

**POLICY COMMITTEE MEETING**  
**MAY 15, 2017**  
**CENTRAL OFFICE – LIBRARY**  
**4:45 PM**

**AGENDA**

**COMMITTEE MEMBERS:**

A. Dube

C. Libby

J. Bruni

T. Hustus, Student Board Representative

E. DeCotiis

S. Champagne, Student Representative

- Attendance
- CBI-E2 – Superintendent’s Summative Evaluation by Board Standing Committees
- IHBAI – Special Education Independent Evaluation Policy
- IHBGB – Model Supplemental Statement of Rights for Private School Students with Disabilities
- IJJ – Instructional & Library – Media Materials Selection
- IGD – Selection of Books and Instructional Materials (recommended for deletion by MSMA, Charlotte Bates)

Next Meeting: June 5 – 5:15 p.m. @ C.O. Library

**MSAD 6**

**Superintendent's Summative Evaluation  
By Board Standing Committees**

Superintendent: \_\_\_\_\_

Standing Committee: \_\_\_\_\_

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

Standards and Functions for Evaluation

Standards and functions will be scored using the following format:

- 1. Does Not Meet
- 2. Partially Meets
- 3. Meets

1. The superintendent actively participates in this committee.

Rating \_\_\_\_\_

Comments:

2. The superintendent provides research materials, documents and responds to committee requests for information in a timely manner.

Rating \_\_\_\_\_

Comments:

3. The superintendent is proactive in the dissemination and implementation of the committee's directives.

Rating \_\_\_\_\_

Comments:

MSAD 6

**The Standing Committee Chairperson will provide a summary of the Standing Committee members' evaluations and comments to the Board Chair.**

Effective: December 2, 2013

## **SPECIAL EDUCATION INDEPENDENT EVALUATION POLICY**

[School Unit Name] has adopted this policy regarding special education independent educational evaluations, consistent with state and federal special education regulations.

An independent educational evaluation is an evaluation conducted by a qualified examiner who is not employed by [School Unit Name]. An independent educational evaluation at public expense means that the school either pays for the full cost of the evaluation or ensures that the evaluation is otherwise provided at no cost to the parent. Qualified examiners in private practice under contract with the school unit who have not previously evaluated, instructed or provided consultation regarding a particular student are eligible to provide an independent educational evaluation of the student.

A parent has a right to obtain an independent evaluation at public expense when they disagree with the evaluation done by the school, as set forth below.

If a parent requests an independent educational evaluation at public expense, the school unit may ask for the parent's reason why he or she objects to the public school's evaluation. However, the school unit may not require the parent to provide an explanation and may not unreasonably delay either providing the independent educational evaluation at public expense or denying the request and filing for a due process hearing to defend the public school's evaluation.

A parent is entitled to only one independent educational evaluation at public expense each time the school conducts an evaluation with which the parent disagrees, but only if other conditions in this policy are also met.

If [School Unit Name] refuses to provide an independent evaluation at public expense, then the school unit must initiate a due process hearing within 30 days of receiving the request. If the hearing officer upholds the appropriateness of the school unit's evaluation, then the parents shall be fully responsible for the cost of the independent evaluation. If the hearing officer concludes that the school unit's evaluation was not appropriate, then the school unit must pay for the cost of the independent educational evaluation.

The following criteria must be met if the school unit is going to approve an independent evaluation at public expense. Unique circumstances may justify deviation from these criteria. If a parent or school staff member is aware of such unique circumstances, they should inform the student's case manager or the school unit's special education director immediately.

1. [School Unit Name] will provide to parents, upon request for an independent educational evaluation, information about where an independent evaluation may be obtained, and the criteria set forth in this policy for obtaining an independent evaluation at public expense.
2. For an independent educational evaluation to be funded at public expense, it must meet the following conditions:
  - A. The parents must be in disagreement with a school-ordered evaluation;
  - B. The contested school evaluation is inappropriate in the opinion of the Special Education Director;
  - C. The proposed independent evaluator is appropriately qualified professional to conduct the type of evaluation being considered;
  - D. The person or agency completing the independent evaluation submits a written report that conforms to all the requirements for written evaluations set forth in Maine special education regulations, currently found at MUSER V;
  - E. The cost of the evaluation shall not be higher than the Medicaid rate ceiling for comparable evaluation services, unless the family establishes that an independent evaluation is not available at or below the Medicaid rate ceiling for that evaluation, and in that event, the cost of the evaluation shall not exceed the usual and customary rate for such evaluations in [Name of County].

**[Some school units have done studies and made calculations of what is a reasonable rate in their region for various types of evaluations, or what is a reasonable number of hours for particular evaluations. This paragraph in this policy remains fairly vague, on the assumption that most school units are NOT undertaking such studies. If your school unit has, the language in your policy should reference, or link up with those standards. Consult legal counsel if assistance is needed.]**

- F. A complete copy of the independent evaluation has been provided to [School Unit Name] before payment.
- G. The evaluator has reviewed relevant educational records as part of the evaluation.

- H. Unless otherwise determined by the members of the child's IEP Team, the evaluator has either: a) observed the child in one or more educational settings; or b) made at least one contact with the child's general education teacher for the purpose of determining how the student is progressing in the general curriculum. Evaluators are encouraged to make additional contacts with other involved general and special education teachers and related service providers.
  - I. The evaluator is permitted to directly communicate and share information with members of the IEP Team, the Special Education Director, and the Director's designees. The evaluator must also release the assessments and results, including any parent and teacher questionnaires, to members of the IEP Team, the Special Education Director, and the Director's designees.
  - J. [School Unit Name] shall be entitled to inspect and obtain copies of the evaluator's records, including any records created by third parties. However, those records will not be deemed accessible to any school personnel other than the evaluator, unless and until the School Department exercises its right to inspect or obtain copies of those records from the evaluator.
3. The Special Education Director will respond within 30 days of receipt of a request for an independent evaluation at public expense. In the event that the Director is denying the request, the Director must also file for a due process hearing prior to the conclusion of that same 30-day time period.
4. A parent cannot request an independent evaluation at public expense in response to a school evaluation that is more than two years old. When the parent requests an independent evaluation at public expense in an assessment area that has not been evaluated by the school, the [School Unit Name] shall notify the parent that it cannot approve or deny such a request until after the school has had the opportunity to complete a school-ordered evaluation in the area requested. The Special Education Director should refer the question of additional school-ordered evaluations in the areas of concern to the IEP Team.
5. A qualified examiner is permitted to observe a child at school or at a potential educational placement when the qualified examiner is not employed by the school and is conducting an independent educational evaluation at the request of the parent, at times and durations as the school would permit a qualified examiner that is employed by the school.

6. If a parent provides [School Unit Name] with a copy of an independent educational evaluation, the IEP team will consider the evaluation whether or not that evaluation is provided at public expense. [School Unit Name] will not accept or rely on any independent educational evaluation that does not meet state regulatory criteria for evaluations.

Legal Reference: Maine Unified Special Education Regulations, Maine Unified Special Education Regulations (“MUSER”) Ch. 101, § V (2015); 34 C.F.R. § 300.502 (2006)

Adopted: \_\_\_\_\_



**MODEL SUPPLEMENTAL STATEMENT OF RIGHTS  
FOR PRIVATE SCHOOL STUDENTS WITH DISABILITIES**

If you are the parent/legal guardian of a disabled child or suspect that your child may have a disability that is covered by state or federal special education laws, and you have privately placed your child in a private school program located within this school district, you have the following rights.

- A. You have the right to have your child located, identified and evaluated by the **[School Unit Name]** as a possible special education student, including referral of your child to an IEP Team to determine whether your child qualifies as a special education student, and to be re-evaluated at least every three years to determine your child's continued eligibility for special education. The school unit child find and referral obligations toward your child while he/she is parentally placed in a private school program located in **[School Unit Name]** are the same as for students enrolled in public school, as described in the attached special education "Procedural Safeguards Statement."
- B. Students with disabilities who have been parentally placed in private schools located within **[School Unit Name]** do not have an individual right to special education and related services while enrolled in the private school program.
- C. When designing and implementing special education services for parentally placed, private school children attending private schools within the school unit, the school unit has an obligation to consult in a timely and meaningful manner with representatives of those children and with private schools regarding the following issues:
  1. The child find process itself, and whether parentally placed private school and home school students participate in that process equitably, and how parents of these children and private schools are notified of the process;
  2. How the public school determines the proportionate share of federal dollars that will be spent;
  3. The consultation process itself, including how that process will operate throughout the school year so as to ensure meaningful participation in services;



4. How, where, and by whom special education and related services will be provided, including the types of services and how such services will be apportioned if funds are insufficient to serve all children, and how and when these decisions will be made; and
  5. If the local unit disagrees with views of private school officials on the provision and types of services, the local unit will provide a written explanation of the reasons why the local unit made the decisions that it did.
- D. **[School Unit Name]** has a duty to expend on the pool of identified parentally-placed, private school students with disabilities an amount that is the same proportion of the school unit federal special education dollars as the number of those students is to the overall total number of students with disabilities within the school unit's jurisdiction. If some of those funds are not expended in a given year, the school unit must carry over unspent funds to the following year for expenditure on these services.
- E. The school unit, not the IEP Team, shall make the final decisions with respect to the services to be provided to eligible parentally-placed, private school students with disabilities, following timely and meaningful consultation as described in Paragraph C. above.
- F. For any parentally-placed, private school student with a disability for whom the school unit decides that it will provide services, the school unit shall initiate and conduct a meeting of the IEP Team to develop, review, and revise a services plan detailing the special education and related services to be provided and including goals for measuring the outcome of such services. To the extent appropriate, the Team shall develop the services plan in a manner consistent with development of an IEP.
- G. Parents may file for a due process *hearing* with the Maine Department of Education, Division of Special Services (624-6650), alleging that the **[School Unit Name]** has failed to meet its child find duty to locate, identify, and evaluate all private school/home school students with disabilities. Parents may also file due process *complaints* with the same agency regarding the implementation of any of the rights addressed in this document. Finally, private school officials may file a *complaint* with the

Maine Department of Education, Division of Special Services, alleging that the [School Unit Name] has not engaged in consultation that was timely or meaningful or did not give due consideration to the views of the private school official.

- H. Should the parents of a parentally-placed, private school student choose to enroll their child in the public school program where they reside, the disabled child would have a right to receive a free, appropriate public education and an Individualized Education Program (IEP) from that public school unit. Parents of such children who reside in [School Unit Name] should contact [Name, Address, Phone number] if you have any interest in exploring what special education services your child might receive if enrolled in the school unit's public schools. [School Unit Name] would then convene an IEP Team meeting to discuss this with you further. If you enroll your child in public school, you and your child are entitled to all the rights set forth in the school unit's attached special education "Procedural Safeguards Statement."
- I. If you would like a complete copy of the state and federal regulations addressing the duties of the [School Unit Name] toward private school/home school students with disabilities or have any other questions, please contact the special education office at the [School Unit Name] at [phone number] or the Maine Department of Education, Division of Special Services (624-6650). If you have any concerns about your child, please address those concerns in writing to: Director of Special Education, [School Unit Name, Address].

Legal References: 20 U.S.C. § 1412(a)(10)(A)  
34 C.F.R. § 300.130- .144  
Maine DOE Rule Ch. 101, § II(20), IV(4)(G) (2015)

Adopted: \_\_\_\_\_

**PLEASE NOTE** MSMA sample policies and other resource materials do not necessarily reflect official Association policy. They are not intended for verbatim replication. Sample policies should be used as a starting point for a board's policy development on specific topics. Rarely does one board's policy serve exactly to address the concerns and needs of all other school units. MSMA recommends a careful analysis of the need and purpose of any policy and a thorough consideration of the application and suitability to the individual school system.

MSMA sample policies and other resource materials may not be considered as legal advice and are not intended as a substitute for the advice of a board's own legal counsel.

**Instructional and Library-Media Materials Selection**

The Board is legally responsible for all matters relating to the operation of the schools, including the provision of instructional materials and maintenance of library-media resources that support the school system's curriculum.

While the Board retains its authority to approve the selection of instructional materials, it recognizes the educational expertise of its professional staff and the need for such staff to be involved in the recommendation of instructional materials. The Board delegates responsibility for the selection of instructional materials and library-media resources to the professionally trained personnel employed by the school system, subject to the criteria and procedures for selection and the Board's policy on challenged materials as described below.

With the assistance of professional staff, the Superintendent will establish a system for the selection of instructional materials, including procedures to establish an orderly process for the review and recommendation of instructional materials. The Superintendent will be responsible for overseeing the purchase of instructional materials within budgetary parameters set by the Board. The Board expects the Superintendent to report on progress made in aligning instructional materials with curriculum development and evaluation in support of the content standards contained in Maine's system of Learning Results/ Common Core Standards.

Each school will maintain a library-media program that includes books and other printed materials, multimedia materials, online Internet resources and information technology that support the curriculum. A certified library-media specialist will be responsible for overseeing the library-media program, under the supervision of the Superintendent. As with instructional materials, the Board delegates responsibility for selection of library-media materials and technology and Internet resources to the school system's professionally trained staff, subject to the criteria and procedures for selection and the Board's policy on challenged materials described below.

**Definitions**

**Instructional materials** include textbooks and other printed materials, software and other electronic materials, online/Internet resources (including access), and supplies and other materials to support instruction in subject areas and implementation of the system of Learning Results/Common Core Standards.

**Library-media** resources include books, printed materials, online/Internet resources (including access), multimedia materials and information technology that, as part of the library-media program, support the school system's curriculum.

Objectives of Selection

The Board recognizes that it is the primary objective of instructional materials to implement and support the curriculum, and of library-media resources to extend and enrich the educational programs of the schools. Quality instructional materials and library-media resources are essential to student learning. In preparing students to meet the content standards of the Learning Results/Common Core Standards, in supporting the achievement of MSAD 6's educational goals and objectives, and in providing enrichment opportunities that expand students' interests and contribute to a desire for lifelong learning, it is the responsibility of the instructional program and the library-media centers of the schools to provide a wide range of materials on all levels of difficulty, with diversity of appeal and the presentation of different points of view.

Criteria for Selection

Instructional and library-media materials selected should:

- A. Support achievement of the content standards of the Learning Results/Common Core Standards;
- B. Support the goals and objectives of the school system's educational programs;
- C. Enrich and support the curriculum;
- D. Take into consideration the varied interests, abilities, and maturity levels of the students served;
- E. Foster respect and appreciation for cultural diversity and varied opinions;
- F. Give comprehensive, accurate and balanced representation to minorities and women in history, science, leadership and the arts and acknowledge the contributions of ethnic, religious and cultural groups to our American heritage;
- G. Present a balance of opposing sides of controversial issues to enable students to develop a capability for critical analysis;

- H. Stimulate growth in factual knowledge, literary appreciation, aesthetic values and ethical standards;
- I. Provide a background of information that will enable students to make intelligent decisions in their daily lives; and
- J. Respect the constraints of MSAD 6's budget.

Other factors that should be considered are accuracy and currency of material; importance of the subject matter; scholarship; quality of writing and production; and reputation and significance of the author, artist or composer.

In evaluating software, multimedia materials and online/Internet resources, additional factors that should be considered include purpose for use; content; format (degree of interactivity or student involvement); appropriate use of graphics, sound and animation; feedback provided; and ease of use.

#### Procedures for Selection

Meeting the needs of the individual schools, based on knowledge of the curriculum and the existing collections of instructional and library-media materials, will be the highest priority. Basic learning materials, i.e., those that are the predominant instructional materials used by most members of the class, are used for a significant portion of the course or receive major emphasis during a course, or are essential to student achievement of content standards of the Learning Results/Common Core Standards are to take priority in the selection process.

Before recommending materials for purchase, professional staff should evaluate the existing collection, consulting reputable, unbiased, professionally prepared selection aids and specialists from all departments and/or all grade levels.

Social studies and science textbooks should not be older than five years unless up-to-date supplemental instructional materials are also available.

Whenever possible, purchase of non-printed materials and multimedia, Internet and technology resources will be made only after personal evaluation by the librarian/media specialist and/or other appropriate professional staff. Reviewing aids may be used in lieu of personal evaluation.

Multiple copies of outstanding and much-in-demand materials should be purchased as needed. Worn or missing standard items should be replaced periodically. Out-of-date or no-longer-useful materials should be withdrawn from the collection/circulation.

#### Donated Materials

Gift materials are to be evaluated by the same criteria as purchased materials and are to be accepted or rejected by those criteria and in accordance with Board policy on gifts and donations.

#### Parental Authority

A student's parent/guardian may inspect, upon request, any instructional material used as part of the curriculum. The Superintendent will be responsible for developing and implementing procedures for providing access to instructional material within a reasonable time after such a request is made.

The Board recognizes that the final authority as to what materials an individual student will be exposed rests with that student's parents or guardians. However, at no time will the wishes of one child's parents to restrict his/her reading or viewing of a particular item infringe on other parents' rights to permit their children to read or view the same material.

Library-media center materials will not be removed from the collection because of criticism except in accordance with Board policy.

#### Challenged Materials

Despite the care taken to select materials for student and teacher use and the qualifications of the persons who select the materials, the Board recognizes that objections may be raised occasionally by students, parents, school staff or community members.

In the event a complaint is made, the following procedures will apply:

- A. The complaint will be heard first by the person providing the materials in question.
- B. If the complaint is not resolved, the complainant will be referred to the building Principal and requested to fill out the "Request for Reconsideration of Materials Form" (IJJ-E). A copy of the form will be forwarded to the Superintendent.

- C. If the Principal cannot informally resolve the concern, the Superintendent will appoint a committee composed of the following persons to review the complaint: one Principal at the appropriate grade level; one librarian/media specialist; one classroom teacher; the department head in the subject area of the challenged materials; one community member.
- D. The review committee will: read and examine the materials referred to them; check general acceptance of materials by reading reviews; weigh values and faults against each other and form opinions based on the material as a whole and not on passages or portions pulled out of context; meet to discuss the material and to prepare a written report on it.
- E. The report of the committee will be forwarded to the Superintendent who will inform the complainant of the results.
- F. No materials shall be removed from use until the review committee has made a final decision.
- G. The review committee's decision may be appealed to the Policy Committee. The Committee may set aside a portion of a regular meeting or call a special meeting for the purpose of receiving testimony from representatives of the various points of view. The material in question will be:
  - 1. Reviewed objectively and in its full content;
  - 2. Evaluated in terms of the needs and interest of students, school, curriculum and community;
  - 3. Considered in the light of differing opinions; and
  - 4. Reviewed in light of the criteria for initial selection and purpose as provided herein.

The Committee will announce its decision in writing not later than the conclusion of the next regular meeting of the Committee following its receipt of said testimony.



The decision of the Policy Committee may be appealed to the full Board using the procedure above.

**Legal Reference:** 20-A MRSA//1001 (10-A); 1055 (4); 4002  
Ch. 125//9.01, 9.03 (Me. Dept. of Ed. Rules)  
P.L. 107-110/1061 (No Child Left Behind Act)

**Cross Reference:** IGD – Selection of Books and Instructional Materials  
IJJ-E – MSAD 6 Request for Reconsideration of Materials

**Adopted:**  
**Reviewed:** February 3, 2003  
**Revised:** December 1992, March 3, 2003, June 3, 2013

## **INSTRUCTIONAL AND LIBRARY-MEDIA MATERIALS SELECTION**

The Board is legally responsible for all matters relating to the operation of the schools, including the provision of instructional materials and maintenance of library-media resources that support the school system's curriculum.

While the Board retains its authority to approve the selection of instructional materials, it recognizes the educational expertise of its professional staff and the need for such staff to be involved in the recommendation of instructional materials. The Board delegates responsibility for the selection of instructional materials and library-media resources to the professionally trained personnel employed by the school system, subject to the criteria and procedures for selection and the Board's policy on challenged materials as described below.

**[NOTE: Under 20-A M.R.S.A. § 1001(10-A), a school board is required to have a policy governing selection of educational materials. The statute also states that a board may approve educational materials. "Educational materials" are not defined in statute. Chapter 125 of the Department of Education Rules makes a distinction between "instructional materials" and "library-media resources," but does not use the term "educational materials." MSMA has provided definitions in this policy.]**

**OPTION 1 (Board delegation):** With the assistance of professional staff, the Superintendent shall establish a system for the selection of instructional materials, including procedures to establish an orderly process for the review and recommendation of instructional materials. The Superintendent will be responsible for overseeing the purchase of instructional materials within budgetary parameters set by the Board. The Board expects the Superintendent to report on progress made in aligning instructional materials with curriculum development and evaluation in support of the content standards contained in Maine's system of Learning Results.

**OPTION 2 (Board approval):** With the assistance of professional staff, the Superintendent shall establish a system for the selection of instructional materials, including procedures to establish an orderly process for the review and recommendation of instructional materials. The Superintendent shall present his/her recommendations to the Board regarding the selection of textbooks and other instructional materials after completion of the review process. The Board will act on the Superintendent's recommendations concerning instructional materials. The Board expects the Superintendent to report on progress made in aligning instructional materials with curriculum development and evaluation in support of the content standards contained in Maine's system of Learning Results.

Each school shall maintain a library-media program that includes books and other print materials, multimedia materials, online Internet resources and information technology that support the curriculum. A certified library-media specialist will be responsible for overseeing the library-media program, under the supervision of the Superintendent. As with instructional materials, the Board delegates responsibility for selection of library-media materials and technology and Internet resources to the school system's professionally trained staff, subject to the criteria and procedures for selection and the Board's policy on challenged materials described below.

### **Definitions**

**“Instructional materials”** include textbooks and other print materials, online textbooks and instructional materials, other online/Internet resources (including access), software, and supplies and other materials to support instruction in subject areas and the implementation of standards for student learning.

**“Library-media resources”** include books, print materials, online/Internet resources (including access), multimedia materials and information technology that, as part of the library-media program, support the school system's curriculum.

### **Objectives of Selection**

The Board recognizes that it is the primary objective of instructional materials to implement and support the curriculum, and of library-media resources to extend and enrich the educational programs of the schools. Quality instructional materials and library-media resources are essential to student learning. In preparing students to meet the content standards of the Learning Results, in supporting the achievement of the school unit's educational goals and objectives, and in providing enrichment opportunities that expand students' interests and contribute to a desire for lifelong learning, it is the responsibility of the instructional program and the library-media centers of the schools to provide a wide range of materials on all levels of difficulty, with diversity of appeal and the presentation of different points of view.

### **Criteria for Selection**

Instructional and library-media materials selected should:

- A. Support achievement of the content standards of the Learning Results;
- B. Support the goals and objectives of the school system's educational programs;

- C. Enrich and support the curriculum;
- D. Take into consideration the varied interests, abilities, and maturity levels of the students served;
- E. Foster respect and appreciation for cultural diversity and varied opinions;
- F. Give comprehensive, accurate and balanced representation to minorities and women in history, science, leadership and the arts and acknowledge the contributions of ethnic, religious and cultural groups to our American heritage;
- G. Present a balance of opposing sides of controversial issues to enable students to develop a capability for critical analysis;
- H. Stimulate growth in factual knowledge, literary appreciation, aesthetic values and ethical standards;
- I. Provide a background of information that will enable students to make intelligent decisions in their daily lives; and
- J. Respect the constraints of the school unit's budget.

Other factors that should be considered are accuracy and currency of material; importance of the subject matter; scholarship; quality of writing and production; and reputation and significance of the author, artist or composer.

In evaluating software, multimedia materials and online/Internet resources, additional factors that should be considered include purpose for use; content; format (degree of interactivity or student involvement); appropriate use of graphics, sound and animation; feedback provided; and ease of use.

### **Procedures for Selection**

Meeting the needs of the individual schools, based on knowledge of the curriculum and the existing collections of instructional and library-media materials, shall be the highest priority. Basic learning materials, i.e., those that are the predominant instructional materials used by most members of the class, are used for a significant portion of the course or receive major emphasis during a course, or are essential to student achievement of content standards of the Learning Results are to take priority in the selection process.

Before recommending materials for purchase, professional staff should evaluate the existing collection, consulting reputable, unbiased, professionally prepared selection aids and specialists from all departments and/or all grade levels.

Social studies and science textbooks should not be older than five years unless up-to-date supplemental instructional materials are also available.

Whenever possible, purchase of non-print materials and multimedia, Internet and technology resources shall be made only after personal evaluation by the librarian/media specialist and/or other appropriate professional staff. Reviewing aids may be used in lieu of personal evaluation.

Multiple copies of outstanding and much-in-demand materials should be purchased as needed. Worn or missing standard items should be replaced periodically. Out-of-date or no-longer-useful materials should be withdrawn from the collection/circulation.

### **Donated Materials**

Gift materials are to be evaluated by the same criteria as purchased materials, and are to be accepted or rejected by those criteria and in accordance with Board policy on gifts and donations.

### **Parental Authority**

A student's parent/guardian may inspect, upon request, any instructional material used as part of the curriculum. The Superintendent will be responsible for developing and implementing procedures for providing access to instructional material within a reasonable time after such a request is made.

The Board recognizes that the final authority as to what materials an individual student will be exposed rests with that student's parents or guardians. However, at no time will the wishes of one child's parents to restrict his/her reading or viewing of a particular item infringe on other parents' rights to permit their children to read or view the same material.

Library-media center materials will not be removed from the collection because of criticism except in accordance with Board policy.

## **Challenged Materials**

Despite the care taken to select materials for student and teacher use and the qualifications of the persons who select the materials, the Board recognized that objections may be raised occasionally by students, parents, school staff or community members.

In the event a complaint is made, the following procedures will apply:

- A. The complaint shall be heard first by the person providing the materials in question.
- B. If the complaint is not resolved, the complainant shall be referred to the building Principal and requested to fill out the "Instructional and Library-Media Materials Challenge Form." A copy of the form will be forwarded to the Superintendent.
- C. The Superintendent shall appoint a committee composed of the following persons to review the complaint: one Principal at the appropriate grade level; one librarian/media specialist; one classroom teacher; the department head in the subject area of the challenged materials; one community member.
- D. The review committee shall: read and examine the materials referred to them; check general acceptance of materials by reading reviews; weigh values and faults against each other and form opinions based on the material as a whole and not on passages or portions pulled out of context; meet to discuss the material and to prepare a written report on it.
- E. The report of the committee shall be forwarded to the Superintendent who will inform the complainant of the results.
- F. No materials shall be removed from use until the review committee has made a final decision.
- G. The review committee's decision may be appealed to the Board. The Board may set aside a portion of a regular meeting or call a special meeting for the purpose of receiving testimony from representatives of the various points of view. The material in question shall be:
  1. Reviewed objectively and in its full content;

2. Evaluated in terms of the needs and interest of students, school, curriculum and community;
3. Considered in the light of differing opinions; and
4. Reviewed in light of the criteria for initial selection and purpose as provided herein.

The Board will announce its decision in writing not later than the conclusion of the next regular meeting of the Board following its receipt of said testimony.

Legal Reference: 20-A MRSA §§ 1001 (10-A); 1055 (4); 4002  
Ch. 125 §§ 9.01, 9.03 (Me. Dept. of Ed. Rule)  
P.L. 107-110 § 1061 (No Child Left Behind Act)

Cross Reference: IJJ-E – Challenge of Instructional Materials Form

Adopted: \_\_\_\_\_

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MSMA sample policies and other resource materials may not be considered as legal advice and are not intended as a substitute for the advice of a board's own legal counsel.



**Selection of Books and Instructional Materials**

The School Board is aware of its legal responsibility for all selections of books and instructional materials available for use in the district schools, and the Board is aware that this responsibility cannot be delegated.

The Board directs the Superintendent in connection with the District Curriculum Committee to recommend for Board approval, new textbooks and new textbook series, with regard for the background, abilities and maturity level of students.

Cross Reference:     IB – Academic Freedom  
                          IJJ – Instructional and Library-Media Materials Selection

**FIRST READING:**

**ADOPTED:**         June 5, 1981  
**REVISED:**         December 3, 1984  
**REVIEWED:**        April 24, 1996, May 15, 2006