

Office of Superintendent of Schools
Board Meeting of June 14, 2006

June 9, 2006

Office of School Board Attorney
JulieAnn Rico, School Board Attorney

**SUBJECT: IN RE: BOOK CHALLENGE APPEAL BY PARENT, JUAN AMADOR,
PURSUANT TO SCHOOL BOARD RULE 6Gx13-6A-1.26,
(Instructional Materials and Resources)**

On June 7, 2006, the Superintendent of Schools decided to affirm the recommendation of the District Materials Review Committee ("DMRC") regarding a book challenge filed by Mr. Juan Amador, a parent of a student at Marjorie Stoneman Douglas Elementary School. Mr. Amador appealed to the DMRC, the decision of that school's materials review committee to allow the book *Vamos a Cuba* to remain a part of the school library's collection. On May 22, 2006, and on June 5, 2006, the DMRC met to review Mr. Amador's appeal of the school materials review committee's decision. In its June 5, 2006 meeting, the DMRC voted 15 to 1 to affirm the school materials review committee's decision and to permit both the Spanish version of the book (*Vamos a Cuba*) and its English counterpart (*A Visit to Cuba*), to remain a part of school library's collection.

School Board Rule 6Gx13-6A-1.26(VIII)(C)(3)(h) provides that: "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." On June 8, 2006, Mr. Amador was given written notice of the Superintendent's decision and of his right to appeal that decision in accordance with the School Board Rule. Later on that same day, Mr. Amador filed, with the School Board Clerk's office, his appeal challenging the Superintendent's decision to affirm the DMRC's recommendation.

This matter has been placed on the Board's Agenda in order to resolve this appeal, as provided by the School Board Rule. A record of the proceedings below leading to this appeal, along with copies of the books at issue, the applicable School Board Rule, and the associated legal memoranda are provided under separate cover.

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The Board should allow the parent/complainant an opportunity to address the Board and present his case. Public speakers are not entitled to address the Board on the appeal. After hearing the parent's argument, Board members may discuss the matter and make appropriate findings and render a decision based upon the record of this appeal. The Board's determination should be in the form of a Final Order. The Board's Final Order should include specific findings and conclusions, either affirming the Superintendent's recommendation or reversing the Superintendent's recommendation, and making specific findings and conclusions in support of the Board's decision as provided by the School Board Rule.

RECOMMENDED:

That The School Board of Miami-Dade County, Florida, take one of the following actions in the matter of the book challenge appeal by Juan Amador (Parent) Pursuant to School Board Rule 6Gx13-6A-1.26, *Instructional Materials and Resources*:

(1) Upon a review of the record of the proceedings below, affirm the Superintendent's recommendation as its Final Order and make specific findings and conclusions in support of the Board's decision; or

(2) Upon a review of the record of the proceedings below, reject the Superintendent's recommendation and make specific findings and conclusions in support of the Board's decision.