

<b>Hamilton County Board of Education</b>			
Monitoring:	Descriptor Term:	Descriptor Code:	Issued Date:
Annually, in November	<b>Reconsideration of Instructional Materials and Textbooks</b>	<b>4.403</b>	<b>12/16/04</b>
		Rescinded:	Revised:
			<b>08/17/23</b>

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 2 The Board supports principles of intellectual freedom inherent in the First Amendment of the  
 3 Constitution of the United States<sup>1</sup>.

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 5 The Board, though it is responsible for all instructional material purchased, recognizes the student's  
 6 right to free access to many diverse types of materials. The Board also recognizes the right of  
 7 teachers and administrators to select instructional materials and to make those materials available  
 8 in the schools. It is therefore the policy of the Board to require instructional materials selected for  
 9 and used in the schools to be in accord with the following:

- 10  
 11 1. Instructional materials shall be chosen for the values of interest and enlightenment of  
 12 all students in the community. Instructional materials shall not be excluded because  
 13 of race, nationality, political or religious views of the writer or of the style and  
 14 language.  
 15 2. Every effort will be made to provide materials that present many points of view  
 16 concerning the problems and issues of our times--international, national, and local.  
 17 Instructional materials of sound factual authority shall not be proscribed or removed  
 18 from library shelves or classrooms because of partisan or doctrinal  
 19 approval/disapproval.  
 20 3. Censorship of instructional materials will be discouraged to maintain the school's  
 21 responsibility to provide information and enlightenment.  
 22 4. Such media (films, videos, electronic media, etc.) should be used only to supplement,  
 23 not supplant, other instruction. There must be a stated instructional purpose related to  
 24 the approved curriculum objectives to support the use of any media and any media  
 25 more than 10 minutes must be pre-approved by the Principal.  
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27 In accordance with number three above, the Board has adopted the following policy when dealing  
 28 with complaints about our censorship of instructional materials:

- 29  
 30 1. That the final decision concerning controversial instructional materials shall rest with  
 31 the Board after careful examination and discussion of the instructional materials with  
 32 school faculties or anyone else the Board wishes to be involved;  
 33 2. That no parent or guardian, group of parents or guardians, or non-school group has the  
 34 right to determine the instructional materials for students other than their own  
 35 children;  
 36 3. The Board does, however, recognize the right of an individual parent or guardian to  
 37 request that his/her child not have to use the given instructional material without being  
 38 penalized academically, provided a written request is made to the Principal;

- 39 4. Any student, parent or guardian, or school employee who wishes to request review or  
 40 reconsideration of the use of any instructional material in the school must make such  
 41 a request in writing through the Principal of the school where the material is used.<sup>2</sup>  
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43 Complainants who bypass the review/reconsideration procedure and who initially seek action from  
 44 the Board or Director of Schools shall be informed of the policy and instructed first to seek solution  
 45 to their problem with the teacher, librarian, or Principal involved. Notwithstanding any other Board  
 46 policy, no one will be allowed to address the Board regarding the content of any book or other  
 47 instructional material until the procedures of this policy have been exhausted.  
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49 When a complaint is made, the following procedure is to be followed:  
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- 51 1. Provide the complainant with a copy of this policy and make no commitments.  
 52 2. Request the complainant to submit a "Request for Reconsideration of Instructional  
 53 Materials" Form, which is to be developed by the Administration.  
 54 3. When a complaint is filed, the Principal and teacher will review the validity of the  
 55 complaint. The complaint will then be processed through the following steps to  
 56 determine a final resolution.  
 57 4. Inform the Director of Schools or his/her designee.  
 58 5. Keep challenged materials available for use and review during the reconsideration  
 59 process.  
 60 6. Upon receipt of the completed form, the Principal requests a review of the challenged  
 61 material within twenty working days by an ad hoc materials review committee  
 62 composed as follows:  
 63 a. Appropriate Executive Director and/or Director of Teaching and Learning  
 64 (will serve as the chair of the committee);  
 65 b. President of the school's PTA/PTO or other parent or guardian representative  
 66 appointed by the principal;  
 67 c. Principal of a county school serving the same grade levels and in the same  
 68 learning community as the school in which the complaint was made; and  
 69 d. A teacher at a county school serving the same grade levels and in the same  
 70 learning community as the school in which the complaint was made.  
 71  
 72 7. The review committee takes the following steps after receiving the challenged  
 73 materials:  
 74 a. Reads, views, or listens to the material in its entirety.  
 75 b. Consider the material in light of the criteria set forth in Board Pol. No. 4.402,  
 76 Criteria for Selection or Reconsideration of Materials.  
 77 c. Holds a hearing including complainant and any affected school employee.  
 78 d. Determines the extent to which the material supports the curriculum.  
 79 e. Judges the material for its strengths and values and/or objectionable content.  
 80 f. Presents decision in writing to Principal, to the complainant, to affected  
 81 school employees, and to the Director of Schools (for information).  
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 83 8. If the complainant or any affected school employee wishes further action after  
 84 receiving the decision of the committee, an appeal may be made to the Board within

85           fifteen (15) working days of the date of the committee's decision. This appeal should  
86           be made in writing to the Director of Schools. The Board has the discretion to sustain  
87           the review committee on the record or to grant a new hearing. If no appeal is filed  
88           within the above deadline, the determination of the review committee shall be final.

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90   The Director of Schools, or his/her designee, shall be responsible for the implementation of  
91   procedures concerning complaints regarding instructional materials and textbooks. These  
92   administrative procedures should include consideration of whether to remove materials or  
93   textbooks from schools across the system based upon a sustained complaint at a particular school.

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95   NOTE: This policy includes textbooks, library books, reference books, newspapers, magazines,  
96   films, audio or videotapes, live or recorded radio or television programs, computer programs, etc.  
97   including any such materials that may be in a teacher’s classroom. All instructional materials and  
98   textbooks are covered within this policy

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105   Legal References:

- 106   1.   Island Trees/Union Free School District v. Pico, 457 U.S. 853, 102 S. Ct. 2799 (1982)  
107   2.   TCA 49-6-3803 (b)