary purpose of this procedure is to secure, at the earliest level possible, equitable solutions to justifiable claims. This policy governs staff, administrators and board members as well as persons in the community.

#### **I. Procedure for Informal Resolution:**

The school receiving a complaint regarding educational resource shall try to resolve the issue informally.

- a. The complainant shall discuss their concerns with the person responsible for the challenged material (i.e., teacher, librarian) and the building principal/designee.
- b. If a resolution is not reached with the building principal/designee, the complainant will be given a packet consisting of the six items listed in the following documents:
  - Appropriate pages from District Curriculum Guides (complete guides available in building office, Teaching & Learning Department and on-line)
  - Selection and Adoption of Instructional Materials Policy (2311)
  - Selection of Library & Library Media Center Materials Policy Statement (2310)
  - Procedure for Dealing with Challenged Educational Resources (2313P)
  - Request for Reconsideration of Educational Resources form (2313F)
  - *Freedom to Read Statement, Freedom to View Statement, Library Bill of Rights*
- c. In accordance with Board Policy 2313, no questioned materials shall be removed or restricted from use. Pending the outcome of the request for reconsideration, however, access to questioned materials can be denied and /or alternative materials can be provided to the child (or children) of the parents making the complaint, if they so desire.
- d. If a resolution has not been reached between the complainant and the school, a formal complaint may be made using the form 2313F. (Request Form for Reconsideration of Educational Resources)

#### **II. Procedure for a Formal Challenge:**

When the formal request for reconsideration (2313F) is received by the building principal, the Challenged Materials Committee is convened and a decision is rendered in accordance with policy.

- a. Upon receipt of a completed reconsideration form, the principal in the building involved will request the Superintendent or his/her designee convene the Challenged Materials Committee. This committee shall consist of four people

- chosen by the Superintendent or designee and four people chosen by the Union representing the teachers. The committee shall meet to discuss the materials and prepare a report detailing their findings. The written report shall be submitted to the building principal with copies sent to the Superintendent and/or designee.
- b. The principal shall notify the complainant of the decision. If the committee recommends keeping the material that caused the complaint, the complainant shall be given the explanation written by the Challenged Materials Committee.
  - c. The written report shall be retained by the building principal.
  - d. The decision of the Challenged Materials Committee, in concurrence with the Superintendent, will be delivered to the complainant.
  - e. If the complainant is not satisfied, within 10 working days of receipt of the decision, he or she may appeal to the Superintendent. On receipt of a request for review, the Superintendent shall schedule a meeting between the parties. The parties will be afforded opportunity to either dispute or concur with the Challenged Materials Committee Report. The Superintendent will decide the matter within ten (10) days of the meeting and will notify the parties in writing of the decision. If the Superintendent agrees with the Challenged Materials Committee Report, the recommendation will be implemented. If the Superintendent rejects the Challenged Materials Committee Report, the matter may either be referred to an outside investigator for further review or be resolved by the Superintendent.
  - f. If the complainant is dissatisfied with the Superintendent's decision, the Board is the next avenue for appeal. A written appeal must be submitted to the Board within ten (10) working days of receiving the Superintendent's decision. Because the Board is the policy-making body of the District, any appeal to that level must be based solely on whether or not policy has been followed. Any individual appealing a decision of the Superintendent to the Board bears the burden of proving a failure to follow Board policy.

### **III. Guiding Principles**

- a. Any member of the community may raise objection to educational resources, despite the fact the individuals selecting such resources were duly qualified to make the selection, followed the proper procedure, and observed the criteria for selecting educational resources.
- b. Missoula County Public Schools supports the *Library Bill of Rights*, adopted by the American Library Association. When educational resources are challenged, the principles of the *Freedom to Read Statement*, and *Freedom to View Statement* must be considered.

### **IV. Responsibilities of the Challenged Materials Committee**

- a. Decisions should be based on the principles of the *Freedom to Read Statement*, *Freedom to View Statement* and/or the *Library Bill of Rights* rather than on defense of individual materials.

- b. All materials should be examined thoroughly. The general acceptance of the materials should be checked by consulting MCPS Curriculum Guidelines, standard selection tools, reviews, and local holdings in other schools.
- c. Passages or parts should not be pulled out of context. The values and faults should be weighed against each other and the opinions based on the materials as a whole.
- d. A written report will present the majority and minority opinions of the Challenged Materials Committee.
- e. The chairperson may report all formal challenges to the appropriate local, state and national professional organizations.

Procedure History:

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