

Office of Superintendent of Schools
Board Meeting of December 12, 2001

November 28, 2001

Education
Joseph H. Mathos, Deputy Superintendent

SUBJECT: PROPOSED AMENDMENT OF BOARD RULE: INITIAL READING 6Gx13-6A-1.26, INSTRUCTIONAL MATERIALS AND RESOURCES

This item is submitted for consideration by the School Board as a result of statutory changes regarding instructional materials. Florida Statutes require that recent legislative changes be incorporated into School Board policy.

Attached are the Notice of Intended Action and the rule proposed for amendment. Changes from the current rule are indicated by underscoring words to be added and ~~striking through~~ words to be deleted.

Authorization of the Board is requested for the Superintendent to initiate rulemaking proceedings in accordance with the Administrative Procedure Act for the amendment of Board Rule 6Gx13- 6A-1.26, Instructional Materials and Resources.

RECOMMENDED: That The School Board of Miami-Dade County, Florida, authorize the Superintendent to initiate rulemaking proceedings in accordance with the Administrative Procedure Act to amend School Board Rule 6Gx13- 6A-1.26, Instructional Materials and Resources.

BAS:cm

B-31

NOTICE OF INTENDED ACTION

THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA, announced on December 12, 2001, its intention to amend Board Rule 6Gx13- 6A-1.26, Instructional Materials and Resources, at its meeting of January 16, 2002.

PURPOSE AND EFFECT: The purpose of these revisions is to reflect statutory changes regarding instructional materials. Florida Statutes indicate that the changes must be included in School Board policy.

SUMMARY: Florida Statutes indicate that School Board policy must address the issues of use of instructional materials by students; disposal of obsolete or unserviceable instructional materials; the duties and responsibilities of the Superintendent for the requisition, purchase, receipt, storage, distribution, use, conservation, records, reports of, and management practices and property accountability concerning instructional materials; and collecting funds from students for lost and damaged instructional materials.

SPECIFIC LEGAL AUTHORITY UNDER WHICH RULEMAKING IS AUTHORIZED: 230.22(2); 230.23(22) F.S.

LAW IMPLEMENTED, INTERPRETED, OR MADE SPECIFIC: 230.22(2) 230.23(7)(b) and (c); 230.33(9); 233.07; 233.08; 233.09; 233.095; 233.165; 233.34(5); 233.37(1) and (2); 233.43(1); 233.46(1) and (2), and 847.012, F.S.

IF REQUESTED, A HEARING WILL BE HELD DURING THE BOARD MEETING OF January 16, 2002, which begins at 1:00 p.m., in the School Board Auditorium, 1450 N.E. Second Avenue, Miami, Florida 33132. Persons requesting such a hearing or who wish to provide information regarding the statement of estimated regulatory costs, or to provide a proposal for a lower cost regulatory alternative as provided by Section 120.541(1), F.S., must do so in writing by January 7, 2002, to the Superintendent of Schools, Room 912, at the same address.

ANY PERSON WHO DECIDES TO APPEAL THE DECISION made by The School Board of Miami-Dade County, Florida, with respect to this action will need to ensure the preparation of a verbatim record of the proceedings, including the testimony and evidence upon which the appeal is to be based. (Section 286.0105, Florida Statutes)

A COPY OF THE POPOSED AMENDED RULE is available for inspection and copying at cost by the public in the Citizen Information Center, Room 158, 1450 N.E. Second Avenue, Miami, Florida 33132.

Originator: Ms. Christine Master
Supervisor: Mr. Joseph H. Mathos
Date: November 28, 2001

Instruction - Elementary and Secondary**INSTRUCTIONAL MATERIALS AND RESOURCES**

Instructional materials, including ~~T~~textbooks, library media print, nonprint and electronic resources, computer software, videotapes, films, and instructional television programs, and other instructional materials represent fundamental resources for schools for enhancing instruction, furthering the pursuit of knowledge, and providing experiences of educational significance for class groups or for individual students. It is the shared responsibility of the State and District to provide an adequate number and range of instructional materials and resources in a variety of formats that are appropriate, timely, and essential to the attainment of specified educational objectives. It is also the responsibility of the State and District to provide instructional materials that are free of bias, stereotypes, distortions, and prejudices.

I. State-Adopted Instructional Materials

Under provision of the State law, State Instructional Materials Councils are responsible for formulating policies governing the evaluation of instructional materials submitted for State adoption in curriculum areas recommended by the Commissioner of Education.

The ~~Deputy Superintendent of Schools for Education~~, or designee, shall assign responsibilities for the District's participation in the State adoption of instructional materials; determine areas of the curriculum in which State adoption of instructional materials is needed and communicate those needs to the Commissioner of Education; supervise the District Instructional Materials Councils when such councils are authorized; and establish procedures for the allocation, distribution, management, and disposal of State-adopted instructional materials requisition, purchase, receipt, storage, distribution, use, conservation, records, and reports of , and management practices and property accountability concerning, instructional materials. The duties and responsibilities include keeping adequate records and accounts for all financial transactions for funds collected pursuant to Section 233.46(4), Florida Statutes (F.S.). Such records and account shall be a component of the educational service delivery scope of the District's best financial management practices review under Section 230.23025, F.S.

II. Non-State-Adopted Books and Other Instructional Materials

It is the responsibility of the school system to provide instructional materials to supplement State-adopted instructional materials or to provide instructional materials for those areas of instruction for which inadequate or no provision has been made by State adoption or allocation. Procedures

shall be established to provide for evaluation and selection of non-State-adopted books and other materials needed to pursue the objectives of a school, Region, or districtwide program. Such procedures and guidelines shall permit the individual school, Region, or District staff to assume responsibility for the selection. Final authority for the review and selection of materials at the school level shall be vested in the administrative head, the principal; at the Region level, in the Region Superintendent; and at the District level, in the Deputy Superintendent for Education, or designee.

III. Library Media Center Collections

A wide choice of materials that support the instructional program shall be available to students and professional staff to allow for varying achievement levels, interests, and teaching/learning styles. The Associate Superintendent, ~~for Bureau of Elementary, and Secondary, and Workforce Development~~ Education, in conjunction with the ~~Instructional Supervisor of Library Media Services~~ Administrative Director, Division of Instructional Technology and Media Support Services, shall establish procedures for the evaluation, selection, management, and disposal of library media materials.

The library media center shall contain a comprehensive collection of materials and equipment, in a variety of media formats, to:

- A. Provide a broad background of information resources in all areas of knowledge;
- B. Support the general educational goals of the District and the objectives of specific courses, including materials that represent diverse points of view in order that young citizens may develop, under guidance, the practice of critical analysis of all media and intellectual integrity in forming judgments;
- C. Meet the personal needs and interests of students, including materials that:
 1. Nurture the development of recreational reading/listening/viewing, cultural appreciation, and aesthetic values;
 2. Represent the many religious, racial, ethnic, linguistic, and cultural groups in our society and reflect their contributions to the heritage and culture of our civilization;
 3. Foster respect for the diverse roles available to women and men in today's society;
- D. Support the professional needs of teachers and administrators;

- E. Introduce new instructional technologies into the learning environment.

IV. Evaluation of Instructional Materials and Educational Media

- A. Teachers, library media specialists, and administrators shall evaluate instructional materials and educational media by the following criteria:
 - 1. EDUCATIONAL SIGNIFICANCE (Material is valuable to an individual course of study or to the library media collection; the degree to which the material would be supplemented and explained by mature classroom instruction.)
 - 2. APPROPRIATENESS (Material is geared to the age, maturity, interest, and learning levels of students for whom it is intended.)
 - 3. ACCURACY (Nonfiction information is correct, recent, and objective.)
 - 4. LITERARY MERIT (Fiction has a noteworthy plot, setting, characterization, style, and theme.)
 - 5. SCOPE (Content is covered adequately to achieve its intended purpose.)
 - 6. AUTHORITY (The author, editor, or producer has a superior reputation for producing materials of this nature.)
 - 7. SPECIAL FEATURES (Item has maps, charts, graphs, glossaries, and/or other learning aids that are unique or valuable.)
 - 8. TRANSLATION INTEGRITY (Material translated from one language to another maintains the stylistic characteristics of the original.)
 - 9. ARRANGEMENT (Concepts are presented in a logical sequence and in a way that assures learning.)
 - 10. TREATMENT (Typeset, visuals, style, and/or medium captures and holds the student's attention.)
 - 11. TECHNICAL QUALITY (Sound is clear and audible; visuals project clearly.)

12. AESTHETIC QUALITY (Material is superior to similar items in attractiveness and presentation of content.)
13. POTENTIAL DEMAND (Item has particular timeliness or popular appeal.)
14. DURABILITY (Material has the potential for frequent use or is of a nature that it will be considered consumable.)
15. No books or other material containing hard-core pornography or otherwise prohibited by Section 847.012, F.S., shall be used.

B. Instructional materials must also be evaluated for bias-free content. There are five areas in which bias is evidenced in instructional materials:

1. CONTEXTUAL INVISIBILITY (The omission or underrepresentation of various racial and ethnic groups, people with disabilities, older people, women and people from a variety of social classes.)
2. STEREOTYPING AND CHARACTERIZATION (Assignment of traditional and rigid roles or attributes to a group.)
3. HISTORICAL DISTORTIONS AND OMISSIONS (Materials which present only one interpretation of an issue, situation, or group of people.)
4. LANGUAGE BIAS (Materials which perpetuate single-standard language usage that reflects bias based on gender, race, ethnicity, disability, age, and class.)
5. INACCURATE AND STEREOTYPICAL VISUAL IMAGES (Pictures which present and reinforce sexism, racial and ethnic stereotypes, etc.)

V. In keeping with Section 233.115(2), F.S., no school official or member of a district or state instructional materials council shall accept any emolument, money, or other valuable thing, or any inducement, to directly or indirectly introduce, recommend, vote for, or otherwise influence the adoption or purchase of any instructional materials.

A. Administrators and instructional personnel may not accept monies or other items, with the exception of the distribution of promotional items with a de minimis value, from textbook publishers to those who have direct or indirect involvement with the purchase and use of those

materials. Even if the benefits are solicited by entities not directly associated with the school board, the school personnel would still be the recipient of monies or other items from publishers.

B. Publishers of instructional materials who have submitted, or plan to submit within 18 months, instructional materials for consideration in the adoption process in the State of Florida, may not:

1. Directly contact any teacher(s), including department heads, in regard to their materials, until after Miami-Dade County Public Schools (M-DCPS) makes its official selection for the *District's Instructional Materials List*.
2. Host dinners, retreats, or parties of any kind for any teacher(s) or administrator(s) in M-DCPS to showcase their materials being considered for adoption or purchase.
3. Offer gifts, gift certificates, or other enticements to any teacher(s) or administrator(s) or their schools.

C. All communications with schools (whether written or oral) regarding an adoption in M-DCPS is prohibited until the District's evaluation process is completed.

1. At the conclusion of the evaluation process, specific materials will be identified for schools to consider for local adoption, through the publication of the *District's Instructional Materials List*.
2. When schools and publishers receive the *District's Instructional Materials List*, publishers or manufacturers may contact school administrators to provide samples or arrange presentations.
3. Samples must be limited to the student's edition, the teacher's edition, the review materials, Florida Comprehensive Assessment Test (FCAT) materials, and the evaluation materials. No more than three copies of these materials may be sent to any school. All other ancillary materials should not be included. Any such materials given to the school by a publisher become the property of the school.

D. No member of the M-DCPS evaluation committee may discuss matters relating to instructional materials submitted for adoption with any agent of a publisher or manufacturer of instructional materials, either directly or indirectly, except during the period when the committee shall have been called into session for the purpose of evaluating instructional materials submitted for adoption or in a public presentation showcasing the materials.

- E. Publishers should provide the District one complete set of the materials that have been chosen for use in M-DCPS. These materials will be housed at the Teacher Education Center Professional Resource Library for parent and teacher review.
- F. No further notification will be sent to publishers. Any agent of a publisher or manufacturer of instructional materials found in violation of these rules during the State Adoption and District evaluation process in M-DCPS will have their materials immediately disqualified from further consideration.

VI. Use of Instructional Materials Allocation

School principals are responsible for ensuring that instructional materials are used to provide instruction to students enrolled at the grade level(s) for which the materials are designed and to effectively communicate to parents the manner in which materials are used to implement the curricular objectives of the school under Sections 233.34(5) and 233.46(1), F.S.

VII. Disposal of Obsolete or Unusable Instructional Materials

Instructional materials that have become unserviceable or surplus and are no longer on State contract may be disposed of as follows under Sections 233.37, F.S.:

1. Offered to teachers to cut up or otherwise use as resource materials;
2. Given free to Miami-Dade County Public Schools students;
3. Offered to private and parochial schools in Miami-Dade County;
4. Made available to any governmental agency, charitable organization or any individual;
5. Sold to used book dealers, recycling plants, pulp mills or other persons or firms, at the discretion of the Superintendent of Schools, or designee. Funds received will be added to the instructional materials allocation; or
6. Returned to the Stores and Mail Distribution used textbook warehouse for disposal.

VIII. Procedures for Consideration of Protests Concerning Instructional Materials and Educational Media

Any citizen may file a complaint with a school or the District concerning the use of particular curriculum materials, textbooks and ancillary items, library books, and nonprint media. Challenged materials may be removed from use only after the following informal and formal due process procedures have been completed:

A. School Level - Informal Complaint

The complainant shall first contact the principal with the complaint. Within five school days, the principal and/or a designee and the appropriate staff member(s) shall meet with the complainant to explain (1) the school's materials selection procedures; (2) the criteria used for the selection of instructional materials; (3) the role that the material in question has in the school's curriculum or library media center collection; and (4) whatever additional information is needed regarding the item's use. If the complainant is not satisfied with the explanation and desires to file a formal complaint, the formal procedures shall be followed.

B. School Level - Formal Complaint

1. The complainant shall obtain four copies of a form entitled "Citizen's Request for Reconsideration of Media" from the principal or a designee, complete the form in its entirety, including signature, retain one copy, and send one copy of the completed form to:

- a. the principal (original)
- b. the feeder pattern lead principal
- c. the appropriate Region Superintendent

2. The completed form and the material(s) in question shall be studied by a nine member School Materials Review Committee (SMRC) appointed on an ad hoc basis by the principal with the following provisions:

- a. The committee shall consist of the principal or designee; two teachers in the appropriate subject area/grade; one teacher from another subject area/grade; a library media specialist; a guidance counselor; one student from the appropriate grade level or who is accomplished in the specific subject area (middle and senior high school only); one lay person from the school's Parent-Teacher/Parent-Teacher-Student Association or the Educational Excellence School Advisory Council; and a representative designated by the Region Superintendent.
- b. The SMRC shall meet within ten (10) school work days of receipt by the principal of the reconsideration form.
- c. The SMRC may solicit professional written reviews of

the materials and/or comments from appropriate audiences or resource persons.

- d. The SMRC shall read/view the material in its entirety, consider the reviews of the material, study the comments on the complainant's questionnaire, consider one or more of the evaluative criteria in IV. A. 1-15. and render a decision based on a majority vote.

Note: The principal shall make the criteria in IV. A. 1-15. available to all interested persons.

- e. Within five (5) school work days of its final meeting, the SMRC shall prepare a written report with recommendations for the principal to follow. The committee's final recommendation may be any or a combination of the following: (1) allow the challenged material to maintain its current status; (2) leave the challenged material in the classroom or library media center, but allow students to use alternate materials approved by school personnel who require the use of the disputed item; (3) limit the educational use of the challenged material; (4) remove the challenged material from the total school environment.
 - f. Within five (5) school work days after receipt of the SMRC recommendation, the principal shall inform the complainant of the decision of the committee and shall send copies of all reports and communications to the appropriate Region Superintendent.
3. Access to challenged materials shall not be restricted during the reconsideration process. The materials shall remain in use unless removed by formal vote of the SMRC.
 4. A copy of the selection and reconsideration procedures shall be placed in the library media center's professional collection for reference.
 5. Each school principal shall include a copy of this Rule in the school's staff handbook and shall review the selection and reconsideration procedures with the staff as needed, emphasizing the School Board rules pertaining to the teaching of controversial issues and the ethical considerations that are needed in handling citizen complaints with courtesy and integrity.

C. District Level - Formal Appeal

The complainant may appeal the decision of the SMRC to the Superintendent of Schools in accordance with the following provisions:

1. The complainant shall notify the Superintendent of the appeal in writing.
2. Within fifteen (15) school work days of receipt of such request, the Superintendent and appropriate staff shall review the action taken at the school level and issue a decision. If the decision does not include further review, the complainant shall be so notified and may request an appearance to appeal directly to the School Board in accordance with School Board rule.
3. If the Superintendent finds cause for further review, the complaint shall be submitted to a seventeen member District Materials Review Committee (DMRC) chaired by the Deputy Superintendent for Education, or designee, appointed on an ad hoc basis by the Superintendent, with the following provisions:
 - a. The committee shall consist of the Deputy Superintendent for Education, or designee; an appropriate Region Superintendent; two principals at the appropriate level; the ~~District~~ Administrative Director of Instructional Technology and Media Support Services; two appropriate subject area directors/supervisors; the Instructional Supervisor of Library Media Services; the ~~Coordinator~~ Supervisor of Textbook Services; one teacher in the appropriate subject area/grade; two library media specialists; one student from the appropriate grade level or who is accomplished in the specific subject area (middle and senior high only); a representative from United Teachers of Dade; a representative from the Miami-Dade County Council of Parent-Teacher/Parent-Teacher-Student Associations who will be appointed by the President of the District Association; a representative from the District Advisory Committee; and one lay person.
 - b. In the event that a person named above can not be present at the DMRC meetings(s), the Superintendent may appoint an alternate.

- c. The DMRC shall follow the procedures stated in ~~V.~~ VIII. B.2.c.-d. above.
- d. The DMRC shall make a recommendation to the Superintendent within fifteen (15) school work days of receipt of the complaint based on the criteria set forth in IV. A. 1-15.
- e. The recommendation of the DMRC and the basis for that recommendation shall be transmitted to the Superintendent; the Deputy Superintendent for Education; the Associate Superintendent, Bureau of Elementary, ~~and Secondary,~~ and Workforce Development Education; the principal; and the party requesting the review.
- f. The Superintendent or a designee shall make a final decision within five (5) school work days of receipt of the DMRC recommendation and send a report of that decision to the Deputy Superintendent for Education; Associate Superintendent, Bureau of Elementary, ~~and Secondary, and Workforce Development~~ Education ~~or the Assistant Superintendent, Office of Applied Technology, Adult and Career Education;~~ the appropriate Region Superintendent; principal; and the complainant.
- g. The Citizen Information Center shall make the selection criteria and a copy of the material(s) in question available for review upon request of interested persons.
- h. The complainant may appeal the decision of the Superintendent to the School Board in writing and may request an appearance before the Board in accordance with School Board Rule 6Gx13- 8C-1.17.

D. Region-Adopted or District-Adopted Materials - Complaint

In the case of Region-adopted or District-adopted materials, the complainant shall follow the procedure set forth in ~~V.~~ VIII. C. above.

IX. Lost and Damaged Instructional Materials.

It shall be the duty and responsibility of each principal to collect from each pupil or the pupil's parent the purchase price of any instructional materials the pupil has lost, destroyed, or unnecessarily damaged and to report and transmit such amount so collected to the Superintendent, or designee. If

such materials so lost, destroyed, or damaged have been in school use for more than 1 year, a sum ranging between 50 and 75 percent of the purchase price of the book shall be collected. Such sum shall be determined by the physical condition of the book. The failure to collect such sum upon reasonable effort by the principal may result in the suspension of the pupil from participating in extracurricular activities or satisfaction of the debt by the pupil through community service activities at the school site as determined by the principal under Section 233.46(2), F.S.

Specific Authority: 230.22(2); 230.23(22) F.S.

Law Implemented, Interpreted, or Made Specific: 230.22(2) 230.23(7)(b) and (c);
230.23025; 230.33(9); 233.07;
233.08; 233.09; 233.095; 233.165;
233.34(5); 233.37; 233.43(1);
233.46; 847.012 F.S.

History

THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA

Repromulgated: 12-11-74

Amended: 11-25-75; 8-21-85; 10-4-89; 5-13-98