

Office of School Board Attorney
JulieAnn Rico, School Board Attorney

SUBJECT: IN RE: BOOK CHALLENGE APPEALS FILED PURSUANT TO SCHOOL BOARD RULE 6Gx13-6A-1.26, (Instructional Materials and Resources)

This appeal hearing concerns book challenges at three separate schools within the District regarding the book *Cuban Kids*. The first appeal was filed with the School Board Clerk on September 26, 2006 with respect to the book's availability in the school library at the Bob Graham Educational Center. A second appeal has been filed with respect to Hubert O. Sibley Elementary, and a third appeal was pending with respect to the Dr. Henry W. Mack/West Little River Elementary School.

As we indicated in our previous memoranda to the Board and at the Board meeting of November 21, 2006, it was the intention of our Office to present the three appeals regarding the book challenges on the *Cuban Kids* book, at one single Board meeting. In order to accomplish this task we had to wait until all three (3) pending appeals had been finalized. On November 27, 2006, Mr. Izmael Izquierdo filed the last pending appeal regarding Dr. Henry Mack/West Little River Elementary School, with the School Board Clerk. This was the last pending appeal with respect to the *Cuban Kids* book. Pursuant to School Board Rule 6Gx13-6A-1.26 (*Instructional Materials and Resources*), the final phase of this process is for the appeals to be presented for the Board's consideration.

However, the Board Attorney, after conferring with outside counsel retained to defend the pending book challenge lawsuit, recommends deferring taking any action on these appeals until such time as the Eleventh Circuit Court of Appeals renders an opinion in the case known as Miami-Dade County School Board and Rudolph F. Crew v. American Civil Liberties Union of Florida, Inc., Greater Miami Chapter, and Miami-Dade Student Government Association, U.S.D.C. Case No. 06-21577-CIV-GOLD, Court of Appeals Docket Number 06-14633-GG.

RECOMMENDED: That The School Board of Miami-Dade County, Florida, defer hearing and taking any action in the matter of the book challenge appeals filed by the complainants regarding the book *Cuban Kids*, as indicated hereinabove, until said time as the pending federal appeal in the case of *Miami-Dade County School Board and Rudolph F. Crew v. American Civil Liberties Union of Florida, Inc., Greater Miami Chapter, and Miami-Dade Student Government Association*, U.S.D.C. Case No. 06-21577-CIV-GOLD, Court of Appeals Docket Number 06-14633-GG, is resolved.