

**Las Cruces
Public Schools**

Regulation KEF

Related Entries: KEF
Responsible Office: Associate Superintendent for Instruction

**CONCERNS/COMPLAINTS ABOUT
CURRICULUM/ LIBRARY MATERIALS,
INSTRUCTIONAL ACTIVITIES OR PRESENTATIONS**

I. PURPOSE

To implement the policy of the Las Cruces Public Schools Board of Education regarding challenges to the use of any of the school district’s materials, teaching methods, activities, presentations or guest speakers.

II. BACKGROUND

The Board of Education recognizes the right of individuals and groups to present legitimate concerns about educational materials in the schools.

III. PROCESS

A. Delegation of Responsibility

Any requests, suggestions or complaints regarding school district materials, instructional activities, presentations and/or guest speakers directed to individual members of the LCPS Board of Education and/or to the Board as a whole shall be referred to the Superintendent of Schools or his/her designee for consideration and action. If further action is warranted, based on the initial investigation, such action shall be in accordance with established guidelines.

B. At the School Level

1. Any request, suggestion or complaint specifically directed toward a school district staff member shall be addressed initially by the complainant to the staff member, who shall discuss it with the complainant and make every effort to provide a reasonable explanation or take appropriate action within the staff member’s authority.
2. As appropriate, the staff member shall report the matter, and the resolution, to the school principal or the staff member’s immediate supervisor.
3. If the matter cannot be resolved at the first level, it shall be discussed by the complainant with the school principal or with the staff member’s immediate supervisor.

C. If the matter cannot be resolved at the school level, and the group or individual wishes to file a formal complaint with regard to the material, teaching method, activity or presentation in question, the complainant shall initiate the formal

complaint process by filling out LCPS Form KEF-E1: Request for Reconsideration of Curriculum/Library Materials, Instructional Activities or Presentations.

D. Advisory Review Committee Pools

1. When a formal complaint has been filed, two advisory review committee pools shall be appointed to give and receive input about the issue under complaint.
2. Each member of the LCPS Board of Education shall appoint to the pool parents of students who reside in the board member's voting district and teachers from schools whose student bodies include students residing in the board member's voting district.

Teachers appointed to the pools shall be highly qualified in the content area under complaint.

3. The pool shall remain intact for the school year during which it was appointed. It is possible that the same person may be selected to serve on more than one hearing board (see below) during the same school year if his/her name is drawn.
4. The appointments by **each** School Board member shall be as follows:
 - a. Elementary Pool (Grades K-5)
 - i. Four LCPS elementary school teachers
 - ii. Four parents/guardians of LCPS elementary school students
 - b. Secondary Pool (Grades 6-12)
 - i. Four LCPS secondary school teachers
 - ii. Four parents/guardians of LCPS secondary school students
 - c. Each pool shall, therefore, consist of 20 members total.

E. Review Committee

1. For each KEF-E1 complaint form received, a seven-person review committee shall be selected from the pool (see Item F. immediately below) within 30 working days of the receipt of the formal complaint.
2. The committee shall be chaired by either the Director of Elementary Instruction or the Director of Secondary Instruction, who shall be a non-voting member of the committee.
3. Voting members of the committee shall be three randomly selected parents and four randomly selected teachers from the appropriate elementary or secondary pool described above. None of the parents or teachers selected as members of the review committee shall have any involvement in the issue at question.

F. Committee Review Process

1. Either the principal of the school where the complaint originated or the Associate Superintendent for Instruction or his/her designee shall accept completed complaint forms.
2. The Associate Superintendent for Instruction or his/her designee shall randomly select advisory review committee members from the appropriate pool and set the time and place of the meeting to address the formal complaint.
3. Copies of the written complaint and additional pertinent information, including the names of those persons who wish to speak at the hearing, shall be delivered to the Associate Superintendent for Instruction no later than five working days prior to the scheduled date of the hearing.
4. All materials shall be distributed to committee members at least three working days prior to the date of the hearing.
5. Committee members shall review the complaint and any other literature distributed to them by the Associate Superintendent for Instruction prior to the scheduled hearing.
6. The complainant shall be notified of the scheduled hearing at least 10 working days in advance of the hearing.
7. The hearing shall be transcribed by tape recording and/or video recording and shall be open to the public.
8. The complainant and/or other persons identified on the complaint form as wishing to address the committee at the hearing, and any representative appearing at the hearing on behalf of the school district, shall be invited to present their views on the curricular issue for a maximum of 15 minutes per collective viewpoint. The committee chair may permit non-legal assistance in the presentation of the complaint, if such person(s) has been identified on the "Request for Reconsideration of Curricular Issues" form.
9. At the conclusion of the presentation of viewpoints from the floor, parties may remain as spectators to hear the committee's discussion or to answer questions if asked by a committee member.
10. Other interested persons may be permitted by the chair to make statements of up to two minutes each at the hearing, as time permits.

G. Committee Decision

1. The committee chair shall, at the end of hearing, call for a recommendation from the committee, using a vote of committee members by secret ballot.
2. The recommendation voted upon by the committee shall focus upon the educational issue or procedure raised in the complaint.
3. Any recommendation by the committee to amend or change curriculum or practice as requested by the complainant may be made only upon a majority vote of the committee. Failure of the committee to reach a majority decision

shall be equivalent to a recommendation for denial of the complainant's requested action.

H. Final Decision

1. The Associate Superintendent for Instruction shall forward the committee's recommendation to the Superintendent of Schools for his/her consideration within 10 working days of the date of the hearing. Within 10 working days of receiving the committee's recommendation, the Superintendent shall make his/her final decision affirming, modifying or reversing the committee's recommendation.
2. A copy of the committee's recommendation and the Superintendent's final decision shall be sent to the complainant by certified mail, return receipt requested. A copy of the Superintendent's final decision shall also be provided to the Associate Superintendent for Instruction.
3. The committee's recommendation and the Superintendent's ruling shall be considered public documents and shall be made available to the public.

I. Appeal

1. If not satisfied with the Superintendent's final decision, the complainant may appeal the decision to the Board of Education by submitting to the Associate Superintendent for Instruction a written letter, which must be received within 10 working days of receipt by the complainant of the Superintendent's final decision.
2. If a written letter asking for an appeal is not received from the aggrieved party in a timely fashion (see Item I. 1. above), the Superintendent's decision shall be final and a formal complaint shall not be submitted against the challenged curricular issue or activity for the duration of the school year or for six months, whichever time period falls on the later date.
3. Upon receipt of a timely appeal by written letter, the Associate Superintendent for Instruction shall notify the School Board, and a hearing shall be held as soon as can practicably be set on the Board's agenda. The complainant and the Superintendent shall be notified in writing of the School Board hearing date and a public announcement shall be made.
4. A copy of the complaint and any written materials considered by the committee, as well as the transcript of the committee hearing, shall be provided to the School Board as soon as possible, but in no event later than 10 working days prior to the scheduled date of the appeal hearing.
5. Prior to the hearing, each School Board member shall have reviewed the committee transcript and submitted materials.

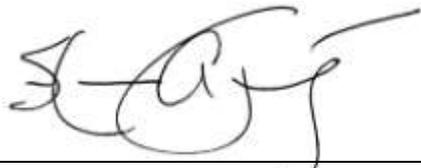
J. Appeal Hearing

1. At the appeal hearing, the School Board, at its discretion, may permit comment from the floor, not to exceed 10 minutes per collective viewpoint, or may move

for a vote without additional comment, based upon review of the transcript and submitted materials.

2. The Board of Education may, by majority vote of those board members present at the hearing, affirm, reverse or modify the Superintendent's decision.
3. The decision of the Board of Education on appeal shall be final.

History: Formerly Procedure 429: Complaint: Curriculum/Instruction Method and Materials; Revised 09.19.00; Revised 11.06.09; and Procedure 428: Complaint: Library Materials; Revised 09.19.00, 03.04.10, revised 08.18.10 (added "guest speakers" in I. Purpose and III. Process A.)



Associate Superintendent for Instruction

June 21, 2010

Date Approved