

OSBA Model Sample Administrative Regulation

Code: IIA-AR(3)

Revised/Reviewed:

Reconsideration of Supplemental Instructional Materials

Any staff member, student or their parent or guardian may raise concern about supplemental 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 may 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 reconsideration request at any time during the process.

1. Concern

- a. Any concern made regarding supplemental instructional materials by any staff member, student or their parent or guardian, or resident of the district will be made known to the principal.
- b. The principal will arrange to meet with the person(s) with the concern in an effort to resolve the issue informally, within 15 days of receipt of the concern.
- c. The principal 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 the person is not satisfied with the outcome of the informal inquiry, they may file a written request for reconsideration within 10 days of the conclusion in 1.b. The initial contact 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, wishing to file a request for reconsideration of supplemental 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 principal. If a request for reconsideration involves more than one material, a separate form must be completed for each material and will be addressed one at a time in the order received. All school offices will make forms available.

¹ "Supplemental instructional materials" means instructional materials used as part of the course of study, which are not part of the core instructional materials. They contain materials to supplement and/or differentiate core instruction and are generally teacher selected. These materials are not adopted by the Board. Materials required or assigned to be used as part of a class may be considered supplemental instructional materials, regardless of the source or location of the material.

- c. Upon receipt of a written reconsideration request, the principal] will appoint a reconsideration committee.
- d. 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.

3. Reconsideration Committee

- a. The reconsideration committee shall be made up of at least seven members:
 - (1) Three teachers designated by the superintendent or designee and will be from the grade level or subject of the material under reconsideration;
 - (2) One administrator designated by the superintendent or designee;
 - (3) Two parents/guardians or members from the community willing to serve on this committee appointed by the Board;
 - (4) One student willing to serve on this committee selected by the principal.

The person(s) that made the request for reconsideration cannot serve on the committee. The reconsideration committee may include equity, Title IX, and/or Section 504 personnel in discussions about concerns 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.

4. Procedures for the Reconsideration Committee

- a. Select a chair;
- b. The district will provide a staff member to keep minutes of the committee.
- c. Every request for reconsideration will be acted upon by the committee. However, the committee may consider requests with similar concerns together.
- d. Review applicable materials such as a Policy IIA, a copy of the district or school mission statement, professional reviews of the materials being reconsidered, when available, state standards and curriculum planning.
- e. Be responsible for documenting all proceedings; adhering to established procedures and guidelines; and preparing and representing the recommendations to the superintendent or designee.
- f. Establish a calendar for review of the material.
- g. Review the material under reconsideration in its entirety, considering the theme, concept, vocabulary, and illustrations (if any) as they apply to:
 - (1) 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;
 - (2) The alignment of the material with the standards and curriculum;
 - (3) The material's reading level and intended audience (literary level to comprehend the words as opposed to difficult topics);
 - (4) The suitability of the material for the students it was used with; and
 - (5) Professional review sources for the title/material, when available.
- h. 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 oral

or written testimony on the reconsideration within such procedures and limitations as may be established by the committee.

- i. The person who made the request will be kept informed by the principal or designee concerning the status of the request throughout the committee process. The person and known interested parties will be given notice of such meetings.
- j. 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, districtwide, related to the specific request];
 - (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.

The written recommendation and its justification from the committee will be forwarded to the principal 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 made the request for reconsideration and to the Board.

k. Procedures for voting:

- (1) A quorum² will be present to act upon any business to come before the committee.
- (2) All outcomes of motions and votes 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 recorded³.
- (4) A vote in the affirmative from a majority of those present is required for a motion to pass.

- l. The decision from the reconsideration committee will be issued within 45 days of receipt of the written request for reconsideration by the principal. The response to the request for reconsideration will include the committee's decision and information regarding an appeal to the superintendent. The decision will be copied to the involved parties, including the principal.

5. Appeal to the Superintendent

² 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.

³ Committee members may attend virtually. Members attending virtually are considered present for quorum and voting purposes.

A decision from the reconsideration committee may be appealed by the person who requested the reconsideration to the superintendent by submission of the appeal to the superintendent within 15 days from issuance of the committee's decision. A copy of all procedural documents, recommendations, and decisions will be made available to the superintendent. The superintendent should review whether the correct procedure was followed. If the correct procedure was followed, the decision of the committee should be affirmed. The superintendent will issue a written decision to the involved parties within 30 days of receipt of the appeal.

If an appeal is made, the decision made by the reconsideration committee remains in effect until the appeal is decided.

The timelines in this administrative regulation 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 staff member(s) involved.

Requests for reconsideration of the same materials will not be accepted for at least two calendar years following issuance of a decision on those materials.