

Addressing Challenged Materials in K-12 Education: Guidance to School Districts

One of the most important responsibilities of district and school staff related to teaching and learning is to select high-quality core (basal) instructional, supplemental, teacher-selected, and library materials. Many factors play into the selection process, including laws and administrative rules, policies, State Board-adopted academic content standards, and considerations such as grade-level appropriateness.

In December 2018, the Oregon Department of Education (ODE) first released “Guidance to School Districts: Addressing Challenged Materials in K-12 Education,” and then in May 2019, published an update. Among other things, **this 2023 version includes clarifications about the laws and rules that apply to instructional materials selection and an expanded section of recommendations for addressing challenged materials.** The goal of this guidance is to help classroom teachers, school library staff, school administrators, and district leaders fulfill their important roles in maintaining a welcoming and enriching learning environment in the context of instructional materials.

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Oregon Laws and Administrative Rules Related to Instructional Materials

Oregon districts and schools strive for all students to graduate career and college ready, with subject matter knowledge related to Oregon's academic content standards and with exposure to a wide range of materials and perspectives that help students learn the content. [OAR 581-022-2030 District Curriculum](#) requires that districts have a planned K-12 instructional program with common curriculum goals and academic standards adopted by the State Board of Education. To teach the standards, districts are required to go through a basal instructional materials adoption process on a regular basis for each of the subject areas listed in OAR 581-022-2030 District Curriculum. (Some districts use the term core instead of basal.) When conducting basal instructional materials adoptions, districts must comply with all associated [Oregon Revised Statutes \(ORSs\) and Administrative Rules \(OARs\) governing materials adoptions](#), such as [OAR 581-022-2355 Instructional Materials Adoption](#).

Core (basal) instructional, supplemental, teacher-selected, and sometimes classroom and school library materials support and/or complement [academic content standards](#), outlined in Division 22. In the 2019 Legislative session, the Oregon Legislature passed [HB 2023](#) amending [ORS 329.045](#), “to ensure textbooks and other instructional materials adequately address roles in and contributions to economic, political and social development of Oregon and the United States by certain classifications of individuals, including individuals who: (i) Are Native American; (ii) Are of African, Asian, Pacific Island, Chicano, Latino or Middle Eastern descent; (iii) Are women; (iv) Have disabilities; (v) Are immigrants or refugees; or (vi) Are lesbian, gay, bisexual or transgender.” Additionally, some standards specifically require the study of texts that offer multiple perspectives and points of view, often exploring inequities and structural and historic oppression.

When designing district curriculum, districts must also attend to both state and federal nondiscrimination laws. Oregon's Division 21 Administrative Rules include [OAR 581-021-0045 Discrimination Prohibited](#) and [OAR 581-021-0046 Program Compliance Standards](#) prohibiting state-funded elementary and secondary schools from engaging in discrimination based on age, disability, gender identity, national origin, race, color, marital status, religion, sex, or sexual orientation. Additionally, districts must comply with federal laws such as [Title VI](#) and [Title IX](#), which require schools to ensure that their curriculum and programs are free of bias and discrimination on the basis of sex (IX) and race, color, and national origin (VI).

Local Policies

In addition to following the relevant state and federal rules and laws, schools and districts often have published policies and procedures regarding the selection of instructional materials. Ideally, these policies and procedures would define basal instructional (ex: core adopted materials), supplemental (ex: intervention materials), teacher-selected (ex: novel units), and library materials (classroom and school) and explain how they differ. For example, in contrast to basal instructional materials, library materials are not adopted by local school boards or by the State Board of Education, and the purpose of library materials can vary from enhancing and extending learning to simply encouraging reading. [Beaverton School District's Instructional Resources/Instructional Materials policy and procedures](#) document is a policy example that includes definitions of key terms and distinguishes among types of materials – adopted, library, etc.

Each year, educators across the country face challenges to basal instructional, supplemental, teacher-selected, and library materials for a variety of reasons. Challenges to materials may be

addressed through a local board-adopted policy and/or procedure, which is also known as a reconsideration process ([ALA toolkit](#)), rather than a general complaint process. Districts sometimes include the reconsideration policy and/or procedure in their instructional materials policies, while other districts have separate policies for each.

Guiding Principles and Best Practices Related to Instructional Materials

Intellectual and Academic Freedom

Challenges to materials may intersect with principles of intellectual freedom. The National Council of Teachers of English (NCTE) defines intellectual freedom as students having the “right to materials and educational experiences that promote open inquiry, critical thinking, diversity in thought and expression, and respect for others.” In the American Library Association’s (ALA) [Interpretation of the Library Bill of Rights](#), the concept is defined as “the right of every individual to both seek and receive information from all points of view.”

A related concept is academic freedom for educators ([NCTE](#)) and students ([ALA](#), [NCTE](#)). In a school setting, best practices for academic freedom would mean that educators and students have the respective freedom to teach and read a diverse set of materials that provides support and enrichment for educational program goals. Correspondingly, the Association for Supervision and Curriculum Development (ASCD) cautions in their [ASCD Statement on Censorship](#) that “[e]ducators’ primary allegiance must be to the integrity of knowledge and the welfare of students...materials must never be removed or restricted for the purpose of suppressing ideas.”

“When challenges arise, school officials should bear in mind that education is governed by the public because it fulfills an important public purpose. They should recognize the value of citizen participation and respect the right of parents to shape their children’s schooling. At the same time, educators should insist that, as in other fields, professional judgment must not be completely subservient to the popular will. Educators’ primary allegiance must be to the integrity of knowledge and the welfare of students...As stated by the United States Supreme Court in *Pico v. Island Trees*, materials must never be removed or restricted for the purpose of suppressing ideas.”

– ASCD Statement on Censorship

Diverse Materials

In keeping with [ODE’s Education Equity Stance](#) and to honor Oregon’s diverse student population ([Oregon Statewide Report Card](#)), diversity should be reflected in basal instructional, supplemental, teacher-selected, and library materials. Every student needs the opportunity to see themselves reflected in the materials they are exposed to and to have access to materials featuring people, backgrounds, and identities different from their own.

[Oregon’s \[Basal\] Instructional Materials Criteria for English Language Arts](#) prioritize elevating cultural responsiveness/relevance and diversity in materials so students have access to “mirrors, windows, and sliding glass doors” (Rudine Sims Bishop, [video overview](#) from Reading Rockets). Similarly, the National School Boards Association’s (NSBA) [Reimagining...Equity](#) statement advocates that “educators must ensure that curriculum is culturally responsive. Curriculum should be inclusive of multiple populations (such as diverse racial groups, linguistically-diverse people, differently-abled people, etc.) and multiple perspectives. Inclusive curriculum provides points of relevance and cultural access for all students, instead of just students belonging to the dominant cultural group.”

Parental and Guardian Rights

Parents and guardians are important partners in their child’s education. ODE affirms their right to determine content that is not appropriate for their child and to request an exemption for their child from instructional activities that involve that content on the basis of their child’s religious beliefs or disability, per [OAR 581-021-0009 Exemptions](#).

If parents and guardians object to basal instructional, supplemental, teacher-selected, or library materials for a different reason, they should speak with staff who are the most directly involved, as a first step. If the individual with the concern is not satisfied with the outcome of that discussion, they have the right to file a challenge, which would initiate a reconsideration of materials process. Generally, districts have a reconsideration of materials policy that outlines the process for filing a challenge about basal instructional, supplemental, teacher-selected, and library materials (ex: view all three tabs on the [Beaverton School District](#) page). Separately, complaints alleging that instructional materials constitute protected-class discrimination may be submitted through a district’s discrimination complaint policy and procedures.

Recommendations for Addressing Challenged Materials

School Districts

- Review the local board-adopted *instructional resources/instructional materials* policy.
 - Identify the types of materials covered by the policy, including having distinct definitions, and using the same terms consistently throughout the policy and related documents. At a minimum, a clear policy should address the following questions:
 - What is the definition for basal instructional materials, which are adopted, and other materials – supplemental, teacher-selected, and library materials – which are not adopted?
 - Which parts of the policy apply to basal instructional materials vs. supplemental, teacher-selected, and/or library materials?
 - When does the term library materials apply to the school library vs. classroom libraries?
 - Or, address the various types of materials by creating separate policies. For example, some districts have a *library materials selection/collection development policy* (see [ALA toolkit](#) for resources and examples).
- Review the local board-adopted *challenge/reconsideration* policy that outlines the process for reconsidering basal instructional materials as well as supplemental, teacher-selected, and library materials that have been challenged (see the [ALA toolkit](#) for resources and examples). At a minimum, the policy should address the following points:
 - Include relevant educational philosophies practiced by the district, such as any nondiscrimination and academic freedom statements and equity lenses.
 - Assert that the challenged material remains available throughout the reconsideration process.
 - Ensure the consistent use of the same terms and definitions for types of materials that were established in the instructional resources/instructional materials policy.
 - Address questions such as these:
 - What is the difference between an informal concern and a formal challenge?
 - How does the policy apply to optional/choice reading vs. assigned reading?
 - Who may file a challenge (parent/guardian, student, staff, community member, etc.)? May someone who lives outside of the district file a challenge?

- Provide a challenge form (see [OSBA](#) and [ALA](#) sample forms) that requires specific details about the material and the complainant. At a minimum, consider requesting the following:
 - Material:
 - What is the material's title, date of publication, author, publisher, and media type?
 - Is the material assigned or optional/choice reading?
 - Is the material part of the curriculum, classroom library, school library, or other? If other, ask for an explanation.
 - Complainant:
 - Review related district policies and procedures.
 - If there is a concern about materials, address it with the staff who are most directly involved. For example, if the concern relates to school library material, express the concern to library staff as a first step in seeking resolution. If not satisfied with the outcome of that discussion, there is an option to file a formal challenge.
 - Identify themselves by name and whether they represent themselves or a group/organization. If the latter, which one?
 - State their objection to the material and what brought the material to their attention.
 - Read (or view, in the case of visual media) the entire work to which they object.
 - Be clear about a desired outcome or specific remedy.
- Outline a clear timeline for a school or district response to the formal challenge, that includes time for all steps of the reconsideration process.
- Establish a process to form a reconsideration committee. The committee members will:
 - Represent a broad sampling of the school community (library staff, parents/guardians, students, etc.) who could be affected by the course of action/outcome.
 - Review the challenge and the material in question.
 - Recommend whether to retain, restrict, or remove the material (decision-making tools: [Equity Decision Tools for School Leaders](#) from ODE, [Reconsideration Committee Guidelines](#) from ALA).
- Delineate the roles and responsibilities of all participants throughout the reconsideration process. At a minimum, the policy should clearly identify the following:
 - Who determines the final outcome?
 - Who communicates with the complainant?
 - What is the process for the complainant to appeal the decision?
- Follow the instructional resources/instructional materials and challenge/reconsideration policies and procedures with fidelity.
- Remind administrators about these policies and procedures and about any protocols for responding to media inquiries.
- Remind all staff who have a concern or challenge about materials to follow district policies and to initiate the process with the correct personnel.

Administrators

Administrators may also find it beneficial to review the School District section above.

- Understand, promote, and apply district policies and procedures regarding selection and reconsideration of basal instructional materials and supplemental, teacher-selected, and school and classroom library materials.
- Work with building staff to develop an understanding about how to handle challenges to basal instructional materials and supplemental, teacher-selected, and school and classroom library materials. Remind staff about protocols for responding to media inquiries.
- Support the provision of materials that are representative of diverse cultures, including authentic representations of religious, ethnic, cultural, and gender identity groups and authentic authorship (brief [video overview](#) from Reading Rockets).
- Be prepared to explain why any materials in question were selected and to speak to the merit of those materials.
- Attempt to resolve a concern about materials before it escalates to a formal challenge. Seek support as needed. Inform relevant staff of the discussion and outcome (classroom teacher, school library staff, etc.).
- Include equity, Title IX, and/or Section 504 personnel in discussions about concerns and/or challenges that relate to protected classes (race, gender identity, religion, sexual orientation, etc.), and refer to the district's nondiscrimination policies.
- If a concern escalates to a formal challenge, follow the district's reconsideration policy. Refrain from making decisions about challenged materials without formally following the steps in the policy.
- Be aware of personal biases and preferences when making decisions about basal instructional, supplemental, teacher-selected, and school and classroom library materials ([ODE Equity Decision Tools](#)).
- Remind all staff who have a concern or challenge about materials to follow district policies and to initiate any discussion with the correct personnel.

Classroom Teachers

- Understand and apply district policies and procedures regarding selection and reconsideration of basal instructional materials and supplemental, teacher-selected, and classroom library materials.
- Provide materials that are representative of diverse cultures, including authentic representations of religious, ethnic, cultural, and gender identity groups and authentic authorship (brief [video overview](#) from Reading Rockets).
- Establish a clear connection to educational objectives and academic content standards when choosing supplemental, teacher-selected, and classroom library materials. Be able to clearly articulate that connection to students, parents/guardians, and administrators.
- If a concern or challenge is shared, inform the building administrator. Alerting the building administrator is especially important if the situation relates to protected classes (race, gender identity, religion, sexual orientation, etc.) or to the district's nondiscrimination policies.
- Attempt to resolve a concern about materials before it escalates to a formal challenge. Seek support as needed. Inform your building administrator of the discussion and outcome.
- If a concern escalates to a formal challenge, follow the district's reconsideration policy. Refrain from making decisions about challenged materials without formally following the

steps in the policy.

- Be aware of personal biases and preferences when making selection and reconsideration decisions about supplemental, teacher-selected, and classroom library materials ([ODE Equity Decision Tools](#)).
- Classroom teachers who have a concern or challenge about materials should follow district policies and initiate any discussion with the correct personnel.

School Library Staff

- Understand and apply district policies and procedures regarding selection and reconsideration of supplemental and school library materials.
- Be familiar with the [Oregon Association of School Libraries' Intellectual Freedom Policy Statement](#) and the [American Library Association's Library Bill of Rights](#) and its [interpretations](#), and be able to articulate that information to parents/guardians, students, staff, and administrators.
- Provide materials that are representative of diverse cultures, including authentic representations of religious, ethnic, cultural, and gender identity groups and authentic authorship (brief [video overview](#) from Reading Rockets).
- Provide materials that enrich and support the school's curriculum and the district's goals and that appeal to students' reading interests.
- Be prepared to explain why any materials in question were selected.
- Licensed staff may attempt to resolve a concern about materials before it escalates to a formal challenge. Seek support as needed. Inform your building administrator of the discussion and outcome. Classified staff should report concerns to relevant licensed library staff and to the building administrator.
- If a concern or challenge relates to protected classes (race, gender identity, religion, sexual orientation, etc.) or to the district's nondiscrimination policies, consult the building administrator.
- If a concern escalates to a formal challenge, follow the district's reconsideration policy. Refrain from making decisions about challenged materials without formally following the steps in the policy.
- Be aware of personal biases and preferences when making decisions about library and other materials ([ODE Equity Decision Tools](#)).
- School library staff who have a concern or challenge about materials should follow district policies and initiate any discussion with the correct personnel.

Resources

Resources in each section are alphabetized by the name of the organization, and then by the name of the resource.

*An asterisk indicates that the resource is linked above in the document.

Sample Policies and Guidelines

- [Reconsideration Committee](#) guidelines and sample reconsideration report and [challenge form](#)* (American Library Association)
- [Selection & Reconsideration Policy Toolkit for Public, School, and Academic Libraries](#) (ALA)*
- [Instructional Materials Selection policy, regulations, and supporting documents](#)* (Beaverton School District) [includes a reconsideration form and a conversation guide for principals; click through all tabs at the top of the page]
- [Instructional Resources/Instructional Materials](#) and [Instructional Materials Selection](#) policies

(Tigard-Tualatin School District)

- [Challenge Request for Instructional Materials IIA-AR\(3\)](#)* form and [policy templates](#) for basal instructional materials, challenges, etc., which are updated periodically (Oregon School Boards Association)

Supporting Intellectual Freedom

- [Freedom to Read Statement](#) (American Library Association)*
- [Library Bill of Rights](#) (core tenets) and [interpretations](#) (ALA)*
- [Notable First Amendment Court Cases](#) (ALA)
- [Statement on Censorship](#) (Association for Supervision and Curriculum Development)*
- [First Amendment in Schools: A Resource Guide](#) and [FAQ](#) (National Coalition Against Censorship)
- Statements: [Academic Freedom](#)* and [Classroom Libraries](#) (National Council of Teachers of English)
- [The Students' Right to Read](#) (NCTE, Executive Committee)*
- [Reimagining School Board Leadership: Actions for Equity](#)* and [Supplemental Guide](#) (National School Boards Association)
- [OASL Intellectual Freedom Policy Statement](#) (Oregon Association of School Libraries)*
- [When Books Spark Controversy: Best Practices for Schools and Districts](#) slide deck (OASL, Intellectual Freedom Committee)
- [Diverse Books for Children](#), Rudine Sims Bishop video (Reading Rockets)*
- [Oregon Intellectual Freedom Clearinghouse](#), collection of resources concerning intellectual freedom in Oregon schools and libraries (State Library of Oregon)

ODE Resources and Oregon Laws and Administrative Rules

- [Adoption Criteria for \[Basal\] Instructional Materials](#) (Oregon Department of Education)*
- [Civil Rights and Equity Resources](#) (Title VI, ODE)*
- [Education Equity Stance](#) (ODE)*
- [Equity Decision Tools for School Leaders](#) (ODE)*
- [Oregon Revised Statutes \(ORSs\) and Administrative Rules \(OARs\) governing materials adoptions](#) (ODE)*
- [Oregon Statewide Report Card](#)'s demographic data (ODE)*
- [Standards and Instruction](#), landing page for academic content standards (ODE)*
- [Supporting Gender Expansive Students: Guidance for Schools](#) (ODE)
- [Title IX Civil Rights](#) (ODE)*
- [OAR 581-021-0009](#) Exemptions (Oregon Secretary of State)*
- [OAR 581-021-0045](#) Discrimination Prohibited (Oregon SOS)*
- [OAR 581-022-2030](#) District Curriculum (Oregon SOS)*
- [OAR 581-022-2355](#) Instructional Materials Adoption (Oregon SOS)*
- [ORS 329.045](#) Revision of Common Curriculum Goals... (Oregon SOS)* and [HB 2023](#) (Oregon Legislature)*

Contacts for Questions or Comments

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