

COMPLAINTS ABOUT CURRICULA OR INSTRUCTIONAL MATERIALS

The Berlin Central School District Board of Education recognizes the right of students to have free access to a variety of types of books and other instructional materials in the course of their education in the District. The Board further recognizes the right of teachers and administrators to recommend books and other materials for selection by the Board in accord with current developments in various subject areas and in elementary and secondary education, and to make these books and materials available in the District's schools.

The Board's intent is to provide materials that present many points of view concerning the problems and issues of our times, be they international, national, or local. Books and other instructional materials shall be chosen because of its interest to readers or users, and for the enlightenment of all students in the Berlin school community. No books shall be excluded because of the author's race or nationality, or for the author's religious or political point of view. Books and other instructional materials of sound factual authority shall neither be excluded nor removed from any school library or classroom because of partisan or doctrinal approval or disapproval.

The Board establishes that the following procedure shall be employed in dealing with requests for review of educational materials or programs of instruction.

1. Any request to review educational materials shall be submitted on a form provided by the Superintendent of Schools.
2. The Superintendent shall inform the Board of all such formal requests submitted.
3. Complaints that are submitted subsequent to the complainant's review of materials provided by the Superintendent or her/his designee shall be considered by a committee composed of faculty, which shall be appointed by the Superintendent. With the prior approval of the Superintendent, consultants may be called upon to assist the committee.
4. The faculty committee so appointed shall be knowledgeable about the subject matter of the instructional materials being challenged. The challenged materials shall be evaluated and judged by the committee as to their conformity to the principles established herein and elsewhere by the Board for the selection of appropriate books and instructional materials for use in the District.

5. After due study of the materials complained of, the committee shall render a written decision on their suitability, which shall be submitted to the Superintendent by the fifteenth day following submittal of the proper form, as described in no.1, above.
6. An appeal from the decision of the faculty committee may be made within 10 days of the complainant's receipt of the committee's decision. Such appeal shall be made in writing, and shall be addressed to the Superintendent, who shall render a written decision by the fifteenth day following her/his receipt of the written appeal. An appeal from the decision of the Superintendent may be made to the Board of Education. Such appeal shall also be made in writing. The Board shall render a decision in a timely manner. The decision of the Board shall be final.

References

Education Law Secs. 701; 704; 1709(4), (5); 1711; 3204(5)

8 NYCRR 16.2; 135.3

Bd. of Educ., Island Trees U.F.S.D. No.26 v. Pico, 457 US 853
(1982)