

District  
Bylaws/Policies/  
Regulations for  
Second Reading  
and Adoption

## 2530 RESOURCE MATERIALS

The Board of Education shall provide resource materials to implement **the school district's and school educational goals and objectives to meet student as pupil needs dictate and as district resources permit. Resource** Such materials include, **but are not limited to, reference materials books; ; fiction and nonfiction books; maps; audio and audio-visual materials; pamphlets; periodicals; pictures; online references;** other supplementary titles; ~~maps, library print and non-print materials, and other sources of information including electronic or digital resources for use by pupils that are not designated as textbooks.~~ **for use by students that are not designated as textbooks. Resource materials are not library material as defined in N.J.S.A. 18A:34A-3 and Policy and Regulation 2535.**

The Superintendent shall be responsible for the ~~selection and maintenance of all resource materials, in accordance with the following standards:~~

- ~~1. Material will be suited to the varied interests, abilities, reading levels, and maturation levels of the pupils to be served;~~
- ~~2. Wherever possible, materials will provide major opposing views on controversial issues so that pupils may develop under guidance the practice of critical reading and thinking;~~
- ~~3. Wherever possible, materials will represent the many religious, ethnic, and cultural groups and their contribution to American heritage;~~
- ~~4. Materials will be factually accurate and of genuine literary or artistic value;~~
- ~~5. Materials will be of a quality and durability appropriate to their intended uses and longevity;~~
- ~~6. Materials will relate to, support, and enrich the courses of study adopted by the Board.~~

The Superintendent will develop regulations for the selection of resource materials **pursuant to Regulation 2530** that provide for the effective consultation of teaching staff members at all appropriate levels, ensure that the Board's budgetary allotment for resource materials is efficiently spent and **appropriately wisely** distributed throughout the instructional program and the district, and ensure an inventory of resource materials that is well balanced ~~and well rounded in coverage of subject, types of materials, and variety of content.~~

The Superintendent will evaluate ~~the continuing effectiveness and utility of~~ resource materials and recommend to the Board the removal of ~~these~~ **resource** materials that no longer meet the standards set forth in **Regulation 2530 and** this Policy. Any request **by an individual** for the removal of resource materials will be governed by Policy **and Regulation 9130** ~~on public complaints.~~

Adopted: October 14, 2004 Revised: 10 August 2017

**Berkeley Heights Public School District**

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[See POLICY ALERT No. 236]

### R 2530 RESOURCE MATERIALS

#### A. Definition

“Resource materials” **means** ~~are~~ all those sources of information for the use of students that have not been designated as textbooks and generally must be shared by individual students. Resource materials include, **but are not limited to**, reference **materials books**;; fiction and nonfiction books;; maps;; audio and audio-visual materials;; ~~CD-ROM’s~~; pamphlets;; periodicals;; pictures; ~~and~~ on-line references; **other supplementary titles; and other sources of information for use by students that are not designated as textbooks.** Resource materials **are not library material as defined in N.J.S.A. 18A:34A-3 and Policy and Regulation 2535** ~~may be maintained in classroom library collections and/or in the school library or media center.~~

#### B. Selection Process

1. **The teaching staff member shall submit written requests for new resource materials to the Principal or designee in the teaching staff member’s school building.** ~~The \_\_\_\_\_ in each school building will accept the written requests of teaching staff members for new and revised reference materials.~~ Each **written** request should include ~~the~~:
  - a. **The nName** and originator of the **resource material**; ~~work~~;
  - b. **The Its** publisher or distributor;;
  - c. A brief description of the **resource material**;; and



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- d. The reason for the request, including the relevance of the **resource** material to the instructional program;-

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2. All **written requests recommendations** will be forwarded to the **Superintendent or designee \_\_\_\_\_** for consideration; **and**. The \_\_\_\_\_ will attempt to review each requested work or, alternatively, to consult with other educational institutions that have used the material.
3. The \_\_\_\_\_ may consult such selection aids as booklists, school library journals, previews, school library catalogs, and subject bibliographies prepared by specialists in the field.
34. The **Superintendent or designee \_\_\_\_\_ shall evaluate** will measure each **written request recommendation** against the **selection** standards for selection as outlined in (see C. below paragraph C) and the amount budgeted for resource materials in the current or succeeding school year, as appropriate.
45. The \_\_\_\_\_ will present to the Superintendent or **designee will develop** a list of recommended purchases, ~~no later than \_\_\_\_\_ each year.~~ The list **may** will include multiple copies of **resource** materials **when for which** a high level of interest and need is anticipated.

### C. Selection Standards

Standards to be applied in the selection of resource materials are those set forth **below: in Policy 2530, repeated here:**



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1. **Resource mMaterials** will be suited to the varied interests, abilities, reading levels, and maturation levels of the students to be served.
2. Wherever **appropriate possible**, **resource** materials will provide major opposing views on controversial issues so that students may develop, under guidance, the practice of critical reading and thinking.

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3. Wherever **appropriate possible**, **resource** materials will **include the basic tenets of multiculturalism in accordance with N.J.A.C. 6A:7-1.7** ~~represent the many religious, ethnic, and cultural groups and their contributions to American heritage.~~
4. **Resource mMaterials** will be factually accurate, **as appropriate**, and of genuine literary or artistic value.
5. **Resource mMaterials** will be of a quality and durability appropriate to their intended uses ~~and longevity.~~
6. **Resource mMaterials** will relate to, support, and enrich the **curriculum** ~~courses of study~~ adopted by the Board of Education.
7. **Resource materials will support the New Jersey Student Learning Standards.**
8. \_\_\_\_\_
9. \_\_\_\_\_



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10. \_\_\_\_\_

D. **Periodic Removal of Resource Reference Materials**

1. The **Superintendent or designee** \_\_\_\_\_ **shall will** conduct a periodic review of **resource materials** ~~reference collections~~ for their:

- a. Continuing usefulness;;
- b. Relevance to the curriculum **and the New Jersey Student Learning Standards**;;
- c. Representation of the needs and interests of all grade levels, subject areas, and departments;; and
- d. Balance of content, types of **resource materials**, and manner of presentation.

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e. \_\_\_\_\_

f. \_\_\_\_\_

2. Standard **resource materials** subject to frequent use that are worn or missing should be replaced periodically.

3. Outdated **resource materials** and **resource materials** no longer relevant to the curriculum may be withdrawn from the collection on Board of **Education** approval.

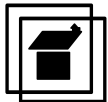
4. **Any request by an individual for the removal of resource materials will be governed by** ~~A complaint about reference materials shall be handled in accordance with~~ Policy and Regulation 9130.



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Issued:



## **9130 PUBLIC COMPLAINTS AND GRIEVANCES**

**The Board of Education shall establish procedures for the hearing and settlement of Any person or group having a legitimate interest in the schools of this district may present a request, suggestion, or complaints concerning district staff members personnel, the educational program, instructional or resource materials, or the operations of the district. Complaints regarding library material as defined in N.J.S.A. 18A:34A-3 shall be addressed in accordance with Policy and Regulation 2535. The Board directs the establishment of procedures for the hearing and settlement of requests and complaints shall that provide a means for resolving complaints them fairly and impartially; and permit appropriate resolution redress, and protect district personnel from unnecessary harassment.**

**The grievance procedure outlined in Regulation 9130 shall not be utilized by a district staff member or Board member unless the district staff member or Board member is doing so in their capacity as a parent of a student currently enrolled in the district.**

**When a Board member is confronted with a complaint concerning district staff members, the educational program, instructional or resource materials, or the operations of the district an issue, the Board member he/she will withhold comment, commitment and/or opinion and refer the complaint or inquiry to the Superintendent in accordance with N.J.S.A. 18A:12-24.1.j., who shall review the complaint in accordance with Regulation 9130 according to established procedures.**

**Only in those cases where satisfactory adjustment cannot be made by the Superintendent and the staff shall communications and complaints be referred to the Board for resolution.**

**Any misunderstandings or disputes between the public and school district staff members should, whenever possible, be settled by direct, informal discussions among the interested parties. It is only when such informal meetings fail to resolve differences that more formal procedures shall be employed. A complaint about a school program or personnel should be addressed to the building principal; a complaint about instructional or resource materials should be addressed to the Superintendent.**

**The Superintendent shall establish pProcedures for the resolution hearing of requests and complaints regarding district staff members personnel, the educational program, instructional and resource materials, and the operation of the school district shall be governed by Regulation 9130.**

Adopted: 11 February 1991  
Revised: 12 July 2001

**Berkeley Heights Public School District**

## Regulation 9130-R PUBLIC COMPLAINTS AND GRIEVANCES

All complaints and grievances addressed to the Board of Education, Board members individually, school officials, or district staff members shall be referred to the Superintendent for consideration in accordance with the following procedures.

### A. Complaints Regarding a Teaching Staff Member Other Than an Administrator or Supervisor

#### 1. First Level

- a. The complainant will be directed to address the **complaint matter** to the **teaching** staff member.
- b. The **teaching** staff member will ~~be directed to discuss the matter directly with the complainant and to make every reasonable effort to~~ **address the complaint** ~~explain the difficulty and/or~~ **and** take appropriate action, **if necessary**, in accordance with district **policies and** regulations and within **the teaching staff member's** his/her authority ~~and district regulations~~.
- c. The **teaching** staff member will report the **complaint in writing matter**, and whatever action **that** may have been taken to resolve the **complaint matter**, to the **teaching staff member's** Principal **or supervisor**.

#### 2. Second Level

- a. If the **complaint matter** cannot be ~~satisfactorily~~ resolved **to the complainant's satisfaction at A.1. above** at the first level, the complainant **may appeal the teaching staff member's resolution to** ~~may discuss the matter with the~~ **teaching staff member's** Principal **or supervisor**.
- b. The Principal **or supervisor** will take all reasonable and prudent steps to resolve the complaint **and meet with the complainant to discuss the Principal or supervisor's resolution to the complaint** ~~or to explain to the complainant why the matter cannot be resolved as the complainant wishes~~.

#### 3. Third Level

- a. If the **complaint matter** cannot be ~~satisfactorily~~ resolved **to the complainant's satisfaction at A.2. above** the second level, the complainant may, within ~~five~~ **three** working days (~~see Policy No.~~

9130) of **their** his/her meeting with the **teaching staff member's** Principal or supervisor, submit a **written request for a conference** to the Superintendent ~~a written request for a conference~~. **The written request shall, at a minimum, include the specific nature of the complaint and a statement of the facts giving rise to it.** The request shall include:

- (1) ~~The specific nature of the complaint and a brief statement of the facts giving rise to it;~~
  - (2) ~~The respect in which it is alleged that the complainant or the complainant's child has been unfairly treated or adversely affected; and~~
  - (3) ~~The remedy sought by the complainant.~~
- b. A copy of the **complainant's written** request for a conference will be **submitted** ~~sent to the Board of Education~~ **by the Superintendent.**
- c. Within seven working days ~~(see Policy No. 9130)~~ of the **Superintendent's** receipt of the **written request for a conference**, the Superintendent shall conduct ~~the~~ **a** conference, at a time convenient to the complainant **and the Superintendent**, and attempt to resolve the **complaint** matter informally. ~~The time for conference will be extended if the complainant is unable to schedule a convenient meeting.~~
- d. The Superintendent shall record in writing ~~their~~ his/her disposition of the complaint and shall, within ten working days ~~(see Policy No. 9130)~~ of the conference, **submit** ~~provide~~ a copy of **their** written disposition to the complainant and ~~to~~ the Board.

~~Policy No. 9130:~~

~~"Any person or group having a legitimate interest in the schools of this district may present a request, suggestion, or complaint concerning district personnel, the educational program, instructional or resource materials, or the operations of the district. The Board directs the establishment of procedures for the hearing and settlement of requests and complaints that provide a means for resolving them fairly and impartially, permit appropriate redress, and protect district personnel from unnecessary harassment.~~

~~When a Board member is confronted with an issue, he/she will hold comment, commitment and/or opinion and refer the complaint or inquiry to the Superintendent, who shall review the complaint according to established procedures.~~

~~Only in those cases where satisfactory adjustment cannot be made by the Superintendent and the staff shall communications and complaints be referred to the Board for resolution.~~

~~Any misunderstandings or disputes between the public and school district staff should, whenever possible, be settled by direct, informal discussions among the interested parties. It is only when such informal meetings fail to resolve differences that more formal procedures shall be employed. A complaint about a school program or personnel should be addressed to the building principal; a complaint about instructional or resource materials should be addressed to the Superintendent. The Superintendent shall establish procedures for the hearing of requests and complaints regarding district personnel, the educational program, instructional and resource materials, and the operation of the school district.~~

4. Fourth Level

- a. A complaint that is not resolved **to the complainant's satisfaction** by a conference with the Superintendent **at A.3.c. above** or that seeks a remedy beyond the Superintendent's ~~jurisdiction~~ **authority** may be appealed **by the complainant** to the Board of Education.
  - (1) **The complainant shall, within three working days of their receipt of the Superintendent's written disposition, submit a written request with supporting documentation to the Superintendent for an informal hearing before the Board. The complainant's request, along with the Superintendent's disposition at A.3.d. above, shall be provided to the Board.**

~~The complainant may, within three working days (see Policy No. 9130) of his/her receipt of the Superintendent's written disposition, submit a written request for a hearing before the Board. The request will include a copy of the Superintendent's disposition at Level 3.~~

- b. The Board shall; **decide whether to grant or deny** ~~within forty-five calendar days (see Policy No. 9130) of the receipt of the~~ **complainant's request for** ~~conduct an informal hearing and provide their decision in writing to the complainant within five working days upon receiving the request for an informal hearing before a committee of Board members, in which the complainant will present his/her complaint. The Board may, on the petition of the complainant, permit the examination of witnesses. The Board may permit the teaching staff member complained of to testify in his/her own behalf.~~
  - (1) **If the Board denies the request for an informal hearing, the Board shall render a decision on the appeal and provide the decision in writing to the complainant within ten working days.**

(2) If the Board grants the request for an informal hearing, the Board shall schedule the informal hearing within forty-five working days upon receiving the request for an informal hearing. At the conclusion of the informal hearing, the Board shall render a decision and provide the decision in writing to the complainant within ten working days at the conclusion of the informal hearing.

(a) The Board may designate a committee of the Board to conduct an informal hearing with the complainant.

(b) The Board may permit the complainant to present witnesses.

(c) The Board will comply with the provisions of the Open Public Meetings Act and Bylaw 0162 regarding any public complaints, where applicable.

~~e. The Board shall, within ten calendar days (see Policy No. 9130) of the hearing, advise the complainant in writing of the Board's disposition of the complaint.~~

~~d. The complainant will be advised that the Board's decision may be appealed to the Commissioner of Education.~~

5. Reasonable efforts will be made to expedite **time sensitive** a complaints that arises at the end of the school year so that the matter can be resolved before the interruption of summer vacations.

~~B. Complaints About an Administrative Staff Member~~

~~A. The procedure set forth in A will be followed and the complainant will be directed to discuss the matter first with the administrator.~~

~~B. A complaint about a Principal or a central office administrator will omit the second level of the complaint procedure. Appeal of the first level discussion will be made directly to the Superintendent in accordance with A3.~~

**BG. Complaints Regarding a Support Staff Member**

1. The **complaint** procedure set forth in A.1. above will be followed and the complainant will be directed to discuss the **complaint** first with the support staff member, **if appropriate**.
2. If the **complaint cannot be resolved to the complainant's satisfaction at A.1. above**, the complainant may follow the **complaint procedure set forth in A.2. above**.
3. If the **complaint cannot be resolved to the complainant's satisfaction at A.2. above**, the complainant may, within three working days of their meeting with the support staff member's supervisor, submit to the Superintendent a written request for a conference in accordance with A.3. above.
4. A **complaint that is not resolved to the complainant's satisfaction by a conference with the Superintendent at A.3.c. above or that seeks a remedy beyond the Superintendent's authority may be appealed to the Board of Education in accordance with A.4. above**.

~~C. Appeal at the second level of the complaint procedure will be to the support staff member's supervisor.~~

~~D. A complaint about a support staff supervisor will omit the second level of the complaint procedure. Appeal of the first level discussion will be made directly to the Superintendent in accordance with A3.~~

**C. Complaints Regarding an Administrative Staff Member or Supervisory Staff Member**

1. The complainant shall discuss the complaint first with the administrative staff member or supervisory staff member who is the subject of the complaint.
2. An appeal of the discussion with the administrative staff member or supervisory staff member will be made directly to the Superintendent in accordance with A.3. above.
3. A complainant wanting to appeal the Superintendent's written disposition to the Board of Education shall follow the appeal procedures as outlined in A.4. above.

**D. Complaints Regarding** ~~About~~ a Program, Practice, or Operation

1. A complaint **regarding** ~~directed to a matter of~~ district or school policy;; procedure;; program;; or operation, including entitlement programs established by ~~S~~state or ~~F~~federal law, should be addressed, initially, to the **Superintendent who will refer the complaint to the appropriate** administrator or **supervisor** department head ~~most directly concerned with the matter, in accordance with A.1.~~
2. A complaint that cannot be ~~satisfactorily~~ resolved **to the complainant's satisfaction at D.1. above** at the first level may be appealed to the Superintendent and, thereafter, the Board of **Education** in accordance with the procedures set forth in A.3. and A.4.

E. Complaints **Regarding Textbooks, About Instructional Supplies,** and Resource Materials

1. Complaints **regarding** ~~about~~ textbooks, ~~library books, reference works, and other~~ instructional **supplies, and resource** materials used in the district **shall** ~~will~~ be **submitted** ~~made~~ in writing **by the complainant** ~~and submitted~~ to the Superintendent.
2. ~~The complainant will complete and sign a complaint form available in the Principal's office.~~ The **written complaint form shall, at a minimum, will** include:
  - a. The title, author, and publisher of the **material at issue;** ~~work complained of;~~
  - b. **Sections of the material to which the complainant objects** ~~The specific portions or language complained of (by page(s) and item(s));;~~
  - c. ~~The complainant's familiarity with the work objected to;~~
  - cd. **An explanation of t**~~The reason(s) for the objection;;~~
  - de. The students or class for whom the **material work** is intended;; and
  - ef. The way in which the **material work** is used **or presented to students.**
3. Within seven working days of the receipt of the **written** complaint ~~form~~, the Superintendent shall appoint a review committee consisting of:

- a. **The head of the department in which the material is being used;** ~~Affirmative Action Officer;~~
  - b. **A teaching staff member in the subject area of the material;** ~~Director of Special Projects;~~
  - c. **A Board of Education member;** ~~A teacher in the subject area department/grade level;~~
  - d. The Principal of **the** a school in which the **material work is used or presented;** and
  - e. **Any other staff member designated by the Superintendent.** ~~Director Elem Ed/6-12 Subject Area Supervisor~~
  - f. District PTO Representative
  - g. ~~High School Student representation~~
  - h. Librarian
  - i. ~~8th grade Middle School representation~~
4. The review committee will meet to evaluate the complaint and review the material **at issue** objected to. ~~The standards used by the committee will be those set forth in Policy No. 2530.~~

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~~“The Board of Education shall provide resource materials to implement district and school educational goals and objectives as pupil needs dictate and district resources permit. Such materials include reference books, other supplementary titles, maps, library print and non-print materials, and other sources of information including electronic or digital resources for use by pupils that are not designated as textbooks.~~

~~The Superintendent shall be responsible for the selection and maintenance of all resource materials, in accordance with the following standards:~~

- ~~1. Material will be suited to the varied interests, abilities, reading levels, and maturation levels of the pupils to be served;~~
- ~~2. Wherever possible, materials will provide major opposing views on controversial issues so that pupils may develop under guidance the practice of critical reading and thinking;~~
- ~~3. Wherever possible, materials will represent the many religious, ethnic, and cultural groups and their contribution to American heritage;~~

- ~~4. Materials will be factually accurate and of genuine literary or artistic value;~~
- ~~5. Materials will be of a quality and durability appropriate to their intended uses and longevity;~~
- ~~6. Materials will relate to, support, and enrich the courses of study adopted by the Board.~~

~~The Superintendent will develop regulations for the selection of resource materials that provide for the effective consultation of teaching staff members at all appropriate levels; ensure that the Board's budgetary allotment for resource materials is efficiently spent and wisely distributed throughout the instructional program and the district; and ensure an inventory of resource materials that is well balanced and well rounded in coverage of subject, types of materials, and variety of content.~~

~~The Superintendent will evaluate the continuing effectiveness and utility of resource materials and recommend to the Board the removal of those materials that no longer meet the standards set forth in this policy. Any request for the removal of resource materials will be governed by Policy No. 9130 on public complaints.~~

~~Adopted: October 14, 2004 Revised: 10 August 2017."~~

- a. **The standards used by the review committee to review textbooks will be those set forth in Regulation 2510.**
  - b. **The standards used by the review committee to review instructional supplies will be those set forth in Regulation 2520.**
  - c. **The standards used by the review committee to review resource materials will be those set forth in Regulation 2530.**
5. **The review committee will report its findings and recommendations to the Superintendent Board within fifteen working days upon the appointment of the review committee.**
  6. **The Superintendent will submit the review committee's findings and recommendations to the Board at the next regularly scheduled Board meeting.**
  7. ~~The Board will receive the report of the committee.~~ **If the Board acts to remove the material at issue work complained of or to limit access to the material at issue work, its action will be accompanied by a statement of reasons for the removal or limitation.**

- a. **The Board shall render its decision within forty-five working days of receipt of the review committee's findings and recommendations.**
8. A copy of the **review** committee's **findings and recommendations** report and the Board's action, if any, will be given to the complainant **within five working days of the Board's action.**
9. The complainant will be informed, **in writing**, that a decision of the Board may be appealed to the Commissioner of Education **as permitted by law.**

Issued: 31 October 2023

**Berkeley Heights Public School District**

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[See POLICY ALERT No. 236]

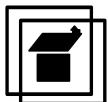
## 2535 LIBRARY MATERIAL

The Board of Education believes the freedom to read is a human right, constitutionally protected by the First Amendment of the United States Constitution, and individuals have the right to free inquiry and the right to form their own opinions. The freedom to read does not require an individual to agree with topics or themes within a material, but instead allows a reader to explore and engage with differing perspectives to form and inform their own views pursuant to the “Freedom to Read Act” N.J.S.A. 18A:34A-1 through N.J.S.A. 18A:34A-7.

In accordance with N.J.S.A. 18A:34A-4, the purpose of Regulation 2535 and this Policy is to: provide standards for the curation of library material, establish criteria for the removal of existing school library material or library material selected for inclusion in the school library, and provide protection against attempts to censor library material.

### A. Definitions – N.J.S.A. 18A:34A-3

1. For the purpose of Regulation 2535 and this Policy:
  - a. “Board of Education” means a Board of Education as defined in N.J.S.A. 18A:18A-2, the Board of Directors of an educational services commission, a Board of Trustees of a charter school, a Board of Trustees of a renaissance school project, or any other local education agency.
  - b. “Censorship” means to block, suppress, or remove library material based on disagreement with a viewpoint, idea, or concept or solely because an individual finds certain content offensive, but does not include limiting or restricting access to any library material deemed developmentally inappropriate for certain students.



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- c. “Diverse and inclusive material” means any material that reflects any protected class as enumerated in the “Law Against Discrimination,” N.J.S.A. 10:5-1 et seq.; material

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produced by an author who is a member of a protected class as enumerated in the “Law Against Discrimination,” N.J.S.A. 10:5-1 et seq.; and material that contains the author’s points of view concerning contemporary problems and issues, whether international, national, or local; but excludes content that is inappropriate for grades served by the school library.

- d. “Individual with a vested interest” means any teaching staff member employed by the Board of Education, any parent of a student enrolled in the school district at the time the removal form required pursuant to N.J.S.A. 18A:34A-5 is filed, and any student enrolled in the district at the time the removal form required pursuant to N.J.S.A. 18A:34A-5 is filed.
- e. “Library material” means any material including, but not limited to, nonfiction and fiction books, magazines, reference books, supplementary titles, multimedia and digital material, software and instructional material, and other material not required as part of classroom instruction belonging to, on loan to, or otherwise in the custody of a school library.
- f. “School library staff member” means a school library media specialist, school librarian, any certificated or non-certificated staff member assigned to duties in a school library, or any individual carrying out or assisting with the functions of a school library media specialist or school librarian.

## B. Library Material Curation – N.J.S.A. 18A:34A-4



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1. The Board of Education shall have control over the content of this Policy, except this Policy shall at a minimum:

a. Recognize that library material should be provided for the interest, information, and enlightenment of all students and should present diverse points of view in the collection as a whole;

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b. Acknowledge that library material shall not be removed from a school library because of the origin, background, or views of the library material or those contributing to its creation;

c. Recognize the importance of school libraries as centers for voluntary inquiry and the dissemination of information and ideas;

d. Promote the free expression and free access to ideas by students by prohibiting the censorship of library material;

e. Acknowledge that a school library media specialist is professionally trained to curate and develop the school library collection that provides students with access to the widest array of developmentally appropriate library material available to schools; and

f. Establish a procedure for a school library staff member to review library material within a school library on an ongoing basis, which shall include, but not be limited to:

(1) The library material's relevance;

(2) The condition of the library material;

(3) The availability of duplicates;

(4) The availability of more recent developmentally appropriate library material; and



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(5) The continued demand for the library material.

2. The Board of Education, in consultation with school library staff members, shall have discretion in selecting, purchasing, or acquiring library material for inclusion in the school library. Nothing in N.J.S.A. 18A:34A-4 or this Policy shall be construed to require the Board of Education to purchase, or otherwise acquire, library material for a school library.

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3. Nothing in N.J.S.A. 18A:34A-4 and this Policy shall be construed to restrict the Board of Education's authority to select textbooks and school supplies related to the curriculum.

## C. Library Material Recommendation and Selection Process

1. The school library staff member in each school building will accept the written requests of teaching staff members for new and revised library material. Each request should include:
  - a. The name and originator of the library material;
  - b. The publisher or distributor;
  - c. A brief description of the library material; and
  - d. The reason for the request, including the relevance of the library material to the instructional program.
2. The school library staff member shall review each recommendation against the standards for selection in B.1.f. above and the amount budgeted for library material in the current or succeeding school year, as appropriate.
3. The school library staff member shall present to the Superintendent or designee a list of recommended purchases of library material. The list will include multiple copies of library material when a high level of interest and need is anticipated.



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4. Standards to be applied in the selection of library material shall relate to, support, and enrich the courses of study adopted by the Board of Education.

D. Censorship of School Library Material Prohibited, Right to Reserve, Check Out – N.J.S.A. 18A:34A-6

1. The Board of Education shall not remove library material from a school library in the district because of the origin, background, or views of the library material or those contributing to its creation, and shall not engage in censorship of library material.

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2. The Board of Education shall allow a student to reserve or check out any developmentally appropriate library material, including diverse and inclusive material, regardless of the origin, background, or views of the library material or those contributing to its creation.

E. Removal Request Procedure

Any request by an individual with a vested interest to have library material removed from a school library in the district shall follow the grievance procedure outlined in Regulation 2535 in accordance with N.J.S.A. 18A:34A-5.

F. Immunity, School Library Staff – N.J.S.A. 18A:34A-7

A school library staff member who engages in activities as required by N.J.S.A. 18A:34A-4 through 18A:34A-6 and B. through E. above shall be immune from civil and criminal liability arising from good faith actions performed pursuant to the provisions of N.J.S.A. 18A:34A-4 through 18A:34A-6 and B. through E. above.

N.J.S.A. 18A:34A-1 through N.J.S.A. 18A:34A-7



# POLICY GUIDE *Strauss Esmay*

Adopted:



R 2535 LIBRARY MATERIAL (M)**M**

Any individual with a vested interest requesting to have library material removed from a school library in the district shall follow the grievance procedure outlined below in accordance with the provisions of N.J.S.A. 18A:34A-5.

**A. Definitions – N.J.S.A. 18A:34A-3**

1. For the purpose of Policy 2535 and this Regulation:
  - a. “Board of Education” means a Board of Education as defined in N.J.S.A. 18A:18A-2, the Board of Directors of an educational services commission, a Board of Trustees of a charter school, a Board of Trustees of a renaissance school project, or any other local education agency.
  - b. “Censorship” means to block, suppress, or remove library material based on disagreement with a viewpoint, idea, or concept or solely because an individual finds certain content offensive, but does not include limiting or restricting access to any library material deemed developmentally inappropriate for certain students.
  - c. “Diverse and inclusive material” means any material that reflects any protected class as enumerated in the “Law Against Discrimination,” N.J.S.A. 10:5-1 et seq.; material produced by an author who is a member of a protected class as enumerated in the “Law Against Discrimination,” N.J.S.A. 10:5-1 et seq.; and material that contains the author’s points of view concerning contemporary problems and issues, whether international, national, or local; but excludes content that is inappropriate for grades served by the school library.
  - d. “Individual with a vested interest” means any teaching staff member employed by the Board of Education, any parent of a student enrolled in the school district at the time the removal form required pursuant to N.J.S.A. 18A:34A-5 is filed, and any student enrolled in the district at the time the removal form required pursuant to N.J.S.A. 18A:34A-5 is filed.
  - e. “Library material” means any material including, but not limited to, nonfiction and fiction books, magazines, reference books, supplementary titles, multimedia and digital material, software and instructional material, and other material not required as part of classroom instruction belonging to, on loan to, or otherwise in the custody of a school library.

- f. “School library staff member” means a school library media specialist, school librarian, any certificated or non-certificated staff member assigned to duties in a school library, or any individual carrying out or assisting with the functions of a school library media specialist or school librarian.
- B. The following procedure shall be adhered to any time an individual with a vested interest submits a complaint requesting removal of library material from any of the district’s school libraries.
1. Complaints about library material shall be made on a request for removal form and submitted to the Principal of the school building in which the library material is challenged to initiate a review of the material.
  2. The individual with a vested interest shall complete and sign a request for removal form available in the Principal’s office. The request for removal form shall include:
    - a. The title, author, and publisher of the library material at issue;
    - b. Sections of the library material to which the individual with a vested interest objects; and
    - c. An explanation of the reasons for the objection.
  3. Within five working days of the receipt of the request for removal form, the Principal or designee shall forward the request for removal to the Superintendent.
  4. Upon receipt of the request for removal form, the Superintendent or designee shall appoint a review committee consisting of:
    - a. The Superintendent or designee;
    - b. The Principal or designee of the school in which the library material is challenged;
    - c. The school library media specialist or a school library staff member;
    - d. A representative selected by the Board of Education;
    - e. At least one grade-appropriate teacher familiar with the library material, provided the teacher selected is not the individual who submitted the request for removal form;

- f. A parent of a student enrolled in the school district, provided the parent selected is not the individual who submitted the request for removal form;
  - g. If appropriate, and at the discretion of the Superintendent, in cases where a student enrolled in the district in grades nine through twelve filed the request for removal form, a student enrolled in the district in grades nine through twelve may volunteer to serve on the review committee if that student did not file the request for removal form. The Superintendent shall consult with the Principal of the school involved in the removal request in making this determination; and
  - h. Any additional members the Superintendent or designee deem necessary.
5. The challenged library material shall remain within the school library and available for a student to reserve, check out, or access until there is a final decision reached by the Board of Education pursuant to N.J.S.A. 18A:34A-5.b.(5) and B.7. below.
6. The review committee members shall evaluate the request for removal form and review the challenged library material in its entirety. The review committee shall meet to discuss the library material and concerns raised and make a recommendation on whether the challenged library material should be removed from circulation, retained, or limited in use. The review committee shall submit its written report with recommendations to the Board of Education no later than sixty school days from the date of the next regularly scheduled Board of Education meeting after receipt of the request for removal form:
- a. A copy of the review committee's report shall also be provided to the individual with a vested interest who filed the request for removal form and the Principal who received the request for removal form.
7. The Board of Education shall review the review committee's report and make a final determination on whether the library material is to be removed from the school library or limited in use. The Board of Education shall provide a written statement of reasons for:
- a. The removal, limitation, or non-removal of a library material; and
  - b. Any final determination that is contrary to the recommendations of the review committee.
8. The written statement of reasons shall be posted on the Board of Education's website in a prominent and easily accessible location within thirty days of the determination.

9. All decisions on whether to remove from circulation, retain, or limit in use library material shall be based on the library material as a whole, not isolated passages.
10. All request for removal forms and outcomes shall be maintained in accordance with other similar records in the district.
11. Library material that has been challenged pursuant N.J.S.A. 18A:34A-5.b.(1) through 18A:34A-5.b.(5), Policy 2535, and this Regulation shall not be subject to challenge for at least one year in accordance with N.J.S.A. 18A:34A-5.b.(6).
12. The district may consolidate requests for removal of the same challenged library material in accordance with N.J.S.A. 18A:34A-5.b.(7).
13. The Board of Education's determination issued in accordance with N.J.S.A. 18A:34A-5, Policy 2535, and this Regulation which denies a request for removal shall not constitute a controversy or dispute pursuant to N.J.S.A. 18A:6-9. However, an individual with a vested interest, as defined in N.J.S.A. 18A:34A-3, may file a petition of appeal of the Board of Education's final determination to remove library material to the Commissioner of Education through the Office of Controversies and Disputes in accordance with N.J.S.A. 18A:6-9 and the procedures set forth in State Board of Education regulations.
14. Nothing in N.J.S.A. 18A:34A-1 through 18A:34A-7, Policy 2535, and this Regulation shall be construed as creating a separate legal cause of action regarding any determination issued pursuant to N.J.S.A. 18A:34A-1 through 18A:34A-7, Policy 2535, and this Regulation.
15. A school library staff member who engages in activities as required by N.J.S.A. 18A:34A-4 through 18A:34A-6 shall be immune from civil and criminal liability arising from good faith actions performed pursuant to the provisions of N.J.S.A. 18A:34A-4 through 18A:34A-6.

Adopted:

## 2624 GRADING SYSTEM

The Board of Education recognizes that a system of measuring, recording, and reporting the achievements of individual ~~students~~ ~~pupils~~ is important to the continuing process of learning. **The Board, therefore, directs the instructional program of this school district to include a system of grading that measures progress toward the New Jersey Core Curriculum Content Standards and the educational goals of the district.**

The Board directs that the instructional program of this district include a system of grading in grades K through 12 consistent with the educational goals of the district. Grades will measure the progress of ~~students~~ ~~pupils~~ against both their own potential for achievement and the achievements of others in their class as appropriate to the grade level and subject matter. **The administration shall enforce consistency in grading practices in the Middle School and High School departments, including but not limited to test corrections, number of assignments, timeliness of grades, and consistent weighting and/or point value.**

~~Pupils~~ **Students** shall be informed at the outset of any course of study of the behaviors and achievements that are expected of them and shall be kept informed of their progress during the course of study. As a rule, grading should reward **students** ~~pupils~~ for positive efforts and minimize failure, and **students** ~~pupils~~ should be encouraged to evaluate their own achievements.

The Superintendent shall develop and continually review in consultation with teaching staff members, parents or legal guardians, and **students** ~~pupils~~, a grading program appropriate to the course of study and maturity of **students** ~~pupils~~. The final decision on any contested grade will be the responsibility of the principal. A **student** ~~pupil~~ classified as disabled will be graded in accordance with his or her **Individualized Educational Program (IEP) or the Section 504 Plan** ~~individualized educational program~~.

Adopted: 11 February 1991

Revised: 15 February 2001

**Berkeley Heights Public School District**

