



**DEPARTMENT OF DEFENSE
EDUCATION ACTIVITY
4040 NORTH FAIRFAX DRIVE
ARLINGTON, VIRGINIA 22203-1635**

Education Directorate

DoDEA Regulation 2992.1
October 27, 2004

**DEPARTMENT OF DEFENSE EDUCATION ACTIVITY
REGULATION**

SUBJECT: Information Center and Classroom Supplemental Materials Selection Policy and Challenge Procedures

- References: (a) DoD Directive 1342.6, "Department of Defense Dependents Schools (DoDDS)," October 13, 1992
(b) DoD Directive 1342.21, "Department of Defense Section 6 Schools," October 13, 1992
(c) DS 7241.1, "Acceptance of Gifts for Domestic and Overseas Defense Dependents Schools," March 10, 1999
(d) DoDEA Administrative Instruction 6600.1, "Computer Access and Internet Policy," August 29, 1997

1. PURPOSE

This Regulation:

1.1. Establishes system-wide policy and procedures and assigns responsibilities under references (a) and (b) for selecting information center and classroom supplemental materials used in Department of Defense Education Activity (DoDEA) schools; and for challenging the suitability of those materials.

1.2. Provides guidance to Department of Defense (DoD) officials and is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law.

2. APPLICABILITY AND SCOPE

This Regulation applies to:

2.1. The Office of the Director, Department of Defense Education Activity; the Director, Department of Defense Domestic Dependent Elementary and Secondary Schools, and Department of Defense Dependents Schools, Cuba (DDESS/DoDDS-Cuba); the Director, Department of Defense Dependents Schools, Europe (DoDDS-E); the Director, Department of Defense Dependents Schools, Pacific, and Department of Defense Domestic Dependent

Elementary and Secondary Schools, Guam (DoDDS-P/DDESS-Guam); and all DoDEA District Superintendents, School Principals, Teachers, and Support Staff.

2.2. Parents or guardians of students enrolled in DoDEA schools.

2.3. Students enrolled in DoDEA schools that are age 18 and older.

3. DEFINITIONS

3.1. Approved Materials Lists. Materials lists that are prescribed from time to time by DoDEA Headquarters (HQ) Subject Matter Coordinators.

3.2. Challenged Materials Review Committee (CMRC). Committee appointed by the school principal to recommend disposition of challenges in accordance with enclosure 2.

3.3. Challenger. A person who uses the informal or formal procedures specified in this Regulation to challenge the use of information center or classroom supplemental materials; and

3.3.1. Is the parent or guardian of a minor child enrolled in a DoDEA school challenging the use of information center or classroom supplemental materials by his or her student; or

3.3.2. Is a student age 18 or older enrolled in a DoDEA school challenging his or her personal use of information center or classroom supplemental materials,

3.4. Classroom Supplemental Materials. Materials prescribed and selected by DoDEA Teachers to supplement classroom activities.

3.5. Information Center Materials. Materials prescribed and selected by DoDEA Information Specialists for use in DoDEA School Information Centers.

3.6. Materials. Books, videocassettes, performing arts scripts, computer software, and other non-print resources for which the school principal has acquisition management responsibility for, and that may be selected, consistent with this Regulation, for use in the school by classroom teachers and information center staff, whether acquired by purchase or in accordance with reference (c).

4. POLICY

It is DoDEA policy that:

4.1. Students shall be provided a broad range of educational materials that enrich and support the curriculum and meet their educational needs.

4.2. Challengers shall be provided uniform procedures for requesting reconsideration of selected classroom supplemental or information center materials.

4.3. This Regulation does not apply to the following materials:

4.3.1. Articles from a daily newspaper or periodical that a classroom teacher may select for classroom use to meet educational objectives when it is impractical to give advance notice of their use.

4.3.2. Internet Resources. DoDEA provides Internet filtering; however DoDEA does not control information on the Internet. A request for Internet Access, signed by a student's parent or guardian, or by a student over the age of 18, represents an understanding on the part of the student and the student's parent or guardian that the student will adhere to DoDEA Administrative Instruction 6600.1 (reference (d)).

5. RESPONSIBILITIES

5.1. The Director, Department of Defense Education Activity, shall designate the DoDEA Information Center Coordinator as the position for receiving and maintaining records of formal materials challenges.

5.2. The DoDEA Information Center Coordinator under the authority, direction, and control of the Principal Deputy Director, Department of Defense Education Activity, shall receive and maintain records of formal materials challenges.

5.2.1. These records shall be filed by school, district, or subject (i.e., the particular challenged material), but not by the name of the challenging party.

5.2.2. Each challenge file will consist of: (1) the record of attempts to resolve the challenge, both informal and formal; (2) the Request for Reconsideration (formal challenge); (3) the Challenged Materials Review Committee (CMRC) Report; (4) the principal's decision; (5) the appeal of the principal's decision, if applicable; (6) the district superintendent's final decision, if rendered; and (7) correspondence related to each case.

5.3. The Director, Department of Defense Domestic Dependent Elementary and Secondary Schools and Department of Defense Dependents Schools, Cuba; the Director, Department of Defense Dependents Schools, Europe; the Director, Department of Defense Dependents Schools, Pacific and Department of Defense Domestic Dependent Elementary and Secondary Schools, Guam; under the Director, Department of Defense Education Activity, shall:

5.3.1. Exercise overall responsibility and authority for the implementation of this Regulation within their respective areas.

5.3.2. Serve as, or designate the official(s) to serve as, the primary contact with the press regarding any challenge to materials in their respective DoDEA Areas.

5.4. The DoDEA District Superintendents shall:

5.4.1. Ensure that school principals within their districts follow the policies and procedures contained in this Regulation.

5.4.2. Issue the final decision concerning a challenge to materials under this Regulation when a challenger appeals the principal's decision.

5.4.3. Grant extensions of time, for good cause, to the deadlines prescribed in this Regulation, upon the request of the challenger or the principal.

5.4.4. Forward to the appropriate DoDEA Director, and the DoDEA Information Center Coordinator, a copy of each final decision concerning a challenge to materials under this Regulation.

5.5. The DoDEA Principals shall:

5.5.1. Acquire materials covered by this Regulation in accordance with the criteria described in enclosure 1.

5.5.2. Invite parents to visit the school to discuss educational materials.

5.5.3. Appoint members to a standing CMRC, in accordance with the procedures in enclosure 2.

5.5.4. Provide a copy of this Regulation to concerned parents.

5.5.5. Receive the formal challenge.

5.5.6. Acknowledge receipt of a formal challenge, convene the CMRC within 10 working days of receiving the challenge, unless the matter is resolved informally, and notify the challenger of the date, time, and place of the CMRC meeting.

5.5.7. Attempt to resolve the matter informally with the challenger before the CMRC meets.

5.5.8. Issue a decision within 3 working days of receiving the CMRC's Report.

5.5.9. Grant extensions of time, for good cause, to the deadlines prescribed in this Regulation, upon the request of the challenger or the CMRC.

5.5.10. Provide the District Superintendent; appropriate DoDEA Director, and DoDEA Information Center Coordinator, with a copy of: (1) the record of attempts to resolve the challenge; (2) the Request for Reconsideration (formal challenge); (3) the CMRC Report; (4) the principal's decision; and (5) correspondence related to the case.

5.6. The DoDEA Information Specialists shall:

5.6.1. Facilitate the review and selection of information center materials consistent with this Regulation.

5.6.2. Inform the principal promptly whenever an informal challenge arises, document the discussions and informal attempts at resolution, keep the principal informed of developments and notify the principal of the success or failure of informal resolution efforts.

5.6.3. Attempt informal resolution of challenges by offering the use of alternate information resources and advise the parent or guardian to oversee and restrict his or her student's access to information center materials challenged by the parent.

5.6.4. Notify the principal and refer the challenger to the principal if informal resolution of the challenge is not possible.

5.7. The DoDEA Teachers shall:

5.7.1. Review and select classroom supplemental materials consistent with this Regulation.

5.7.2. Inform the principal promptly whenever an informal challenge arises, document the discussions and informal attempts at resolution, keep the principal informed of developments and notify the principal of the success or failure of informal resolution efforts.

5.7.3. Attempt informal resolution of the challenge by offering to locate and assign alternative instructional materials or by providing an alternative assignment that meets educational objectives.

5.7.4. If informal resolution of the challenge is not possible, notify the principal and refer the challenger to the principal.

5.8. The DoDEA Parents and Guardians:

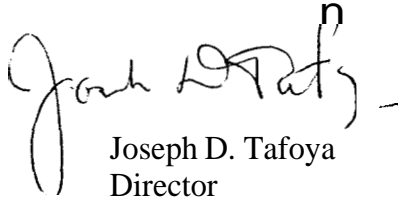
5.8.1. May visit classroom and information centers and review or discuss classroom supplemental materials with the classroom teacher and information center materials with the information specialist.

5.8.2. May challenge their student's use of materials by following the procedures prescribed in this Regulation.

5.8.3. Shall oversee his or her student's access to classroom supplemental or information center materials and restrict his or her student's access to materials challenged by the parents.

6. EFFECTIVE DATE

This Regulation is effective immediately.



Joseph D. Tafoya
Director

Enclosures - 5

- E1. Criteria for Selecting Classroom Supplemental and Information Center Materials
- E2. Challenged Materials Review Committee Operating Procedures
- E3. Procedures for Selecting Information Center and Classroom Supplemental Materials
- E4. Procedures for Challenging Materials
- E5. Schematic for Challenging Materials

E1. ENCLOSURE 1

CRITERIA FOR SELECTING CLASSROOM SUPPLEMENTAL AND INFORMATION CENTER MATERIALS

Selection officials shall employ, as appropriate, the following criteria when selecting materials, whether acquired by purchase or as a gift in accordance with reference (c):

E1.1. Educational significance.

E1.2. Contribution the subject matter makes to the curriculum and to the interests of students.

E1.3. Favorable reviews found in standard selection sources such as:

E1.3.1. The Basic Book Collection for Elementary Grades.

E1.3.2. The Best Books for Children.

E1.3.3. The Children's Catalog.

E1.3.4. The Junior High Catalog.

E1.3.5. The Booklist.

E1.3.6. The American Library Association Recommended Lists.

E1.3.7. The National Council of Teachers of English Recommended Lists.

E1.3.8. The Kirkus Reviews.

E1.3.9. The School Library Journal.

E1.3.10. The International Reading Association Booklists.

E1.3.11. The Advanced Placement Booklists.

E1.4. Recommendations based on preview and/or examination of materials by DoDEA professional educational personnel or inclusion on a DoDEA approved materials list.

E1.5. Reputation and significance of the author, illustrator, producer, and/or publisher.

E1.6. Validity, currency, and appropriateness of the material

E1.7. High artistic quality and/or literary style.

E1.8. Quality and variety of format.

E1.9. Value commensurate with cost and/or need.

E1.10. Timeliness or permanence.

E1.11. Integrity.

E1.12. Presentation of cultural diversity, particularly as it relates to the host nation, state, or local community.

E2. ENCLOSURE 2

CHALLENGED MATERIALS REVIEW COMMITTEE: SELECTION OF MEMBERS
AND OPERATING PROCEDURES

E2.1. Principals will appoint members to their respective schools' CMRC at the start of each school year.

E2.1.1. Persons appointed to a CMRC will serve a term of one school year which includes any summer school sessions that are held following the end of the regular school year.

E2.1.2. Principals may appoint other individuals to finish the incomplete term of a CMRC member who vacates his or her position before the end of a school year.

E2.1.3. Members may be reappointed to the same CMRC for up to three consecutive school year terms.

E2.2. Membership of CMRCs shall include the following representatives of the school community:

E2.2.1. A DoDEA administrator who shall serve as a non-voting member.

E2.2.2. Two DoDEA teachers and a school information specialist who shall serve as voting members.

E2.2.2.1. The professional teachers association with representational rights in the affected district must be permitted to nominate teachers and information specialists for consideration for inclusion in CMRC membership.

E2.2.2.2. At the start of the school year, principals will notify pertinent teacher associations in writing of their right to nominate members for CMRC membership and the deadline for submitting those nominations.

E2.2.3. If the CMRC is considering a challenge involving actions of one of its teacher or school information specialist members, the affected member shall be recused from the CMRC's deliberations of the challenge. The principal will appoint an alternate teacher or information specialist to replace the affected teacher or school information specialist member. The alternate will serve on the CMRC until it completes its deliberations and delivers a report to the principal.

E2.2.4. The appropriate Community Commander or his/her representative, who shall serve as a voting member.

E2.2.5. A parent or guardian from the DDESS/DoDDS-Cuba school board, local DoDDS-E, or DoDDS-P/DDESS-Guam Installation Advisory Committee or School Advisory Committee who shall serve as a voting member.

E2.2.6. A secondary school student representative from the school may be appointed as a voting member.

E2.3. Each CMRC will adhere to the following operating rules:

E2.3.1. A chairperson will be selected by a majority vote of the voting members.

E2.3.2. In the absence of its own rules, the CMRC will follow Roberts Rules of Order.

E2.3.3. A quorum will consist of a majority of the appointed members.

E2.3.4. The CMRC will be convened within 10 working days of the principal's receipt of a formal challenge, unless an informal resolution is achieved.

E2.3.5. Each member of the CMRC shall:

E2.3.5.1. Read and review the challenged material in its entirety as part of the review process. A challenged material shall be evaluated as a whole and disputed passages or parts shall be evaluated in the context of the challenged material's entirety.

E2.3.5.2. Read reviews concerning the challenged materials.

E2.3.5.3. Review the selection criteria at enclosure 1 and evaluate the challenged material using these criteria.

E2.3.6. The CMRC shall:

E2.3.6.1. Complete deliberations and deliver the CMRC report to the school principal within 5 working days of its meeting, unless it obtains an extension of time from the principal. (See attachment E2.A1.)

E2.3.6.2. Identify in the CMRC report criteria used to evaluate the materials and describe how the criteria was applied to the challenged materials.

E2.3.6.3. Explain in the CMRC report how the challenged material either does or does not relate to the DoDEA curriculum, educational objectives, and policies concerning the selection of materials.

E2.3.6.4. Include in the CMRC report recommendations concerning resolution of the challenge. The CMRC may include such concurring or dissenting opinions and recommendations as it determines necessary to express the views of the Committee.

Attachment – 1

E2.A1. Sample Challenged Materials Review Committee (CMRC) Report to Principal

E2.A1. ENCLOSURE 2 - ATTACHMENT 1

SAMPLE CHALLENGED MATERIALS REVIEW COMMITTEE REPORT TO PRINCIPAL

Letterhead Stationary

{Date}

MEMORANDUM FOR PRINCIPAL (NAME OF SCHOOL)

SUBJECT: Challenged Materials Review Committee Report and Recommendations

The Challenged Materials Review Committee (CMRC) met on (date) at (school name) pursuant to the Request for Reconsideration submitted by (name of challenger), (dated). The CMRC reviewed the challenge to (choose one: classroom supplementary materials or information center materials) used in the (classroom of (state the name of the classroom teacher(s)) or information center). The CMRC reviewed the challenged materials in their entirety, read reviews of the materials, and evaluated the selection of the materials in accordance with the selection criteria, at enclosure 1 of DoDEA Regulation XXXXX.

The CMRC voted and (choose one: a majority or X number of members) of the CMRC reached the conclusion that the materials (for example: should be withdrawn from the use of a particular student / should be left in place and used as originally planned). Add the following sentence if necessary to reflect dissenting views: (X number of members, however, have concluded for example: the materials should be withdrawn from the use of a particular student / should be left in place and used as originally planned.)

Attached is the report of the CMRC (and any concurring or dissenting views).

CMRC Chairperson

Attachment:
CMRC Report

E3. ENCLOSURE3

PROCEDURES FOR SELECTING INFORMATION CENTER AND CLASSROOM
SUPPLEMENTAL MATERIALS

E3.1. Selection of information center materials is a continuous process conducted by the school information specialist under the supervision of the school principal.

E3.1.1. The school information specialist facilitates the review and selection of information center materials.

E3.1.2. The school principal shall ensure that the students, parents, guardians, and teachers are aware of the opportunity to recommend materials to the school information specialist.

E3.2. Classroom supplemental materials selection is a continuous process conducted by the teacher under the supervision of the principal.

E3.2.1. Teachers review and select classroom supplemental materials that have a clear connection with established educational objectives.

E3.2.2. Upon a parent's request, a teacher will work with the parent to identify suitable alternate supplemental materials for the parent's child.

E3.3. School information specialists and teachers shall employ, as appropriate, the criteria described in enclosure 1 when selecting materials.

E4. ENCLOSURE 4

PROCEDURES FOR CHALLENGING MATERIALS

E4.1. Any challenger may initiate an informal challenge by bringing his/her concerns to the attention of the teacher when it involves classroom supplemental material, or to the school information specialist when it involves an information center resource.

E4.1.1. If a challenger requests that classroom supplemental material be withdrawn from the use of a specific student, the teacher will attempt to resolve the issue informally by offering to locate and assign alternative instructional materials, or by providing an alternative assignment that meets classroom educational objectives.

E4.1.2. If a challenger requests that access to specific information center materials be withdrawn from use of a specific student, the information center specialist will attempt to resolve the concern informally by offering to locate alternative information center materials, but must notify the challenger of the requirement in this Regulation that he or she must oversee and restrict his or her student's access to the challenged materials.

E4.1.3. If the teacher or information specialist is unable to resolve the concerns about the use of classroom supplemental or information center materials, he/she shall refer the challenger to the principal.

E4.2. The challenger may initiate a formal challenge by filing a Request for Reconsideration of Information Center or Classroom Supplemental Materials, with the school principal. (See attachment E4.A1.) Initiating an informal challenge is not a prerequisite to filing a formal challenge.

E4.3. The principal shall receive and acknowledge receipt of a formal challenge, convene the CMRC within 10 working days of receiving the challenge, unless the matter is resolved informally, and notify the challenger of the date, time, and place of the CMRC meeting. (See attachment E4.A2.)

E4.4. The principal shall attempt to informally resolve the matter with the challenger before the CMRC meets.

E4.5. If no informal resolution is achieved, the CMRC shall meet to review the material, examine professional reviews, evaluate the materials according to the recommended criteria described in enclosure 1 of this Regulation, and prepare a report with a recommendation to the principal within 5 working days of convening, as described in enclosure 2.

E4.6. The principal must advise the challenger in writing of the decision within 3 working days of receiving the CMRC recommendation. (See attachment E4.A3.)

E4.7. If the challenger disagrees with the principal's decision, he or she may file an appeal within 5 days of receiving the decision, by mailing, faxing or delivering a Request for

Reconsideration (attachment E4.A1) and a copy of the principal's decision to the District Superintendent.

E4.8. The District Superintendent shall issue a final decision within 5 working days of receiving the appeal. A sample final decision letter is at attachment E4.A4. There is no further appeal from the District Superintendent's final decision. See enclosure 5 for a schematic of the challenge procedure.

E4.9. No material will be withdrawn from use at a school unless a final decision directing such action is made by the cognizant District Superintendent.

Attachments – 4

- E4.A1. Request for Consideration of Information Center or Classroom Supplemental Materials (Formal Challenge)
- E4.A2. Sample Letter Acknowledging Receipt of Request for Reconsideration (Formal Challenge)
- E4.A3. Sample Decision Letter From Principal
- E4.A4. Sample Final Decision Letter From District Superintendent

E4.A1. ENCLOSURE 4 - ATTACHMENT 1 (CONTINUED)

REQUEST FOR RECONSIDERATION OF
INFORMATION CENTER OR CLASSROOM SUPPLEMENTAL MATERIALS
(FORMAL CHALLENGE)

2. Appeal of Principal's Decision

If you wish to appeal the decision of a principal concerning your Request for reconsideration of Information Center or Classroom Supplemental Materials, please complete the following information blocks, in addition to those above, and submit this form, together with a copy of the principal's decision to:

(Name, address, and facsimile number of the District Superintendent)

State the date on which you received the decision by the principal: _____

State the reasons you disagree with the decision of the principal:

Signature of Challenger

(Date:)

E4.A2. ENCLOSURE 4 - ATTACHMENT 2

SAMPLE LETTER ACKNOWLEDGING RECEIPT OF REQUEST FOR
RECONSIDERATION (FORMAL CHALLENGE)

Letterhead Stationary

(Date)

(Address of Challenger)

Dear Mr. /Mrs. (name of challenger):

Regarding: Reconsideration of School Information Center/Classroom Supplemental Materials

Your Request for Reconsideration of the use of (state titles in issue and the date of the formal challenge) in the (school name) (Information Center or Classroom) has been received in my office. The Challenged Materials Review Committee (CMRC) will meet on (date) to consider your request.

Before the CMRC meets, I would like to meet with you to discuss your concerns and determine whether it is possible to resolve this issue by substituting alternative materials or assignments. Please call my office at (telephone number) to arrange a meeting.

If we are unable to resolve your concerns informally, I will advise you of my decision in this matter within 3 working days after I receive the CMRC's recommendation.

If you have any further questions concerning this matter, you may contact me at

Sincerely,

E4.A3. ENCLOSURE 4 - ATTACHMENT 3

SAMPLE DECISION LETTER FROM PRINCIPAL

Letterhead Stationary

(Date)

(Address of Challenger)

Dear Mr. /Mrs. (name of challenger):

Regarding: Challenged Materials Decision

Your Request for Reconsideration, dated _____, regarding the use of (state titles) was reviewed by the Challenged Materials Review Committee (CMRC) on (date). The CMRC's report is attached.

I have reviewed the CMRC's report and (concur/do not concur) with its recommendation. If you would like to discuss this decision with me, please contact my office at (telephone number) for an appointment.

If you wish to appeal this decision, you must do so within 5 working days of receiving this letter by sending a Request for Reconsideration to _____ (name) _____, the District Superintendent for the _____ District, by mail addressed to _____ (address) _____, or by facsimile (telephone number). You must attach a copy of this decision to your Request for Reconsideration. Should you require additional time to complete your appeal, you must contact the District Superintendent within 5 working days of your receipt of this letter and request **an** extension of time.

I appreciate the opportunity you have provided to review your concerns.

Sincerely,

Principal

Enclosures:

1. Committee Report
2. Request for Reconsideration

cc:

District Superintendent

E4.A4. ENCLOSURE 4 - ATTACHMENT 4

SAMPLE FINAL DECISION LETTER FROM DISTRICT SUPERINTENDENT

Letterhead Stationary

(Date)

(Challenger's address)

Dear Mr. /Mrs. (name of challenger):

Regarding: Challenged Materials Decision

Your Request for Reconsideration of (state the materials at issue), used at (state the name of the school) was reviewed by this office on (date). After a thorough review of the record in this case, I have decided to (sustain/reverse) the decision of the principal that the materials you have challenged are (appropriately used/ inappropriate for use). (Explain briefly the basis of the decision, for example: based on my review of the CMRC Report, the materials were / were not selected in accordance with DoDEA authorized selection procedures / from approved materials lists, and acceptable alternative materials / assignments were offered and rejected).

This is the final decision on your Request for Reconsideration. There is no further appeal from this decision.

I appreciate the opportunity you have provided to review your concerns.

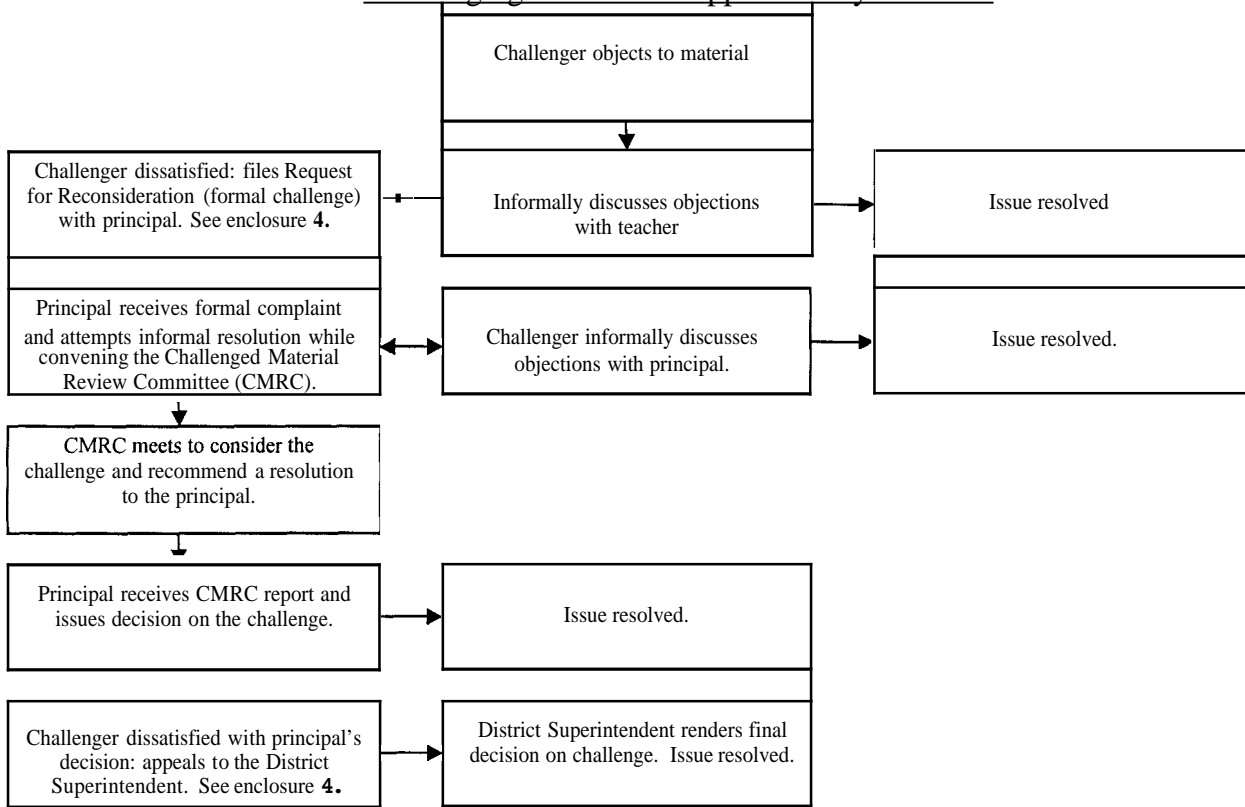
District Superintendent

cc:
DoDDS or DDESS Director
DoDEA Information Center Coordinator

E5. ENCLOSURE 5

SCHEMATIC FOR CHALLENGING MATERIALS

1. Challenging Classroom Supplementary Materials



E5. ENCLOSURE 5 - CONTINUED

SCHEMATIC FOR CHALLENGING MATERIALS

2. Challenging; Information Center Materials

