



DATE: May 1, 2024

TO: Board of Education

FROM: Mrs. Kerstin Kramer, Superintendent Chief Learning Officer

SUBJECT: Approve Proposed Revisions to Board Policy 1312.2, Administrative Regulation 1312.2, and Exhibit 1312.2, Complaints Concerning Instructional Materials

PRESENTED BY: Logan Mallonee, Assistant Superintendent of Educational Services

ACTION REQUESTED

Approve the proposed revisions of Board Policy 1312.2, Administrative Regulation 1312.2, and Exhibit 1312.2, Complaints Concerning Instructional Materials.

BACKGROUND INFORMATION

The policy has been updated to reflect NEW LAW (AB 1078, 2023) which:

1. Requires the California Department of Education (CDE) to develop, by July 1, 2025, guidance and public educational materials to ensure that all Californians can access information about educational laws and all policies that safeguard the right to an accurate and inclusive curriculum,
2. Clarifies when it is unlawful discrimination for the Governing Board to refuse to approve the use or prohibit the use of any textbook, instructional material, supplemental instructional material, or other curriculum for classroom instruction, or any book or resource in a school library,
3. Provides that complaints alleging discrimination related to the use or prohibited use of any textbook, instructional material, supplemental instructional material, or other curriculum for classroom instruction, or any book or resource in a school library may be brought under the district's uniform complaint procedures or may be directly filed with the Superintendent of Public Instruction, as specified, and
4. Requires the CDE to issue, by July 1, 2025, guidance regarding how to review instructional materials to ensure that they represent diverse perspectives and are culturally relevant.

The policy was also updated to expand and amend the criteria to be considered when instructional or library materials are being challenged and to provide that, unless required by law, any challenged material reviewed by the district will not be subject to further reconsideration for 12 months.

The regulation was updated to provide that for an instructional materials complaint for a non-printed material,

- The location of the objection be given;
 - Include that acknowledgment of receipt of an instructional materials complaint and notification of a review committee's decision be in writing; and,

- Add that staff, as well as the Superintendent Chief Learning Officer or designee and teacher(s), be notified by the Principal when an instructional materials complaint is received.

The regulation also updated to delete material in the section "Formal Complaint" related to a request by a parent/guardian who has filed a complaint for the student to be excused from using the challenged material while the complaint is pending and move the section "Review Committee" to come before the section "Superintendent Determination" so that it follows chronologically.

Additionally, the regulation was updated to amend the "Review Committee" section to provide that:

1. The Superintendent Chief Learning Officer or designee may appoint parents/guardians and students, administrators, and staff from relevant instructional and administrative areas to serve on the committee;
2. Include that the Superintendent Chief Learning Officer or designee may provide training to the review committee to ensure the committee is informed regarding its responsibilities, applicable laws, and Board policies and administrative regulations when reviewing instructional materials;
3. Delete the list of criteria to be considered when instructional materials are being challenged, as this list is provided in the accompanying Board policy.

The exhibit has been updated to specify that the "Request for Reconsideration of Existing Instructional Materials" form is for use when challenging the content of any existing textbook, instructional material, supplemental instructional material, or other curriculum for classroom instruction, or any book or other resource in a school library. The exhibit was also updated to accommodate digital instructional materials, merge portions of the form that are content-related, and change from a checklist to an open-ended response to the portion regarding the complainants' preference for what should be done about a challenged instructional material.

RESOURCES REQUIRED: None

PREPARED BY: Mindi Brenner, Administrative Assistant for Logan Mallonee, Assistant Superintendent of Educational Services

Attachments: BP, AR, and E 1312.2, Complaints Concerning Instructional Materials