

**HEARING MANAGEMENT PLAN
OF THE APPOINTED HEARING OFFICER**

I. INTRODUCTION:

In anticipation of the Hearing scheduled for May 10, 2022, to hear objections submitted concerning ELA and Math instructional materials adopted by the School Board on March 29, 2022, and subsequently reviewed and discussed again at the Special Board Meeting held on April 26, 2022, this will serve to set forth the processes and procedures that will be followed prior to and at the Hearing. This Hearing Management Plan (hereinafter “the Plan”) is being filed and posted in accordance with F.S. 1006.28, F.S. 1006.283, School Board Policy 2520, F.S. 286.0114, and Board Bylaw 0169.1.

The purpose of this Plan is to provide both the public and the objecting parties with a reasonable opportunity to provide in-put and be heard at a Public Hearing on the specific instructional materials subject matter, noted above, that forms the basis for this Hearing.

II. PUBLIC COMMENTS:

A. Procedures for Public Comments

The hearing proceedings will begin with comments by members of the public who wish to address the Hearing Officer on the issues under review. Such persons are understood to be those persons who have not submitted objections to a particular textbook or textbooks adopted by the Board on May 10, 2022, which were subsequently reviewed and discussed by the Board on April 26, 2022, in light of several books not being adopted by the FLDOE on April 15, 2022. The publishers have appealed to the FLDOE. Pending the outcome of the appeal process, such books have been deferred to a later date for follow up objections.

Objecting parents or residents of Collier County who have submitted objections for review will not be permitted to speak during the Public Comments portion of the proceeding. Those persons speaking during the public comments will be expected to focus their comments on the following two related areas: (1) the objections to the Board adopted textbooks submitted by parents or residents of Collier County, which objections have been posted on the websites; and (2) whether any given textbook or textbooks previously adopted by the School Board on March 29, 2022, and subject to review for this Hearing, should be affirmed or set aside by the Board, and the reasons in support of why such a position is being taken.

Comments outside these two areas will be considered irrelevant and the Hearing Officer will caution any speaker who presents comments that are irrelevant or extraneous that he/she must focus on the above-noted two areas.

B. Time Limit for Public Comments

Pursuant to School Board Bylaw 0169.1, public comments shall be limited to three (3) minutes only.

III. OBJECTING PARTY PRESENTATIONS

A. Presentation of Objections

Parents or Collier County residents who submitted timely objections for this Hearing, will be expected to present their objections in a clear and cogent fashion and identify the specific pages they consider objectionable and do not meet the criteria set forth in F.S. 1006.31(2) with respect to the instructional materials adopted by the Board on March 29, 2022, and not deferred as previously noted. The presenter will need to provide the specific reasons why he/she contends such pages are objectionable. Persons presenting objections will be expected to focus on the two areas noted in the public comments section above. The Hearing Officer will caution any presenter whose presentation veers into irrelevant and/or extraneous matters, or becomes repetitive, that the presenter must focus on the content of the text(s) and pages to which the presenter has objected.

B. Presentation of Evidence

In addition to the objections submitted, if any presenter finds, that there is relevant supplemental evidence that he/she believes is important to support and understand his/her position, such supplemental evidence must be emailed to the Communications Office no later than 4:30 p.m. on Thursday, May 5, 2022, so that such evidence is provided to the Hearing Officer and to Members of the School Board to enable sufficient time for review. Any evidence received after that time will not be accepted or considered for review.

In addition to the foregoing, each presenter of objections must provide the Hearing Officer, at the start of his/her presentation, with hard copies of the objections along with any supplemental materials that were submitted by May 5, 2022, at 4:30 p.m., to be used as evidence. Such documents will accordingly be made a part of the Hearing record.

IV. TIME LIMITS FOR PRESENTERS OF OBJECTIONS AND SCHOOL DISTRICT RESPONSES:

Objections Involving One (1) to Three (3) Textbooks

A presenter of objections who objects to one (1) or up to three (3) textbooks shall have a maximum of 20 minutes to present his/her arguments. The District shall have a maximum of fifteen (15) minutes to respond to the Presenter's objections and evidence.

The response must focus on the substance of the objections and those pages in a given textbook that the presenter has found objectionable. If the District has specific evidence staff believes is relevant to its response, such evidence must be submitted by 4:30 p.m. on Thursday, May 5, 2022, and present hard copies to the Hearing Officer at the commencement of the response so that it may be made part of the Hearing record.

The presenting party shall have a maximum of five (5) minutes to reply to the District's response.

Finally, the Hearing Officer shall have the discretion to allow additional time for the completion of an argument if requested by a presenter or a District respondent.

V. HEARING OFFICER QUESTIONS:

For the purposes of clarification of arguments presented, the Hearing Officer reserves the right to ask questions of an objecting party during his or her presentation as well as to the District staff during its responses to the objections.

VI. MISCELLANEOUS MATTERS:

(1) All persons presenting objections shall be seated in the front row of the Board Room to be ready to give their respective presentations. The Hearing Officer reserves the right to call presenters by name in the order he deems most appropriate.

(2) Persons who wish to use technology as part of any presentation or comments, must notify the Communications Office no later than noon on Friday, May 6, 2022. Failure to do so will result in a loss of the usage of the District system.

(3) All speakers, presenters, and members of the public in the audience are expected to conduct themselves in a civil manner. The rules of civility, orderly conduct, and decorum pursuant to F.S. 286.0114(2) and Board Bylaw 0169.1, will be strictly enforced.

VII. CONCLUSION OF PROCEEDINGS:

Upon completion of all presentations, responses, and replies, the Hearing Officer will announce the conclusion of the evidentiary phase of the Hearing. He will then turn the deliberations phase of the proceedings over to the School Board Chair. As part of the deliberation process, if clarification is needed to help make an informed decision, School Board Members shall have the right to ask questions of any objecting party and/or District staff. The management of the deliberative process shall be overseen by the Board Chair.

4/29/22
Date

Harold S. Eskin
Harold S. Eskin, Esq.,
Hearing Officer