

MENOMONEE FALLS SCHOOL DISTRICT

Board of Education Policy

Policy No. #####

RECONSIDERATION OF PREVIOUSLY REMOVED, BANNED, OR RESTRICTED LIBRARY MATERIALS

Policy Number: #####

Series: TBD

I. PURPOSE AND SCOPE

The Menomonee Falls School District ("District") is committed to providing students, educators, and community members with access to a diverse and intellectually stimulating library collection. The District recognizes that access to a broad range of ideas, perspectives, and materials is fundamental to a quality education and to the development of critical thinking skills in students.

This policy establishes a formal, transparent, and equitable process by which any person may petition for the reconsideration, reinstatement, or reclassification of library materials that have been previously removed, banned, placed on restricted access, or quarantined from District library collections. This policy applies to all school and District-level libraries within the Menomonee Falls School District.

II. POLICY STATEMENT

The District affirms that the removal, restriction, or banning of library materials is a significant action that must be undertaken only through a rigorous, documented, and educationally sound process. Materials that have been previously removed or restricted are not permanently barred from reconsideration. Any stakeholder — including parents, guardians, students, staff, or community members — may request reconsideration of previously actioned materials through the formal process established in this policy.

Decisions regarding reconsideration shall be guided by the following core principles:

- **Intellectual Freedom:** The District supports the freedom to read and the importance of access to diverse viewpoints.
- **Educational Suitability:** Materials shall be evaluated for age-appropriateness and alignment with educational objectives.
- **Due Process:** All requests shall be processed through a fair, documented, and transparent procedure.

- **Community Voice:** The perspectives of parents, educators, and community members shall be meaningfully considered.
- **Legal Compliance:** All decisions shall comply with applicable federal and state law, including the First Amendment to the United States Constitution.

III. DEFINITIONS

For purposes of this policy, the following definitions apply:

"Banned Material" Any library material that has been formally removed from all District library collections and prohibited from circulation as a result of a prior challenge or administrative action.

"Restricted Material" Any library material that has been limited in its accessibility, including materials that require parental permission, are accessible only to students above a certain grade level, or have been moved to a restricted section of the library.

"Quarantined Material" Any library material that has been temporarily withdrawn from circulation pending review or resolution of a formal complaint.

"Complainant" The individual submitting a request for reconsideration of a previously actioned library material.

"Review Committee" The Library Materials Review Committee established under Section V of this policy.

"Library Material" Any item held in or formerly held in a District library collection, including books, periodicals, audiovisual materials, digital resources, and other instructional materials.

IV. ELIGIBILITY TO FILE FOR RECONSIDERATION

Any of the following individuals may submit a Request for Reconsideration of Previously Actioned Library Material:

- A parent or legal guardian of a currently enrolled District student;
- A currently enrolled District student of age 14 or older;
- A District employee, including classroom teachers, library media specialists, and administrators;
- A community member who resides within the District's boundaries;
- A licensed teacher or curriculum specialist affiliated with the District.

Only one (1) reconsideration request may be submitted per material per calendar year by the same complainant. Duplicate requests concerning the same material shall be consolidated and reviewed jointly.

V. LIBRARY MATERIALS REVIEW COMMITTEE

A. Composition

The Superintendent or designee shall establish and maintain a standing Library Materials Review Committee ("Committee") to evaluate reconsideration requests. The Committee shall consist of the following members:

1. Director of Curriculum and Instruction (Chair);
2. Two (2) licensed library media specialists employed by the District;
3. Two (2) classroom teachers selected by the District's professional staff;
4. One (1) school building principal or assistant principal;
5. Two (2) parents or guardians of currently enrolled students, appointed by the Superintendent;
6. One (1) District student representative (advisory, non-voting), where appropriate.

B. Terms and Appointments

Committee members shall serve two-year staggered terms. The Superintendent shall appoint replacements as vacancies arise. No Committee member shall participate in the review of a material if the member has a personal or professional conflict of interest related to that material.

C. Quorum and Voting

A quorum shall consist of five (5) voting members. Decisions shall be made by a simple majority vote of members present and voting. The Chair shall vote only in the event of a tie.

VI. RECONSIDERATION PROCEDURE

A. Submission of Request

A complainant seeking reconsideration of previously actioned library material must complete the District's official Request for Reconsideration of Library Material form (Form #####) and submit it to the building principal of the school at which the material was originally actioned, or to the Director of Curriculum and Instruction for District-wide actions. The completed form must include:

- Full identification of the material (title, author, publisher, format);
- The nature of the prior action (removal, ban, restriction, quarantine);
- A detailed basis for reconsideration, including any new information, changed circumstances, or legal or educational justification for reversal or modification;
- The desired outcome requested by the complainant;
- The complainant's signature, contact information, and date of submission.

Incomplete submissions shall be returned to the complainant with written notice of the deficiency. The complainant shall have fourteen (14) calendar days to cure the deficiency and resubmit.

B. Initial Review and Acknowledgment

Upon receipt of a complete request, the Director of Curriculum and Instruction shall, within ten (10) business days:

- Acknowledge receipt of the request in writing to the complainant;
- Assign a case number for tracking purposes;
- Obtain a copy of or access to the material under review, if available;
- Retrieve and compile the record of the prior action, including any prior review documentation, Board minutes, and written communications.

C. Committee Review Process

The Committee shall convene to review the reconsideration request within forty-five (45) calendar days of submission of a complete request. The Committee's review shall include:

7. A thorough examination of the material in its entirety, if available;
8. A review of the record and rationale for the prior action;
9. Consideration of applicable reviews, literary criticism, and professional library assessments of the material;
10. Consideration of the complainant's stated basis for reconsideration;
11. Consultation with professional standards, including those published by the American Library Association, the Wisconsin Department of Public Instruction, and recognized curriculum authorities;
12. Optional: an opportunity for the complainant to address the Committee in person for up to ten (10) minutes.

Committee deliberations shall be conducted in a manner consistent with Wisconsin open meetings law. The Committee shall render a written decision within sixty (60) calendar days of receipt of the complete request.

D. Available Outcomes

Following its review, the Committee may recommend one of the following outcomes:

- Full Reinstatement: Return the material to general circulation in the relevant school library or District-wide collection;
- Reclassification: Move the material to an age-appropriate section or classification without restriction;
- Modified Access: Reinstatement of the material with modified circulation parameters (e.g., grade-level restriction, parental consent requirement);
- Rescission of Quarantine: Restore the material to its pre-quarantine status;
- Denial: Uphold the original action without modification.

The Committee's written decision shall state the outcome, the rationale therefor, any conditions attached to reinstatement, and the complainant's right to appeal.

VII. APPEAL TO THE BOARD OF EDUCATION

Any complainant who is dissatisfied with the Committee's decision may appeal to the Board of Education ("Board") within twenty-one (21) calendar days of receiving written notice of the Committee's decision. The appeal shall be submitted in writing to the District Clerk and shall specify:

- The grounds for the appeal, which shall be limited to: (a) procedural error in the review process; (b) material factual error in the Committee’s findings; or (c) violation of District policy or applicable law;
- The specific relief sought.

The Board shall place the matter on the agenda of its next regularly scheduled meeting or a special meeting convened for that purpose, provided the appeal is received at least ten (10) business days before the meeting. The Board shall issue a final written decision within thirty (30) days following the meeting at which the appeal is heard. The Board’s decision is final and not subject to further administrative review within the District.

VIII. RECORD-KEEPING AND TRANSPARENCY

The District shall maintain a complete record of all reconsideration requests, including submitted forms, materials reviewed, meeting minutes, Committee findings, and final decisions. Such records shall be retained in accordance with the District’s records retention schedule and applicable Wisconsin law.

A summary report of all reconsideration actions taken during each academic year shall be presented to the Board of Education no later than September 30 of the following academic year. This summary shall be available for public inspection.

No library material that is the subject of a pending reconsideration request shall be destroyed or permanently disposed of until the reconsideration process, including any appeal, is concluded.

IX. PROHIBITED CONDUCT

The following actions are expressly prohibited:

- Informal or ad hoc removal of materials by any District employee without compliance with applicable District policies;
- Retaliatory action against any person who submits a reconsideration request in good faith;
- Removal of materials solely on the basis of the viewpoint, opinion, or perspective expressed therein, in violation of the First Amendment;
- Failure by any District employee to refer a reconsideration request through the appropriate formal process.

X. LEGAL REFERENCES AND RELATED POLICIES

This policy is adopted in accordance with and subject to the following legal authorities and District policies:

- U.S. Const. amend. I (Freedom of Speech and Press);
- Board of Education, Island Trees Union Free School District v. Pico, 457 U.S. 853 (1982);
- Wis. Stat. § 115.28 (Department of Public Instruction general duties);
- Wis. Stat. § 19.81 et seq. (Wisconsin Open Meetings Law);
- Wis. Stat. § 120.13 (School board powers);

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XI. AMENDMENT AND REVIEW

This policy shall be reviewed by the Board of Education no less than once every three (3) years. The Superintendent may propose amendments to this policy at any time. Proposed amendments shall be presented at one regular Board meeting and voted upon at the next regular Board meeting, consistent with District governance procedures.