

# NATIONAL YOUTH COALITION FREE AGAINST EXPRESSION CENSORSHIP

December 1, 2025

School Board  
Duval County Public Schools  
1701 Prudential Drive  
Jacksonville, FL 32207

Dear Members of the School Board,

The National Coalition Against Censorship is an alliance of national nonprofit groups dedicated to protecting freedom of expression, including the rights of K-12 students, teachers, and staff. We are writing with concern about proposed revisions to the School Board Manual's policy on challenged materials.

It is our understanding that the proposed changes to Policy 4.30 include the implementation of book removal requirements pursuant to Florida law HB 1069. We are concerned about this potential revision, and urge you not to adopt the proposed change.

The proposed revisions would require that the Material Review Committee appointed by the School Board "direct the District Administrator to remove any material challenged for depicting sexual conduct, as defined by s. 847.001(19), F.S., from all schools within five days of an objection, unless it is required for certain courses or designated by the State Board of Education." This draft language echoes state law HB 1069, which requires book removals pending adjudication of whether the challenged material contains sexual content.<sup>1</sup>

The U.S. District Court for the Middle District of Florida recently held that the provision of HB 1069 requiring the removal of material challenged for "describ[ing] sexual conduct" is "overbroad and unconstitutional."<sup>2</sup> As you likely know, Duval County sits within Florida's Middle District and is bound by the decisions of its federal court. Therefore, revising your policies to require the temporary removal of a challenged book describing sexual conduct *after* the federal court held this provision unconstitutional would put the County at risk of violating the First Amendment.

In its decision, the Court made clear that school districts may choose to omit from their library shelves books which are obscene under the Supreme Court's test in *Miller v. California*, modified

---

<sup>1</sup> Fla. Stat. § 1006.28(2)(a)2.b.

<sup>2</sup> *Penguin Random House LLC v. Gibson*, Case No. 6:24-cv-1573-CEM-RMN at 48 (M.D. Fla. 2025).

to consider the perspective of minors.<sup>3</sup> Importantly, this standard protects books from removal for the mere mention of sex. Rather, the First Amendment requires that the value of the challenged material be assessed as a *whole* – including overall content and context. This requirement ensures that schools do “not remove books from library shelves simply because they dislike the ideas contained in those books,”<sup>4</sup> which violates the First Amendment.

As the School Board considers this proposed change today, we urge its members not to rush through a policy that is currently unconstitutional under the very federal court where the district is located. Adopting this change would be a mistake in terms of both substance and timing.

I am attaching a copy of our guidelines for administrators, which includes sample book challenge procedures from school districts across the country. We believe that a strong policy is in the best interest of everyone in the district. Effective book challenge procedures ensure that the district protects the free expression rights of its students and staff, and help avoid constitutional liability.

Thank you for your attention and consideration to this matter.

Sincerely,

The National Coalition Against Censorship

---

<sup>3</sup> *Miller v. California*, 413 U.S. 15, 23-24; *Free Speech Coal., Inc. v. Paxton*, 145 S. Ct. 2291, 2304 (2025) (adopting a modified version of the *Miller v. California* obscenity test which assesses whether the materials “(a) taken as a whole, and under contemporary community standards, appeal to the prurient interest of *minors*; (b) depict or describe specifically defined sexual conduct in a way that is patently offensive for *minors*; and (c) taken as a whole, lack serious literary, artistic, political, or scientific value for *minors*”).

<sup>4</sup> *Board of Education v. Pico*, 457 U.S. 853, 872 (1982).