

5.6—CHALLENGE TO INSTRUCTIONAL/SUPPLEMENTAL MATERIALS

Definitions

"Curriculum" means the sequences of public school student learning expectations, pacing, materials, and resources that are used to teach the Arkansas academic standards and the processes for evaluating mastery of the Arkansas academic standards at particular points in time throughout the kindergarten through grade twelve (K-12) educational program.

"Gender identity" means the same as is used in the Diagnostic and Statistical Manual of Mental Disorders, Fifth Edition, which defines it as a category of social identity and refers to an individual's identification as male, female, or, occasionally, some category other than male or female.

"Instructional material" means instructional content that is provided to a public school student, regardless of its format, that includes without limitation printed or representational materials, audio-visual materials, and materials in electronic or digital format, such as materials accessible through the internet; however, instructional material does not include academic tests or academic assessments.

"Sexual orientation" means an individual's actual or perceived orientation as heterosexual, homosexual, or bisexual.

Instructional and supplemental materials, including classroom events or activities associated with classroom instruction, are selected for their compatibility with the District's educational program and their ability to help fulfill the District's educational goals and objectives. A parent, legal guardian, person having lawful control of a student, or person standing in loco parentis to a student wishing to challenge or express concerns about instructional or supplemental materials, including classroom events or activities associated with classroom instruction, may do so by filling out a *Challenge to Instructional Material* form available in the school's office.

The contesting individual may present a copy of the form to the principal and request a conference be held at a time of mutual convenience. Prior to the conference, the principal and library media specialist will review the specific item to confirm that it meets the selection criteria. If the principal and library media specialist agree that the specific item fails to meet the selection criteria, the material will be removed from circulation at that time. Should a conference be necessary, the principal shall explain to the contesting individual the criteria used for the selection of the material and its relevancy to the educational program as well as any other pertinent information in support of the use of the material.

Following the conclusion of the meeting, a committee to reevaluate the material in question shall be appointed by the principal;

- a. This committee should consist of:
 - (1) District-level administrator;
 - (2) Building-level administrator;
 - (3) Teacher from the subject area in question;
 - (4) Parent/guardian representative; and
 - (5) Library media specialist.
- b. Within 3 weeks of receipt of the written complaint, a fact-finding committee will meet and:
 - (1) Receive copies of the challenged material.

- (2) Read and/or examine the material.
- (3) Weigh values and faults of the challenged material.
- (4) Call in consultant(s) to review materials in particular subject areas, if needed.
- (5) Discuss and prepare a report presenting both majority and minority opinions.
- (6) Send copies of the report to (1) contesting individual, (2) Superintendent, or designee, and (3) principal of the school involved.

If the contesting individual is not satisfied with the principal's response, the individual may request a meeting with the Superintendent, or designee, where the individual shall present the same *Challenge to Instructional Material* form previously presented to the principal. The Superintendent, or designee, shall explain to the contesting individual the criteria used for the selection of the material and its relevancy to the educational program as well as any other pertinent information in support of the use of the material.

Following the conclusion of the meeting, the Superintendent, or designee, shall have five (5) working days to write a summary of the concerns expressed by the individual and the Superintendent's, or designee's, response to those concerns. The Superintendent, or designee, shall create a file of his/her response along with a copy of the principal's response and a copy of the contesting individual's *Challenge to Instructional Material* form.

If, after meeting with the Superintendent, or designee, the contesting individual is not satisfied with the Superintendent's, or designee's, response regarding the appropriateness of the instructional or supplemental material, he/she may appeal the Superintendent's, or designee's, decision to the Board. The Superintendent, or designee, shall present the contesting individual's *Challenge to Instructional Material* form to the Board at the next regularly scheduled meeting along with the written responses to the challenge. The Board may elect, if it so chooses, to hear brief verbal presentations from the parties involved in the challenge.

The Board shall decide at that meeting or their next regularly scheduled meeting whether to retain the material, limit the availability of the material, or remove the material from the school. The Board's primary consideration in reaching its decision shall be if the instructional and supplemental materials, including classroom events or activities associated with classroom instruction, are:

- Misleading;
- Factually inaccurate; or
- Otherwise inappropriate for the intended educational use.

In addition to the notification requirements under Policy 5.5 and all other challenge rights under this Policy, parents and legal guardians may opt their students out of any of the following by submission regardless of whether any of the listed items are offered as part of a sex education class or program or as part of any other class, activity, or program except when the item is directly related to a requirement under the Arkansas academic standards; a District employee is responding to questions posed by students during class regarding sex education, sexual orientation, or gender identity as it relates to a topic of instruction; or a District employee refers to the sexual orientation or gender identity of a historical person, group, or public figure when such information provides necessary context in relation to a topic of instruction:

- a. Curricula;
- b. Materials;

- c. Tests;
- d. Surveys;
- e. Questionnaires;
- f. Activities; and
- g. Instruction of any kind.

Students who are excused under this Policy from participating in any or all portions of items a-g above shall not be penalized for grading purposes if the student satisfactorily performs alternative lessons related to health.

The same notification requirements and opt out options as above for gender identity and sexual orientation shall apply to the sexual abuse and assault and human trafficking prevention education the District provides to students.

The rights provided to parents under this Policy transfer to the student when the student turns eighteen (18) years old.

Legal References: 20 USC 1232h
 A.C.A. § 6-16-155
 A.C.A. § 6-16-157
 A.C.A. § 6-16-1006

Additional Reference: ASBA Model Policies

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