5.5—SELECTION/INSPECTION OF INSTRUCTIONAL 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 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.

The use of instructional materials, including classroom events or activities associated with classroom instruction, beyond those approved as part of the curriculum must be compatible with school policies. If there is uncertainty concerning the appropriateness of supplemental materials, the personnel desiring to use the materials shall get approval from Director prior to putting the materials into use.

All instructional materials, including classroom events or activities associated with classroom instruction, used as part of the educational curriculum of a student shall be available for inspection by the parents or guardians of the student.

Parents or guardians wishing to inspect instructional materials used as part of the educational curriculum for their child may schedule an appointment with the Director at a mutually agreeable time. Parents/guardians wishing to challenge the appropriateness of any instructional materials shall follow the procedures outlined in Policy 5.6—CHALLENGE OF INSTRUCTIONAL/SUPPLEMENTAL MATERIALS.

In addition to all other inspection rights under this policy, the following shall be made available for inspection 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;

1. Curricula;
2. Materials;
3. Tests;
4. Surveys;
5. Questionaires;
6. Activities; and
7. Instruction of any kind.

Except when directly related to a requirement under the Arkansas academic standards; a School employee 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 School 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, the School shall provide written notification to parents and legal guardians of their ability to exercise their rights under this policy to review items A-G above or to challenge and/or opt their student out of items under A-G above as permitted under Policy 5.6. The School’s notification method shall ensure that the School receives a confirmation of the written notification receipt from parents and legal guardians.

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 School provides to students.

The rights provided to parents under this policy transfer to the student when he/she turns eighteen (18) years old.

**Note:** This policy is to be developed in conjunction with parents.

Legal Reference: 20 USC § 1232h

 A.C.A. § 6-16-1525

 A.C.A. § 6-16-157

 A.C.A. § 6-16-1006

Date Adopted: May 13, 2012

Last Revised: June 29, 2023

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, Insstructional 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 school’s educational program and their ability to help fulfill the school’s educational goals and objectives. Individuals 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 Assistant Director and request a conference be held at a time of mutual convenience. Prior to the conference, the Assistant Director shall consult with the teacher regarding the contested material. In the conference, the Assistant Director 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.2

Following the conclusion of the meeting, the Assistant Director shall have five (5) working days to write a summary of the concerns expressed by the individual and the Assistant Director’s response to those concerns to the Director.1

If the contesting individual is not satisfied with the Assistant Director’s response, the individual may, after the five (5) working day period, request a meeting with the Director where the individual shall present the same *Challenge to Instructional Material* form previously presented to the Assistant Director. The Director 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.2

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

If, after meeting with the Director, the contesting individual is not satisfied with the Director’s response regarding the appropriateness of the instructional or supplemental material, he/she may appeal the Director’s decision to the Board. The Director 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 of form 5.6F2 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 School 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 School 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:

1. Curricula;
2. Materials;
3. Tests;
4. Surveys;
5. Questionaires;
6. Activities; and
7. 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 School provides to students.

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

Notes: This policy is to be developed in conjunction with parents.

**1** If your district has a curriculum coordinator or education director you might choose to have the process proceed to him/her if not resolved by the principal to the satisfaction of the contestant before having the appeal proceed to the Superintendent.

**2** Because the removal of instructional material can involve First Amendment Free Speech issues, ASBA advises the district seek legal advice. This can be done at whatever challenge level you choose, but should certainly be done at least by the time it reaches the board.

Legal Reference: 20 USCS 1232h

 A.C.A. § 6-16-155

 A.C.A. § 6-16-157

 A.C.A. § 6-16-1006

Date Adopted: September 10, 2002

Last Revised: June 29, 2023

5.6F—REQUEST FOR RECONSIDERATION OF INSTRUCTIONAL OR SUPPLEMENTAL MATERIALS, EVENTS, AND ACTIVITIES

**Name: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**Date submitted: level one \_\_\_\_\_\_\_\_ level two \_\_\_\_\_\_\_level three \_\_\_\_\_\_\_**

**Reasons for contesting the material, event, or activity (be specific):**

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**What is your proposed resolution?**

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**Signature of Assistant Director\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**Signature of Director\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

Date Adopted: September 10, 2002

Last Revised: June 28, 2021

**5.7—SELECTION OF LIBRARY/MEDIA CENTER MATERIALS**

The ultimate authority for the selection and retention of materials for the schools’ media centers rests with the Board of Education who shall serve as a final arbiter in resolving a challenge to any media center materials. Director shall make the initial selections in consultation with school and school licensed staff. Materials selected shall be in accordance with the guidelines of this policy.

The purpose of the schools’ libraries/media centers is to supplement and enrich the curriculum and instruction offered by the school. Promoting the dialogue characteristic of a healthy democracy necessitates the maintenance of a broad range of materials and information representing varied points of view on current and historical issues. In the selection of the materials and resources to be available in each library/media center consideration will be given to their age appropriateness. Materials should be available to challenge the different interests, learning styles, and reading levels of the school’s students and that will help them attain the school’s educational goals.

**Selection Criteria**

The criteria used in the selection of media center materials shall be that the materials:

1. Support and enhance the curricular and educational goals of the school;
2. Are appropriate for the ages, learning styles, interests, and maturity of the schools’ students, or parents in the case of parenting literature;
3. Contribute to the examination of issues from varying points of view and help to broaden students understanding of their rights and responsibilities in our society;
4. Help develop critical thinking skills;
5. Are factually and/or historically accurate, in the case of nonfiction works and/or serve a pedagogical purpose;
6. Have literary merit as perceived by the educational community; and
7. Are technically well produced, physically sound (to the extent appropriate), and represent a reasonably sound economic value.

## Retention and Continuous Evaluation

Media center materials shall be reviewed regularly to ensure the continued appropriateness of the center’s collection to the school’s curriculum and to maintain the collection in good repair. Those materials no longer meeting the selection criteria, have not been used for a long period of time, or are too worn to be economically repaired shall be withdrawn from the collection and disposed of. A record of withdrawn media materials including the manner of their disposal shall be maintained for a period of three years.

**Gifts**

Gifts to the media centers shall be evaluated to determine their appropriateness before they are placed in any media center. The evaluation shall use the same criteria as for all other materials considered for inclusion in the media centers. Any items determined to be unacceptable shall be returned to the donor or disposed of at the discretion of the Director. The media centers shall have a list of desired items to give to prospective donors to aid them in their selection of materials to donate.

**Challenges:**

The parent, legal guardian, person having lawful control of a student, or person acting in loco parentis of a student affected by a media selection or a school employee may formally challenge the appropriateness of a media center selection by following the procedure outlined in this policy. The challenged material shall remain available throughout the challenge process.

Before any formal challenge can be filed, the individual contesting (hereinafter complainant) the appropriateness of the specified item shall request a conference with the Director. The complainant shall be given a copy of this policy and the *Request for Formal Reconsideration Form* prior to the conference. The meeting shall take place at the earliest possible time of mutual convenience, but in no case later than five (5) working days from the date of the request unless it is by the choice of the complainant.

In the meeting, the Director shall explain the selection criteria and how the challenged material fits the criteria. The complainant shall explain the complainant’s reasons for objecting to the selected material. If, at the completion of the meeting, the complainant wishes to make a formal challenge to the selected material, the complainant may do so by completing the *Request for Formal Reconsideration Form* and submitting it to the Assistant Director.

To review the contested media, the Director shall select a committee of licensed personnel including the Director as chair. The remaining committee members shall be licensed personnel with curriculum knowledge appropriate for the material being contested and representative of diverse viewpoints. The task of the committee shall be to determine if the challenged material meets the criteria of selection. No material shall be withdrawn solely for the viewpoints expressed within it and shall be reviewed in its entirety and not selected portions taken out of context.

The Director shall convene a meeting after a reasonable time for the committee members to adequately review the contested material and the *Request for Formal Reconsideration Form* submitted by the complainant. All meetings of the committee shall be open to the public. The complainant shall be allowed to present the complaint to the committee after which time the committee shall meet to discuss the material. The committee shall vote to determine whether the contested material shall be relocated within the media center’s collection to an area that is not accessible to minors. A member from the voting majority shall write a summary of the reasons for their decision. A notice of the committee’s decision and the summary shall be given (by hand or certified mail) to the complainant.

If the decision is to not relocate the material, the complainant may appeal the committee’s decision to the Board of Directors by filing a written appeal to the Director within five (5) working days of the committee’s decision or of written receipt of the decision. The Director shall present the original complaint and the committee’s decision along with the summary of its reasons for its position, to the Board within fifteen (15) days of the committee’s decision. The Board shall review the material submitted to them by the Director and make a decision within thirty (30) days of receipt of the information. The Board’s decision is final.

Legal Reference: A.C.A. S6-25-101 et seq.

Date Adopted: September 10, 2002

Last Revised: June 29, 2023

**5.7F—REQUEST FOR RECONSIDERATION OF LIBRARY/MEDIA CENTER MATERIALS**

Name: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Date submitted: \_\_\_\_\_\_\_\_\_\_\_\_\_\_

Media Center material being contested: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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Reasons for contesting the material. (Be specific about why you believe the material does not meet the selection criteria listed in policy *5.7—Selection of Library/Media Center Materials*):

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Signature of Assistant Director \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Signature of Director (if appealed) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Date Adopted: September 10, 2002

Last Revised: July 25, 2006