

Supplemental Instructional Materials

GOUSD Board Policy Proposal

The Governing Board recognizes the use of supplementary materials to enrich the curriculum and enhance student learning. Such materials shall be aligned with district goals, curriculum objectives, and academic standards and shall supplement and not supplant the use of Board-adopted basic instructional materials that serve as the primary learning resource.

Supplementary instructional materials may be selected by the Superintendent or designee, school administrators, or teachers, as applicable, and obtained through donations to the district and/or available funding sources designated for these purposes.

(cf. 1260- Educational Foundation)
(cf. 3290 - Gifts, Grants and Bequests)

As appropriate, supplementary instructional materials shall meet the criteria developed for the selection and evaluation of basic instructional materials as described in AR 6161.1 - Selection and Evaluation of Instructional Materials. Supplementary instructional materials shall be directly related to the course of study in which they are being used and shall be appropriate for the age and maturity level of the students.

The use or reproduction of supplementary instructional materials shall be in accordance with federal copyright law.

(cf. 6126.6 - Use of Copyrighted Material).
(EDUHSD 6161.11)

Supplemental Instructional and Library Materials Criteria for Use of Non-Board Adopted Instructional Materials (EDUHSD Referenced)

State certified educators shall select and use non-Board adopted instructional/ and library materials in accordance with the following criteria:

1. The material shall directly relate to the objectives of the basic course or subject in which the material is being utilized and be compatible with the overall goals and objectives of the Gold Oak Union School District's educational program.
2. The material shall contribute to the learning process of the students in the class/group.
3. The material shall be appropriate to the age and maturity level of the student in the class/group.
4. The material shall not reflect adversely upon any of the classes set forth in Education Code Section 51101.
5. The material shall not advocate or teach communism with the intent to indoctrinate or inculcate in the mind of any pupil a preference for communism unless the material is selected as an example of such material as a part of instruction.

- a. Communism Defined by EC 51530: "Communism is a political theory that the presently existing form of government of the United States or of this state should be changed, by force, violence, or other unconstitutional means, to a totalitarian dictatorship which is based on the principles of communism as expounded by Marx, Lenin, and Stalin."
6. The material shall not contain undue commercial messages, either overt or subliminal, unless the material is selected as an example of such messages as a part of instruction.
7. Pursuant to *California Healthy Youth Act (EC 51937)*, which states that "parents and guardians have the ultimate responsibility for imparting values regarding human sexuality to their children" and noting that non-board adopted instructional materials and library books have not been made available for parental review therefore, *with the exception of health and science books, no books or films containing pornography, drawings or photography containing nudity (exception for classical works), or explicit descriptions of sexual activities will be allowed in the public-school libraries or classrooms.*

Non-board adopted instructional materials and library books shall not be used, distributed, or made available to students if it contains content that can meet the harmful material standard. If in question, the District will err on the side of caution with regards to instructional materials that are potentially harmful.

California Penal Code 311 and 311.2 and Miller v. California, 413 U.S. 15, 24-25 (1973); Smith v. United States, 431 U.S. 291, 300-02, 309 (1977); and Pope v. Illinois, 481 U.S. 497, 500-01 (1987) describes harmful material as material who's dominant theme taken as a whole:

1. *Appeals to the prurient interest of a minor, in sex, nudity, or excretion;*
 2. *Is patently offensive to prevailing standards in the adult community as a whole with respect to what is suitable for minors; and*
 3. *Is utterly without redeeming social value for minors.*
8. Collection development policies must demonstrate a commitment to compliance with the Children's Internet Protection Act (CIPA) as specified in 47 U.S.C. §254(h)(5), including technology protection measures.

Objectives for Library Materials

Since school and classroom libraries are viewed as places for voluntary inquiry, library materials must be treated differently from instructional materials used in classroom instruction. This policy provides criteria for the selection, removal, and replacement of library materials, focused on maximizing transparency with parents and community members while meeting student needs to provide supplemental enrichment in their learning with appropriate materials. Through the provision of these library materials, the District shall recognize that parents hold an essential role in the education of their children and have the right to guide what their children read.

Criteria for Selection of Library Material

The district-level library supervisor or designated administrator shall work cooperatively with library staff, faculty, parents, and the administration to interpret and guide the application of this policy in making selections. To ensure parental and community engagement, the District shall make the selection process of library materials readily available for parental and community review, with a list of all library materials posted on-line on the district's website, and the content of all materials available for direct review during reasonable hours specified for such review.

Library materials shall, where appropriate, "impress upon the minds of the pupils the principles of morality, truth, justice, patriotism, and a true comprehension of the rights, duties, and dignity of American citizenship, and the meaning of equality and human dignity, including the promotion of harmonious relations, kindness toward domestic pets and the humane treatment of living creatures, to teach them to avoid idleness, profanity, and falsehood, and to instruct them in manners and morals and the principles of a free government." (EC 60200.5)

The following criteria are used as a guide to the selection of materials:

1. Support and enrich the curriculum and/or students' personal interests and learning
2. Literary, artistic, and aesthetic excellence
3. Lasting importance or significance to a field of knowledge (i.e., the classics)
4. Favorable reviews found in standard selection sources
5. Favorable recommendations based on preview and examination of materials by professional personnel, adults with special expertise, parents, or students
6. Reputation and significance of the author, producer, and publisher
7. Contribute to the breadth and diversity of representative viewpoints on controversial issues
8. Contribute to multicultural awareness and contributions made by various groups to our American heritage.
9. Quality, durability, and variety of format
10. Suitability of format and appearance for intended use
11. Value commensurate with cost and/or need
12. Be appropriate for the subject area and for the age, intellectual development, and ability level of the students for whom the materials are selected
13. For non-fiction resources, incorporate accurate and authentic factual content from authoritative sources

NOTE: The Board wishes to add the line, "Taken as a whole, does not have any serious literary, artistic, political, or scientific value," however we are determining the best section to include this statement in.

In addition to the above criteria, fiction, narrative nonfiction (memoirs and biographies), and graphic novels must each meet the following selection criteria, with the District determining that such materials:

1. Are integral to the instructional program
2. Reflect the interests and needs of the students and faculty

3. Are appropriate for the reading levels and understanding of students
4. Are included because of their literary or artistic value and merit
5. If narrative nonfiction, present information with the greatest degree of accuracy and clarity

Guidance from outside organizations that do not have authority over the District, such as the American Library Association and the California Library Association, do not supersede this policy or any controlling law, rule, or regulation.

Responsibility for Selection

“The governing board of a school district is accountable for the proper care and preservation of the school libraries of the District and may make all necessary rules and regulations not provided for by the State Board of Education.” Cal. Ed. Code Sec. 18121.

The legal responsibility for the purchase of all library materials is vested in the Board. The Board or those whom they appoint will provide final approval for all new materials added to the library. Recommendations for new material and reorders of existing materials shall be made by the district-level library supervisor or similar administrator designated by the Superintendent. This individual, with the assistance of other school personnel, shall discharge this obligation consistent with the Board's current adopted selection criteria and procedures.

Acquisition Procedures

The district-level library supervisor or designated administrator shall select material based on their own expertise and solicit recommendations from administrators, teachers, other district personnel, parents, and community members.

Selection of materials is an ongoing process that includes the removal of collections deemed by the Board or its delegates to be no longer appropriate and the periodic replacement or repair of materials still of educational value.

School library materials orders shall be approved by the District- level library supervisor or designee, for both orders at the district and campus level.

Proposed library material will be posted for public review at least 30 days prior to Board or designee approval for purchase. The public will be given the option to provide feedback on these proposed library materials during these 30 days. The feedback will include the name of the individual providing feedback as well as their affiliation with the district.

Challenge Procedures

A two-person panel is to be created consisting of the Superintendent of the District and the school librarian to review any complaint. The complaint shall be reviewed within 5 working days upon receipt of the complaint. In that time, the material shall remain available on the shelf. The

complainant(s) should be encouraged to provide their contact information so they may be notified of the results.

Determination:

The two-person panel will review the material and will make one of the three determinations below:

- Both parties agree the material does not violate this policy
- Both parties agree the material does violate this policy
- One party believes the material does violate this policy

If both parties agree the material does not violate this policy, the material will remain in the library.

If both parties agree the material does violate this policy, the material will immediately be removed from the library.

If one party believes the material does violate this policy, the material will be moved to a restricted section (parental approval needed) until the material is reviewed by the Board for a final decision (as outlined below).

Once a determination has been made, the complainant(s) (if their information was provided) will be notified of the decision and of the appeal process.

If no appeal is made within the specified time frame, the decision of the two-person panel will be final and the material in question will not be subject to review again.

Appeal of Determination:

An appeal of the two-person panel decision can be made to the Board. This appeal can be made by the complainant or any other person. This appeal must be made within 15 days of the decision. During the appeal process, the material in question will remain in the state determined by the two-person panel: in the library's regular section, in the restricted section, or removed).

Upon receipt of the appeal, the Board will have no more than 60 days to review the material. At the following board meeting, after the 60-day time for a review, a post of the appeal/review will be on a Board Meeting Agenda for public comment and public discussion. At that time the Board will make a determination. The determination will be one of the two options:

- Majority agrees the material does not violate this policy
- Majority agrees the material does violate this policy

If the majority agrees the material does not violate this policy, the material will remain in or be returned to the open library. If the majority agrees the material does violate this policy, the material will remain removed or will be removed from the library entirely. All decisions of the Board will be final and the material in question will not be subject to review again.

Opportunity for Community Review

In recognizing that parents hold an essential role in the education of their children and have the right to guide what their children read, each library shall maintain a list of materials onsite that shows what has been selected as well as what is slated for acquisition. The Superintendent, or designated District-level administrator, will offer a “Community Preview” at least thirty days before books are to be placed on the shelves, and at least once in the fall and once in the spring. Audio-visual materials are to be made available to parents for in-person review, upon request, on the same basis as printed materials are made available.

Parental Considerations and Opt-Out

In school libraries, students are afforded the opportunity to self-select texts as part of literacy development. While librarians are trained in selecting materials in accordance with Board policy and the outlined selection criteria and may provide guidance to students in selecting texts, the ultimate determination of appropriateness lies with the student and parent.

School librarians, or designated campus administrators, are to encourage parents to share any considerations regarding their students’ book selections. Parents may contact the campus librarian directly and/or complete an online form for library book opt-out decisions. School librarians will accommodate individual requests by parents, within reason, which may include restricting specific titles or books, genres, subject matter, authors, or other restrictions as requested by parents.

Criteria for Gifts and Donations

Gifts and donations to the school library or classroom libraries are accepted with the understanding that the decision for use and disposition of the materials and/or funds will be determined using the same selection criteria as purchased materials as set out above. All materials should support the curriculum and needs of library users. Gifts and donations, like purchased resources, shall be removed from the collection at the end of their useful life. Gifts and donations shall be subject to the acquisition policy and process for approval before including in the school library collection or in a classroom library. Gifts and donations shall also be subject to the reconsideration procedure as set out in this policy.

Book Fairs

Campuses will on occasion host book fairs. All materials at the book fair should meet all requirements and standards as outlined in this policy. If library material is donated to the campus through the book fair, the library material will be treated as a gift and all requirements of this policy regarding acquisition, review, and removal shall be followed.

Legal Reference:

EDUCATION CODE

60200.5 and 233.5 Duty regarding instruction in morals, manners and citizenship

51510 Prohibited study or supplemental materials

51511 Religious matters properly included