

OSBA Model Sample Administrative Regulation

Code: IIA-AR(2)

Revised/Reviewed:

Reconsideration of Core Instructional Materials

Any staff member, student or their parent or guardian, or resident of the district may raise concern about core instructional materials¹ used in the district's educational program. This procedure is meant to provide a forum for those persons in the schools and the community who are not directly involved in the selection process. Access to materials under reconsideration will not be restricted during the reconsideration process.

Complaints alleging a material constitutes protected-class discrimination should be submitted through the district's discrimination complaint policy and procedures.

This reconsideration process will be completed in its entirety and not subverted or ended prematurely. The person making a request for reconsideration may withdraw their request at any time during the process.

1. Concern

- a. Concerns about core instructional materials should be submitted to the [principal]. If a staff member receives an informal inquiry, the staff member is to forward the inquiry to the [principal] [promptly].
- b. Any concern made to the [principal] about core instructional materials by any person(s) will be made known to the staff member(s) most directly involved with its use.
- c. The [principal] will arrange to meet with the person(s) with the concern [, and may include the staff member(s) most directly involved with its use,] in an effort to resolve the issue informally, within [15] days of receipt of the concern.
 - (1) The [principal] initially receiving a concern will explain to the person the district's selection procedure.
 - (2) The [principal] initially receiving a concern will explain to their best ability the particular place the material in question occupies in the educational program and its intended educational usefulness or include someone who can identify and explain the use of the material.
- d. The [principal] will inform the person(s) submitting the concern that if they are not satisfied with the outcome of the informal inquiry process above, they may file a written request for reconsideration of the material within [10] days of the conclusion of 1.c. The initial contact

¹ "Core instructional material," sometimes referred to as basal, means any organized system, which constitutes the major instructional vehicle for a given course of study, or any part thereof. Core instructional materials may include adaptive or personalized learning programs, digital textbooks, and print textbooks and are adopted and paid for by the district. Core instructional materials may include such instructional materials as a hardbound or a softbound book or books or sets or kits of print and non-print materials, including electronic and internet or web-based materials or media.

Concerns and requests for reconsideration of supplementary instructional materials or school or classroom library materials will be processed in accordance with the applicable administrative regulation.

from the person and any outcome of a meeting or conversation will be documented and maintained by the [principal].

2. Request for Reconsideration

- a. [A staff member, student or their parent or guardian, or resident of the district wishing to file a request for reconsideration of core instructional materials must complete Step 1 above prior to filing a request for reconsideration.]
- b. All requests for reconsideration will be in writing [on the form prepared for this purpose] [, signed by the complainant,] and must be submitted to the superintendent. All school offices will make forms available.
- c. Upon receipt of a written request for reconsideration, the superintendent [or designee] will appoint a reconsideration committee.
- d. The reconsideration committee will be made up of at least [five {²}] members:
 - (1) [One] teacher[s] designated [annually] by the superintendent [or designee];
 - ~~(2) [One school librarian designated [annually] by the superintendent [or designee];]~~
 - (3) [One administrator designated [annually] by the superintendent [or designee];]
 - (4) [[Two] members from the community ~~[having expressed willingness to serve on this committee]~~ appointed annually by the Board;]
 - (5) [One student selected [annually] by the ~~student council~~ administration.]

~~[The reconsideration committee may include other designated district personnel in discussions about complaints which relate to an underrepresented group or a protected class.]~~

[The committee selected will only serve to consider the material, which is the subject of the request for reconsideration, unless otherwise specified. After completion of the reconsideration committee's responsibilities, committee members will be returned to the pool.]

- e. The use of the material identified in the request for reconsideration will not be suspended during the reconsideration process. Materials will not be removed for discriminatory reasons.
- f. The reconsideration committee will convene to consider the request for reconsideration received by the district. The committee will receive the request for reconsideration and copies of related materials and instructions on procedure during this committee meeting.

3. Procedures for the Reconsideration Committee

- a. The procedures for the reconsideration committee are as follows:
 - (1) Select a chair [and a secretary]. [The chair of the committee will ~~not~~ be an employee of the district. The secretary will be an employee of the district];
 - (2) Be responsible for documenting all proceedings; adhering to Public Meetings Law, when required; and established procedures and guidelines; and preparing and representing the recommendations to the superintendent;
 - ~~(3) [Establish a calendar for review of the material;]~~
 - (4) Review copies of the request for reconsideration;

² {An odd number of members is recommended.}

- (5) [Review applicable materials such as a copy of the district or school mission statement; professional reviews of the materials being reconsidered, when available; state standards; and curriculum planning;]
 - (6) Review copies of material being reconsidered, as available;
 - (7) Consider the material’s suitability in the context of the original use and the context in which the request for reconsideration was made;
 - (8) Review the material under reconsideration in its entirety, considering the theme, concept, vocabulary, and illustrations as they apply to:
 - (a) The suitability of the material for the instructional objectives established for the lesson(s) in which it was used, including its presentation and follow-up;
 - (b) The material’s level of difficulty; and
 - (c) The age group(s) with which it was used.
- b. An opportunity will be provided to the person who filed the request and staff member(s) involved to offer oral or written testimony on the reconsideration; outside consultants, lay people, other staff members, or other individuals may be offered an opportunity to provide offer oral or written testimony on the reconsideration within such procedures and limitations as may be established by the chair with the consensus of the committee.
 - c. The person who made the request for reconsideration will be kept informed by the superintendent or designee concerning the status of the request throughout the committee process. The person and known interested parties will be given notice of committee meetings.
 - d. Every request for reconsideration will be acted upon by the committee. However, the committee may consider requests with similar concerns together.
 - e. Review and discuss possible options for decision, including:
 - (1) Continued use of the material as used, with no restrictions;
 - (2) Restricted or modified use of the material in terms of subject area, grade level, and/or districtwide, related to the specific request for reconsideration; or
 - (3) Removal of the material from the educational setting in which it was used.

[The reconsideration committee will consider the material’s suitability in the context in which the request for reconsideration was made.]

Following the discussion and review of possible options for recommendation, a committee member may offer a motion outlining the committee’s recommendation. Action will be taken on the motion and any subsequent motions within the procedures outlined above and consistent with Oregon law.

- f. The reconsideration committee’s final recommendation will be issued within [45] days of receipt of the request by the district.

The written recommendation and its justification from the committee will be forwarded to the superintendent within [seven] days of issuance of the recommendation. Within [seven] days of receipt of the recommendation by the superintendent, a copy of the recommendation will be sent by the superintendent or designee to the person who requested the reconsideration and to the Board.

g. Procedures for voting:

- (1) A quorum³ will be present to act upon any business to come before the committee.
- (2) All outcomes of motions and votes by name will be recorded and reported in the minutes of the meeting(s).
- (3) Only votes of the members present at the time of the vote will be recorded⁴.
- (4) A vote in the affirmative from a majority of those present is required for a motion to pass.

4. Board Review

The Board will review the final recommendation and announce its decision at a Board meeting. If the Board's decision is contrary to the committee's recommendation, the reasons will be communicated, in writing, to the superintendent. The Board's decision, at minimum, should include a reference to grade level and subject area, for which the subject material can be used, if any. The Board will issue a decision within [30] days of receipt of the reconsideration committee's recommendation. The district will provide a copy of the Board's decision to the person who requested the reconsideration.

The timelines may be modified by the district based on the availability of staff and/or committee participants. Notice of a modified timeline must be provided to the person who made the request, and the staff member(s) involved.

Requests for reconsideration of the same material will not be accepted for at least [two] calendar year[s] following issuance of a decision on said material.

³ A "quorum" is a majority (one-half of an odd number of members rounded up to the next whole number; one-half of an even number of members plus one). A quorum of a five-member committee is three; a quorum of a six-member committee is four; a quorum of a seven-member committee is four.

⁴ Committee members may attend virtually. Members attending virtually are considered present for quorum and voting purposes.