

# SCHOOL DISTRICT OF PITTSVILLE

## BOARD POLICY

### INSTRUCTION

#### INSTRUCTIONAL RESOURCES AND SERVICES

#### INSTRUCTIONAL MATERIALS

### PROCEDURES FOR THE SELECTION AND RECONSIDERATION OF CLASSROOM INSTRUCTIONAL MATERIALS/RESOURCES

**361.1-RULE**

#### A. Selection and Adoption of Textbooks

1. Textbook selection and adoption shall be included as part of the formal cycle for curriculum adoption, evaluation, and improvement in the District. The review and any recommendations to modify the subject-area textbook(s) that are approved for use in the District (or the analogous core instructional material that is used in lieu of a formal textbook) shall occur under the direction and supervision of the District Administrator and the Director of Curriculum and Instruction.
2. The review and evaluation of textbooks (or analogous core instructional material) shall take into account any general selection criteria outlined in Board policy and shall also adhere to the following:
  - a. A readability analysis will be completed on all textbooks that are to be considered for adoption in the District. The readability analysis shall be chosen and/or approved by the District Administrator, Director of Curriculum and Instruction, or such administrator's administrative-level designee.
  - b. Textbooks will be evaluated relative to the District's established curriculum objectives for their coverage of essential content-based and skills-based goals and standards and for the instructional and assessment methodologies that have been adopted or that are encouraged by the authors/publishers. Consider questions such as the following: Do the objectives of the text closely match the District's curricular expectations? Does the textbook accurately reflect the learner expectations of the District's curriculum? Does the textbook encourage higher level thinking skills and application of the content and skills to real life experiences? Has the textbook been shown to be effective in other situations?
  - c. The District will check with appropriate sources (e.g., Wisconsin Accessible Education Materials Center or Bookshare) to determine whether the textbook is available (or can be made available) in alternative formats to meet the needs of students with disabilities and other students who may require special formats (e.g., English language learners). *This step implements the policy standard found in Policy 361.1 that requires the evaluation/consideration of accessibility issues as they relate to specific legal requirements for students with special needs.*
  - d. Textbooks that are deemed acceptable relative to the criteria listed immediately above will be further screened to review the following:
    - The utility of the teacher's manual for the textbook and other supplementary materials;
    - The physical structure and layout of the materials and, if applicable, the continuity within any series;
    - Writing style;
    - Date of publication; and
    - Recommendations from other schools and any available studies or data regarding student outcomes in other schools.
3. The administrator(s) who make a final recommendation to the School Board for approval of a textbook shall ensure that the input of relevant staff has been solicited and given consideration. The administrative recommendation shall be supported by a written summary of the review and evaluation of the textbook.
4. Upon adoption by the Board, the approved textbook(s) shall be included in the revised curriculum guide for the applicable subject area(s) and added to a list of adopted textbooks that shall be maintained in the District Office on behalf of the Board Clerk.
5. After textbooks are adopted by the Board, the administration will notify appropriate staff of the approval and arrange for the purchasing and implementation of the textbooks in the District's curriculum. The administration shall also determine the extent to which any staff training may be appropriate to support the proper implementation of the curriculum.
6. Textbooks (or analogous core instructional material) will normally be reevaluated as part of the curriculum revision cycle.

#### B. Selection, Approval and Use of Supplemental Instructional Materials

1. General. Supplemental instructional materials are instructional/learning resources that are used by a teacher or other instructional staff member to enhance instruction, to reinforce or illustrate key concepts, or to provide the content-related structure for a planned instructional activity or project. Supplemental instructional materials might also be provided for use by particular students to meet individualized needs and interests. The purpose of supplemental instructional materials is to support, and not supplant, any textbook(s) or equivalent core materials that have been adopted as a component of the District's standard curriculum. General school supplies and general school equipment are not considered to be instructional materials. Library Media Center resources, including those that are made available for general circulation or as reserve reference/research materials, are not subject to these procedures provided that the District has established separate selection and approval criteria/procedures for such LMC materials.
2. Criteria. District staff members and agents who are authorized to evaluate, recommend, and select/approve supplemental instructional materials are to consider the general selection criteria for instructional materials that are outlined in Board policy and in this rule. A primary consideration shall be the alignment of the materials with the District's academic standards, legal obligations, and curricular and programmatic goals. In addition:
  - a. Prior to recommending or selecting any supplemental resource, the District's expectation is that, to the extent reasonably practical, the complete substantive content of the resource will be reviewed.
  - b. The evaluation process and selection/approval decisions shall consider the accessibility of the particular resource for students with disabilities and other students who may require special formats (e.g., English language learners), including whether appropriate alternate materials/formats, if needed, are or can be available on a timely and effective basis.
  - c. The evaluation, recommendation, and selection process shall include consulting with the District Technology Coordinator or his/her designee prior to purchasing, using in the classroom, or directing students to access any computer media or other digital resource (including any Internet-based application) that (1) requires the District or any user to actively accept specific licensing terms, contractual terms of service, or a subscription agreement (including via a "click-through" agreement); (2) requires the installation of any software or plug-in application on a District network or District device; (3) requires the creation/use of individual student accounts or logins for the resource; or (4) requires the submission of any personally-identifiable information of any student(s) (e.g., for purposes of assessment or tracking individual progress). If, as a result of the consultation, such technology-related concerns are determined to be an impediment to obtaining or using a desired resource, any such issues that cannot be resolved in a manner that complies with applicable laws and District policies, procedures, and standards shall be referred to the District Administrator for further analysis and possible resolution.
  - d. Prior to approving the acquisition or dissemination of any supplemental resources that are proposed for possible use in connection with the District's human growth and development curriculum, the administrator exercising approval authority may refer such materials for review by the District's human growth and development advisory committee so that the advisory committee can provide input regarding the materials.
  - e. It is permissible to apply a principle of proportionality to the scope of an evaluation of supplemental instructional materials. The District's expectation is that the most rigorous evaluations of supplemental resources will occur in connection with resources (1) that are intended to have relatively high instructional significance; (2) that involve comparatively substantial costs to the District; and/or (3) that are determined to address a controversial issue or topic.
3. Copyright. All supplemental instructional materials must be obtained and used in compliance with current copyright laws and licensing agreements.
4. Purchasing. The actual purchase of a supplemental instructional resource shall follow established District procurement procedures.
5. Approval Authority/Requirements for Supplemental Instructional Materials:
  - a. **Administrative-Level Approvals.** Any supplemental instructional materials that are intended to be (1) required for use across a multi-teacher department, subject area, or grade level; (2) required for use in multiple schools; or (3) identified for teachers as administratively-approved optional resources **shall** be administratively approved prior to any District purchase of such materials, prior to any designation or distribution as administratively-approved resources, and prior to the implementation of any District requirement for their use.  
  
Administrative approval is also **required** prior to the use of any supplemental instructional materials/resources that are (1) proposed for use in connection with any instructional program in human growth and development that may be offered by the District, or (2) subject to the technology staff consultation requirements established above in these procedures.  
  
The approval authority for such materials is as follows:

- i. The District Administrator or the Director of Curriculum and Instruction **shall** give final approval for any supplemental instructional materials that are proposed for required use in multiple schools and to any supplemental materials that are intended to support instruction in a human growth and development curriculum. Such administrator(s) **may** also give final approval for any other supplemental materials.
  - ii. Unless otherwise directed by the District Administrator or another administrator with responsibilities for the oversight of instructional content and instructional practices or unless additional approval is required under District procurement procedures, a school principal may give final approval for the use of any supplemental instructional materials that are proposed for use only within the principal's school, except for any materials intended to support instruction in a human growth and development curriculum. A principal may, at his/her discretion, seek District-level approval for certain materials notwithstanding the principal's own authority to approve the materials.
  - iii. In exercising approval authority, an administrator may rely on his/her review of an evaluation of the resource/materials that was conducted by a qualified licensed designee, a curriculum or departmental team, or other qualified group of District personnel.
- b. Selection and Use by Teachers.** Subject to the expectations and criteria established in Board policy and in these procedures and to any applicable supervisory directives, individual teachers have some discretion and authority to develop, evaluate, and select supplemental instructional materials for use in their assigned classes.
- i. Teachers are professionally accountable to the District for their decisions regarding the selection and use of any supplemental instructional materials that have not been administratively approved.
    - a) A teacher making such decisions cannot rely solely on the fact that a resource may have been developed, distributed, or used by another teacher or provided through a source that is generally seen as reputable.
    - b) Teachers are strongly encouraged to review their selection of supplementary instructional materials with the school principal or the Director of Curriculum and Instruction prior to actual use, especially any time the staff member has any concerns about the appropriateness of a resource.
  - ii. Individual teachers do **not** have authority to give their own final approval for the adoption and use of any of the following:
    - a) The supplemental instructional materials already identified above as requiring administrative-level approval.
    - b) Instructional materials that must be newly purchased by the District and for which District procurement procedures require further approval. A teacher may submit a recommendation for such a purchase and a supporting review/evaluation of the materials to an appropriate administrator.
    - c) Audio/visual materials (e.g., movies, television shows, documentaries, podcasts, etc.) that will be presented to students as an extended passive listening or viewing activity. However, teachers may select and use an audio/visual resource without further administrative approval if (1) the teacher is using only a relevant, appropriate, and brief media segment or excerpt; (2) use of the specific media resource has been previously approved at the administrative level; or (3) the resource is owned by the District for use at the teacher's instructional level. Staff members are expected to clearly identify any such extended passive listening/viewing activities (e.g., watching the entirety of a full-length film) within their lesson plans by date(s), resource used, and total allocated time.
6. Authority of IEP Teams. Nothing in these procedures regarding the selection and use of supplemental instructional materials shall be interpreted to reduce or supplant the necessary legal authority of an Individualized Education Program team or a Section 504 team to address the curricular and instructional needs of a student with a disability.

### C. Reconsideration of Textbooks and Supplemental Instructional Materials

Reconsideration is a process for reevaluating the selection and use within the District of a textbook (or the equivalent core instructional material for any class or subject) or supplemental instructional materials in response to a written complaint. These procedures do not apply to challenges to Library Media Center resources provided that the District has established separate reconsideration procedures for such materials.

District personnel who evaluate materials during the reconsideration process shall, at a minimum, assess the materials and the basis for the complaint relative to any applicable content-focused criteria that the District would apply to the selection of the specific challenged materials. The overriding question the reconsideration process is intended to answer is whether retaining and continuing to use the challenged item/resource continues to be lawful, reasonable, and sufficiently consistent with the District's curricular standards, instructional and programmatic goals, and currently-preferred approach to instruction.

The reconsideration process established in these procedures is intended to normally be concluded within 90 days of receipt of a written complaint, with each main decision-making stage of the process (i.e., the initial administrative determination, the Materials Review Committee process, and any final appeal) normally occurring within 30 days. The District shall communicate with the complainant regarding any material delays and the reason(s) for any such delay.

1. Informal Presentation of Concerns.

- a. Prior to filing a written complaint, a concerned person is encouraged to discuss and attempt to resolve their concerns about an instructional resource with the relevant teacher and school principal or with the Director of Curriculum.
- b. Prior to beginning to process a written complaint, an administrator may also invite the complainant to a meeting to informally discuss and potentially resolve the concerns. The complainant may elect to withdraw the complaint following such a meeting.
- c. In connection with any such informal meeting or discussion:
  - i. A teacher or administrator **shall not** commit to (1) withdrawing or substantially modifying the use of any District-approved textbooks (or equivalent core resources), any supplemental materials that are currently a mandatory component of the District's curriculum, or any supplemental materials that are currently being used in more than one school; or (2) any changes in the class-wide or school-wide use of challenged materials that would constitute a material amendment to a District-approved curriculum plan.
  - ii. A teacher or administrator **may** commit to (1) making appropriate individualized accommodations or modifications for a student; or (2) making changes in the use of supplemental instructional materials that were initially approved/implemented at the discretion of an individual teacher.
  - iii. With notice to the District Administrator and the Director of Curriculum and Instruction and the applicable building principal, an administrator **may** commit to (1) making changes in the use of non-required supplemental instructional materials that are not considered critical to the approved curriculum and that will affect, at most, only a single school; or (2) initiating an intra-District re-evaluation of the challenged materials that occurs outside of the formal complaint process.

2. Submitting a Written Complaint.

- a. A complaint may be filed by the parent/guardian of a student, a student, a District employee, or a District resident. Other persons seeking to file a complaint must demonstrate that they have a sufficient connection to the District to qualify as an aggrieved person, and the District reserves discretion to decline to process and dismiss the complaint of a person who the District determines lacks such a connection.
- b. The written complaint must (1) identify the complainant, the specific resource being challenged, and the basis for the challenge, and (2) request removal of the item or some other class-wide, school-wide, or District-wide relief other than an individualized accommodation or modification. (See below regarding separate processing of any such individualized requests.)
- c. A written complaint seeking reconsideration of instructional materials shall be submitted to one or more of the following:
  - i. The principal of the school at which the challenged materials are located or being used.
  - ii. The Director of Curriculum and Instruction
  - iii. District Administrator
  - iv. A District-designated nondiscrimination coordinator, as identified under Board Policy 113. This option is particularly appropriate when a complainant intends to allege that materials may constitute a form of unlawful discrimination (including unlawful harassment) based on a legally-protected status (such as race, national origin, sex, disability, religion, etc.).

3. Initial Processing of a Complaint.

- a. The District official who initially receives a written complaint shall promptly:
  - i. Provide the complainant with documented acknowledgement that the complaint has been received. An electronic mail message is sufficient.
  - ii. Notify, at a minimum, Director of Curriculum and Instruction and/or the District Administrator that a formal reconsideration complaint has been filed.
- b. The District Administrator or his/her administrative-level designee shall determine whether the complaint will be classified as a school-level complaint or a District-level complaint.
  - i. If the challenged resources consist exclusively of supplemental instructional materials that are not a mandatory aspect of the District-approved curriculum and if a decision on the complaint is likely to affect only one school,

the complaint **may** be treated as a school-level complaint. The school principal will serve as the initial administrative decision-maker for a school-level complaint.

- ii. If the complaint concerns District-adopted textbooks (or equivalent core instructional resources), instructional materials that are a required element of the District's curriculum, or supplemental materials that are in use in multiple schools, the complaint **shall** be treated as a District-level complaint. The District Administrator will serve as the initial administrative decision-maker for a District-level complaint.
  - c. If a written complaint requests an individualized accommodation or modification for one or more specific students, that aspect of the complaint shall be processed separately (i.e., outside of these procedures) as a request for a program or curriculum modification or other type of accommodation under applicable District policies.
  - d. The use of instructional materials will not be restricted during the reconsideration and appeal process for a written complaint unless the District Administrator approves or directs such interim action based on a tentative determination of the merits of the complaint. However, a program or curriculum modification or other accommodation may be approved for one or more individual students separate from the reconsideration decision.
  - e. If required or permitted by law due to the specific basis of a particular complaint (e.g., for a complaint that alleges unlawful sex discrimination under Title IX), the District may redirect a complaint seeking reconsideration of instructional materials to a different District process for resolution.
  - f. Duplicative or otherwise redundant requests to reconsider the same resource or to reconsider a different resource with substantially similar content for substantially similar reasons may be restricted. If the District concludes that a reconsideration request is redundant to a previous request in which a relevant resource was thoroughly reviewed and evaluated, the District will inform the complainant that the District is choosing to rely on the previous evaluation and that the complainant may immediately appeal the decision under the final intra-District appeal step, as identified below.
4. Initial Administrative Response.
- a. The initial administrative decision-maker shall:
    - i. Review the complaint and the challenged material(s). The decision-maker may contact the complainant and may consult with such District personnel as he/she deems necessary or appropriate.
    - ii. Either (1) dismiss the complaint without a decision on the merits for a lawful reason and with the approval of the District Administrator; (2) refer the complaint to a Materials Review Committee (see below) for further assessment; or (3) issue a response to the merits of the complaint, which may consist of granting or denying relief in whole or in part. However, the relief that may be granted at this stage is subject to the following limitations:
      - a) No textbook (or equivalent core resource) that was adopted by the School Board shall be permanently withdrawn from use in the District unless the Board approves the withdrawal.
      - b) Neither any other District-approved core instructional resource for a class or subject, nor any instructional resource that is currently a required element of the District-approved curriculum for a class or subject, nor any supplemental instructional material that is in use in multiple schools shall be permanently withdrawn from use in the District unless the District Administrator directly approves the remedy of withdrawal.
    - iii. Provide notice of the initial administrative determination to the complainant and to any of the following who are not otherwise already aware: (1) the District Administrator; (2) the Director of Student Services, and (3) the principal(s) in the affected school(s).
  - b. Within 10 calendar days of the date the District issues notice of the determination to the complainant, the complainant may:
    - i. Submit a written appeal of an adverse decision on the merits of the complaint to the initial administrative decision-maker, which shall cause a referral of the complaint to a Materials Review Committee.
    - ii. Submit a written request to the District Administrator that seeks review of a dismissal decision and that clearly states why the complainant believes that dismissal is not appropriate. The District Administrator shall affirm or reverse the dismissal.
5. Materials Review Committee.
- a. Upon direct referral by the initial administrative decision-maker or upon an appeal by a complainant, the District Administrator or his/her administrative-level designee shall designate members of a Materials Review Committee. The Committee will normally be comprised of at least three licensed staff members who have curricular and/or instructional responsibilities. However, the membership of the Committee is subject to the following:

- i. The initial administrative decision-maker shall **not** be a member of the Committee if his/her initial decision has been appealed by the complainant.
  - ii. The administrator selecting the Committee members may fill vacancies on the Committee and may include additional personnel as he/she deems appropriate (e.g., including a technology director/coordinator in connection with the review of an electronic resource).
  - iii. With the approval of the District Administrator, the District may elect to substitute the District's human growth and development advisory committee as the Materials Review Committee when the complaint concerns instructional materials that are part of the District's human growth and development curriculum.
  - iv. The administrator selecting the Committee members shall designate one person as the chairperson and presiding officer of the Committee.
  - b. As scheduled by the chairperson, the meeting(s) of the Materials Review Committee will be conducted in compliance with the Open Meetings Law, including ensuring appropriate public notice of the committee's meetings.
  - c. The complainant will be given an opportunity to present a brief statement in support of the complaint to the Committee, which statement may be made in person at a meeting of the Committee or submitted in writing.
  - d. The members of the Committee shall assess the challenged materials and the basis for the complaint and formulate and provide a recommendation regarding the resolution of the complaint.
  - e. The chairperson of the Committee or his/her designee shall communicate the recommendation and any supporting rationale that was approved by the Committee (which may include identification of any dissenting position) to the District Administrator and to the complainant.
  - f. The District Administrator or an administrative-level designee who has curricular and instructional responsibilities shall consider the Committee's recommendation and make a decision on the complaint. Any such designee shall be someone other than an administrator who served as the initial administrative decision-maker for the specific complaint or who served on the Materials Review Committee. No textbook (or equivalent core resource) that was adopted by the School Board shall be permanently withdrawn from use in the District in response to a complaint unless the Board approves the withdrawal.
  - g. The administrator who makes the decision on the complaint at this stage shall provide notice of his/her decision to the complainant and to any of the following who are not otherwise already aware of the decision: (1) the District Administrator; (2) the members of the Committee; (3) the Director of Curriculum and Instruction; and (4) the principal(s) in the affected school(s).
6. Final Intra-District Appeal.
- a. If the complainant is dissatisfied with the decision reached at the previous step, then within 10 calendar days of the date the District sends notice of the decision to the complainant, the complainant may submit a written request to the Office of the District Administrator for a final review of the decision. The request shall identify the reasons the complainant disagrees with the decision.
  - b. Upon an appeal, the District Administrator shall reconsider the administrative decision reached at the previous step. The resulting decision is the final District decision.
  - c. The District Administrator shall ensure that the complainant and relevant District personnel are notified of the final District decision. To the extent the complaint had alleged that the challenged materials violate the state student nondiscrimination laws, then (1) this reconsideration process may serve as the applicable District complaint procedure, and (2) the notice of the final District decision shall also inform the complainant of the right to appeal an adverse determination of the complaint to the State Superintendent within 30 days and of the Chapter PI 1 procedures for making the appeal.

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