

# Regulation **KEC-R** **Las Cruces** **Public Schools**

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**Related Entries:** KEC, KEF, KEF-R

**Responsible Office:** Associate Superintendent of Instruction

## **Public Concerns/Complaints About Library Resources**

### **I. PURPOSE**

To implement policy of the Las Cruces Public Schools Board of Education for handling concerns/complaints about library resources.

### **II. BACKGROUND**

Parents, students, staff and/or community members have been provided a means to review and/or challenge library resources through other Board of Education policies, including KEF: Concerns/Complaints About Curriculum/Library Materials, Instructional Activities or Presentations.

### **III. PROCESS**

- A. At all times, an informal resolution should be attempted at the school level before a complainant pursues his/her concern at a formal level.
- B. Should a complainant wish to pursue his/her concern at a formal level, the school principal of the school where the complaint originated shall provide the complainant with Form KEF-E1: Request for Reconsideration of Curriculum/Library Materials, Instructional Activities or Presentations.
  1. For each “Request for Reconsideration of Library Resources” received, an eight-person review committee shall be established and a meeting scheduled within 30 working days of the receipt of the formal complaint.
    - a. The committee shall be chaired by the K-12 library specialist in the Department of Instruction, who shall be a non-voting member of the committee.
    - b. Voting members of the committee shall consist of the principal or designee of the school where the complaint originated, three randomly selected teachers who teach at the school where the complaint originated and three randomly selected parents or guardians whose children attend the school where the complaint originated.
    - c. The principal of the school where the complaint originated shall be responsible for the random selection of the committee members specified above.
  2. The principal of the school where the complaint originated or the Department of Instruction shall accept any completed complaint forms involving library resources.

3. Parents/guardians whose children attend the school from which the complaint originated shall be notified of the hearing on the formal complaint whenever the complainant's requested action is the removal of the material from that school's library.

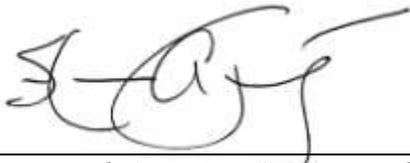
C. Review Committee Responsibilities

1. At the first organizational meeting of the committee, copies of the written complaint and any additional pertinent information will be distributed to all committee members.
2. All committee members will be charged with reviewing the "objected to resource(s)", i.e., reading the book, reviewing the media/DVD, etc. that is at issue, between the dates of the initial meeting of the committee and the meeting to hear the complaint.
3. A hearing date will be set within 30 working days of the first meeting to hear the complaint. The complainant will be notified of the hearing date and will be allowed time to speak at the hearing.
4. The hearing shall be transcribed by tape recording and/or video recording.
5. The complainant shall be permitted to present his/her grievance to the committee and any written materials which support the complainant's requested action. The chairperson shall set the amount of time allowed for presentations. After presentation of comments from the floor by the complainant and any interested party on behalf of the school district, including parents of students attending the school from which the complaint originated, the committee may, upon motion, adjourn to review submitted written materials, or may call for an immediate vote after deliberation and discussion by the committee.
6. Voting shall be conducted by secret ballot. Each committee member shall submit his/her ballot to the chairperson, who will appoint two members to tabulate the votes and announce the committee's decision. Any decision by the committee in support of the complainant's requested action must be approved by majority vote or the complaint will be denied.
7. Within 10 working days of the date of the committee's hearing, the chair shall submit to the Associate Superintendent of Instruction, in writing, the committee's decision. The Associate Superintendent of Instruction shall send a copy of the written decision to the complainant by certified mail, return receipt requested. A copy shall also be sent to the Superintendent. The Superintendent may alter the committee's decision only if he/she finds it to be clearly erroneous.
8. The complainant, or the Superintendent, if not satisfied with the committee's decision may appeal the decision to the LCPS Board of Education by submitting, to the Associate Superintendent of Instruction, a written letter which must be received within 10 working days of receiving a copy of the written decision.

9. If a written letter asking for an appeal is not received within the 10 working days of receiving a copy of the written decision, the decision of the committee shall be final and a formal complaint shall not be submitted at that school on the “objected to resource(s)” for the duration of the school year or for six months, whichever time period falls on the later date.
10. Upon receipt of an appeal by written letter, the of the Department of Instruction shall notify the Board of Education and a hearing shall be held as soon as it can practicably be set on the Board’s agenda. The complainant, the designee of the Department of Instruction, and the school community shall be notified in writing of the Board of Education hearing date.
11. A copy of the complaint form, “objected to resource(s),” and any written materials submitted to or considered by the committee, as well as the hearing transcript, shall be provided to the Board of Education as soon as possible, but in no event later than 10 working days prior to the scheduled date of the appeal hearing.
12. Prior to the hearing, each Board of Education member shall have reviewed the committee hearing transcript and submitted materials.
13. At the appeal hearing, the Board of Education at its discretion may permit comment from the floor not to exceed ten minutes per collective viewpoint, or may move for a vote without additional comment based upon review of the transcript and submitted materials.
14. The Board of Education may by majority vote to affirm, reverse, or modify the committee’s decision.
15. The decision of the Board of Education on appeal shall be final and a formal complaint shall not be submitted on the “objected to resource(s)” from which the complaint originated that for the duration of the school year or for six months from the date of the Board of Education’s final decision, whichever time period falls on the later date.

**History:** Formerly Procedure 428; revised 04.23.08, 09.28.10 (deleted ESC)

**Legal Reference:** None



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Approved, Associate Superintendent for Instruction

May 12, 2008

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Date Approved