

CHAPTER 4.00 - CURRICULUM AND INSTRUCTION

CHALLENGED MATERIALS

4.30*

- I. The following procedures shall be followed when the parent of a public school student or a resident, as defined in Section 1006.28(1)(b), Florida Statutes, of Sarasota County contests the School Board's adoption of a specific instructional material:
 - A. The parent or resident must file a petition, on a form provided by the School Board and published on the School Board's website, within thirty (30) calendar days after the adoption of the material by the 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 material based on the criteria of Section 1006.31(2) or 1006.40(3)(d), Florida Statutes. No untimely objection will be considered under this procedure.
 - C. Within thirty (30) days after the thirty (30) day period has expired, an unbiased and qualified hearing officer shall conduct an open public hearing on all petitions timely received. The hearing officer shall be appointed by the Superintendent and shall be neither an employee nor agent of the School Board. The petitioner(s) shall be notified in writing of the date and time of the hearing at least seven (7) days prior to the hearing.
 - D. The contested material shall be made available to the public online at least seven (7) days before the hearing.
 - E. The hearing before the hearing officer is not subject to the provisions of Chapter 120, Florida Statutes but the hearing officer shall use his or her discretion to provide sufficient procedural protections to allow each petitioner an adequate and fair opportunity to be heard and present evidence to the hearing officer. Within twenty (20) days of the conclusion of the hearing, the hearing officer will present his or her findings and recommendation, in writing, to the School Board.
 - F. Within thirty (30) days after the School Board receives the hearing officer's findings and recommendation, the School Board, at a public meeting, will consider the petition, the hearing officer's findings and recommendation, and any evidence presented to the hearing officer, and make a final decision on the petition.
 - G. The decision of the School Board shall be final and not subject to further review or petition.
 - H. For purposes of this Policy the term "instructional materials" shall have the same meaning as in Section 1006.29(2), Florida Statutes.

CHAPTER 4.00 - CURRICULUM AND INSTRUCTION

- II. The following procedures shall be followed when the parent of a public school student or a resident, as defined in Section 1006.28(1)(b), Florida Statutes, of Sarasota County objects to the use of a specific instructional material or materials accessed in a school media center:
- A. A parent or resident who has an objection to the use of a specific instructional material or a material accessed in a school media center must first request, in writing, a conference with the principal or principal's designee to discuss the use of the material. The principal or principal's designee will schedule the conference within ten (10) working days of receiving the written request.
 - B. The complainant will be provided with the District's policies and procedures for the selection of instructional materials. The principal or designee will explain the use of the material in the instructional program and answer questions from the individual.
 - C. If the issue is not resolved at the conference, the complainant will be provided with the form to file a written objection and an explanation of the process that will be followed. Any such written complaint will be filed with the principal within ten (10) working days of the conference.
 - D. These procedures shall be followed for school level appeals:
 - 1. A committee of teachers, educational media specialists, and other qualified personnel shall be appointed by the principal to evaluate the challenged materials. All members of the committee must read the entire book, view or listen to the material in its entirety prior to meeting. The committee results will be submitted to the principal on the appropriate School Media Advisory Committee Checklist form. The principal shall notify the Superintendent and the Instructional Materials Manager of the results.
 - 2. Challenged materials shall not be removed during the reconsideration period.
 - 3. The principal shall inform the complainant in writing concerning the committee's decision within ten (10) working days.
 - E. If the complainant disagrees with the decision rendered from the school-level appeal, he or she may file an appeal with the principal within ten (10) working days of the school level decision. In such case, a District level committee shall be appointed by the Superintendent to review the appeal. The Superintendent shall designate the Instructional Materials Manager as being responsible for the organization of this review committee. All members of the committee must read the entire book, view or listen to the material in its entirety prior to convening. The committee's recommendations shall be submitted to the Superintendent within twenty (20) working days. A committee member shall not be selected from the school where the challenged materials originated.

CHAPTER 4.00 - CURRICULUM AND INSTRUCTION

1. The following shall serve as a review committee for elementary schools:
 - a. The chairperson of the School Advisory Council or designee;
 - b. Elementary principal;
 - c. A curriculum supervisor;
 - d. Three (3) instructional staff members at the elementary level; and,
 - e. Two (2) parents, as defined by Florida Statutes, of elementary age students.

2. The following shall serve as a review committee for secondary schools:
 - a. The Chairperson of the School Advisory Council or designee;
 - b. Secondary principal;
 - c. A curriculum supervisor;
 - d. Three (3) instructional staff members at the secondary level; and,
 - e. Two (2) parents of secondary age students.

- F. The committee's review shall be treated objectively, unemotionally, and in a business-like manner and shall be conducted in the best interests of the student, the school, and the community. The committee's decision shall be submitted to the Superintendent using the District Advisory Committee checklist form.

- G. The complainant shall be informed, in writing by the Superintendent, within ten (10) working days after the committee's decision is received.

- H. If the complainant disagrees with the district-level appeal, he or she may file an appeal with the Superintendent within ten (10) working days of the district-level decision. In such a case, the School Board shall review the decisions from the school and district-level committees and shall provide the complainant with the opportunity to proffer evidence to it as provided in Section 1006.28(2)(a)2, Florida Statutes. The School Board shall thereafter render a final decision on the complainant's concern.

STATUTORY AUTHORITY: 1001.41, 1001.42, 1006.28, F.S.

LAWS IMPLEMENTED: 1001.41, 1001.43, 1006.28, 1006.283, F.S.

HISTORY: **ADOPTED: 08/21/03**
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NOTES: