

**Public Complaint Review Process
Public Concerns/Complaints About Instructional Materials**

Archuleta County School District 50 JT recognizes that some materials, even if they have educational merit, may not be suitable for inclusion in the instructional program of the school or in the library. Criticism of a book or other materials used in the schools may be expected from time to time. In such instances, the district has developed the following procedures it shall follow to address public concerns/complaints about instructional materials.

Criteria

When reviewing instructional materials for their continued use, the following criteria will be considered:

1. Contribute to the curriculum (as defined by the state standards) and support the interests of the students
2. Be appropriate for the subject area and for the age, emotional development, ability level, language levels, and for the social, emotional, and intellectual development of the students for whom the materials are selected
3. Provide a global perspective and promote diversity by including materials by authors and illustrators of all cultures
4. Be readily found in reviews and recommendations of standard selection sources, including professional journal reviews and award lists
5. Demonstrate the validity, accuracy, and appropriateness of the material, particularly for nonfiction
6. Contribute to the breadth of materials for students to study issues that have political, economic, or social significance and represent differing viewpoints on controversial issues and allow for critical analysis of issues
7. Exhibit a high degree of potential user appeal and interest, including recommendations from digital literacy partners, district personnel, students and staff
8. Meet high standards in literary, artistic, and aesthetic quality
9. For the selection of materials only: Include a variety of resources in physical and virtual formats including print and non-print such as electronic and multimedia (including subscription databases and other online products, e-books, educational games, and other forms of emerging technologies)
10. Demonstrate physical format, appearance, and durability commensurate with cost and/or need
11. Show timeliness or permanence of the content
12. Despite its inclusion of content or language that may be considered offensive—graphic depictions of violence or sex, for example—the relative literary value of the material as a whole outweighs its potential to offend.

Complaint Process

Complaints should be initiated by contacting the person at the building or department level who is responsible for the instructional material in question.

Generally, this would be the teacher, however, issues of broader application in the school should be brought to the principal directly.

Review at the initial level is informal and should follow a discussion format.

If the individual or group filing the complaint is not satisfied with the findings and recommendations presented by the principal, they may submit a formal request for reconsideration. This will involve completing the "Concerns/Complaints About Instructional Resources" public complaint form (KEC-E). A formal complaint shall be written, dated and signed, and submitted to the district as identified in KEC-E. Incomplete complaints will be rejected and the complainant will be required to resubmit their complaint. Any complaints not submitted in accordance with KEC-E will be rejected and the complainant will be required to resubmit their complaint.

Only parents of a student enrolled in the district, students enrolled in the district, residents of the district, vendors conducting official business with the district, and/or employees of the district may file a formal complaint within the same school year that the incident or concern that is the subject of the complaint occurred. Any complaint filed outside of this timeline shall not be considered. All complaints shall address one item per complaint. Any complaints addressing more than one item will be rejected and the complainant will be required to resubmit their complaint.

Complainants who bypass this review/reconsideration procedure and who initially seek action from the Board of Education shall be informed of policy KEC and this accompanying regulation and instructed first to seek solution to their problem with the person at the building or department level who is responsible for the instructional material in question. The Board will not consider a complaint about instructional resources unless the procedures outlined in policy KEC and this regulation are followed.

Committee Decision-Making Process

Following receipt of the formal complaint, the superintendent shall provide for a reevaluation of the material in question. The superintendent or designee will accomplish this by appointing a review committee composed of:

1. District administrators and/or principals, which may include the Director of Curriculum or their designee to act as the chair of the committee
2. District teachers
3. Members of the district's DAC or other parent or guardian representatives
4. Community members
5. Recent graduates, if available

The total number of committee members shall be set by the superintendent or designee as appropriate. If feasible, committee members shall represent the instructional level (elementary, middle school, high school) from which the challenge originated. The Committee will receive appropriate training on district policy and procedure and will evaluate complaints according to adopted policies of the district.

The committee will read and examine the resources in question and render its recommendation as to the appropriateness of the resources in a timely manner, which will usually be within ninety (90) days upon receipt of the complaint. If multiple complaints are simultaneously filed, the superintendent or designee shall adopt an appropriate review schedule based on the total number of complaints, the length of the instructional materials to review, and the order by which the complaints were filed.

The review committee shall take the following steps after receiving the complaint:

1. Read, view, or listen to the challenged material in its entirety
2. Consider the material in light of the criteria set forth in KEC
3. Hold a hearing including the complainant and any affected school employee (if applicable). If more than one complainant filed a formal complaint regarding the same material, the review committee may allow for multiple complainants to present their concerns to avoid holding multiple hearings. The Committee may establish time requirements and other procedures in connection with the hearing as necessary. The Committee may also request presentations from the supervisor and parties involved and other expert witnesses in the area, and it may accept statements from interested persons.
4. Make its recommendation using the consensus decision-making process
5. Present its report and recommendation, in writing, to the Superintendent or designee, affected staff members (if applicable), and to the complainant(s)

The superintendent will review the committee's report and recommendation. The superintendent or designee shall then make an administrative decision within a reasonable time, but generally not longer than thirty (30) working days based on the committee's report and recommendation, which shall be submitted to the committee, the affected staff members (if applicable), and the complainant. The superintendent or designee will provide appropriate information regarding any actions taken as the result of a request for consideration. This decision shall be final unless an appeal is filed with the Board of Education. All administrative decisions shall be kept on file with the district in the office of the superintendent.

Appeal

The Board assumes final responsibility for all books and instructional materials it makes available to students. If the complainant finds the superintendent's decision unsatisfactory, they may make an appeal to the Board of Education within ten (10) working days of the date of the superintendent's decision. Such appeals must be in writing and include a copy of the original concern/complaint, the decision of the prior levels, and a statement of the reason(s) for the appeal. If no appeal is filed within the above deadline, the determination of the superintendent shall be final.

Appeals shall be submitted to the Secretary to the Board. The Board will consider the appeal at a meeting held within thirty (30) calendar days of receiving the appeal or at its next regular business meeting if no regular business meeting is scheduled within thirty (30) calendar days. At such meeting, the Board may hear arguments from the parties, review the prior decisions and evidence, and make such inquiry as it deems necessary. The Board will render a written decision within ten (10) school days after this meeting unless additional time is needed. The Board's decision will be final.

Adopted: September 12, 2023