CVUSD
Board Policy

BP 6161.1

Instruction

Selection And Evaluation Of Instructional Materials

Cautionary Notice: As added and amended by SBX3-4 (Ch. 12, Third Extraordinary Session, Statutes of 2009) and ABX4-2 (Ch. 2, Fourth Extraordinary Session, Statutes of 2009), Education Code 42605 grants districts flexibility in "Tier 3" categorical programs and provides that districts are deemed in compliance with the program and funding requirements for these programs for the 2008-09 through 2014–15 fiscal years. As a result of this flexibility, the district may choose to temporarily suspend certain provisions of the following policy or administrative regulation that reflect those requirements. However, this flexibility does not affect or alter any existing contract or bargaining agreement that the district may have in place. Thus, districts should examine the terms of those contracts and agreements and consult with district legal counsel for additional guidance. Also see BP 2210—Administrative Discretion Regarding Board Policy.

***Note: Pursuant to Education Code 60200 and 60400, the Governing Board is responsible for the adoption of textbooks and other instructional materials, as defined in Education Code 60010, for use in district schools. See the accompanying administrative regulation for required and optional criteria for the selection of instructional materials. See BP 6161.11 - Supplementary Instructional Materials and BP/AR 6163.1 - Library Media Centers for selection processes regarding supplementary materials.******

The Governing Board desires that district instructional materials, as a whole, present a broad spectrum of knowledge and viewpoints, have proven academic value for the discipline in which it is taught, reflect the diversity of our society, and enhance the use of multiple teaching strategies and technologies. The Board shall adopt instructional materials based on a determination that such materials are an effective learning resource to help students achieve, at a minimum, grade-level competency for each discipline and that the materials meet criteria specified in law. Textbooks, technology-based materials, and other educational materials shall be aligned with academic content standards and the district's curriculum to ensure that they effectively support the district's adopted courses of study (cf. 0440 - District Technology Plan)
(cf. 6000 - Concepts and Roles)
(cf. 6011 - Academic Standards)
(cf. 6141 - Curriculum Development and Evaluation)
(cf. 6143 - Courses of Study)
(cf. 6146.1 - High School Graduation Requirements)
To ensure that instructional materials effectively support the district's adopted courses of study, the selection of textbooks, technology-based materials, other educational materials, and tests shall be aligned with the development and evaluation of the district's curriculum and standards.

***Note: The following paragraph is for use by districts that maintain any of grades K-8 and may be revised to reflect grade levels offered by the district. Pursuant to Education Code 60200, the State Board of Education (SBE) is required to adopt basic instructional materials in specified subjects that districts may select for use in grades K-8. AB 1246 (Ch. 668, Statutes of 2012) amended Education Code 60200, 60203, 60207, and 60209 to revise the process and timelines used by the state to adopt such materials.***

***Note: AB 1246 also added Education Code 60210, which authorizes the Board to select materials that have not been approved by the SBE, provided they are aligned with state academic content standards or Common Core Standards. In addition, if the district uses materials not adopted by the SBE, the majority of participants in the review process must be teachers assigned to the subject area and grade level for which the materials will be used; see section below entitled "Review Process."***

(Education Code 60200, 60210)

The Board shall adopt instructional materials for grades 9-12 upon determining that the materials meet the criteria specified in law and administrative regulation. (Education Code 60400)

The Board's priority in the selection of instructional materials is to ensure that all students are provided with standards-aligned instructional materials in the core curriculum areas of English/language arts, mathematics, science, and history-social science.

Selection Process

The District shall comply with Education Code 60002 which states: “Each district board shall provide for substantial teacher involvement in the selection of instructional materials and shall promote the involvement of parents and other members of the community in the selection of instructional materials.”

The Board recognizes the role teachers, parents/legal guardians and caregivers play in helping develop students' academic skills and will engage all stakeholders in developing the selection and evaluation of instructional materials at all grade levels.
(cf. 1000 – Community Relations)

When selecting materials, teachers shall make every attempt to abide by Principle I of the California Teachers Association (CTA) Code of Ethics. “In fulfillment of the obligation to the student, the educator... shall not intentionally expose the student to embarrassment or disparagement, shall not on the basis of race, color, creed, sex, national origin, marital status, political or religion[sic] beliefs, family, social, or cultural background, or sexual orientation, unfairly a) exclude any student from participation in any program; b) deny benefits to any student; c) grant any advantage to any student.”

The primary considerations when selecting instructional materials should be their educational value, relevance and age-appropriate nature.

Regarding the selection of instructional materials for English/Language Arts and associated Core Literature, the Board recognizes that reading and other language arts constitute the basic foundation for learning in other areas of study. The Board desires to offer a comprehensive, balanced reading/language arts program that ensures all students have the skills necessary to read fluently and for meaning, strengthens writing skills and vocabulary, develops students’ appreciation for literature and in general advances successful life-outcomes and personal responsibility. The Board also desires to have a reading program consistent with community standards. The program shall integrate reading and oral and written language arts activities in order to build effective communication skills.

(cf. 6143 - Courses of Study)

The program shall provide instructional materials of varying levels of difficulty, including fiction and nonfiction works, so that students are continually reading at appropriate levels. Careful and considered selection of literature and nonfiction for school libraries and classrooms should be made according to established policies and procedures. Classroom teachers, teacher librarians, and administrators should anticipate that literature, which is often based on real-life issues, and nonfiction works may draw requests to reconsider the use of a particular book and that any piece of literature or nonfiction work is potentially objectionable to someone for some reason. Therefore, ideal selection policies designed by the District establish procedures for reconsidering the use of a particular title and which reflect the school’s philosophy of education and the curriculum, community values, and students’ ages. (cf. 1312.2 - Complaints Concerning Instructional Materials)
When a district employee from any discipline desires to use instructional materials that have not been approved by the District, the employee shall read the book in its entirety to determine whether in the employee’s professional judgement the book (or excerpt) is consistent with the District criteria for the selection of supplementary instructional materials. The employee shall then follow the District process for approving instructional materials. All resources must be appropriate for the curriculum, the students’ age, community standards, and the sensitivity of protected classes.

In order to facilitate the effective selection of core literature readings, the Superintendent or designee shall align criteria for the selection of core literature materials with Board policy and ensure that these criteria are appropriately implemented. The Superintendent or designee shall also prepare administrative regulations that define a literature selection process that is aligned with the following general approach:

1. In selecting works, teachers shall make use of the State’s Recommended Literature List, giving preference to titles recommended specifically for the discipline for which it is being selected. Supplementary instructional materials shall be directly related to the course of study in which they are being used and shall be appropriate for the age and maturity level of students (Consistent with BP 6161.11 Supplementary Instructional Materials). Teachers are also encouraged to review potential texts against recognized 3rd party assessments of reading level (for example, Accelerated Reader and Lexile).

2. Teachers shall complete a District instructional materials approval form justifying the proposed use in the classroom of any literary or nonfiction work.

3. Teacher shall sign the approval form and submit to the department chairperson, principal and superintendent for approval. The District shall provide copies of the proposed selection for administrative and community review (Consistent with BP 6161.1 Selection and Evaluation of Instructional Materials).

4. The District shall provide teachers with professional development regarding the selection and use of appropriate materials.

(cf. 6161.1 - Selection and Evaluation of Instructional Materials)
(cf. 6161.11 - Supplementary Instructional Materials)

English Language Arts/English Language Development Framework for California Public Schools: Kindergarten Through Grade Twelve Recommended Literature: Kindergarten Through Grade Twelve
Review Process

The review process shall involve teachers in a substantial manner and shall encourage and promote the participation of parents/legal guardians and community members. (Education Code 60002) In addition, the instructional materials review committee may include administrators and other staff who have subject-matter expertise.

A committee of parents/legal guardians and community members shall also review instructional materials and make their recommendations to the board.

The committee shall review instructional materials using criteria provided in law, Board policy, and administrative regulation and shall provide the Board with documentation from these resources supporting the committee’s recommendations.

(cf. 5020 - Parent Rights and Responsibilities)

***Note: The following optional paragraph is consistent with priorities established in Education Code 60119 to ensure that each student is provided with sufficient standards aligned instructional materials in four core curriculum areas: English/language arts, mathematics, science, and history-social science. The Instructional Materials Funding Realignment Program (Education Code 60420-60424), which had provided a block grant for instructional materials with a priority on materials that are aligned to state standards in those core courses, was repealed by AB 1246 (Ch. 668, Statutes of 2012).***

The Board's priority in the selection of instructional materials is to ensure that all students are provided with standards-aligned instructional materials in the core curriculum areas of English/language arts, mathematics, science, and history-social science.

The Superintendent or designee shall establish a process by which instructional materials shall be reviewed for recommendation to the Board. In addition, as recommended by the California Department of Education (CDE), the Superintendent shall ensure that the District has a literature selection policy that is approved by the Board.

For the specific purpose of reviewing requests to use works of literature and non-fiction in District curriculum, the Board shall direct the Superintendent to:

1. Create a committee of teachers and administrators to review supporting documents for requests to use potential selections. The committee members are encouraged to read requested selections themselves and must review in a timely
manner such that a public review period is available to parents/legal guardians and community members prior to use in the classroom. (Education Code 51101)

2. Create a committee of parents/legal guardians and community members to review supporting documents for requests to use potential selections. The committee members are encouraged to read requested selections themselves and also must review in a timely manner. This committee will be chosen and appointed by the Board. Each Board member shall appoint two members to the committee from among the applicants, who may be the parents/legal guardians of children currently enrolled as K-12 students in the District or community members. (EC 60002)

3. Selections that are approved by at least one of these two committees shall be brought to the Board, accompanied by the recommendation from each committee, for approval.

All recommended instructional materials shall be available for public inspection at the district office. The District shall use all available means to communicate the availability of the recommended instructional materials to the parents/legal guardians and to the community.

(cf. 5020 - Parent Rights and Responsibilities)
(cf. 1220 - Citizen Advisory Committees)

If the district chooses to use instructional materials for grades K-8 that have not been adopted by the SBE, the Superintendent or designee shall ensure that a majority of the participants in the district's review process are classroom teachers who are assigned to the subject area and grade level of the materials. (Education Code 60210)

Individuals who participate in selecting and evaluating instructional materials shall not have a conflict of interest, as defined in administrative regulation, in the materials being reviewed.

(cf. 9270 - Conflict of Interest)

***Note: SBE Policy on Guidelines for Piloting Textbooks and Instructional Materials notes that piloting instructional materials is a frequent part of the adoption process in many districts. The SBE guidelines provide a sample process that addresses the selection of materials to pilot, a chronology of the process, and additional considerations, such as conflicts of interest, contacts with publishers, and consideration of standards maps. ***

The district may pilot instructional materials, using a representative sample of classrooms for a specified period of time during a school year, in order to determine how well the materials support the district's curricular goals and academic standards. Feedback from teachers piloting the materials shall be made available to the Board before the materials are adopted.
Alternative Core Literature Assignments

The Board recognizes its responsibility to allow choice to educators, to parents/legal guardians and to students in the use of adopted core literature materials. This includes the choice for educators to develop the most effective lessons based on the approved materials, and the choice of parents/legal guardians and students to request an alternative assignment when the content of these materials is in conflict with personal sensibilities and/or values.

The Superintendent or designee shall prepare administrative regulations that are aligned with Board policy for the following process:

1. Ensure selections with the following recommendation or similar recommendation from the California Department of Education Recommended Literature List appear on the teacher syllabus whenever these selections are included on the syllabus: The California Department of Education states, “This book was published for an adult readership and thus contains mature content. Before handing the text to a child, educators and parents should read the book and know the child.”
2. Ensure the following statement, along with the selections that have the above CDE recommendation (or similar), is provided to parents/guardians via email and at parent-teacher night: “Parents please be advised that the mature content in this book may include one or more of the following: graphic rape, graphic abusive human rights violations, graphic sex, graphic violence and suicidal ideation. The California Department of Education and the CVUSD Board of Education encourage parents to read this book before allowing your child to read it.” This statement could appear once in a footnote with an asterisk (or similar) flagging each book to which this statement applies.
3. Consistent with best practices within the District, inform parents/legal guardians and guardians of all selections, including alternative selections, to be used during the course no later than the school’s parent-teacher night. The District shall provide an avenue for parents/legal guardians to easily and readily access online reviews related to the selected materials.
4. Include the following statement on the syllabus informing the parents/legal guardians that they can request an alternative core literature assignment: “Parents/legal guardians and students have the choice to request an alternative assignment when the content of these materials do not align with or are in conflict with personal sensibilities and/or values.” Parents shall sign and return the syllabus.
5. If the syllabus contains no selections as described in the first step in this process, then all that is required is that the statement in step #4 be added to the syllabus.
6. When a request is received for an alternative assignment, that request shall be honored while taking special care not to embarrass the student.
7. Ensure the District-developed alternative assignment is meaningful, appropriate and adequate instruction is provided for students that choose an alternative assignment.
8. Provide professional development on the Board’s expectation related to this process and the proper protocols when a parent/legal guardian or student requests an alternative assignment.

Public Hearing on Sufficiency of Instructional Materials

***Note: Education Code 60119 requires the Board to hold a public hearing on the sufficiency of instructional materials to determine whether each student in the district has sufficient textbooks or instructional materials in reading/language arts, mathematics, science, and history-social science that are aligned to content standards and consistent with the content and cycles of the curriculum framework adopted by the SBE. ***

***Note: As part of the settlement of the Williams litigation, Education Code 1240 requires the County Superintendent of Schools to review the instructional materials of schools ranked in Deciles 1-3 of the Academic Performance Index. If the County Superintendent determines that a school does not have sufficient materials, he/she must prepare a report outlining the noncompliance and give the district a chance to remedy the deficiency. If the deficiency is not remedied by the district by the second month of the school year, the County Superintendent may request that the California Department of Education (CDE) purchase textbooks and materials for the district, and the cost must be repaid by the district. The CDE will issue a public statement at the first regularly scheduled meeting of the SBE indicating the district's failure to provide instructional materials. ***

The Board shall annually conduct one or more public hearings on the sufficiency of the district's instructional materials. (Education Code 60119)

The hearing shall be held on or before the end of the eighth week from the first day students attend school for that year. (Education Code 60119)

The Board encourages participation by parents/guardians, teachers, interested community members, and bargaining unit leaders at the hearing. The Superintendent or designee shall post, 10 days prior to the hearing and in three public places within the district, a notice containing the time, place, and purpose of the hearing. The hearing shall not take place during or immediately following school hours. (Education Code 60119)

(cf. 9322 - Agenda/Meeting Materials)

At the hearing(s), the Board shall determine, through a resolution, whether each student in each school, including each English learner, has sufficient textbooks or instructional materials which are aligned to the state content standards adopted pursuant to Education Code 60605 or the Common Core Standards adopted pursuant to Education Code 60605.8 and which are consistent with the content and cycles of the state's curriculum frameworks. Sufficiency of
instructional materials shall be determined in each of the following subjects: (Education Code 60119)

1. Mathematics
2. Science
3. History-social science
4. English language arts, including the English language development component of an adopted program
5. Foreign language
6. Health

The Board shall also determine the availability of science laboratory equipment, as applicable to science laboratory courses offered in grades 9-12. (Education Code 60119)

In making these determinations, the Board shall consider whether each student has sufficient textbooks and/or instructional materials to use in class and to take home. However, this does not require that each student have two sets of materials. The materials may be in a digital format as long as each student, at a minimum, has and can access the same materials in the class and to take home as all other students in the same class or course in the district and has the ability to use and access them at home. However, the materials shall not be considered sufficient if they are photocopied sheets from only a portion of a textbook or instructional materials copied to address a shortage. (Education Code 60119)

***Note: In addition to the definition of "sufficiency" in Education Code 60119, Education Code 1240.3 and 42605, as added and amended by SBX3 4 (Ch. 12, Third Extraordinary Session, Statutes of 2009) and ABX4 2 (Ch. 2, Fourth Extraordinary Session, Statutes of 2009), specify that, for the 2008-09 through 2012-13 fiscal years, "sufficiency" means that all students in the district who are enrolled in the same course have "identical" standards-aligned textbooks and instructional materials from the same adoption cycle. As amended, Education Code 1240.3 does not require districts to purchase all of the instructional materials included in an adoption cycle if the materials that are purchased are made available to all the students for whom they are intended in all of the schools within the district. ***

For the 2008-09 through 2012-13 2014-15 fiscal years, the Board shall also make a determination that all students within the district who are enrolled in the same course have "identical" standards-aligned textbooks or instructional materials from the same adoption cycle, as defined in Education Code 1240.3, 60119, and 60422. (Education Code 1240.3, 42605)

However, the district may purchase the newest adopted instructional materials for students in district schools ranked in deciles 1-3 of the base Academic Performance Index in any one of the past three school years without necessarily purchasing these materials for use in other district schools. (Education Code 1240.3)
***Note: Pursuant to Education Code 60119, if the Board makes a determination that there are insufficient textbooks and/or instructional materials, the Board must take action to ensure that the textbooks are provided within two months of the beginning of the school year. According to various state agencies, if the Board takes action at the hearing to provide the textbooks (i.e., directs staff to order the textbooks), then the timelines in law have been satisfied. However, districts are strongly encouraged to hold the public hearing as early in the school year as possible in order to provide sufficient time to correct any deficiencies. ***

If the Board determines that there are insufficient textbooks and/or instructional materials, the Board shall provide information to classroom teachers and to the public setting forth, for each school in which an insufficiency exists, the percentage of students who lack sufficient standards-aligned textbooks or instructional materials in each subject area and the reasons that each student does not have sufficient textbooks and/or instructional materials. The Board shall take any action, except an action that would require reimbursement by the Commission of State Mandates, to ensure that each student has sufficient materials within two months of the beginning of the school year in which the determination is made. (Education Code 60119)

Complaints

***Note: Complaints regarding the contents of instructional materials are addressed in BP/AR 1312.2 - Complaints Concerning Instructional Materials. See AR 1312.4 - Williams Uniform Complaint Procedures for language regarding complaints about deficiencies in instructional materials. ***

Complaints concerning instructional materials shall be handled in accordance with law, Board policy, and administrative regulation.

(cf. 1312.2 - Complaints Concerning Instructional Materials) (cf. 1312.4 - Williams Uniform Complaint Procedures)

Legal Reference:
EDUCATION CODE
1240 County superintendent, general duties
1240.3 Definition of sufficiency for categorical flexibility
33050-33053 General waiver authority
33308.5 Program guidelines serve as a model and shall not be prescriptive
33126 School accountability report card
35272 Education and athletic materials
42605 Tier 3 categorical flexibility
44805 Enforcement of course of studies; use of textbooks, rules and regulations
49415 Maximum textbook weight
51101 Parental rights to participate in the education of their children
51500-51501 Nondiscriminatory subject matter
60000-60005 Instructional materials, legislative intent 60010
Definitions
60000-60005 Instructional materials, legislative intent 60010
60040-60048 Instructional requirements and materials
60060-60062 Requirements for publishers and manufacturers
60070-60076 Prohibited acts (re instructional materials)
60110-60115 Instructional materials on alcohol and drug education
60119 Public hearing on sufficiency of materials
60200-60206 Elementary school materials

60210 Adoption of instructional materials
60226 Requirements for publishers and manufacturers
60240-60252 State Instructional Materials Fund
60350-60352 Core reading program instructional materials
60400-60411 High school textbooks
60420-60424 Instructional Materials Funding Realignment Program
60510-60511 Donation for sale of obsolete instructional materials
60605 State content standards
60605.8 Common Core Standards
60605.86-60605.88 Supplemental instructional materials aligned with Common Core Standards

CODE OF REGULATIONS, TITLE 5
9505-9535 Instructional materials, especially:

Management Resources:
CSBA PUBLICATIONS
CALIFORNIA DEPARTMENT OF EDUCATION CORRESPONDENCE
1002.90 Selection of Instructional Materials, CIL: 90/91-02
CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS
WEB SITES
CSBA: http://www.csba.org
California Academic Content Standards Commission, Common Core Standards:
http://www.scoe.net/castandards
California Department of Education: http://www.cde.ca.gov
CSBA (11/05 11/06) 11/09
CVUSD (8/08) 9/10 11/13