



Special Education Advisory Committee

Draft Policy 5045

CRITERIA AND SELECTION OF SUPPLEMENTAL INSTRUCTIONAL MATERIALS

Review and Recommendations Summary

April 12, 2023

Prepared For:
SEAC Membership
Special Education Community
Loudoun County School Board

Overview: Policy 5045

CRITERIA AND SELECTION OF SUPPLEMENTAL INSTRUCTIONAL MATERIALS

The Loudoun County School Board provides a wide variety of instructional materials to support and enrich the educational program of the school. The purpose of this policy is to define the criteria and selection of supplemental instructional materials.

The Regulations Governing Special Education Programs for Children with Disabilities in Virginia reflect the state and federal requirements for the provision of special education and related services. Section [8VAC20-81-230 D.2](#) of the Virginia regulations mandate that an active SEAC exists, specifies membership that requires that a majority of members be individuals with disabilities or parents of children with disabilities as well as defines specific functions of the SEAC, which are as follows:

1. Advise the local school division of needs in the education of students with disabilities;
2. Participate in the development of priorities and strategies for meeting the identified needs of students with disabilities;
3. Submit periodic reports and recommendations regarding the education of students with disabilities to the division superintendent for transmission to the local school board;
4. Assist the local school division in interpreting plans to the community for meeting the special needs of students with disabilities for educational services;
5. Review the policies and procedures for the provision of special education and related services prior to submission to the local school board; and
6. Participate in the review of the local school division's annual plan.

This report satisfies requirement 3 and 5 above. SEAC has reviewed the draft policy and determined that it does not meet the needs of students with disabilities.

Concerns and Recommendations for Draft Policy 5045

SEAC received draft policy 5045 for review on March 14, 2023, LCPS requested the policy review be completed and returned by March 28, 2023. SEAC has shared on multiple occasions that all policies must be reviewed and voted on by the SEAC membership during SEAC business meetings. LCPS requested the review of draft policy 5045 be completed prior to the scheduled April 12 SEAC business meeting; thus, failing to give SEAC sufficient time for membership to review and vote on the subcommittee recommendations. The following recommendations were reviewed and voted on during the April 12, 2023, SEAC business meeting.

Concern 1: LCPS is required to provide accessible print materials to students under the ADA, IDEA, Section 504 and 508 of the Rehabilitation Act. Policy regarding the selection and purchase of instructional materials should follow federal guidelines and be reflected in policy.

Recommendation 1:

- Line 36 remove "and"
- At Line 39, Add f. Accessibility; and
- After Line 39, Add g. Evidence-based as appropriate for the intended purpose.

- Line 86 remove "and"
- At Line 89 f. Accessibility; and
- After Line 89, Add g. Evidence-based as appropriate for the intended purpose.

Concern 2: LCPS has a policy that governs Family Life Education Materials, and these should be accessible and compliant with Policy 5048.

Recommendation 2:

- Line 63, after word "materials" ADD, "All Family Life Education Materials are compliant with Policy 5045 and additionally governed by Policy 5048, Family Life Education."

SEAC Membership Vote on Policy 5045

SEAC Membership Vote on Recommendations

Quorum: 17 out of 20 members present – Quorum Established

Motion: Tom Ketcham made a motion to vote on the proposed recommendations 1 and 2. Motion seconded by Rozeena Khattak.

Vote Summary: Unanimous

CRITERIA AND SELECTION OF SUPPLEMENTAL INSTRUCTIONAL MATERIALS

The Loudoun County School Board provides a wide variety of instructional materials to support and enrich the educational program of the school. The purpose of this policy is to define the criteria and selection of supplemental instructional materials.

A. Supplemental Instructional Materials–Defined. Supplemental instructional materials are materials used by students under the guidance of teachers to extend, expand, and supplement the primary materials adopted by LCPS under Policy 5130, Textbook Adoption, and constitute an integral part of the instructional program. Supplemental instructional materials are items that the Division, a school, or an individual teacher has discretion over acquiring and using to assist the teaching and learning process. This includes materials selected for interscholastic activities, co-curricular activities, and school-sponsored extracurriculars and clubs and may include books, magazines, newspapers, articles, charts, pictures, certain workbooks, kits, videos, games, and presentations. Materials selected for supplemental instructional use must relate directly to the established objectives of the course or content area in which they are used.

B. Division-Level Supplemental Instructional Materials. These include items that have been approved by the Division for use in classrooms to meet the goals of the curriculum.

1. The selection process for Division-level supplemental instructional materials should involve content supervisors, specialists, facilitators, teachers, and may include library media specialists, administrators, professional specialists, students, and parents.

2. In the selection of Division-level instructional materials, the Department of Instruction shall consider the following criteria.

- a. National, state, and local curriculum requirements;
- b. Content;
- c. Student interest and appeal;
- d. Clarity; and
- e. Organization and format.

3. In subjects that involve human relationships or values, either directly or incidentally, the evaluation shall consider the following factors, if applicable, to support a culturally responsive environment:

- a. Moral and ethical sensitivities of various groups;

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- b. Representative of our pluralistic society;
- c. Representative of all backgrounds within the LCPS community and beyond, as defined in Policy 1040, Equal Opportunity for Equitable, Safe & Inclusive Environment;
- d. Diversity of environments: social, economic, and geographic;
- e. Preservation of national values: freedom, civic responsibility, and individual worth; and
- f. Personal integrity, honor, and service.

4. Sexually explicit instructional materials, as defined by Policy 5055, Parental Notification of Instructional Materials with Sexually Explicit Content, shall not be used in elementary classrooms.

5. All Family Life Education materials are governed by Policy 5048, Family Life Education.

C. School-Level Supplemental Instructional Materials. The selection process for school-level supplemental instructional materials should involve teachers, collaborative learning teams, and may include library media specialists, administrators, professional specialists, students, and parents.

1. Each school is responsible for selecting and using supplemental instructional materials. Teachers must carefully review supplemental instructional materials before use. Teachers shall exercise professional judgment in their use of supplemental instructional materials, to ensure that such materials support and complement the primary educational objectives.

2. In the selection of school-level supplemental instructional materials the school staff shall consider the following:

- a. National, state, and local curriculum requirements;
- b. Content;
- c. Student interest and appeal;
- d. Clarity; and
- e. Organization and format.

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3. In subjects that involve human relationships or values, either directly or incidentally, the evaluation of supplemental instructional materials shall consider the following factors, if applicable, to support a culturally responsive environment:

- a. Moral and ethical sensitivities of various groups;
- b. Representative of our pluralistic society;
- c. Representative of all backgrounds within the LCPS community and beyond, as defined in Policy 1040, Equal Opportunity for Equitable, Safe & Inclusive Environment;
- d. Diversity of environments: social, economic, and geographic;
- e. Preservation of national values: freedom, civic responsibility, and individual worth; and
- f. Personal integrity, honor, and service.

D. School Library Materials. School library materials are considered supplemental instructional materials when assigned by a teacher to be used: (i) for the completion of an assignment, or (ii) as part of interscholastic activities, co-curricular activities, or school-sponsored extracurricular and club activities. However, for such selected materials to be deemed supplemental instructional materials, their use must relate directly to the established objectives of the course or content area in which they are used.

~~———The Loudoun County School Board provides a wide variety of instructional resources to support and enrich the educational program of the school. An instructional resource is any resource used in schools to include digital, curriculum, library, and display resources, as well as any programming resources. Instructional resources are used to complement School Board adopted textbooks. Instructional resources, to include classroom and school libraries, should aim to be culturally responsive and diverse. This policy covers the selection of instructional materials, the challenge to instructional materials not covered by other policies, and the internal systematic review of resources.~~

~~———Textbook adoptions are covered by School Board Policy 5130, Textbook Adoption. Textbooks are “print or electronic media for student use that serve as the primary curriculum basis for a grade level or course. This policy does not cover textbooks.~~

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~~———— This policy gives consideration to the views of Loudoun County Public Schools (LCPS) parents or guardians in addressing the selection and evaluation of all other instructional materials purchased by or donated to the school division and provides clear procedures for processing challenges to controversial materials.~~

~~A. — Selection Process.~~

~~1. — The selection process should involve library media specialists, teachers, administrators, and when appropriate, other professional specialists, students, and parents.~~

~~2. — Resources should be selected in accordance with established needs and priorities to maintain a balanced, culturally responsive, diverse, current collection to meet or exceed state accreditation standards.~~

~~3. — Selection should be based upon preview by LCPS staff, and when appropriate, other professional specialists, students, and parents. Evaluative reviews in professionally prepared selection aids or other appropriate recommendations should also be considered.~~

~~4. — Resources obtained other than through the normal selection and purchasing process shall be evaluated on the same criteria as used for purchased resources.~~

~~B. — Procedure for Review of Challenged Resources. Challenges to instructional resources shall be considered objectively under the procedure set forth in this paragraph. All material/s in the process of being reviewed shall remain in use or circulation until a final decision is reached.~~

~~1. — A complainant is any parent, legal guardian of a student, or adult student enrolled in Loudoun County Public Schools. A complainant may state an objection to and request a review of resources located within the school building their student attends.~~

~~2. — Requests for review of resources by a complainant must be submitted in writing to the principal of the school the student attends. Complainants shall answer the questions in the Reconsideration of Instructional Materials Request Form found in Regulation 5045, Challenge of Instructional Resources, and be specific as to the resource being challenged and reason/s for the objections.~~

~~3. — The principal shall notify the Supervisor of Library Services of the request. The Supervisor of Library Services will work with the principal to determine if the objection is a school-level or division-level challenge, based upon the procurement~~

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or donation of the resource. Resources procured or donated and distributed to schools from the division level shall automatically result in a division level appeal.

~~C. School Level Procedure for Review of Challenged Resources. Resources procured or donated at the school level shall first be reviewed at the school level.~~

~~1. In consultation with the Supervisor of Library Services, the principal shall appoint a committee of at least three instructional staff members and two parents of students enrolled at the school to review the resource in its entirety as well as related documents and make a recommendation to the principal. Principals will use a fair and equitable process when choosing staff and parents to serve on the committee.~~

~~2. The principal shall notify the complainant who filed the objection of their decision in writing within thirty workdays of receipt of the written request. The principal shall forward a copy of all materials used in the review process to the Supervisor of Library Services.~~

~~3. The decision of the principal may be appealed by the complainant who filed the objection. Such appeal must be made in writing to the Superintendent within 15 workdays of receipt of the decision being appealed. A division level review would then take place, as outlined.~~

~~4. If the decision is not appealed within the 15-day time limit, the principal's decision shall be final.~~

~~D. Division Level Procedure for Review of Challenged Resources. A division level review can originate as an appeal of a school level decision or as a result of a request for review of a division procured or donated resource.~~

~~1. The Superintendent shall appoint a division review committee, with at least three division instructional staff members and two LCPS school-based employees at the level of the request, and two LCPS parents to review the material and make a recommendation to the Superintendent. No further requests for reconsideration will be accepted once a division review committee has been assembled.~~

~~2. The division review committee shall review the resource in its entirety as well as related documents and any school decision, and make a recommendation to the Superintendent to affirm, modify, or annul the decision of the school on the basis of this review.~~

~~3. The Superintendent shall notify the complainant of their decision in writing within 30 workdays of receipt of the written appeal or as soon thereafter as is reasonably practicable. The Superintendent's decision shall be division-wide at the~~

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level-challenged.

~~E. Appeal to the School Board. The decision of the Superintendent may be appealed to the School Board by the complainant who requested the appeal. Such appeal must be made in writing to the Chair of the School Board within 15 workdays of receipt of the decision being appealed. If the decision of the Superintendent is not appealed within the time allowed, the Superintendent's decision is final at the end of the 15 days and will supersede any prior principal decision.~~

~~1. The Chair shall appoint a committee of three School Board members and identify one committee member as Chair of the committee.~~

~~2. The School Board committee will review the resource in its entirety as well as related documents, any school decision, and the Superintendent's decision. The School Board committee will affirm, modify, remand back to the Superintendent for more investigation reverse the decision of the Superintendent on the basis of this review.~~

~~3. The committee's decision shall be communicated to the complainant who filed the objection and to the School Board within 30 workdays of the appeal to the School Board or as soon thereafter as is reasonably practicable.~~

~~4. A summary of the committee's findings shall be provided to all School Board Members and shall be formally reported at the next regular meeting of the School Board for inclusion in the minutes of that meeting. The School Board is not required to take action to allow the committee decision to stand as that of the School Board, but the School Board may affirm, modify, remand back to the committee for more investigation or reverse the decision of the committee.~~

~~5. The decision of the three member School Board committee shall be final and district wide at the level challenged.~~

~~F. Timeline for Additional Actions.~~

~~1. School level reviews. Any material(s) challenged and decided at the school level without appeal to the Superintendent shall not be eligible for challenge under this policy by any complainant at the same school until at least four years have elapsed from the original decision by the principal. However, this does not prevent the school principal, acting under their responsibility for the administration of the educational program in that school, from initiating such action on their own and restricting the use of such material/s before four years have elapsed.~~

~~2. Division Level Reviews. Any material/s challenged and decided at the~~

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~~division level, either by the Superintendent or the School Board committee, shall not be eligible for challenge under this policy by any complainant until at least four years have elapsed from the original decision. However, this does not prevent the Superintendent, acting on his or her own responsibility for the administration of the education program in the division, from initiating such action on their own and restricting the use of such material/s before four years have elapsed. The Superintendent shall notify the School Board of the action. Such action may be affirmed, modified, reversed and remanded or reversed by the School Board.~~

[Former Policy: 5-7]

Adopted: 10/13/81

Revised: 6/22/93, 5/13/08, 3/24/09

Confirmed: 9/8/09

Current Revision: 3/9/21

Legal Reference: Code of Virginia §[22.1-253.13:7](#), [§ 22.1-207.2](#).

Cross Refs:

Policy 1040, Equal Opportunity for Equitable, Safe and Inclusive Environment

Policy 5048, Family Life Education

Policy 5055, Parental Notification of Instructional Materials with Sexually Explicit Content

Policy 5130, Textbook Adoption

Policy 8350, Student Activities