

Instruction

SUBJECT: OBJECTION TO INSTRUCTIONAL MATERIALS AND CONTROVERSIAL ISSUES

The Board recognizes the right of community members to voice concerns and objections about instructional materials and the discussion of controversial issues. This policy addresses how those concerns and objections can be raised.

Definitions

For purposes of this policy, the following definitions apply:

- a) "Controversial issues" means questions, subjects, or problems which can create a difference of opinion. They can include issues which may have political, social, environmental, or personal impacts on students and/or the wider community: locally, nationally, or internationally.
- b) "Instructional material" means any print or non-print material with instructional content or an instructional function that is used to facilitate formal or informal learning either in the classroom, library media center, or elsewhere in the BOCES. Examples of instructional materials include, but are not limited to: textbooks; workbooks; hardcover and paperback books; ebooks; online databases; DVDs; streaming videos; sound recordings; magazines; newspapers; pamphlets; pictures; charts; games; kits; maps; models; microforms; slides; specimens; and transparencies.
- c) "Library material" means any print or non-print material which is processed as part of the library media center for use by students and staff. Examples of library materials include, but are not limited to: hardcover and paperback books; ebooks; online databases; DVDs; streaming videos; sound recordings; magazines; newspapers; pamphlets; pictures; charts; games; kits; maps; models; microforms; slides; specimens; and transparencies.
- d) "Textbook" means a text, or a text-substitute, that a student is required to use in a particular class or program of the BOCES. Textbooks include:
 - 1. Books, or book substitutes, including hardcover or paperback books, workbooks, or manuals; and
 - 2. Courseware or other content-based instructional materials in an electronic format.

Objections to Instructional Materials

The Board has authority to prescribe curriculum in the BOCES and to designate the textbooks to be used in the BOCES. The parent of a student cannot compel the Board to use a particular textbook or discontinue the use of a particular textbook. Further, the BOCES may not be compelled to assign an alternate curriculum to a student based upon a parent's disapproval of classroom assignments. Students may be able to be excused from instruction in very limited circumstances outlined in law and regulation.

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SUBJECT: OBJECTION TO INSTRUCTIONAL MATERIALS AND CONTROVERSIAL ISSUES (Cont'd.)

Community members who have questions or concerns about library and/or instructional materials are encouraged to bring these questions and concerns to instructional staff and/or the school library media specialist(s).

Community members who wish to formally object to library and/or instructional materials must submit their objections in writing to the District Superintendent. BOCES staff or component district staff who object to library and/or instructional materials must follow the same process as all community members. Challenged library and/or instructional materials will remain in use and/or circulation until a final decision has been made. The Board will be informed of any objection the District Superintendent receives.

The District Superintendent will designate a review committee to investigate and evaluate the challenged instructional material. The committee will include, among others, the school library media specialist from the building where the objection originated and the building principal. The committee will evaluate the challenged material according to the BOCES' criteria for the evaluation and selection of instructional materials.

If a BOCES provided material is challenged at the component district level, the superintendent of the component district will forward all the relevant materials to the District Superintendent, so that the challenge and review process can proceed within the BOCES.

The District Superintendent will designate a review committee to investigate and evaluate the challenged library and/or instructional material. The committee will include representation from component district staff and BOCES staff and will be chaired by the School Library System Director. The committee will evaluate the challenged material according to the BOCES' criteria for the evaluation and selection of instructional materials.

The review committee will submit a written report of the results of their review to the District Superintendent within 60 days of receipt of the formal written objection.

Appeals of decisions by the review committee may be submitted in writing to the District Superintendent who will then submit the appeal to the Board for action.

If subsequent objections after an appeal are issued for the same material within a period of five years, the District Superintendent can deny the objection based on the previous review and decision.

The BOCES regional collection is intended to meet the needs of students and staff throughout the area. A successful objection from one district will not mean that materials are removed for all districts. Depending upon the materials in question, it may not be possible to remove collection materials for just one district or school.

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SUBJECT: OBJECTION TO INSTRUCTIONAL MATERIALS AND CONTROVERSIAL ISSUES (Cont'd.)

In accordance with Commissioner's regulations, each BOCES is required to establish and maintain a regional union catalog of the BOCES' online resources. If a materials is removed in a component district as a result of a successful challenge, it will not automatically be removed from the BOCES' regional union catalog.

Controversial Issues

Controversial issues may be studied as part of the curriculum. Instructional staff will present these issues in their classrooms in an impartial and objective manner. It is expected that a BOCES regional collection and the component district or BOCES program, both print and digital, will include items that are considered to be controversial.

Instructional staff wishing to call upon outside speakers to present on controversial issues are required to work with the building principal who will keep in mind the obligation to present balanced viewpoints. The building principal or program director will inform the District Superintendent of the presentation on the controversial issue prior to it occurring.

Any objection to how a controversial issue is being taught, including the use of a guest speaker, should be directed to the building principal or program director who will consult with appropriate instructional staff to address the objection.

If the objection is related to an instructional material being used in the teaching of a controversial issue, the process requesting reconsideration of library or instructional materials should be followed. Objections to instructional materials by community members must be submitted in writing to the District Superintendent. If the objection is related to the curriculum or New York State learning standards, the building principal or program director will address the matter with the individual(s) raising the objection.

Education Law Sections 701, 711, 809, 1604, 1709, 1804, 2503, and 3204
8 NYCRR Sections 16.2 and 135.3

NOTE: Refer also to Policies #8320 -- Textbooks, Library Materials, and Other Instructional Materials
#8360 -- Religious Expression in the Instructional Program

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