

Hamilton County Board of Education

Monitoring: Annually, in November	Descriptor Term: Reconsideration of Instructional Materials and Textbooks	Descriptor Code: 4.403	Issued Date: 12/16/04
		Rescinded:	Revised: 12/13/18

- 1 A. The Board supports principles of intellectual freedom inherent in the First Amendment of the
- 2 Constitution of the United States¹ and expressed in the *Library Bill of Rights* of the American
- 3 Library Association.
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- 5 B. The Board, though it is ultimately responsible for all instructional material purchased, recognizes
- 6 the student's right of free access to many different types of materials. The Board also recognizes
- 7 the right of teachers and administrators to select instructional materials and to make those materials
- 8 available in the schools. It is therefore the policy of the Board to require instructional materials
- 9 selected for and used in the schools to be in accord with the following:
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 1. Instructional materials shall be chosen for values of interest and enlightenment of all students in
 - 12 the community. Instructional materials shall not be excluded because of the race, nationality,
 - 13 political or religious views of the writer or of its style and language.
 - 14 2. Every effort will be made to provide materials that present many points of view concerning the
 - 15 problems and issues of our times--international, national, and local. Instructional materials of
 - 16 sound factual authority shall not be proscribed or removed from library shelves or classrooms
 - 17 because of partisan or doctrinal approval/disapproval.
 - 18 3. Censorship of instructional materials will be discouraged in order to maintain the school's
 - 19 responsibility to provide information and enlightenment.
 - 20 4. Such media (films, videos, electronic media, etc.) should be used only to supplement, not
 - 21 supplant, other instruction. There must be a stated instructional purpose related to approved
 - 22 curriculum objectives to support the use of any media and any media in excess of 10 minutes
 - 23 must be pre-approved by the Principal.
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- 25 C. In accordance with number three above, the Board has adopted the following policy when dealing
- 26 with complaints about or censorship of instructional materials:
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 1. That the final decision concerning controversial instructional materials shall rest with the Board
 - 29 after careful examination and discussion of the instructional materials with school faculties or
 - 30 anyone else the Board wishes to involve;
 - 31 2. That no parent, group of parents, or non-school group has the right to determine the
 - 32 instructional materials for students other than their own children;
 - 33 3. The Board does, however, recognize the right of an individual parent to request that his child
 - 34 not have to use a given instructional material without being penalized academically, provided a
 - 35 written request is made to the Principal;
 - 36 4. Any parent or other citizen who wishes to request review or reconsideration of the use of any
 - 37 instructional material in the school must make such a request in writing through the Principal of
 - 38 the school where the material is used.
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- 40 D. Complainants who bypass the review/reconsideration procedure and who initially seek action from
- 41 the Board or Director of Schools shall be informed of the policy and instructed first to seek

1 solution to their problem with the involved teacher, librarian, or Principal. When a complaint is
2 made, the following procedure is to be followed:

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- 4 1. Provide the complainant with a copy of this policy and make no commitments.
- 5 2. Request the complainant to submit a "Request for Reconsideration of Instructional Materials"
- 6 form.
- 7 3. When a complaint is filed, the Principal and teacher will review the validity of the complaint.
8 The complaint will then be processed through the following steps to determine a final
9 resolution.
- 10 4. Inform the Director of Schools or a designee.
- 11 5. Keep challenged materials available for use and review during the reconsideration process.
- 12 6. Upon receipt of the completed form, the Principal requests review of the challenged material
13 within fifteen working days by an ad hoc materials review committee composed as follows:
 - 14 a. Appropriate Executive Director and/or Director of Teaching and Learning (will serve as
15 the chair of the committee);
 - 16 b. President of the PTA/PTO or other parent organization of the school involved;
 - 17 c. Principal of a county school serving the same grade levels as the school in which the
18 complaint was made;
 - 19 d. Board member (to be appointed by the Board Chair);
 - 20 e. HCEA Representative from the school.
- 21 7. The review committee takes the following steps after receiving the challenged materials:
 - 22 a. Reads, views, or listens to the material in its entirety.
 - 23 b. Checks general acceptance of the material by reading recognized evaluative reviews.
 - 24 c. Holds a hearing including complainant and any affected school employee.
 - 25 d. Determines the extent to which the material supports the curriculum.
 - 26 e. Judges the material for its strengths and values and/or objectionable content.
 - 27 f. Presents decision in writing to Principal, to the complainant, to affected school
28 employees, and to the Director of Schools (for information).
- 29 8. If the complainant or any affected school employee wishes further action after receiving the
30 decision of the committee, an appeal may be made to the Board within fifteen (15) working
31 days of the date of committee decision. This appeal should be made in writing to the Director
32 of Schools who shall schedule the matter on the agenda of the next regular meeting of the
33 Board. If no appeal is filed within the above deadline, the determination of the review
34 committee shall be final.
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36 The director of schools, or a designee, shall be responsible for the implementation of procedures
37 concerning complaints regarding instructional materials and textbooks.

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39 NOTE: This policy includes textbooks, library books, reference books, newspapers, magazines, films,
40 audio or videotapes, live or recorded radio or television programs, computer programs, etc. All
41 instructional materials and textbooks are covered within this policy.

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43 Legal References:

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- 45 1. Island Trees/Union Free School District v. Pico, 457 U.S. 853, 102 S. Ct. 2799 (1982)
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