

**A. Purpose**

To establish a process governing the reconsideration of materials already in use and for offering alternative materials of instruction in the classroom.

**B. Background**

1. Under Board of Education of Frederick County (Board) [\*Policy 500, Approval of Curriculum and Instructional Materials\*](#), the Board directs the Superintendent to develop a regulation to govern the reconsideration of materials already in use and for offering alternative materials of instruction in the classroom, and further authorizes the Superintendent to adopt regulations to review material of instruction already in use if a community member of Frederick County objects to its use.
2. Although care is taken to select instructional materials that are valuable for teachers and students, occasional objections may arise relative to the use of such instructional materials. This Regulation establishes the process and procedures for objections to be considered in a fair and equitable manner.

**C. Definitions**

1. “Community Member” is defined to mean any individual who resides in Frederick County.
2. “Complainant” is defined to mean a Frederick County Public Schools (FCPS) student, employee, or parent of a student currently enrolled in an FCPS school where the material in question is being used or circulated, or a Community Member.
3. “Curriculum Instructional Resources” is defined as, and including, but not limited to, manuals, resource books, videos, periodicals, drama productions, websites, magazine articles.
4. “Employee” is defined to mean any individual who works for the Board of Education (Board) for an hourly or salaried wage or in a managerial and supervisory capacity.
5. “Essential Curriculum” is defined as the written curriculum prepared by FCPS staff, reviewed by the Curriculum and Instructional Committee, and approved by the Board.
6. “In Principle” is defined to mean that a complaint falls into a category that has been substantively addressed in a prior decision.
7. “Materials Already in Use” is defined to mean library media materials and all materials used for instructional purposes or planning, except for textbooks under consideration.

8. “Parent” is defined to mean a biological or adoptive parent, a court-appointed custodian or guardian, a foster parent, or a caregiver (as defined by the Education Articles of the Maryland Annotated Code or as designated by the United States Department of Health and Human Services, Office of Refugee Resettlement) of a student currently enrolled in a FCPS school.
9. “Reconsideration Committee” (Committee) is defined to mean a committee created under this Regulation and charged with carrying out the entirety of the reconsideration process.
10. “Supplemental Texts” is defined to mean texts that support and complement foundation textbooks.

## **D. Procedures**

### **1. General Applicability**

- a. A complaint about an instructional material already in use may be brought by an FCPS student, employee, a parent of a student currently enrolled in an FCPS school where the material in question is being used or circulated, or by a Community Member.
- b. If a Complainant has an active reconsideration request in process, the Complainant may submit another request for reconsideration of a single book or series. However, the Reconsideration Committee reserves the right to apply the “In Principle” guideline when addressing the new request(s).
- c. Complaints that address similar or related issues may be combined into a single review process, even if submitted by multiple individuals.

### **2. Informal Review Process.** The Complainant will first discuss their concern about the instructional material in question with the principal of the school involved. In consultation with the appropriate curriculum coordinator or supervisor, the principal will determine if the Complainant has standing and make every effort to resolve the concern at the school level. If this is not possible, the formal process may then be initiated.

### **3. Formal Review Process**

- a. If after completing the informal review process, the Complainant continues to object to the use of the material, the Complainant may complete the [Request for Reconsideration of Instructional Material Form](#). A separate form must be completed for each instructional material (*e.g.*, an individual book or a series of books) the Complainant wishes to have reconsidered. The completed form should be submitted to the Supervisor of Media Services.
- b. In accordance with State law, the contested material will remain in use during the reconsideration process. However, parents may request that alternative instructional material be provided to their child.
- c. Upon receipt of the [Request for Reconsideration of Instructional Material Form](#), the Superintendent or their designee will confer with staff as to whether the issues were covered In Principle by previous decisions.
- d. If it is determined that the matter has not been covered In Principle, the Superintendent or their designee will appoint a Reconsideration Committee.

- e. If it is determined that the matter has been covered In Principle, the Superintendent will either:
  - i. Convene a Reconsideration Committee; or
  - ii. Render a written decision and notify all individuals who filed a [Request for Reconsideration of Instructional Material Form](#) accordingly.

#### **4. Reconsideration Committee and Its Deliberations**

##### **a. Composition of the Reconsideration Committee**

- i. Reconsideration Committees will be appointed as needed by the Superintendent or their designee, who will select an employee to serve as the Committee chair. The Committee chair's role is to act as an unbiased facilitator for the Committee's processes and deliberations, but not to participate in those processes and deliberations.
- ii. The Superintendent or their designee will direct the Committee chair to convene a Reconsideration Committee within forty-five (45) working days of the Superintendent's receipt of the complaint. The Superintendent may extend this time if there are a large number of reconsideration requests received at a given time.
- iii. Each Committee may be composed of at least the following members to include:
  - 1. Four (4) to five (5) employees. staff members.
    - a. One (1) curriculum specialist or Supervisor.
    - b. One (4) administrator.
    - c. Two (2) teachers
    - d. One (1) media specialist when the complaint involves a library media material.
  - 2. Five (5) community representatives.
    - a. Four (4) parents of students enrolled in FCPS system schools.
    - b. One (1) citizen (who may also be a parent) who is knowledgeable in the subject area involved.
  - 3. Two (2) high school students (Grades 9-12) when the matter deals with a high-school level instructional material.
  - 4. Two (2) middle school students (Grades 6-8) when the matter deals with a middle-school level instructional material.
- iv. Alternate members may be selected by the Superintendent or their designee. In the event a member of a Committee cannot serve for a particular review, an alternate may be selected for that review so that the representative balance of the group will be maintained. However, the Superintendent or their designee may elect not to select an alternate if it would result in a significant delay to the process.
- v. Committee members may only represent one group based on composition described in D(4)(ii) above.
- vi. The Committee shall serve until the specific complaint has been resolved. If there are additional complaints to the material or complaints involving to supplementary, similar, or related materials, the original Committee may be reconvened.

##### **b. Reconsideration Committee Deliberations**

- i. The Committee chair will provide each Committee member with a copy of the instructional material in question to read and review in its entirety at least ten (10) working days prior to the Committee meeting. The Committee meeting date may

be adjusted if needed based on the availability of copies of the instructional material.

- ii. The Committee will meet and receive testimony from the Complainant and employees concerning the contested material. Additionally, the Committee may, at its discretion, receive oral or written testimony from proponents of the material. The Committee will establish procedures governing the hearing and deliberations and will render its report within ninety (90) working days after receiving final testimony. If the number of materials requested for reconsideration at a given time falls outside the scope of the Committee, the Superintendent may grant an extension to the Committee to render its report.
  - iii. The Committee will issue a written report in the following format:
    1. Response to specific complaint.
    2. Evaluation of contested material.
      - a. Relationship to essential curriculum and to Board policy.
      - b. Relationship to established criteria for selection of instructional material.
    3. Signatures of committee members affixed to majority and minority opinions.
    4. Committee's report given to the Superintendent.
  - iv. The Superintendent will render a decision within ten (10) working days of receipt of the Committee's report. The Superintendent will provide written notification of the decision to the Complainant.
5. The Complainant may appeal the Superintendent's decision per [Board Policy 105, \*Appeal and Hearing Procedures\*](#).
  6. No further re-evaluation will be made for at least five (5) years after the Board has rendered a decision.

#### **E. Related Information**

1. **Board Policy**
  - a. [Policy 117, \*Anti-Racism\*](#)
  - b. [Policy 444, \*Educational Equity and Excellence\*](#)
  - c. [Policy 500, \*Approval of Curriculum and Instructional Materials\*](#)
  - d. [Policy 501, \*Selection and Approval of Library Media Materials\*](#)
2. **FCPS Regulations**
  - a. [Regulation 426-02, \*Donations\*](#) (formerly 200-33)
  - b. [Regulation 500-01, \*Curriculum, Courses, and Instructional Resources\*](#) (formerly 500-35)
  - c. [Regulation 500-04, \*Textbook Review, Selection, and Approval\*](#) (formerly 500-38)
  - d. [Regulation 501-01, \*Selection and Approval of Library Media Materials\*](#)
3. **FCPS Resources**
  - a. [Request for Reconsideration of Instructional Material Form](#)

#### **F. Regulation History** (Maintained by Legal Services)

<i>Responsible Office</i>	Curriculum, Instruction, & Innovation
Adoption Dates	09/01/93
Review Dates	
Revision Dates	07/01/07; 01/23/12; 06/13/12; 05/27/25