

Policy Level: **BOARD**

Descriptor Term:

Descriptor Code: **IKBC**

Effective Date: Aug 11, 2022

Revised Date:

## **Material Harmful to Minors Complaint Resolution Process**

### **DEFINITIONS**

**Harmful to minors**- as used in this policy, means that quality of description or representation, in whatever form, of nudity, sexual conduct, sexual excitement, or sadomasochistic abuse, when it:

- (1) Taken as a whole, predominantly appeals to the prurient, shameful, or morbid interest of minors;
- (2) Is patently offensive to prevailing standards in the adult community as a whole with respect to what is suitable material for minors; and
- (3) Is, when taken as a whole, lacking in serious literary, artistic, political, or scientific value for minors.

**Business Day** – as used in this policy, means any calendar day, except Saturdays, Sundays, and any federal and school holidays upon which the office of the Superintendent is open to the public for business.

### **REQUIREMENTS**

The Board of Education hereby adopts this policy to address complaints submitted by parents or permanent guardians alleging that material that is harmful to minors has been provided or is currently available to his or her child who is enrolled in this school system. The complaint resolution process is as follows:

- (1) Complaints must be submitted in writing by the parent or permanent guardian to the principal of the school where the student is enrolled.
- (2) Complaints must provide a reasonably detailed description of the material that is alleged to be harmful to minors.
- (3) Within seven (7) business days of receiving a written complaint, the school principal or his or her designee will review the complaint and take reasonable steps to investigate the allegations in the complaint, including, but not limited to, reviewing the material that is alleged to be harmful to minors, if it is available.
- (4) The school principal or his or her designee will determine whether the material that is the subject of the complaint is harmful to minors.
- (5) The school principal or his or her designee will determine whether student access to the material that is the subject of the complaint should be removed or restricted.
- (6) Within ten (10) business days of receiving the complaint, unless another schedule is mutually agreed to by the parent or permanent guardian and the school principal or his or her designee, the school principal or his or her designee will confer with the parent or permanent guardian and inform him or her whether the material that is the subject of the complaint was determined to be harmful to minors, and whether student access to such material will be removed or restricted.
- (7) Appeals of the school's principal's or his or her designee's determinations is subject to full administrative and substantive review by the Board of Education, which shall include the ability of the parent or permanent guardian to provide input during public comment at a regularly scheduled board meeting. Unless another time frame is mutually agreed upon by the parent or permanent guardian and the Board of Education, the review

and final disposition of the appeal by the Board of Education will be completed within 30 calendar days of receiving the written appeal.

(8) On appeal the Board shall review the original complaint filed by the parent or permanent guardian, any statement made by the parents or permanent guardian as part of public comment at a regular board meeting, any communication between the parent or permanent guardian to the principal or designee from the time the complaint is filed until the time of the appeal that is related to the complaint, and any statement in writing submitted to the Board in connection with the appeal by either the parent or permanent guardian or the principal or designee by a date set by the Board. The Board shall have the right, but not the obligation, to hear from the parent or permanent guardian and the principal or designee at the meeting where it makes its review and to discuss any legal issues raised by the complaint in executive session with the attorney for the school district.

(9) The title of the material submitted for appeal that is determined by the Board of Education to be not harmful to minors shall be published on the Board of Education's website within 15 business days from the date of the Board's determination and will remain on the website for a period of not less than 12 months. A parent or permanent guardian may request access to appealed materials that are physical in nature and accessible to their student in the student's school media center. A parent or permanent guardian must abide by the school's policies and procedures when requesting and reviewing such material.