

**School Board of Nassau County**  
School Board Meeting Agenda Item Request

Please complete this form in order to add any item to the School Board Meeting Agenda.

**ITEM TYPE:**    Recognition / Award        Presentation        Consent        Discussion

**ACTION TYPE:**    Informational        Take Action        Recognition        Tabled Item

**If this is a tabled item, on what date was the item tabled?**

**AGENDA STATEMENT:**

**ISSUE:**

**ALTERNATIVES:**

**RECOMMENDATIONS:**

**RATIONALE:**

**BUDGET IMPACT (SPECIFIC DETAILS):**

**DATA SOURCE:**

**SUBMITTED BY:**

## **8.17 CHALLENGES TO ADOPTED INSTRUCTIONAL MATERIALS**

### **1. Definitions.**

“Instructional materials” means items having intellectual content that by design serve as a major tool for assisting in the instruction of a subject or course. These items may be available in bound, unbound, kit, or package form and may consist of hardbacked or softbacked textbooks, electronic content, consumables, learning laboratories, manipulatives, electronic media, and computer courseware or software.

“Resident” means a person who has maintained his or her residence in this state for the preceding year, has purchased a home that is occupied by him or her as his or her residence, or has established a domicile in this state.

“Purchase” includes purchase, lease, license, and acquire.

### **2. Basis for Contesting Instructional Materials.**

A parent of a student in the Nassau County School District, or a resident of Nassau County, who objects to instructional materials that are being used by the Nassau County School District must proffer evidence to the Nassau County School Board that:

- a. The instructional materials were selected for use in a course or otherwise made available to students in the Nassau County School District but were not subject to public notice, review, comment, and hearing.
- b. The instructional materials used in a classroom, made available in a school library, or included on a reading list contains content that is pornographic or prohibited under Section 847.012, Florida Statutes, is not suited to student needs and their ability to comprehend the material presented, or is inappropriate for the grade level and age group for which the material is used.

### **3. Procedure for Contesting Instructional Materials.**

- a. The parent or resident must file a petition, on a form provided by the Nassau County School Board and made available on the Nassau County School District’s website, within 30 calendar days after the adoption of the instructional materials by the Nassau County School Board.
- b. The form must be signed by the parent or resident, include the required contact information, and state the objection to the instructional materials.
- c. Within 30 days after the 30-day period referenced in Subparagraph “3.a.” has expired, the Nassau County School Board shall conduct an open public hearing before an unbiased and qualified hearing officer. Said hearing officer shall not be an employee or agent of the Nassau County School District.

- d. At the hearing, each parent or resident who has submitted a timely petition shall be permitted to submit evidence and testimony to the hearing officer.
- e. The hearing officer's responsibilities shall be limited to ensuring that the hearing is conducted fairly, ensuring that the parent or resident has an adequate opportunity to present his or her testimony and evidence, and to receiving all evidence, whether testimonial, documentary, or otherwise. The hearing officer shall not issue a recommended order or otherwise render a decision concerning whether the parent or resident has presented sufficient evidence to support his or her challenge.
- f. At the Superintendent's discretion, the hearing shall be recorded either by videotape or by stenographer.
- g. Within two weeks after conclusion of the hearing, the hearing officer shall submit all documentary and physical evidence received at the hearing to the Chair of the Nassau County School Board.
- h. Within two weeks after conclusion of the hearing, the videotape or transcript of the hearing shall be submitted to the Chair of the Nassau County School Board.
- i. Following a review of the record and evidence received at the hearing, the Nassau County School Board shall make a determination, by simple majority vote, whether the challenged instructional materials should be prohibited based upon the criteria set forth in Subparagraphs "2.a." or "2.b." herein.
- j. If the Nassau County School Board determines that the challenged instructional materials should be prohibited, further use of the challenged instructional materials shall be discontinued for any grade level or age group for which such use is deemed by the Nassau County School Board to be inappropriate or unsuitable.
- k. The Nassau County School Board's decision shall be final and not subject to further petition or review.

## **8.17 RECONSIDERATION OF MATERIALS**

- ~~I. Classroom or School Media Center Materials~~
  - ~~A. Any complaint regarding the desirability of print or non-print material housed in a school media center or used for instruction purposes shall be made on the Request for Reconsideration of Materials form provided by the school, and submitted to the principal.~~
  - ~~B. Within five (5) working days of the receipt of the completed~~

form, the principal will convene the Intellectual Freedom Committee.

-  
C. The Committee will review the complaint and the material, and make a determination within ten (10) working days.

-  
D. The complainant will be notified by the Committee, in writing, of the determination of the Committee.

-  
E. If the complainant is not satisfied with the determination of the Committee, an appeal may be made to the School Board within thirty (30) calendar days.

-  
F. The School Board will review the determination of the Committee, and render a decision within 30 days which shall be final.

-  
G. The use of the material shall not be restricted during the time period of the reconsideration.

-  
H. District-Adopted Materials

-  
A. A parent of a Nassau County School District student may contest district-adopted materials by completing a Request for Reconsideration of Materials form provided by the school board on the district website, and submitted to the Superintendent within thirty (30) calendar days after the adoption of the material by the school board.

-  
B. After the (30) calendar days has expired, the school board will conduct at least one (1) open public hearing on all petitions timely received. Each petitioner will receive notification of the time and date of the hearing at least seven (7) days before the hearing.

-  
C. Any contested district-adopted materials will be made accessible online to the public at least seven (7) days before the hearing.

-  
D. The school board's decision after convening a hearing is final and not subject to further petition or review.

Authority: 1001.41(2), 1001.42, F.S.

Law Implemented: 1001.41(1), 1006.28, F.S.

History-- New 6/28/90; Amended 3/26/15; New \_\_\_\_\_