



November 18, 2019

Dr. Brad Meeks
Superintendent
Steamboat Springs School District
325 7th St.
Steamboat Springs, CO 80487

Sent via email [REDACTED] and U.S. Mail CMRR

Re: Instruction on Controversial Materials Must Respect Conscience

Dr. Meeks:

First Liberty Institute is the nation's largest legal organization dedicated exclusively to defending and restoring religious liberty for all Americans. We represent Brett Cason, along with his minor daughter, Skylar. Please direct all communication concerning this matter to my attention.

Steamboat Springs School District (SSSD) teachers are welcome to instruct its students on controversial issues, using controversial materials. However, that freedom is only achieved in concert with school administration and the blessing of SSSD parents/guardians. Regrettably, SSSD's actions here failed to honor that cooperative spirit of mutual respect between school and parent. The purpose of this letter is to discuss the multiple, serious violations of the parental and religious liberty rights, along with rights of conscience, suffered by the Cason family at the hands of SSSD.

In the age of #MeToo, it is difficult to conceive how the controversial materials taught in Mr. Ryan Ayala's Music Literature class could be acceptable to you. We request your immediate action to ward against similar, unconstitutional encroachments in the future.

Skylar Cason Exposed to Offensive, Lewd, and Lascivious Material in "Music Literature" Class

Introduction of "Howl" to Skylar Cason and Mr. Ayala's "Music Literature" Class.

Skylar Cason is a 16-year old Junior at Steamboat Springs High School. In choosing her electives for the 2019-2020 school year, Skylar chose the elective, "Music Literature" taught by Mr. Ryan Ayala. She expected the class to be challenging and a way to stretch her mind about literature, art, and music. Instead, she encountered the highly offensive poem, "Howl" by Allen Ginsburg.

According to Mr. Ayala, in reading the selection of the oft-criticized, relatively obscure poem, he hoped it would assist his students thinking “of artistic merit and authenticity.” See Exhibit A. It would, he hoped, lead students to better define what is meant by “art,” especially in the world of music. By his own admission, “Howl” is the most “controversial subject” his class will tackle. *Id.*

The poem’s history is plagued with criticism and accusations of indecency and obscenity. Once the subject of an obscenity trial, a court finally determined that the lengthy poem failed to meet the legal definition of obscenity. And, while Mr. Ayala eagerly admits that the author was a “narcissist who thinks his mind is the greatest thing the earth ever received,” filled with “depravity and lack of empathy,” and unworthy of emulation, “his authenticity, his love of jazz, and his role in the counterculture music scene in the late 1960s” is worthy of several days’ study with his students. *Id.*

On the first day of school, Mr. Ayala instructed his students that they would study the poem, but failed to warn of its obscene content. He did not explain that the poet used extensive cursing, sexually explicit descriptions, repeated vulgarities, prurient language, and a debased story line of the most offensive nature. Moreover, while the students were thus minimally informed, at no time did Mr. Ayala inform the parents/guardians of his minor charges of the controversial content of the materials he intended to present to their children, let alone offer alternative instruction for those who may object to such controversial materials.

Selection of specific textbook for use in Mr. Ayala’s class.

Through its policy of delegating to administrative staff and teachers the duty of developing curricula and identifying textbooks, the SSSD Board of Education (SSSD Board) affirmed Mr. Ayala’s class, methods, and, importantly, text. The text officially approved for use by SSSD purposefully limited the most vulgar language of the poem by placing ellipses where certain words appeared. See Exhibit B.

That is to say, the SSSD Board approved the use of “Howl” for use by its students, but *only* in the form of a book with the most vile and vulgar terms of the poem pre-removed by the publisher. Safely, we can assume that the SSSD Board intended to permit a certain academic freedom to its teachers in the presentation of this controversial materials, but wished to shield its students from explicit, offensive, and lewd language inappropriate for consumption by underage children.

*Mr. Ayala requires female students to write-in “f*cked in the a**” and “c*nt” and other lewd language, ignoring previously approved textbook.*

Mr. Ayala ignored the SSSD Board’s determination to limit the content of the poem. Rather than communicate his points of art and authenticity and the effects of each on the era of 1960’s jazz music by use of the approved, publisher-censored text, Mr. Ayala read every word of the text out loud. Indeed, he informed his students that he believed it was unnecessary for the book to be censored. Instead, they were to listen as he read aloud

words like “f*ck,” “a**,” “c*nt,” “c*ck,” descriptions of sexual violence against women, and vivid literary depictions of heterosexually and homosexually erotic acts, and then his students were to fill-in-the-blanks with the missing words. See Exhibit B.

Shocked students thought their instructor was joking. Regrettably, he was not and, once again, he repeated his insistence that they listen carefully to the words he spoke and write in the words previously removed by the book’s publisher.

*Skylar made to feel guilty following discussion about meaning of “granite c*ck.”*

By the end of class, Skylar felt guilty. Never had she heard such language by a teacher or contemplated such violent, sexual situations in class, much less been required by an authority figure to focus her attention on such vulgarity by hearing, writing, and then seeing the previously removed words in the textbook.

Skylar specifically recalls feeling violated, as if her skin were crawling, each of the numerous times her teacher vocalized the word, “c*ck.” It pained her to be compelled to not only hear the words, but then pen the vulgarity letter-by-letter in her text. At one point, Mr. Ayala paused for several minutes for the class to contemplate in a group discussion what the phrase, “granite c*ck” may have symbolized in Ginsberg’s work. This overwhelmed Skylar with feelings of guilt and shame, as if her teacher had forcibly dredged out of her something precious and innocent that was never meant to be removed in the bright light of a high school classroom.

Once the blanks were filled in, one would assume Mr. Ayala might ask his students about authenticity, art, and the impact this poem had on 1960’s jazz. Instead, he wondered aloud, “Why would I make you read this book?” After some discussion, he revealed it was to determine how mature his students might be about the content to follow. Skylar recalls feeling no comfort with such instruction and wondered to her friend why they had been put through such an offensive exercise.

Mr. Ayala expands “Howl” lesson by assigning song about teenagers taking off their clothes, taking nude pictures.

Soon after completing the task of filling in the blanks of the poem, Mr. Ayala assigned his students the task of listening to a list of songs, including “Psst, teenagers, take off you clo” by the artist, Car Seat Headrest. This, as well as the other songs assigned by Mr. Ayala, were said to relate to the poem, “Howl.” The highly repetitive song appears to glorify the idea of “sexting” and routinely requests a “teenager”—and thus presumptively including someone under the age of consent—to remove his or her clothing and send nude pictures to the singer who appears sexually aroused by the effort of the teenager. Worse, the song appears to suggest that the singer has control over his subject in much the same way Harvey Weinstein and others controlled women through the use of sexual favors. The lyrics include, “Send me a letter, send me your glow/I got it bad now, I want your clothes/ Send me a picture, send me your glow/I got your soul now, I got your clothes.”

Shaken by these lyrics and the disturbing poem and surrounding discussion, Skylar revealed the entire situation to her understandably shocked parents. Skylar's father, Brett, immediately contacted the school principal Mr. Kevin Taulman about the situation. Mr. Taulman indicated that the information about what occurred in Mr. Ayala's classroom "blindsided" him, but he would look into it. Soon after, Mr. Ayala emailed Mr. Cason with a lengthy justification for the use of the text along with an apology, evidently at the direction of Mr. Taulman. Mr. Ayala made no mention of the sexually suggestive song about directing teenagers to remove their clothing and send nude images.

Mr. Cason's complaints receive no relief by school administrators.

Mr. Cason, along with other parents, complained and thought the school might reconsider the controversial materials. But, in response to their complaints, Mr. Jay Hamric strategically assembled a committee to review the materials which, unsurprisingly, affirmed their use, returning just three recommendations. First, that the "teacher notifies the building principal in advance and gains approval" in advance of the use of "controversial issues." Second, that a "teacher may be required to obtain permission from parents/guardians to teach controversial issues." And, third, that students be "provided alternative assignments when feasible at the request of a student or the student's parents/guardians." See Exhibit C.

Various members of the community have attempted to raise concerns about the situation before the SSSD Board, Parent Information Committees, and even law enforcement. Yet, none are aware of any responsive action having been taken by the SSSD Board.

SSSD Policies Require Caution in Teaching on Controversial Issues with Controversial Materials like "Howl"

SSSD Policy I-9E provides direction in the selection of "controversial materials" for use in its schools. See Exhibit D. It defines "controversial materials" as, "those problems, subjects or questions about which there are significant differences of opinion and discussions of which generally create strong feelings among people." *Id.* at II.B.1. Further, Policy I-9E admits the possibility of "disagreement over what the facts are and what they mean" and thus subjects the definition to "differences in interpretation or the values people use in applying the facts." *Id.* at II.B.2.

Moreover, it places controversial materials outside "of the district's approved learning resources" and label such as "subject to disagreement as to appropriateness because they refer or relate to a controversial issue or present material in a manner which is itself controversial." *Id.* Included in the examples of such issues are depictions of "sexual conduct, graphic violence, profanity, drug use, or other socially undesirable behaviors, or materials that are likely to divide the community along racial, ethnic or religious lines." *Id.* "Howl," and the forced hearing, writing, and reading of the vulgarities it contains, undoubtedly meet SSSD's definition of "controversial materials."

Nonetheless, SSSD teachers may use such controversial materials, “if they contribute to the attainment of course objectives directly related to Board-adopted academic standards” which must meet the educational purpose of “student achievement in academic standards rather than reaching conclusions about the validity of a specific point of view.” *Id.* at II.B.4.

When teaching on controversial issues, the teacher is required to “obtain approval from the building principal prior to the use of any controversial materials.” *Id.* II.B.5. If, in the opinion of the building principal it is necessary, the principal may “instruct the teacher to notify students' parents/guardians and obtain parents/guardians' permission prior to discussing a controversial issue or using controversial materials.” *Id.* Furthermore, it is the policy of SSSD to provide “alternative learning activities . . . at the request of a student or the student's parents/guardians” when controversial issues are used as a part of “the instructional program.” *Id.* at II.B.6.

In sum, it is the policy of SSSD to permit the instruction on controversial issues, but only when balanced against protecting the parental rights and religious conscience of SSSD students. This balance is struck through a cooperative effort between classroom teacher, building administrator, and the parents/guardians of SSSD students. Policy I-9E clearly contemplates that parents/guardians of SSSD students will be forewarned of any controversial materials so that they may exercise their right to choose an alternative assignment for their child. In this way, a teacher is free to instruct students on controversial materials, but without offending the religious conscience of his or her students.

Mr. Ayala and SSSD Repeatedly Failed to Follow SSSD Policy or Respect the Protected Rights of the Cason Family

Failure to follow SSSD Policy on “controversial materials”

Rather than seek to *avoid*, or at least carefully and gently introduce the controversial issues contained in “Howl,” Mr. Ayala forced his students to listen to him repeat sexually violent language, write the poem’s many vulgarities, and listen to—then analyze—highly descriptive music urging teenagers to remove their clothing and send pictures of themselves.

At no time did Mr. Ayala forewarn any of the parents—as clearly contemplated by SSSD’s policy on controversial issues—of the likelihood that their underage children would encounter such controversial issues. Nor did he make alternative assignments available to students who may object. Naturally, because they were intentionally or negligently kept in the dark about the controversial issues, Mr. and Mrs. Cason were unable to request such alternative assignments. Mr. Ayala violated SSSD Policy I-9E § II.5.

In addition, Mr. Ayala appears to not have even informed his building principal about the most controversial material his class would experience. Thus, he either intentionally or negligently prevented Mr. Taulman from invoking SSSD Policy I-9 for students—like Skylar—who may not wish to be exposed to these controversial materials. Again, Mr. Ayala’s actions violated SSSD Policy I-9E § II.5.

Finally, Mr. Ayala either purposefully or without regard to the age and well-being of his students, disregarded the textbook duly approved for use in the instruction of the poem, “Howl.” His specific directive to his students to insert the language purposefully removed by the publisher to make the lesson on “Howl” age-appropriate, may also violate SSSD Policy I-9 concerning the selection and adoption of instructional materials. See Exhibit E.

Mr. Ayala and SSSD are welcome to teach on as many controversial issues as the SSSD Board deems appropriate and the citizens of Steamboat Springs will tolerate. However, neither Mr. Ayala, nor SSSD should be authorized to expose its students to controversial materials without parental notice, parental permission, and the provision of an alternative assignment.

SSSD Policy I-9E clearly contemplates the pre-warning of parents concerning the teaching of controversial materials in SSSD schools. Building administrators were unaware of—“blindsided by”—Mr. Ayala’s teaching on controversial issues. Principal Taulman’s failure to be informed of the teaching of controversial materials led to his failure to direct Mr. Ayala to inform the parents/guardians of his students about the materials and secure their permission to teach them the lewd content. Finally, neither Mr. Ayala, nor Mr. Taulman developed or offered alternative education to any of Mr. Ayala’s students, including Skylar Cason.

Moreover, SSSD has a responsibility *under federal law*, and according to its own policies, to “review the selection and objection rules with staff periodically” and remind its staff “that the right to object to materials is one granted by federal law.” See Policy I-9E § III.D. Had administrators and staff been adequately trained on the procedure in teaching controversial materials or received more clear guidance from the SSSD Board concerning the same, as required by state and federal law, the Cason family would have suffered no harm.

Yet, in this situation Mr. Ayala, Mr. Taulman, and SSSD have acted as if SSSD Policy I-9E (and potentially others) simply do not exist. Although school districts are given wide latitude in setting their curriculum, the Supreme Court of the United States has emphasized that such latitude may not run afoul of the rights of parents to direct the education of their children. See *Meyer v. Nebraska*, 262 U.S. 390, 401 (1923). Mr. and Mrs. Cason reasonably relied on SSSD’s policies concerning controversial materials that would both inform their daughter’s building principal and, in turn, give them the ability to request alternative materials. SSSD’s failure to follow even the bare policy it has adopted has deprived the Casons of the ability to safeguard their child against exposure

to controversial issues that are inconsistent—and deeply offensive—to their religious beliefs.

Failure to respect Cason family's parental rights, religious liberty, and rights of conscience.

With a history that spans almost one hundred years, the U.S. Supreme Court has recognized and defended the “liberty of parents and guardians to direct the upbringing and education of children” in multiple cases. *See Wis. v. Yoder*, 406 U.S. 205 (1972); *Pierce v. Soc’y of Sisters*, 268 U.S. 510, 534–35. (1925); *Meyer v. Nebraska*, 262 U.S. 390, 400 (1923). The Supreme Court has solemnly respected parental rights, especially when mandates by public education “unreasonably interfere” with the religious freedom of parents and children. *See Yoder*, 406 U.S. at 231–32; *Pierce*, 268 U.S. at 534.

In fact, the sanctity of parental rights to direct the upbringing of their children are limited only to the extent the parents’ decision would “jeopardize the health or safety of the child . . . or have a potential for significant social burdens.” *Yoder*, 406 U.S. at 234. Certainly, Mr. Cason’s religious objection to his daughter’s exposure of lewd material at school would *not* jeopardize his daughter’s safety. Rather, it was precisely the teacher’s exploitation of his position to expose Skylar to graphic material against her religious beliefs that caused her to feel unsafe in the classroom.

Failure to respect Skylar Cason’s religious liberty and rights of conscience.

In presenting lewd content to Miss Cason and ignoring SSSD’s policies on teaching controversial materials, multiple school officials violated Miss Cason’s civil rights of religious liberty and rights of conscience. The Supreme Court of the United States extends “heightened concerns for protecting the freedom of conscience from subtle coercive pressure on elementary and secondary public schools.” *Lee v. Weisman*, 505 U.S. 577, 592 (1992). *Lee* specifically disapproves of situations, as here, in which school officials leave students like Skylar with the only option of violating her religious convictions and “participating, with all that implies, or protesting.” *Id.* at 593.

As in *Lee*, the behavior here would force Skylar to either violate her conscience or protest the actions of her teacher. The Supreme Court rejects that choice as untenable, explaining that “adolescents are often susceptible to pressure from their peers toward conformity” and because of that have been especially conscious of situations, like these, in which students are coerced by such pressure into violating their conscience. *See id.* at 594 (“the State...may no more use social pressure to enforce orthodoxy than it may use more direct means.”). SSSD policy acknowledges that “sexually explicit conduct” qualifies as “controversial issues.” *See Exhibit D.* The knowing presentation of material that violates the religious beliefs of Skylar and her parents to view, without adequate forewarning and the option to opt-out and provide an alternative assignment rises to the level of the unacceptable coercive pressure contemplated in *Lee* and deprives students of their First Amendment rights of conscience and religious liberty.

Conclusion

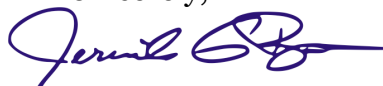
The situation leading to this controversy is a crisis of SSSD's own making. Indeed, Mr. Ayala seems to have reveled in scandalizing his students by flouting the approved textbook, reading aloud vulgar and lewd words, and requiring his students to meditate on the lyrics of a song about sexting. You are welcome to approve of Mr. Ayala and all SSSD teachers using such controversial materials. But, they must follow SSSD policy in warning parents in doing so.

The repeated failures of teacher and administrators to follow SSSD policy reveals inadequate training by SSSD. The community of Steamboat Springs can have no confidence that this will be the last such occurrence. There is no indication that Mr. Ayala intends to involve the parents of his students *prior to* the introduction of controversial materials in the future. Indeed, Mr. Ayala seems callous to the claim that this—or any art—might be inappropriate for SSSD students. The forewarning of parents is little more than an afterthought to Mr. Ayala, Mr. Taulman, and other teachers and administrators. To redress these concerns, we, therefore request you to take the following steps prior to the end of the 2019 calendar year:

1. Mr. Ayala shall issue a written apology to all of the parents/guardians of his students for failing to notify parents/guardians about the teaching of controversial materials (as identified herein) and the provision of an alternative assignment.
2. All SSSD administrators, teachers, and staff must receive two (2) hours of continuing education concerning Policy I-9E and the use of controversial materials at SSSD schools.
3. All SSSD administrators, teachers, and staff must receive two (2) hours of sensitivity training concerning parental rights in public education.
4. All SSSD administrators, teachers, and staff must receive two (2) hours of sensitivity training concerning the protection of student religious liberty and the rights of conscience.

Thank you for your immediate attention to this letter. We ask that you respond in writing to these requests no later than December 16, 2019.

Sincerely,



Jeremy Dys,
Special Counsel for
Litigation and Communications.

Exhibit A

From: Ryan Ayala [REDACTED]
Sent: Tuesday, September 3, 2019 4:05 PM
To: Brett Cason; Brittany Cason
Cc: Kevin Taulman; Dennis Alt
Subject: Howl

Good afternoon,

I hope this email finds you well. I am excited to have Skylar in class again this semester, though I wish I weren't writing under such inauspicious circumstances.

First, I'd like to apologize for not doing my utmost to create a comfortable learning environment for Skylar. While I am pleased that she was able to work up the courage to raise her concerns with you, I know that I did not do enough to make her feel as if she could talk to me. Second, I apologize for not providing a summation of the classwork to students and parents ahead of time; I'm sure you felt blindsided by the opening assignments and I should have made this exceedingly clear to all involved parties.

The purpose of reading "Howl" at the beginning of the semester is to get to the bottom of what makes art "art". There will be recordings later in the semester that walk that line (Lou Reed's *Metal Machine Music* and Captain Beefheart's *Trout Mask Replica* come to mind) between gibberish and artistic expression. By introducing a poem that was not seen as art in its time, I am hoping to get students to parse their personal definition of art. If they don't find the poem to be art, but they find Walt Whitman to be, I want to find out why. While it is my belief that any expression is art - a controversial poem, a Marvel movie, a daffodil in a vase, or turned-in homework - it is really up to an individual's interpretation; students might disagree with my conclusion, and they're probably right in their own way!

Another reason we read this poem is because of the associated obscenity trial. When this poem was published in 1956, it was hailed by some corners of the literary world to be beautiful and elegiac and emotional. By others, it was considered immoral and beneath a base level of "art". In 1957, the state of California sued the publishers, City Lights Books, claiming the poem was obscene and unfit to be published. The judge ruled that the poem was not obscene and could continue to be published unaltered. Ultimately, I want the students to think about censorship in music (and, by extension, poetry, movies, etc.) - is the creator of the piece displaying authenticity in the recording or is it edited, cut down for radio, etc.? It is my goal, through this poem, that students will consider their self-expression and embrace authenticity, while being open to others' demonstrations of their own. Thinking of artistic merit and authenticity will lay the foundation for the rest of the class.

To hopefully assuage a bit of frustration, I do not (and did not in class) endorse Ginsberg's central claims of the poem. He is a narcissist who thinks his mind is the greatest thing the earth ever received. I denigrate his depravity and lack of empathy. He is no one to emulate. We start off the semester with him because of his authenticity, his love of jazz, and his role in the counterculture music scene in the late 1960s, popping up at festivals throughout the country to promote peace and music.

I do not write this as a defense of my methods in the face of your indignation. I believe that it is an earned frustration; no student should feel uncomfortable talking with a teacher because of objectionable content, and no parent should feel let down by a teacher's inability to forewarn. Instead, I'm writing what I should have written at the beginning of the semester to all parents.

"Howl" is the most controversial subject we will tackle in class. It fits into my aims of the class for the reasons listed above. It is my intention that we watch the film version, released in 2010 and starring James Franco, tomorrow. The film centers on the trial, replicating exact dialogue from the real trial in 1957. There are also several animated interludes that attempt to capture the poem's meaning - while they may have some artistic merit, they are of no use to our goals as a class and will be completely skipped over. I will also make it an option for all students to go work on their assignment in the pod during the film.

I want Skylar to remain in the class. She has so much English talent and I know she will be a valuable addition to the learning environment. I also know that I have violated her trust, and yours as well. Repairing that relationship is not a simple fix, so I want you to know that I am open to questions and any follow-up dialogue you or Skylar would like to have. I am always available by email at this address.

Again, I apologize. Thank you for taking the time to read this, and I hope to hear from you in the future. Please note, I have CCed Mr. Taulman and Mr. Alt on this email.

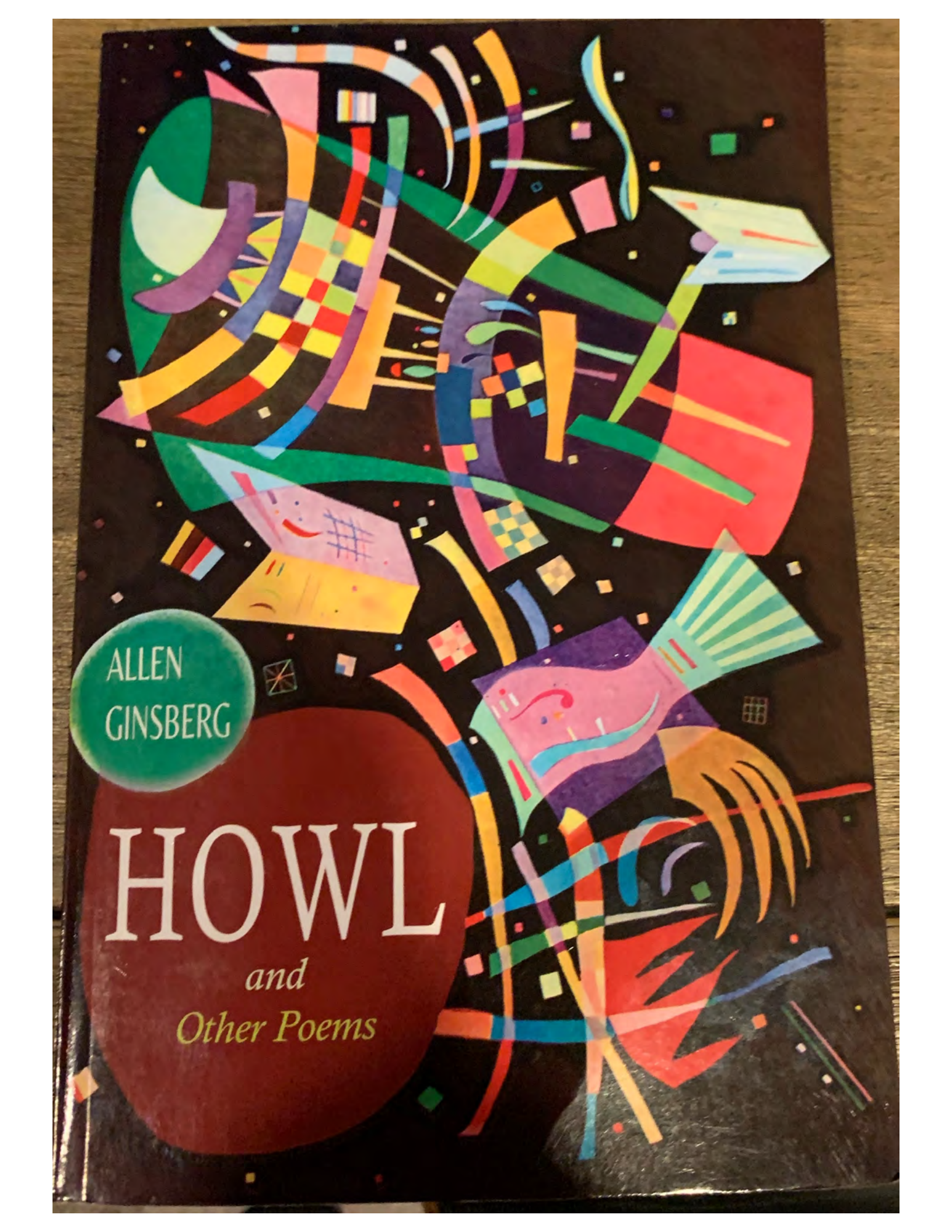
Thank you,

Ryan Ayala

--

Ryan Ayala
English Teacher
Steamboat Springs High School

Exhibit B

The background of the book cover is a dark, textured surface, possibly black or dark brown. It is covered with a dense, chaotic collage of various colorful shapes and patterns. These include long, thin, curved strips of paper in shades of orange, yellow, green, blue, and purple. There are also smaller, more geometric shapes like squares, rectangles, and triangles in various colors. Some of these shapes have internal patterns, such as checkered or striped designs. The overall effect is one of vibrant, abstract energy.

ALLEN
GINSBERG

HOWL

*and
Other Poems*

Steamboat Springs High School
45 E Maple Street
Steamboat Springs CO 80487

HO

AND

ALL

' Unscrew th
Unscrew th

who howled on their knees in the subway and were dragged off the
 roof waving genitals and manuscripts,
 who let themselves be fucked in the ^{ass} by saintly motorcyclists,
 and screamed with joy,
 who blew and were blown by those human seraphim, the sailors,
 caresses of Atlantic and Caribbean love,
 who balled in the morning in the evenings in rosegardens and the
 grass of public parks and cemeteries scattering their semen
 freely to whomever come who may,
 who hiccupped endlessly trying to giggle but wound up with a sob
 behind a partition in a Turkish Bath when the blonde &
 naked angel came to pierce them with a sword,
 who lost their loveboys to the three old shrews of fate the one eyed
 shrew of the heterosexual dollar the one eyed shrew that
 winks out of the womb and the one eyed shrew that does
 nothing but sit on her ass and snip the intellectual golden
 threads of the craftsman's loom,
 who copulated ecstatic and insatiate with a bottle of beer a
 sweetheart a package of cigarettes a candle and fell off the
 bed, and continued along the floor and down the hall and
 ended fainting on the wall with a vision of ultimate cunt
 and come eluding the last gyzy of consciousness,
 who sweetened the snatches of a million girls trembling in the
 sunset, and were red eyed in the morning but prepared to
 sweeten the snatch of the sunrise, flashing buttocks under
 barns and naked in the lake,
 who went out whoring through Colorado in myriad stolen
 night-cars, N.C., secret hero of these poems, cocksman and
 Adonis of Denver — joy to the memory of his innumerable
 lays of girls in empty lots & diner backyards, moviehouses,
 rickety rows on mountaintops in caves or with gaunt
 waitresses in familiar roadside lonely petticoat upliftings

Exhibit C



STEAMBOAT SPRINGS SCHOOL DISTRICT RE-2

Phone: 970-871-3199
Fax: 970-879-3943

Dr. Brad Meeks
[REDACTED]
Superintendent

325 7th Street
Steamboat Springs, CO 80487

Thursday, Oct 3rd

Dear Brett and Brittany Cason,

As per your request for reconsideration of 'Howl and other Poems' and the movie 'Howl', a Reconsideration of Materials Committee was constituted. On Monday, September 30th, the committee convened and reviewed the materials in question, considered professionally prepared reviews and also listened and considered public comment. After deliberation, the committee voted the following:

8 votes: To take no removal action

1 vote: To allow students to use alternate titles, approved by the building principal

In regards to teaching controversial issues, the Reconsideration Committee made several recommendations. School administration will take the following actions based on those recommendations:

- When teaching controversial issues, the teacher notifies the building principal in advance and gains approval
- The teacher may be required to notify and obtain permission from parents / guardians to teach controversial issues
- Students are provided alternative assignments when feasible at the request of a student or the student's parents/guardians

According to SSSD Policy I-9-E, there is an appeal process to this decision. The appeals procedure is the following:

The Appeals Procedure:

- a. The decision of the Reconsideration Committee may be appealed within five school days of receipt of the certified letter.
- b. The appeals procedure shall be initiated by written statement submitted to the Superintendent.
- c. The Superintendent will review all materials pertinent to the matter and make a final decision within twenty school days after the appeal has been filed. The Superintendent will inform the complainant, the Reconsideration Committee, and other staff members involved, of his/her decision in writing.
- d. Any person dissatisfied with the decision of the Superintendent may appeal to the Board of Education.
- e. Upon receipt of the appeal, the Superintendent will forward the appeal and all related information to the Board of Education at the first Board meeting or work session of the Board following receipt of the appeal. The Board of Education will

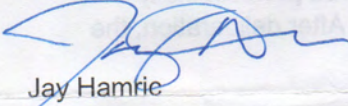
review all materials pertinent to the matter and make a final decision within twenty school days after the appeal has been filed.

f. The Board of Education will inform the Superintendent, the complainant, the Reconsideration Committee, and other staff members involved of its decision in writing.

g. Any person dissatisfied with the decision of the superintendent may appeal to the State Board of Education pursuant to state law.

If you have any questions, please do not hesitate to contact me.

Sincerely,



Jay Hamric

Director of Teaching and Learning

Steamboat Springs School District

Exhibit D

SELECTION POLICY FOR INSTRUCTIONAL MATERIALS

It is the policy of the District to provide a wide range of instructional materials at various levels of difficulty, with diversity of appeal, and presenting different points of view. It is further the policy of the District to allow review of allegedly inappropriate instructional materials. The Board assumes final responsibility for all books and instructional materials it makes available to students. It holds its professional staff accountable for their proper selection. It recognizes rights of individual parents/guardians with respect to controversial materials used by their own children. It will provide for the reevaluation of materials in library collections upon formal request.

I. Procedure for Selection of Materials

- A. The responsibility for the selection of instructional materials is delegated to the professionally trained and certificated staff employed by the school system.
- B. While selection of materials involves many people (principals, teachers, students, Director of Teaching and Learning, community persons, and media specialists), the responsibility for coordinating the selection of most instructional materials and making the recommendation for purchase rests with the building principal.

II. Criteria for Selection of Materials.

- A. The following criteria will be used as they apply:
 - 1. Materials shall support and be consistent with the general educational goals of the District and the District's academic standards.
 - 2. Materials shall meet high standards of quality in factual content and presentation.
 - 3. Materials shall be appropriate for the subject area and for the age, emotional development, ability level, and social development of the students for whom the materials were selected.
 - 4. Materials shall have aesthetic, literary, or social value.
 - 5. Materials shall be chosen to foster awareness of various aspects of our society and consideration shall be given to cultural, gender, racial, ethnic, and religious diversity.
 - 6. Materials shall be selected for their strengths rather than rejected for their weaknesses.
 - 7. Biased or slanted materials may be provided to meet specific curriculum objectives.
 - 8. Physical format and appearance of materials shall be suitable to their intended use.
- B. The selection of materials on controversial issues will be directed toward maintaining a balanced collection for the District as a whole, representing various views.

1. Controversial issues are defined as those problems, subjects or questions about which there are significant differences of opinion and discussions of which generally create strong feelings among people. Although there may be disagreement over what the facts are and what they mean, subjects usually become controversial issues because of differences in interpretation or the values people use in applying the facts.
2. Controversial materials are defined as learning resources which are not part of the district's approved learning resources and which are subject to disagreement as to appropriateness because they refer or relate to a controversial issue or present material in a manner which is itself controversial. Examples of such materials include, but are not limited to, those that depict explicit sexual conduct, graphic violence, profanity, drug use, or other socially undesirable behaviors, or materials that are likely to divide the community along racial, ethnic or religious lines.
3. Films and/or videos rated R, PG-13 or PG shall be considered controversial in accordance with this policy. X rated and NC-17 rated films and videos shall not be used in district schools. PG, PG-13 and R rated films and videos shall be considered controversial at the elementary school level. PG-13 and R rated films and videos shall be considered controversial at the middle school level. R rated films and videos shall be considered controversial at the high school level.
4. Teachers may use controversial learning materials and discuss controversial issues if they contribute to the attainment of course objectives directly related to Board-adopted academic standards. The educational purpose of teaching about controversial issues or using controversial materials must be student achievement in academic standards rather than reaching conclusions about the validity of a specific point of view.
5. In teaching about controversial issues, teachers shall work cooperatively with the building principal. Teachers shall obtain approval from the building principal prior to the use of any controversial materials. If a teacher has a question regarding whether an issue or resource is controversial within the meaning of this policy, the teacher shall contact the principal. The principal may instruct the teacher to notify students' parents/guardians and obtain parents/guardians' permission prior to discussing a controversial issue or using controversial materials. Teachers shall inform the principal of controversial issues that arise unexpectedly which cause or are likely to cause concern for students and/or their parents/guardians.
6. When controversial issues or controversial materials are used as part of the instructional program, alternative learning activities shall be provided when feasible at the request of a student or the student's parents/guardians.

III. Reconsideration of Materials

- A. Any resident or employee of the District may raise objections to instructional materials used in the District's educational program.
- B. The Board shall not permit any individual or group to exercise censorship over instructional materials and library collections but recognizes that at times a reevaluation of certain materials may be desirable. Should an individual or group ask to have any book or other material withdrawn from school use the procedure and guidelines outlined in this policy.
 - 1. A book shall not be excluded because of the writer's race or nationality or political or religious views.
 - 2. The value of any book or other material shall be judged as a whole, taking into account the purpose of the material rather than individual, isolated expressions or incidents in the work.
- C. All District employees shall follow the reconsideration procedure.
 - 1. The school official or staff member receiving a complaint regarding instructional materials shall try to resolve the issue informally such as through the use of a parent-teacher meeting, arranging for use of alternative materials meeting essentially the same instructional purpose, or other educationally acceptable alternatives.. This does not apply, however, to basic program texts and materials that the Board has adopted.
 - 2. If the complainant desires to file a formal objection, the approved District Reconsideration Form shall be provided.
 - 3. Each media center, school office, and the School District's central office will keep on hand and make available reconsideration request forms. All formal objections to instructional materials must be made on this form.
 - 4. The reconsideration request form shall be signed by the complainant and filed with the principal or designee.
 - 5. Within five school days of the filing of the form, the principal or designee shall file the material in question with the District Reconsideration Committee for reevaluation.
 - 6. The District Reconsideration Committee:
 - a. shall be constituted within 5 days of the complaint and be made up of members designated by the Director of Teaching and Learning:
 - ❖ 1 teacher
 - ❖ 1 school media specialist
 - ❖ 1 building administrator
 - ❖ 3 members from the community
 - ❖ 2 students (if the materials are of middle or high school)

❖ Director of Teaching and Learning

- b. The chairperson of the committee shall not be an employee of the District. The secretary may be an employee of the District.
 - c. The procedure for the first meeting following receipt of a Reconsideration Form is as follows:
 - 1) Distribute copies of written request form.
 - 2) Distribute reputable, professionally prepared reviews of the material when available.
 - 3) Distribute copies of challenged material as available.
 - d. At a subsequent meeting, interested persons, including the complainant, shall have the opportunity to share their views. The complainant and known interested parties shall be given appropriate notice of Reconsideration Committee meetings.
 - e. The committee shall make its decision in an open session.

The committee's final decision may be one of the following:

 - 1) To take no removal action.
 - 2) To remove all or part of the challenged material from the total school environment.
 - 3) To allow students to use alternate titles, approved by the building principal.
 - 4) To limit the educational use of the challenged material.
 - 5) To recommend use of the challenged material at a different level.
 - f. The complainant shall be sent a certified letter stating the decision of the Reconsideration Committee within thirty days after receipt of the request for reconsideration. The complainant shall also be informed of the appeals procedure.
 - g. A decision to sustain a challenge shall not be interpreted as a judgement of irresponsibility on the part of the professionals involved in the original selection or use of the material. No material will be reconsidered if it has been through the process within the past three years.
7. The Appeals Procedure:
- a. The decision of the Reconsideration Committee may be appealed within five school days of receipt of the certified letter.
 - b. The appeals procedure shall be initiated by written statement submitted to the Superintendent.
 - c. The Superintendent will review all materials pertinent to the matter and make a final decision within twenty school days after the appeal has been filed. The Superintendent will inform the complainant, the Reconsideration Committee, and other staff members involved, of his/her decision in writing.
 - d. Any person dissatisfied with the decision of the Superintendent may appeal to the Board of Education.

- e. Upon receipt of the appeal, the Superintendent will forward the appeal and all related information to the Board of Education at the first Board meeting or work session of the Board following receipt of the appeal. The Board of Education will review all materials pertinent to the matter and make a final decision within twenty school days after the appeal has been filed.
 - f. The Board of Education will inform the Superintendent, the complainant, the Reconsideration Committee, and other staff members involved of its decision in writing.
 - g. Any person dissatisfied with the decision of the superintendent may appeal to the State Board of Education pursuant to state law.
- D. The principal shall review the selection and objection rules with staff periodically. The staff shall be reminded that the right to object to materials is one granted by federal law.

Revised: July 30, 2007

Latest Revision: October 25, 2018

**REQUEST FOR RECONSIDERATION OF INSTRUCTIONAL MEDIA STEAMBOAT
SPRINGS SCHOOL DISTRICT RE-2**

Type of material _____

Author (if applicable) _____

Title _____

Publisher or producer _____

Name of requestor _____

Telephone _____ Address _____

City _____ Zip Code _____

Complainant represents (check one)

_____ (Person)

_____ (Organization name) _____

_____ (Other group) _____

1. To what in the material do you object? (Please be specific; cite pages or location).

2. Is there anything good about this material? _____

3. For what age groups would you recommend this material? _____

4. What do you feel might be the result of exposing students to this material? _____

5. Did you read/view/hear the entire material? _____ What parts? _____

6. What do you believe is the theme of this material? _____

6. Are you aware of the judgement of this material by professional critics? _____

7. What would you like to do about this material?

_____ Do not assign it to my child.

_____ Withdraw it from all students as well as from my child.

_____ Have it reevaluated by the professional staff responsible for materials selection.

_____ Other _____

8. In its place, what material of equal quality would you recommend that would convey as valuable a picture and perspective of the subject? _____

9. Other comments:

_____ Signature of Complainant/Date

Exhibit E

INSTRUCTIONAL MATERIALS SELECTION AND ADOPTION

As the governing body of the school district, the Board is legally responsible for the selection of instructional materials. Since the Board is a policymaking body, it delegates to the district's professional personnel the authority for the selection of instructional and library materials in accordance with this policy.

Instructional materials for school classrooms and school libraries shall be selected by the appropriate professional personnel in consultation with the administration, teachers and students. Final decision on purchase shall rest with the superintendent or designee, subject to approval by the Board. All instructional resources and materials shall be aligned with the district's academic standards and support the district's educational objectives.

All textbooks, library materials and other instructional resources and materials shall be available for inspection by students' parents/guardians.

The District Superintendent or his/her designee shall adapt and develop a comprehensive instructional materials and textbook program and a district-wide procedure for the approval of instructional materials and textbooks that is aligned with the district's education program and supports pursuit of the Board's Results policies.

Accordingly, the District Superintendent or his/her designee shall assure development, implementation and ongoing evaluation of an instructional materials and textbook program that:

1. Establishes processes, procedures and timelines for the approval and purchase of instructional materials and textbooks.
2. Establishes an instructional materials and textbooks review cycle that coincides with the curriculum review cycle.
3. Establishes a communications plan regarding processes, procedures and timelines for the approval, purchase and ongoing review and evaluation of instructional materials and textbooks.
4. Is coordinated with other major plans of the district and made part of the district's system-wide plan.
5. Specifies the roles and responsibilities of the District Superintendent, administrators, teaching staff and others involved in the plan.
6. Assures that all instructional materials and textbooks used by teachers are aligned with the written curriculum and district assessments.
7. Assures consistency, alignment and articulation between grade levels and between schools.
8. Minimizes the need of teachers of having to find their own instructional materials
9. Considers the needs of all learners, including the needs of all identified sub-populations of students: (Students on an IEP (Individual Educational Plan), Students on 504 plans, ELL(English Language Learners), GT (Gifted and Talented), etc.)
10. Includes, insofar as possible, multiethnic materials, which depict a pluralistic society

In addition, the District Superintendent shall keep the Board informed of all changes and additions to the instructional materials and textbook program, including the rationale and supporting research for such changes or additions, and present them to the Board for final approval.

Adopted November 16, 1998
Latest Revision October 25, 2018
Revised: March 8, 1999
September 26, 2005
July 30, 2007 (Became Administrative Policy)

Legal References: Colorado Constitution Art. IX, Sect. 15 (Board has control of instruction within the district)
C.R.S. 22-1-104 (2) (history, culture and contributions of minorities must be taught)
C.R.S. 22-20-101, et seq. (education of exceptional children)
C.R.S. 22-26-101 et seq. (Gifted and talented students)
C.R.S. 22-32-109 (1)(t) (Board duty to determine educational program and prescribe textbooks)
C.R.S. 22-32-110 (1)(o), (p), (q) (duty to provide textbooks, require supplies, procure equipment)
C.R.S. 22-32-110 (1)(r) (exclude immoral or pernicious materials and books)
C.R.S. 22-54-105 (1) (budgeting for instructional supplies and materials)

Cross References: I-9-E Selection Policy for Instructional Materials