



Book	Policy Manual
Section	Section I - Instructional Program
Title	COMPLAINT ABOUT SUPPLEMENTARY MATERIALS/CHALLENGED SUPPLEMENTARY MATERIALS
Code	IIABB
Status	First Reading

COMPLAINT ABOUT SUPPLEMENTARY MATERIALS/CHALLENGED SUPPLEMENTARY MATERIALS

The Rockingham County School Board places with its teachers and librarians the responsibility for the selection, approval, and use of supplementary materials. Despite the care taken in selecting suitable and age-appropriate supplementary materials, and despite the qualifications and expertise of Rockingham County Public Schools teachers and librarians, the School Board recognizes that parents or guardians may object to certain materials, or certain materials may otherwise contain sexually explicit content. Therefore, the School Board establishes the following processes and procedures for parents and guardians to follow in expressing and resolving concerns about supplementary materials.

Sexually Explicit Content Complaint Procedure

Complaints about supplementary materials containing sexually explicit content will be presented in writing using the "Sexually Explicit Content Complaint Form" provided for in this Policy, which may be obtained from the principal, the central office, or the School Board policy manual on the RCPS website. The standard procedure of review for supplementary materials containing sexually explicit content shall be consistently applied in recognition of the respective rights and responsibilities of all concerned. Challenges will be submitted to building principals, but referred directly to the Content Review Committee ("CRC") for review. The CRC will review the challenged supplementary materials and provide a recommendation to the Superintendent. The Superintendent will review the CRC's recommendation and provide his or her own recommendation to the School Board. The School Board's decision will be final.

Procedure

A parent or guardian of a student who challenges the use of a Supplementary material, whether located in a classroom library, school library, or elsewhere, which purportedly contains sexually explicit content, should be given an explanation of the following procedure for challenged Supplementary Materials.

1. The principal should assist the complainant in filing a complaint by using the "Sexually Explicit Content Complaint Form." The principal should then submit the form and the challenged supplementary material to the Superintendent or designee.
2. The Superintendent or designee will convene the CRC to review the challenged supplementary material, prepare a written report, and submit its recommendation to the Superintendent. The CRC shall include seven (7) members, including: (i) a school librarian or teacher; (ii) an Assistant Superintendent; (iii) the Supervisor of Media Services; (iv) a member of the Superintendent's Parent Advisory Committee; and (v) three (3) parents, guardians, or other community members. The CRC will be appointed by the Superintendent at the beginning of the academic year and it will serve for the duration of that academic year including through the summer. The CRC will have up to ninety (90) days to review the challenged supplementary material and provide a recommendation to the Superintendent. The Superintendent will review the CRC's recommendation and provide his or her own recommendation to the School Board.
3. The School Board will make the final decision by instructing the principal to retain, modify, or remove the challenged supplementary material. The School Board's decision will apply to all schools within Rockingham County Public Schools, not just the school from where the complaint originated.

Supplementary Materials Complaint Procedure

Complaints about supplementary materials that do not otherwise contain sexually explicit content, will be presented in writing using the "Media Complaint Form" provided for in Policy IIAC, which may be obtained from the principal, the central office, or the School Board policy manual on the RCPS website. The standard procedure of review for supplementary materials shall be consistently applied in recognition of the respective rights and responsibilities of all concerned. Supplementary materials shall be considered for their educational suitability and shall not be proscribed or removed because of partisan or doctrinal disapproval. Challenges which are not resolved at the building level will be submitted to the Superintendent or designee. The Superintendent or designee's decision may be appealed to the School Board or reviewed at the School Board's request. The School Board's decision will be final.

Teachers and librarians will work with parents and guardians to ensure that their child's supplementary material selections are appropriate based on guidelines or preferences provided by the parent or guardian on a case by case basis.

Procedure

A parent or guardian of a student who challenges the use of a supplementary material that does not otherwise include sexually explicit content, whether located in a classroom library, school library, or elsewhere, should be given an explanation of the following procedure for challenged supplementary materials.

1. The complainant should be invited to have a conference with the principal and licensed employee responsible for the use of the challenged supplementary material to see if the matter can be resolved to the satisfaction of all parties. If the objection involves more than one school, all steps of this procedure will be handled by the Assistant Superintendent of Innovation and Learning.
2. If an agreement cannot be reached, the principal should assist the complainant in filing a formal complaint by using the "Media Complaint Form." The staff person should fill out the "Media Complaint Response Form."
3. Once the formal complaint has been filed, the principal shall convene and chair a committee including two (2) licensed faculty members and three (3) parents, guardians, or community members to review the supplementary material in question. The committee should work to provide a recommendation within thirty (30) days of receiving the "media complaint form" and the "media complaint response form." If this committee can agree on a recommendation acceptable to all parties as to the disposition of the challenged supplementary material, the principal will carry out the committee's recommendation. The principal will also file a written report of the committee findings with the Superintendent. Complainants may only file one complaint at a time.
4. If the complaint cannot be resolved to the satisfaction of the complainant, all relevant materials will be forwarded to the Superintendent. The complainant, principal, or staff person has ten (10) business days to challenge the recommendation from the school level committee. If a challenge is initiated, the Superintendent or designee will convene a division level committee to review the challenged supplemental materials. The division level committee will be composed of community members and Rockingham County Public Schools staff members and will review the challenged supplementary materials, the school level committee's report, and make a recommendation to the Superintendent or designee. The division level committee shall include seven (7) members including (i) a school librarian or teacher; (ii) an Assistant Superintendent; (iii) the Supervisor of Media Services; (iv) a member of the Superintendent's Parent Advisory Committee; and (v) three (3) parents, guardians, or other community members. The division level committee will have up to ninety (90) days to review the challenged Supplementary Materials and provide a recommendation to the Superintendent or designee.
5. The Superintendent or designee, after reviewing the report of the division level committee, may recommend that the challenged supplementary material be retained, modified, or removed. The complainant may accept the Superintendent or designee's recommendation, or otherwise seek the School Board's review of the challenged supplementary material. If the complainant seeks the School Board's review, the Superintendent or designee will provide a recommendation to the School Board. The complainant has ten (10) business days to challenge the recommendation from the division level committee and Superintendent or designee to the School Board.
6. The School Board will make the final decision by instructing the principal to retain, modify, or remove the challenged supplementary material. Any decision made by the Superintendent, designee, or School Board will apply to all schools within Rockingham County Public Schools, not just the school from where the complaint originated.
7. None of these provisions in any respect diminish the managerial responsibility and authority of the principal or designee to act as the decision-making leader of the school, and the responsibility and authority of the Superintendent or designee to act as the decision-making leader of Rockingham County Public Schools. These provisions reflect the Rockingham County School Board's initiative to provide parents and guardians a meaningful process for challenging supplementary materials that may not otherwise receive the same scrutiny as instructional materials and that do not otherwise contain sexually explicit content.
8. At their option, even if this policy is deemed by the principal or designee, or Superintendent or designee, to not apply to a particular situation in question, they may utilize the processes and procedures outlined in this policy.

Definitions

"Supplementary materials" and "supplementary material" is defined in School Board Policy IIAB.

"Sexually explicit content" is defined in Virginia Code § 2.2-2827 and School Board Policy IIA.

Adopted:

Legal Refs.: Code of Virginia, 1950, as amended, §§ 2.2-2827, 22.1-78

Constitution of Virginia, Article VIII, § 7

Newton v. Slye, 116 F. Supp. 2d 667 (W.D.Va. 2007)

Lee v. York County Sch. Div., 418 F. Supp. 2d 816 (E.D.Va. 2006)

Boring v. Buncombe County Bd. of Educ., 136 F.3d 364 (4th Cir. 1997)

<u>Cross Refs.:</u>	<u>IIA</u>	<u>Instructional Materials</u>
	<u>IIAB</u>	<u>Supplementary Materials</u>
	<u>IIABB</u>	<u>Complaint about Supplementary Materials/Challenged Supplementary Materials</u>
	<u>IIABB-F</u>	<u>Sexually Explicit Content Complaint Form</u>

IIAC
IIBE

Complaint about Curriculum or Instructional Materials/Challenged Materials
School Libraries/Media Centers

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