

PARENTAL INSPECTION OF AND OBJECTION TO INSTRUCTIONAL 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.

A. PARENTAL/GUARDIAN RIGHT TO INSPECT MATERIALS

Parents/Guardians ~~have a right under federal law to may~~ inspect review all instructional materials, ~~as defined in policy 3200, Selection of Instructional Materials, that are used in their child's classrooms. Instructional materials which will be used in connection with any survey, analysis, or evaluation as part of any applicable federally funded programs as set forth in Board Policy 4720, Surveys of Students. The term "instructional materials" does~~ not include academic tests or assessments. Parents who would like to inspect and review instructional 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.

B. 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 to 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).

2. Challenges to Core Instructional Resources

This process shall apply when a parent/guardian seeks to challenge core instructional materials (as defined in Section B of Policy 3200 Selection of Instructional Material) used in their child's classroom.

The principal or their designee will provide the parent/guardian complainant with a copy of the form *Request for Reconsideration of Instructional Materials*. The parent/guardian 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 parent/guardian 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.

The principal shall provide a copy of the complaint and completed *Request for Reconsideration of Instructional Materials* form to the Superintendent with a copy to the Senior Director for K-12 Curriculum Development.

A challenge to a core instructional resource shall follow the same process outlined in Section B.1 above, except that it shall start at the level of the Central Instructional Materials Committee. Before any material is removed, the Central Instructional

Materials Committee shall ensure that the curriculum is still aligned with current statewide instructional standards and articulated from grade to grade.

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-45, -47, ~~-76.25(a)(5), -76.35(b), -76.40~~, -81, -81.30, -98, -101

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