

Office of Superintendent of Schools  
Board Meeting of June 21, 2023

June 8, 2023

Office of the General Counsel  
Walter J. Harvey, General Counsel

**SUBJECT:** **INITIAL READING: PROPOSED AMENDMENTS TO SCHOOL BOARD POLICIES 2215, PROGRAM OF INSTRUCTION, 2417, REPRODUCTIVE HEALTH AND DISEASE EDUCATION, AND 2510, INSTRUCTIONAL MATERIALS, SCHOOL LIBRARY/MEDIA CENTER, AND OTHER EDUCATIONAL MATERIALS**

**COMMITTEE:** **ACADEMICS, INNOVATION, EVALUATION, & TECHNOLOGY**

**LINK TO STRATEGIC PLAN:** **RELEVANT, RIGOROUS, & INNOVATIVE ACADEMICS**

Consistent with the Board's statutory responsibility to periodically review and update its policies to conform to legislative changes and District practices, authorization is requested for the Superintendent to initiate rulemaking proceedings to amend Board Policies 2215, *Program of Instruction*, 2417, *Reproductive Health and Disease Education*, and 2510, *Instructional Materials, School Library/Media Center, and Other Educational Materials*.

Policy 2510 is proposed for amendment in response to HB-1069 (2023), requiring additional changes to Florida Statutes, Section 1006.28 with regard to objections to instructional materials. The proposed amendments clarify that classroom libraries are included in the Board's responsibilities related to instructional materials; specifies that objections to the content of instructional materials may include the depiction of sexual conduct, as defined in F.S. 847.007(19) as a basis for objection, unless such material is for a course required by F.S. Sections, 1003.46 or 1003.42, or identified by State Board of Education rule. The proposed amendments also specify that any material that is subject to an objection based on being pornographic or depicting sexual conduct must be removed within five (5) days of receipt of the objection and remain unavailable to students until the objection is resolved. The bill adds that any meetings of committees convened for the purpose of resolving an objection by a parent or resident to specific materials must be noticed and open to the public in accordance with s. 286.011 and must include parents of students who will have access to such materials. If a parent disagrees with the determination made by the district school board on the objection to the use of a specific material, a parent may request the Commissioner of Education to appoint a special magistrate who is a member of The Florida Bar in good standing and

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who has at least five (5) years of experience in administrative law. The special magistrate shall determine facts relating to the school district's determination, consider information provided by the parent and the school district, and render a recommended decision for resolution to the State Board of Education within 30 days after receipt of the request by the parent. The State Board of Education must approve or reject the recommended decision at its next regularly scheduled meeting that is more than seven (7) calendar days and no more than 30 days after the date the recommended decision is transmitted. The costs of the special magistrate shall be borne by the school district. The State Board of Education shall adopt rules, including forms, necessary to implement these provisions. The proposed amendments contain the bill's requirement that each district school board shall adopt and publish on its website the process for a parent to limit his or her student's access to materials in the school or classroom library. The proposed amendments also include the bill's new requirement that all materials used to teach reproductive health or any disease, including HIV/AIDS, its symptoms, development, and treatment, must be approved by the Florida Department of Education. This change is also proposed for Policy 2417, *Reproductive Health and Disease Education*.

Additionally, HB 1069 amended F.S. Section 1001.42(8)(c) to specify that classroom instruction by school personnel or third parties on sexual orientation or gender identity may not occur in prekindergarten kindergarten through grade 8, except when required by ss. 1003.42(2)(n)3. and 1003.46. Policy 2215, *Program of Instruction*, is proposed for amendment to incorporate this change.

The policy amendments were drafted in collaboration with, and reviewed by, the Superintendent, Cabinet, and District staff. The Notice of Intended Action and repealed and replacement policies are attached.

**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 Board Policies 2215, *Program of Instruction*, 2417, *Reproductive Health and Disease Education*, and 2510, *Instructional Materials, School Library/Media Center, and Other Educational Materials*.



## NOTICE OF INTENDED ACTION

THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA, announced on June 21, 2023, its intention to amend Board Policies 2215, *Program of Instruction*, 2417, *Reproductive Health and Disease Education*, and 2510, *Instructional Materials, School Library/Media Center, and Other Educational Materials*, at its meeting of August 16, 2023.

PURPOSE AND EFFECT: Board Policies 2215, *Program of Instruction*, 2417, *Reproductive Health and Disease Education*, and 2510, *Instructional Materials, School Library/Media Center, and Other Educational Materials*, are proposed for amendments in response to HB-1069 (2023).

SUMMARY: Policy 2510, *Instructional Materials, School Library/Media Center, and Other Educational Materials*, is proposed for amendment in response to HB-1069 (2023), requiring additional changes to Florida Statutes, Section 1006.28 with regard to objections to instructional materials. The proposed amendments clarify that classroom libraries are included in the Board's responsibilities related to instructional materials; specifies that objections to the content of instructional materials may include the depiction of sexual conduct, as defined in F.S. 847.007(19), unless such material is for a course required by F.S. Sections, 1003.46 or 1003.42, or identified by State Board of Education rule. The proposed amendments also specify that any material that is subject to an objection based on being pornographic or depicting sexual conduct must be removed within five (5) days of receipt of the objection and remain unavailable to students until the objection is resolved. Any meetings of committees convened for the purpose of resolving an objection by a parent or resident to specific materials must be noticed and open to the public in accordance with s. 286.011 and must include parents of students who will have access to such materials. If a parent disagrees with the determination made by the district school board on the objection to the use of a specific material, a parent may request the Commissioner of Education to appoint a special magistrate who is a member of The Florida Bar in good standing and who has at least five (5) years of experience in administrative law. The special magistrate shall determine facts relating to the school district's determination, consider information provided by the parent and the school district, and render a recommended decision for resolution to the State Board of Education within 30 days after receipt of the request by the parent. The State Board of Education must approve or reject the recommended decision at its next regularly scheduled meeting that is more than seven (7) calendar days and no more than 30 days after the date the recommended decision is transmitted. The costs of the special magistrate shall be borne by the school district. The State Board of Education shall adopt rules, including forms, necessary to implement these provisions. The proposed amendments contain the bill's requirement that each district school board shall adopt and publish on its website the process for a parent to limit his or her student's access to materials in the school or classroom library. The proposed amendments also include the bill's new requirement that all materials used to teach reproductive health or any disease, including HIV/AIDS, its symptoms, development, and treatment, must be approved by the Florida Department of Education. This change is also proposed for Policy 2417, *Reproductive Health and Disease Education*. Additionally, HB 1069 amended F.S. Section 1001.42(8)(c) to specify that classroom instruction by school personnel or third parties on sexual orientation or gender identity may not occur in prekindergarten kindergarten through grade 8, except when required by ss. 1003.42(2)(n)3. and 1003.46. Policy 2215, *Program of Instruction*, is proposed for amendment to incorporate this change.

SPECIFIC LEGAL AUTHORITY UNDER WHICH RULEMAKING IS AUTHORIZED: Fla. Stat. ss. 1001.41(1), (2), (3); 1001.42(8), (9).

LAWS IMPLEMENTED INTERPRETED OR MADE SPECIFIC: Fla. Stat. ss. 1006.28, 1001.42(8)(c)(3).

IF REQUESTED, A HEARING WILL BE HELD DURING SCHOOL BOARD MEETING OF August 16, 2023, 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 in Section 120.54(1), F.S., must do so in writing by July 19, 2023, to the Superintendent, 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)

COPIES OF THE PROPOSED REPEALED POLICY are available at cost to the public for inspection and copying in the Citizen Information Center, Room 158, 1450 N.E. Second Avenue, Miami, Florida 33132.





Book	Policy Manual
Section	June 21, 2023 - <u>Initial</u> Reading
Title	PROGRAM OF INSTRUCTION
Code	2215
Status	<u>Initial</u> Reading

## 2215 - **PROGRAM OF INSTRUCTION**

The District's program of instruction shall provide all courses required for middle grades promotion, high school graduation, and appropriate instruction designed to ensure that students meet State Board of Education adopted standards in the following subject areas: reading and other language arts, mathematics, science, social studies, foreign languages, health and physical education, and the arts. Additional required topics of study are included in School Board Policy 5410, *Student Progression Plan*.

### I. **Program of Instruction**

The Superintendent shall develop and implement a program of instruction as follows:

#### A. Elementary School

The primary purpose of the elementary school shall be to serve each individual student by promoting opportunities for optimum learning development. The program of instruction in the elementary school shall promote the language arts, mathematics, social studies, science, world languages, health and physical education, music, art, and other disciplines as shall be considered necessary to a well-rounded elementary school program. A procedure shall be established by which schools may recommend for approval courses or programs to meet the unique needs of students. Each subject field shall embrace in the materials used and in the teaching procedures employed, instruction in



study and work habits, career awareness, library usage, safety, thrift, conservation, health and hygiene, citizenship, the establishment of purpose, and the development of character. Provision shall be made for the inculcation of ideals of group and individual behavior. The District shall foster organized play, intramural sports and games, hobby groups, and other organized student activities.

B. Middle School

The primary purpose of the middle school shall be to promote an expanded educational experience to meet the needs of the students in the sixth, seventh, and eighth grades of school. The District-wide program of studies and services adopted by the Board shall determine the specific offerings. An approval process shall be established by which schools may recommend courses or programs to meet the unique needs of students.

Specific course offerings, such as band (or music), dance, visual arts, drama, creative writing, physical activity, athletics, and student government, etc., are those that are to be encouraged, endorsed, and supported. Specific non-content area course offerings such as those offered through the visual/performing arts and athletics provides these opportunities for all students.

C. Senior High School

The primary purpose of the senior high school shall be to promote education which fits the needs of all students. Courses shall be offered at a level which will challenge students to perform to their capacity. The District-wide studies adopted by the Board shall determine the specific offerings. Library and counseling services shall be provided to enable educational objectives to be met. Student government, publications, drama, music, visual arts, physical activity, athletics, and social activities, etc., shall be promoted for the development of well-rounded citizens.

D. Civic and Character Education

The Board shall provide civic and character education on the qualities and responsibilities of patriotism and citizenship, including, kindness; respect for authority, life, liberty, and personal property; honesty; charity; racial, ethnic, and religious tolerance; and cooperation, and for grades 11 and 12, voting using the uniform primary and general election ballot described in F.S. 101.151(9).

The character-development program shall incorporate the values of the recipients of the Congressional Medal of Honor and will be offered as part of



social studies, English Language Arts, or other schoolwide character building and veteran awareness initiatives.

## **II. Required Instruction**

Instructional staff members, subject to Board policy and State Board of Education rules, shall teach efficiently and faithfully, using the books and materials required that meet the highest standards for professionalism and historic accuracy, following the prescribed courses of study, and employing approved methods of instruction, the topics and subject matter set forth in F.S. 1003.42.

## **III. Instruction in Operation of Motor Vehicles**

See Board Policy 2432.

## **IV. Instruction in Health Education**

See Board Policy 5410, *Student Progression Plan* and Policy 2417, *Reproductive Health and Disease Education*.

Classroom instruction by school personnel or third parties on sexual orientation or gender identity may not occur in prekindergarten through grade 3-8 or in other grades in a manner that is not age-appropriate or developmentally appropriate for students in accordance with state standards.

## **V. Exemptions from Certain Instruction**

Any student whose parent makes a written request to the Principal shall be exempted from the teaching of reproductive health or any disease, including HIV/AIDS, its symptoms, development, and treatment. A student so exempted will not be penalized by reason of that exemption.

Effective 07.01.2011

Revised 03.15.2017

Revised 04.17.2019

Revised 10.19.2022

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Legal References:

F.S. 1001.42(8)(c)(3)

F.S. 1001.51

F.S. 1003.42

F.S. 1003.4205



F.S. 1003.48  
F.S. 1007.2616

Adoption Date: 05.11.2011

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Book	Policy Manual
Section	June 21, 2023 - <u>Initial</u> Reading
Title	REPRODUCTIVE HEALTH AND DISEASE EDUCATION
Code	2417
Status	<u>Initial</u> Reading

## 2417 - **REPRODUCTIVE HEALTH AND DISEASE EDUCATION**

The School Board shall provide comprehensive reproductive health and disease education to secondary students.

Parents will be notified in advance when the reproductive health and disease lessons will be taught in the classroom and encouraged to review the program content and instructional materials. The teacher will provide the student a Parent Letter explaining the topics that will be covered. Parents should speak to the teacher if additional information is desired. If the parents wish to have their child removed from segments of the program, they should return the letter, signed, to the school principal. The District's website homepage shall include a link for a student's parent to access and review the instructional materials used to teach reproductive health or any disease, including HIV/AIDS; notice of the parent's right to request that the student be exempted from the teaching of reproductive health or any disease, including HIV/AIDS, its symptoms, development and treatment; and the process for requesting such exemption. An appropriate alternative educational assignment will be provided for any student who receives an exemption.

Reproductive health and disease is an instructional component of the District's comprehensive health education curriculum that may be implemented in various subject areas. Comprehensive health education shall also include concepts of community health, consumer health, environmental health, family life including an awareness of the benefits of sexual abstinence as the expected standard and the consequences of teenage pregnancy, mental and emotional health, injury prevention and safety, nutrition, personal health, prevention and control of disease, and substance use and abuse. All materials used to teach reproductive health or



any disease, including HIV/AIDS, its symptoms, development, and treatment, must be approved by the Florida Department of Education.~~The instructional materials used to teach reproductive health or any disease, including HIV/AIDS, its symptoms, development, and treatment, as part of the school curriculum, must be annually approved by the Board in an open, noticed public meeting. (See also Policy 2510)~~

Effective 07.01.2011

Revised 12.15.2021

Technical Correction 08.08.2022

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Legal References:

F.S. 1002.20(3)(d)

F.S. 1003.42(1)(b), (3)

F.S. 1003.46

F.S. 1006.28

Adoption Date: 05.11.2011





Book	Policy Manual
Section	June 21, 2023 - <u>Initial</u> Reading
Title	INSTRUCTIONAL MATERIALS, SCHOOL LIBRARY/MEDIA CENTER, AND OTHER EDUCATIONAL MATERIALS
Code	2510
Status	<u>Initial</u> Reading

## **2510 - INSTRUCTIONAL MATERIALS, SCHOOL LIBRARY/MEDIA CENTER, AND OTHER EDUCATIONAL MATERIALS**

### **I. Introduction**

The School Board has the constitutional duty and responsibility to select and provide adequate instructional materials for all students in accordance with F.S. 1006.28 and 1006.283. For core subject areas, the Board must either (1) adopt instructional materials selected from the State-approved materials according to the State adoption cycles, (2) adopt instructional materials pursuant to a (local) Board instructional materials review program prescribed by this policy, or (3) a combination of both.

The Board is responsible for the content of all instructional materials and any other materials used in a classroom, made available in a school library/media center, or included on a reading list whether adopted and purchased from the State-adopted instructional materials list, adopted and purchased through the District instructional materials program, or otherwise purchased or made available in the classroom.

Instructional materials and resources shall be provided in a variety of formats that are appropriate, timely, and essential to the attainment of specified educational objectives and are free of bias, stereotypes, distortions, and prejudices.

A. This policy shall provide processes for objections (See Sections VII and IX) that will allow a parent or resident the opportunity to proffer evidence that:



1. An instructional material does not meet the criteria of F.S. 1006.31(2) or F.S. 1006.40(3)(d) if it was selected for use in a course or otherwise made available to students in the school district but was not subject to the public notice, review, comment, and hearing procedures under F.S. 1006.283(2)(b)8., 9., and 11.
2. Any material used in a classroom, made available in a school or classroom library, or included on a reading list contains content which:
  - a. is pornographic or prohibited under F.S. 847.012;
  - b. depicts or describes sexual conduct as defined in F.S. 847.001(19), unless such material is for a course required by F.S. 1003.46, F.S. 1003.42(2)(n)1.g., or F.S. 1003.42(2)(n)3., or identified by State Board of Education rule;
  - c. is not suited to student needs and their ability to comprehend the material presented; or
  - d. is inappropriate for the grade level and age group for which the material is used.

B. As a result of an objection:

1. Any material that is subject to an objection on the basis of A.2.a. or A.2.b. above must be removed within five (5) school days of receipt of the objection and remain unavailable to students of the school where the objection was filed until the objection is resolved. All other challenged materials may be removed from use only after the following informal and formal procedures have been completed in sequence. No challenged material may be removed from the curriculum or from a collection of resource materials solely because it presents ideas that may be unpopular or offensive to some individuals.

C. Parents shall have the right to read passages from any material that is subject to an objection. If the parent is refused the right to read passages due to the content that meets the requirements under A.2.a. above, the district shall discontinue to the use of the material.

D. If any material meets the requirements under A.1. above or that any other material contains prohibited content under A.2.a. above, the district shall discontinue use of the material.



E. If materials are found to contain prohibited content under A.2.b.-d. above, the district shall discontinue use of the material for any grade level or age group for which such use is inappropriate or unsuitable.

~~This policy provides a parent or resident the opportunity to proffer evidence to the Board that:~~

~~A. an instructional material does not meet the criteria of F.S. 1006.31(2) or 1006.40(3)(d) if it was selected for use in a course or otherwise made available to students in the School District but was not subject to the public notice, review, comment, and hearing procedures under F.S. 1006.283(2)(b)8., 9., and 11.~~

~~B. any material used in a classroom, made available in a school library, or included on a reading list contains content that is pornographic or prohibited under F.S. 847.012, is not suited to student needs and their ability to comprehend the material presented, or is inappropriate for the grade level and age group for which the material is used.~~

~~Materials found to violate these criteria will be discontinued for any grade level or age group for which such use is inappropriate or unsuitable.~~

## **I. II. Definition of Instructional Materials**

F.S. 1006.29(2) defines the term "instructional materials" as items having intellectual content that by design serve as a major tool for assisting in the instruction of a subject or course. These items may be available in bound, unbound, kit, or package form and may consist of hardbacked or soft backed textbooks, electronic content, consumables, learning laboratories, manipulatives, electronic media, and computer courseware or software. Pursuant to F.S. 1006.28(1)(a)(1), "adequate instructional materials" means a sufficient number of student or site licenses or sets of materials.

## **II. III. Use of Instructional Materials**

Principals shall ensure that instructional materials are used to provide instruction to students enrolled at the grade level(s) for which the materials are designed and for effectively communicating to parents the manner in which materials are used to implement the curricular objectives. Principals are also responsible for overseeing compliance with School District procedures for selecting school library/media center materials at the school to which they are assigned. Use of materials must adhere to the "fair use" doctrine permitting the use of copyrighted works for instructional purposes. (See <https://www.copyright.gov/help/faq/>)

## **III. IV. Adoption of Core Subject and Reproductive Health and Disease Education Instructional Materials**



The Board shall adopt adequate instructional materials, as recommended by the Superintendent, that serve as the basis for instruction for each student in the core subject areas of mathematics, language arts, social studies, science, reading, and literature. The Board shall also annually approve instructional materials used to teach reproductive health or any disease, including HIV/AIDS, its symptoms, development, and treatment.

A. State-Adopted Instructional Materials

The Florida Commissioner of Education shall determine annually the areas in which instructional materials shall be submitted for adoption and evaluate them pursuant to law.

The Superintendent 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, and establish procedures for the requisition, purchase, receipt, storage, distribution, use, conservation, maintenance of records and reports, 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 F.S. 1006.28(3)(a). Such records and accounts shall be a component of the educational service delivery scope of the District's best financial management practices review under F.S. 1008.35.

B. Board-Adopted Instructional Materials (Not from State-Adopted List)

The Board shall implement its own instructional materials adoption program for the selection of materials to be used in the subjects listed above in this section when materials from the State-adopted list are not available or recommended by the District.

Procedures shall be established, which are incorporated by reference in and made a part of this policy, to provide for evaluation and selection of Board-adopted instructional materials. These procedures shall include processes, criteria, and requirements for (1) selection of reviewers, one or more of whom must be a parent with a child enrolled in a District public school, (2) review of instructional materials, (3) selection of materials, including a thorough review of curriculum content, and (4) reviewer recommendations. The procedures must also identify by subject area, a review cycle for instructional materials, specify the qualifications of reviewers, establish a process that certifies the accuracy of instructional materials, and comply with all other requirements in F.S. 1006.283(2).



#### **IV. V. Content Standards for Instructional Materials**

Pursuant to F.S. 1006.34, in the selection of instructional materials, library material, and other reading material used in the public school system, the standards used to determine the propriety of the instructional material shall include: the age of the students who normally could be expected to have access to the material; the educational purpose to be served by the material with priority given to the selection of materials that align with Florida State Standards as provided for in F.S. 1003.41 and include instructional objectives contained within the curriculum frameworks for career and technical education; and the degree to which the material would be supplemented and explained by mature classroom instruction as part of a normal classroom instructional program.

##### **A. Alignment with Subject Standards**

Textbooks and instructional materials should provide quality learning experiences for students, enrich and support the curriculum, and be consistent with the Florida State Standards. Instructional materials evaluation committees shall evaluate instructional materials utilizing the procedural guidelines provided by the District's Instructional Materials department. Listed below are the major components of the review guidelines.

1. Content (Alignment with curriculum and Florida State Standards; level of treatment; expertise for content development; accuracy of content; currency of content; authenticity of content; multicultural representation; humanity and compassion)
2. Presentation (Comprehensiveness of student and teacher resources; alignment of instructional components; organization of instructional materials; readability of instructional materials; pacing of content; ease of use and durability of materials)
3. Learning (Motivational strategies; teaching a few "big ideas"; explicit instruction; guidance and support; active participation of students; targeted instructional strategies; targeted assessment strategies)



B. Accurate, Objective, Balanced, Noninflammatory, Current, Free of Pornography and Prohibited Material and Suited to Student Needs

Pursuant to F.S. 1006.40(3)(d), any materials purchased shall be free of pornography and material prohibited under F.S. 874.012, suited to student needs and their ability to comprehend the material presented, and appropriate for the grade level and age group for which the materials are used or made available.

Pursuant to F.S. 1006.31, instructional materials recommended by each reviewer shall be accurate, objective, balanced, noninflammatory, current, free of pornography and material prohibited under F.S. 847.012, and suited to student needs and their ability to comprehend the material presented. Reviewers shall consider for recommendation materials developed for academically talented students, such as students enrolled in advanced placement courses.

The District shall rely on Florida Department of Education rules to determine what is age-appropriate, or in the absence of rules, on a preponderance of reviews by subject experts and/or professionally recognized periodicals or organizations.

C. Bias-Free

Instructional materials must also be evaluated for bias-free content, of which there are five (5) areas in which bias is evidenced in instructional materials:

1. Contextual Invisibility (The omission or under-representation 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.)

D. Additional Considerations for Selection of Instructional Materials

1. When recommending instructional materials, each reviewer shall:
  - a. include only instructional materials that accurately portray the ethnic, socioeconomic, cultural, religious, physical, and racial diversity of our society, including men and women in professional, career, and executive roles, and the role and contributions of the entrepreneur and labor in the total development of this State and the United States.
  - b. include only materials that accurately portray, whenever appropriate, humankind's place in ecological systems, including the necessity for the protection of our environment and conservation of our natural resources and the effects on the human system of the use of tobacco, alcohol, controlled substances, and other dangerous substances.
  - c. include materials that encourage thrift, fire prevention, and humane treatment of people and animals.
  - d. require, when appropriate to the comprehension of students, that materials for social science, history, or civics classes contain the Declaration of Independence and the Constitution of the United States.
2. Consideration should be given to the broad racial, ethnic, socioeconomic, and cultural diversity of this State. A reviewer may not recommend any instructional materials that contain any matter reflecting unfairly upon persons because of their race, color, creed, national origin, ancestry, gender, religion, disability, socioeconomic status, or occupation.



## **~~V.~~ VI. Instructional Materials Adoption Procedures**

An adoption process must comply with the content standards in Sections I and V ~~IV~~ above and the following procedural requirements:

### **A. Review Committee Membership**

1. Meetings of review committees convened for the purpose of ranking, eliminating, or selecting District-adopted instructional materials for recommendation to the Board must be noticed and open to the public in accordance with F.S. 286.011. Committees convened for such purposes must include parents of District students. Parents of District students will receive notifications of meetings via e-mail, phone calls, and through the parent portal/app and website.
2. Each review committee must consist of a minimum of five (5) participating members (three (3) instructional professionals and two (2) parents) with the flexibility of assigning an equal number of alternates. A member of a State adoption committee may not serve on the local adoption committee. The majority composition of a committee must consist of certified instructional professionals that teach, supervise, or otherwise have an expertise in the subject area under review. Certified school-site teachers, certified District subject area specialists, or resource teachers including those from any academic or other appropriate District department may serve as committee members. Committee members will be appointed by the curriculum department whose subject area is under review for adoption from a pool of nominations submitted by principals, region staff, and/or District staff.
3. Each review committee must include two (2) participating parents and two (2) alternates as follows:
  - a. Parents of District students will receive notification via e-mail, phone calls, and through the parent portal/app of upcoming adoptions with procedures to express interest in volunteering to participate in a specific review committee. One (1) participating committee member and one (1) alternate will be selected from the eligible applicants interested in volunteering. If there are more parents interested in being part of a review committee than there are open parent seats, the parents to serve on the committee will be randomly selected with the first name serving as the participating committee member and the subsequent name as the alternate. Additional



weighting will be applied to non-employee parents of the District prior to random selection. Likewise, selected employees that voluntarily applied to serve as parents must utilize personal or vacation days if selected to serve on a committee.

- b. One (1) participating committee member and one (1) alternate will be appointed by the President of the Miami-Dade County Council of Parent-Teacher/Parent-Teacher-Student Association. The appointed parents may not be employees of the District.
4. Parents selected to serve on any review committee must have a verified child enrolled in a District public school and have the required availability for participation. Review committees must include parents of students who will have access to the materials being reviewed. Should the participating parent be unavailable during any stage of the adoption process, the alternate parent shall assume the role of committee member for the duration of the process.
5. Certified District subject area supervisors who have taught in the subject area being reviewed will serve as review committee facilitators to provide subject matter expertise to committee members. Supervisors may assist in the review process and correlation of publisher submissions with course and subject instructional objectives. Certified District subject area supervisors will serve as the committee chairperson. The committee chairperson is not a voting member of the selection committee.
6. Each reviewer of materials shall sign an affidavit that contains the requirements set forth in F.S. 1006.30.

B. Evaluation Procedure

1. Members of a review committee must apply the standards set forth in Sections I and V-IV above in evaluating all instructional materials.
2. Members of a review committee will receive instructions and training in the evaluation techniques to be used, characteristics of effective instructional materials, and the skills necessary to make valid and objective decisions regarding the content and rigor of instructional materials.
3. Evaluation techniques will include, as available, collection and review of the research about the instructional materials under



consideration, as well as other districts' experiences with the instructional materials being reviewed.

4. The review process will include scrutiny of each program's correlation to the State Standards and the assessments that are based on such standards.
  5. Evaluation instruments employed by the review committee members in its evaluation and selection process may be instruments developed by the Florida Department of Education or District-modified versions of the same.
  6. If a review committee elects to have publisher presentations, every publisher submitting materials for consideration in a specific subject area will be provided an equal opportunity to present. All publishers will be given equal time for the presentation. The committee chair will be responsible for ensuring equity.
  7. Review committee members will review materials and return recommendations to the Assistant Superintendent over Instructional Materials.
- C. Public notice and access to the recommended materials (student editions) must be provided at least twenty (20) calendar days prior to Board consideration of State-adopted or District-adopted materials being recommended for adoption. Parent notification of the availability of the materials will be provided using parent e-mails, postings on the District website/portal/app, and using automated phone calls.
- D. The Board shall conduct an open noticed Board hearing to receive public comment on any (State-adopted or District-adopted) instructional materials being recommended by the Superintendent to the Board for adoption. Parents will be notified at least seven (7) calendar days prior through the regular publication procedures for Board meetings, as well as through use of the methods described above. The notice must specifically state which instructional materials are being reviewed and the manner in which the public can access the materials for review.
- E. The Board shall conduct an open noticed public meeting on a date other than the date of the Board hearing required above to approve an annual instructional materials plan identifying instructional materials that will be purchased for the subsequent academic year by the District for the entire District (this does not include instructional materials by a school or teacher for the benefit of only that teacher or school.) Parents will be notified at least seven (7) calendar days prior through the regular publication procedures for Board meetings, as well



as through use of the methods described above. The notice must specifically state which instructional materials are being reviewed and the manner in which the public can access the materials for review.

- F. The Board shall receive public comment at the School Board hearing and the public meeting in accordance with Policy 0169.1, *Public Participation*.
- G. Instructional materials will be purchased in accordance with the requirements of Policy 6320, *Purchasing*. A publisher that offers instructional materials to a district school board must provide such materials at a price that, including all costs of electronic transmission, does not exceed the lowest price at which the publisher offers such instructional materials for approval or sale to any state or school district in the United States. A publisher shall reduce automatically the price of the instructional materials to the Board to the extent that reductions in price are made elsewhere in the United States.
- H. No school official or member of a District or State instructional materials council shall accept any emolument, money, other valuable things, or any inducement, to directly or indirectly introduce, recommend, vote for, or otherwise influence the adoption or purchase of any instructional materials.
- I. No member of a District 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. Aside from exception noted above, both parties (District evaluation committee member and agent of a publisher or manufacturer of instructional materials) must comply with the District's "Cone of Silence" (Policy 6325). Definition of the cone of silence and its stipulations may be found at <http://procurement.dadeschools.net/pdp.asp>.
- J. The District will notify parents of their ability to access their children's instructional materials and encourage parents to access the materials. This notification must be displayed prominently on the District's website and provided annually in written format to all parents of enrolled students.
- K. ~~The Board shall annually approve in an open, noticed public meeting the instructional materials used to teach reproductive health or any disease, including HIV/AIDS, its symptoms, development, and treatment, as part of the school curriculum (See also Policy 2417). Such materials are subject to the process for public review and~~



~~comment required by this section.~~ All materials used to teach reproductive health or any disease, including HIV/AIDS, its symptoms, development, and treatment, must be approved by the Florida Department of Education.

- L. The Board may assess and collect fees from publishers participating in the instructional materials approval process. The amount assessed and collected must be posted on the school district's website and reported to the Florida Department of Education. The fees may not exceed the actual cost of the review process, and the fees may not exceed \$3,500 per submission by a publisher. Any fees collected for this process shall be allocated for the support of the review process and maintained in a separate line item for auditing purposes. The fees shall be used to cover the actual cost of substitute teachers for each workday that a member of a school district's instructional staff is absent from his/her assigned duties for the purpose of rendering service as an instructional materials reviewer. In addition, each reviewer may be paid a stipend and is entitled to reimbursement for travel expenses and per diem in accordance with F.S. 112.061 for actual service in meetings.

M. Additional Public Participation Requirements

The District will publish, on its website, in a searchable format prescribed by the Florida Department of Education, a list of all instructional materials, including those used to provide instruction required by F.S. 1003.42. The Board must:

1. provide access to student editions of recommended instructional materials in accordance with F.S. 1006.283(2)(b)8.a. before the Board takes any official action on such materials. This process will include reasonable safeguards against the unauthorized use, reproduction, and distribution of instructional materials considered for adoption.
2. select, approve, adopt, or purchase all materials as a separate line item on the agenda and provide a reasonable opportunity for public comment. Materials may not be selected, approved, or adopted as part of a consent agenda.
3. annually submit to the Commissioner of Education a report that identifies:
  - a. each material for which the school district received an objection pursuant to F.S. 1006.28(a)(2)-, including the grade level and course the material was used in, for the school year and the specific objections thereto.



- b. ~~each material that was removed or discontinued as a result of an objection~~material that was not removed or discontinued and the rationale for not removing or discontinuing the material.
- c. ~~the grade level and course for which a removed or discontinued material was used, as applicable.~~

The Florida Department of Education shall publish and regularly update a list of materials that were removed or discontinued as a result of an objection and disseminate the list to school districts for consideration in their selection procedures.

- N. The Superintendent shall annually certify to the department that all instructional materials for core courses used by the District are aligned with all applicable State standards and have been reviewed, selected, and adopted by the Board in accordance with the Board hearing and public meeting requirements of this section.

O. Emergency Review and Adoption of Instructional Materials

The Board may waive the instructional materials and adoption process requirements in this policy only when a statewide emergency has been declared by the Governor and the Governor has suspended the statutory instructional materials review and adoption process. The policy waiver shall be approved in advance by the Board in a public meeting before any instructional materials may be used by any instructional staff. The reason(s) for the requested waiver and the anticipated cost of the proposed instructional materials shall be specified in the Board item. The Board item requesting the waiver shall also include a link to the proposed instructional materials that is accessible to the public. If the emergency purchase of instructional materials is approved by the Board, the materials may be used immediately. However, the instructional materials review and adoption process in this policy shall be initiated at the next regular Board meeting even if the statutory process provisions are suspended.

~~VI.~~ **VII. Lost and Damaged Instructional Materials**

The principal shall collect from each student or the student's parent the purchase price of any instructional materials the student has lost, destroyed, or unnecessarily damaged and report and transmit the amount collected to the Superintendent. The failure to collect such sum upon reasonable effort by the principal may result in the suspension of the student from participating in extra-curricular activities or satisfaction of the debt by the student through community service activities at a rate of one (1) hour of community service for every \$15 valuation at the school site.



All money collected from the sale, exchange, loss, or damage of instructional materials shall:

- A. be transmitted to the District and added to the District appropriation for instructional materials for all textbook materials; or
- B. be deposited into the school's library internal fund account for all library/media center materials.

**~~VII.~~ VIII. Parent and Resident Objections to Adoption of Specific Instructional Materials**

Any parent of a ~~public-school~~public-school student in the District or resident of Miami-Dade County may contest the Board's adoption of a specific instructional material. For purposes of this policy, "resident" means a resident of the county who has maintained his/her residence in Florida for the preceding year, has purchased a home that is occupied by him/her as his/her residence, or has established a domicile in Florida pursuant to F.S. 222.17.

Pursuant to F.S. 1006.28(2)(a)3. the following is the process by which the parent of a public-school student in the District or a resident of Miami-Dade County may contest the Board's adoption of a specific instructional material:

- A. A parent of a ~~public-school~~public-school student in the District or a resident of Miami-Dade County may file a petition with the Board Clerk within thirty (30) calendar days after the Board's adoption of specific instructional materials on a form provided by the Board (as prescribed by State Board of Education rule and the District's process) (also found on the District's website, identifying the District's point of contact and contact information for the submission of an objection). An individual petitioner may submit only one (1) petition directly to the Board Clerk that contains all of the petitioner's objections to the specific adopted instructional materials.
- B. The petition form shall be publicly available on the District's website. The petition must be signed and attested by the parent or resident, include the required contact information, and state the objection to the instructional material based on the criteria set forth in F.S. 1006.31(2) or 1006.40(3)(d) and Sections I and V-IV.B. above. The petitioner must cite to the specific sections and pages of the text that are objectionable. Petitions that do not contain the requisite information may not be considered by the hearing officer.
- C. Within thirty (30) days after the thirty (30) day period has expired, an unbiased and qualified hearing officer shall conduct an open public hearing on all petitions timely received. The hearing officer shall be appointed by the Superintendent and shall be neither an employee nor



an agent of the Board.

- D. The hearing before the hearing officer is not subject to the provisions of F.S. Chapter 120 but the hearing officer shall provide sufficient procedural protections to allow each petitioner an adequate and fair opportunity to be heard and present evidence to the hearing officer.
- E. Petitioners will have an adequate and fair opportunity to be heard and present evidence (including documents and testimony) to the hearing officer that is related to the criteria for adopted instructional materials.
- F. Additional procedures for the review of petitions may be established by the hearing officer.
- G. Within fourteen (14) days of the conclusion of the hearing, the hearing officer will present his/her findings and recommendation in writing to the Board.
- H. Within thirty (30) days after the Board receives the hearing officer's findings and recommendation, the Board, at a public meeting, will consider the petition, the hearing officer's findings and recommendation, and any evidence presented to the hearing officer, and make a final decision on the petition.
- ~~I. The decision of the Board shall be final and is not subject to further review or petition. If a parent disagrees with the decision made by the School Board on the objection to the use of a specific material, a parent may request the Commissioner of Education to appoint a special magistrate who is a member of The Florida Bar in good standing and who has at least 5 years' experience in administrative law. The special magistrate shall determine facts relating to the school district's determination, consider information provided by the parent and the school district, and render a recommended decision for resolution to the State Board of Education within 30 days after receipt of the request by the parent. The State Board of Education must approve or reject the recommended decision at its next regularly scheduled meeting that is more than 7 calendar days and no more than 30 days after the date the recommended decision is transmitted. The costs of the special magistrate shall be borne by the school district.~~
- ~~I.J. Any committee meetings convened for the purpose of resolving an objection by a parent or resident to specific materials must be noticed and open to the public in accordance with s. 286.011. Any committees convened for such purposes must include parents of students who will have access to such materials.~~



**~~VIII.~~ IX. School Library/Media Center and Other Educational Materials**

In accordance with F.S. 1006.28(d), the Board shall establish and maintain a program of school library media services for all public schools in the District, including school library/media centers, or school library/media centers open to the public, and, in addition, such traveling or circulating libraries as may be needed for the proper operation of the District school system.

The media specialist will endeavor to stay informed about appropriate new publications, using multiple sources, such as discussions with colleagues, attendance at conferences, and reading a variety of periodicals and book reviews. The media specialist will also receive and consider suggestions or requests brought forward by other faculty, students and parents. Potential new books for the school library media center and reading lists will be evaluated to determine if they would be suitable for student needs and whether they would be appropriate for the intended grade level and age group. In considering possible new acquisitions, the media specialist will consult reputable, professionally recognized reviewing periodicals and school community stakeholders. The media specialist will also assess the level of student interest in the subject(s) presented and the ability of students to comprehend the material. Books that are selected must be free of pornography and material prohibited under F.S. 847.012. After evaluation, the media specialist will inform the principal of those books that have been evaluated and are approved for inclusion in the collections. The procedure for developing library media center and reading list collections will be posted on the website for each school in the District.

A wide choice of materials that support the instructional program shall be available to students and professional staff to allow for varying achievement levels, free choice reading interests, and teaching/learning styles. Quality materials should be available in a variety of formats and reading levels, offer a well-balanced coverage of subjects, and support the diverse interests, needs, and viewpoints of the school community. The Chief Academic Officer, Office of Academics and Transformation, in conjunction with the Assistant Superintendent, Innovation and School Choice; the District Director, Division of Instructional Technology, Instructional Materials, and Library Media Services; and the Instructional Supervisor, Library Media Services, shall establish procedures for the evaluation, selection, management, and disposal of library media materials. School librarians, media specialists, and other personnel involved in the selection of School District library materials must complete a training program developed pursuant to F.S. 1006.29(6) before reviewing and selecting age-appropriate materials and library resources.



Upon written request, the District shall provide access to any material or book specified in the request that is maintained in the school library and is available for review. The school principal shall arrange for a convenient time to provide such access subject to the procedures provided in Policy 9150, *School Visitors*. The School Board shall also publish on its website the process for a parent to limit his or her student's access to materials in the school or classroom library. Parents may complete the Request to Limit Access form to limit their child's access to specific materials in the school library or classroom library. School administrators will then be notified of the request.

A. Purpose of Library/Media Center Materials

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

1. provide a broad background of information resources in all areas of knowledge;
2. 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;
3. meet the personal needs and interests of students, including materials that:
  - a. ~~nuture~~nurture the development of recreational reading/listening/viewing, cultural appreciation, and aesthetic values;
  - b. 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;
  - c. foster respect for the diverse roles available to all people in today's society;
4. support the professional needs of teachers and administrators; and
5. introduce new instructional technologies into the learning environment.



B. Evaluation and Selection of Library/Media Center Materials

The school library/media center collection affords students the opportunity to explore the unknown and discover areas of interest and thought not covered by the prescribed curriculum; therefore, it should contain materials that allow for free inquiry, study, and evaluation. The selection process may include consultation with school administrators, other teachers, students, and parents to assure a comprehensive collection appropriate for users of the library/media center. School principals are responsible for overseeing compliance with School District procedures for selecting school library/media center materials at the school to which they are assigned.

1. Each book made available to students through a School District library/media center or included in a recommended or assigned school or grade level reading list must be selected by a School District employee who holds a valid educational media specialist certificate, regardless of whether the book is purchased, donated, or otherwise made available to students.
2. The Board shall adopt procedures for developing library/media center collections and post the procedures on the website for each school within the District. The procedures must:
  - a. require that book selections meet the criteria in F.S. 1006.40(3)(d);
  - b. require consultation of reputable, professionally recognized reviewing periodicals and school community stakeholders;
  - c. provide for library/media center collections, including classroom libraries, based on reader interest, support of State academic standards and aligned curriculum, and the academic needs of students and faculty; and
  - d. provide for the regular removal or discontinuance of books based on, at a minimum, physical condition, rate of recent circulation, alignment to State academic standards and relevancy to curriculum, out-of-date content, or otherwise found to be in violation of F.S. 1006.28(2)(a)2 as follows:
    1. an instructional material does not meet the criteria of F.S. 1006.31(2) or 1006.40(3)(d) if it was selected for use in a course or otherwise made available to students in the School District but was



not subject to the public notice, review, comment, and hearing procedures under F.S. 1006.283(2)(b)8., 9., and 11.

2. any material used in a classroom, made available in a school or classroom library, or included on a reading list that contains content that is pornographic or prohibited under F.S. 847.012 or depicts or describes sexual conduct as defined in F.S. 847.001(19), is not suited to student needs and their ability to comprehend the material presented, or is inappropriate for the grade level and age group for which the material is used.
3. the District shall rely on Florida Department of Education rules to determine what is age-appropriate, or in the absence of rules, on a preponderance of reviews by subject experts and/or professionally recognized periodicals or organizations.
3. Each elementary school must publish on its website, in a searchable format prescribed by the Florida Department of Education, a list of all materials maintained and accessible in the school library/media center or classroom library or required as part of a school or grade-level reading list.
4. Materials should support the school's and the District's educational goals and policies, including the advancement of student literacy.
5. Materials should be selected to support, enrich, and extend the school's curriculum and to encourage informational, educational, and recreational reading, viewing and/or listening.
6. Consideration should be given to diverse user interests, abilities, backgrounds, cultures, languages, and maturity levels. Materials intended for student use should be appropriate for the subject area and for the age, social development, ability levels, special needs, and learning styles of students served by the collection.
7. Materials should represent various viewpoints on controversial issues so that students learn to explore, analyze, and make intelligent judgments.
8. The value of a work should be examined as a whole.



9. To assure quality selection, the following additional factors may be considered, when appropriate:
  - e. educational significance and/or contribution to the curriculum;
  - f. informational or recreational interest;
  - g. reputation and significance of the author, producer, editor, and/or publisher;
  - h. degree of potential user appeal;
  - i. contribution to the variety in viewpoints offered on controversial issues;
  - j. accuracy and currency of information;
  - k. arrangement and organization of the material (for example, indices, glossaries, tables of contents, chapter headings, etc.);
  - l. artistic quality, literary style or production values;
  - m. readability levels;
  - n. quality and variety of format;
  - o. need to replace essential/required worn, damaged, or missing materials; and
  - p. value commensurate with cost and/or need.

C. Selection Tools and Resources

The library media specialists should use, but are not limited to, the following tools and resources to assist in the selection of quality library materials:

1. reviews in reputable, professionally recognized sources such as Booklist, School Library Journal, Kirkus Reviews Starred, Horn Book, Bulletin for the Center for Children's Books, and Voice of Youth Advocates;
2. reading lists/recommendations compiled by government agencies or departments, educational institutions, or professional organizations such as American Library Association



(ALA), Young Adult Library Services Association (YALSA), American Association of School Librarians (AASL), National Council of Teachers of English (NCTE), International Reading Association (IRA), Florida Department of Education (FLDOE), and Florida Association for Media in Education (FAME);

3. State and national awards such as Caldecott Medal, Newbery Medal, Coretta Scott King Book Award, Alex Award, Sunshine State Young Readers Award (SSYRA), Michael L. Printz Award, Pura Belpre Award, Florida Teens Read;
4. professional selection bibliographies such as Wilson's Children's Core Collection, Wilson's Middle and Junior High Core Collection, Wilson's Senior High Core Collection, Wilson's Graphic Novels Core Collection, Best Books for Young Adults, Great Middle School Reads, Notable Children's Books;
5. supplemental reading lists contained in District created curriculum resources and adopted textbooks; and
6. recommendations by faculty, administration, students, parents or school community stakeholders.

D. Management and Disposal of Library/Media Center Materials

School library/media specialists will implement procedures for managing and maintaining the library collection to keep library collections accurate, up-to-date, attractive, and accessible.

1. Procedures for the management and maintenance of the library collection should include the following:
  - q. a continuous review, evaluation, and discontinuance (if applicable) of library materials;
  - r. identification of materials for removal based on the criteria outlined in this policy and Board Policy 7310, *Disposition of Surplus Property*;
  - s. the utilization of the District's library circulation and catalog system or other appropriate District-licensed asset tracking system to maintain accurate collection and availability status of materials; and
  - t. completion of an annual library media center inventory to reconcile physical collection with electronic catalog.



2. Procedures for the removal and disposal of materials from the library collection should include the following:
  - a. Process for removing materials that is in accordance to established district procedures, Board Policy 7310, *Disposition of Surplus Property*.
  - b. Processes for physically marking materials as “discard,” removing materials from circulation, and updating the library catalog/asset tracking system by deleting the material information.

### **~~IX.~~ X. Objections Regarding Non-Adopted Instructional and Library/Media Center and Other Educational Materials**

~~Challenged materials may be removed from use only after the following informal and formal procedures have been completed in sequence. No challenged material may be removed from the curriculum or from a collection of resource materials solely because it presents ideas that may be unpopular or offensive to some. Except as required by Section I.B.1., access to challenged materials shall not be restricted during the review process. The materials shall remain in use pending the outcome of the review. No challenged material may be removed from the curriculum or from a collection of resource materials solely because it presents ideas that may be unpopular or offensive to some.~~

#### **A. School Level – Informal Complaint for Non-Adopted Instructional, Library, and Other Educational Materials Only**

1. The complainant shall file an “Informal Complaint for Non-Adopted Instructional, Library, and Other Educational Materials” ~~notification-objection~~ form on the school’s website.— (as prescribed by State Board of Education rule and the District’s process) (also found on the District’s website, identifying the District’s point of contact and contact information for the submission of an objection). The complainant must cite to the specific sections and pages of the text that are objectionable. The form must be signed and attested by the parent or resident, include the required contact information, and state the objection to the instructional material based on the criteria set forth in F.S. 1006.31(2) or 1006.40(3)(d) and Sections I and V-IV.B. above. An individual complainant may submit only one (1) complaint directly to the school, that contains all the complainant’s objections to the specific material. Complaint forms that do not contain the requisite information may not be considered. The complaint form will be routed to the principal and notifications will be sent to the Region and District’s



Library/Media Services department.

2. In preparation for a meeting with the complainant, the principal or designee and a school media specialist should conduct a review of the material based on the selection criteria set forth in this policy.
3. Within seven (7) calendar days of the complaint notification, the principal and/or designee will schedule the complainant for a meeting.
4. Within fourteen (14) calendar days of the complaint notification, the principal and/or a designee and any relevant staff member(s) shall meet with the complainant to hear the grievance regarding the material and to explain:
  - a. the school's materials selection procedures;
  - b. the criteria used for the selection of instructional materials;
  - c. the role that the material in question has in the school's curriculum or library/media center collection; and
  - d. whatever additional information is needed regarding the item's use.
5. If the complainant is not satisfied with the explanation regarding the retention of the material in the ~~library-collection~~school and desires to file a formal complaint, the formal procedures shall be followed.

B. School Level - Formal Complaint for Non-Adopted Instructional, Library, and Other Educational Materials Only

1. The complainant must complete the "Citizen's Complaint regarding Non-Adopted Instructional, Library, or Other Educational Materials"(FM-3448) form. All required fields must be completed, the form must be signed and attested, and electronic copies of the form responses will be provided to:
  - a. the Principal;
  - b. the Region Superintendent; and
  - c. the District Supervisor over Library/Media Services.



The form must also include the required contact information<sup>7</sup> and state the objection to the instructional material based on the criteria set forth in F.S. 1006.31(2) or 1006.40(3)(d) and Sections IV.B.I and V above. The complainant must cite to the specific sections and pages of the text that are objectionable. An individual complainant may submit only one (1) complaint directly to the school, that contains all the complainant's objections to the specific material. Complaint forms that do not contain the requisite information may not be considered.

2. The completed form and the material(s) in question shall be provided by the principal within seven (7) calendar days of receipt of form FM-3448 to a ~~five (5)~~six (6) member School Materials Review Committee (SMRC) ~~for materials challenged in grades 6-12 or by a five (5) member SMRC for materials challenged in grades 5 and below.~~ The SMRC will be appointed on an ad hoc basis by the principal with the following provisions:
  - a. The committee shall consist of:
    1. the principal or designee;
    2. one (1) teacher for secondary or two (2) teachers for elementary in the appropriate subject area/grade;
    3. one (1) library media specialist;
    4. one (1) student from the appropriate grade level or for whom the material is considered to be age-appropriate (middle and senior high school only with parental approval);
    5. one (1) parent/resident from the school's Parent-Teacher/Parent-Teacher-Student Association or the Educational Excellence School Advisory Council; and
    - 5-6. one (1) region director or the region superintendent.
  - b. The SMRC shall meet within fourteen (14) calendar days of the principal's receipt of form FM-3448 ~~by the principal of the reconsideration form by the principal.~~ Committee meetings convened for the purpose of resolving an objection by a parent or resident to specific materials must be noticed and open to the public in accordance with s. 286.011. Any committees convened for such purposes must include parents of students who will have access to such materials.



- c. The SMRC may solicit professional written reviews of the materials and/or comments from appropriate audiences or resource persons. The SMRC shall read/view the material, consider the reviews of the material, study the comments on the complainant's questionnaire, consider the evaluative standards and criteria provided in Sections I and V-IV of this policy and render a decision based on a majority vote.
  - d. Within (30) calendar days of the principal's receipt of form FM-3448 ~~by the principal~~, the SMRC shall prepare a written report ~~with recommendations~~ for the principal to follow. The committee's ~~final recommendation may~~ determination shall be any or a combination of the following:
    - 1. allow the challenged material to maintain its current status prior to the complainant's objection;
    - 2. leave the challenged material in the classroom or library/media center and permit the complainant to complete the Request to Limit Access form to limit their child's access to the specific material and request that the teacher provide an alternate assignment, but allow students to use alternate materials approved by school personnel who require the use of the disputed item;
    - 3. ~~limit the educational access of~~ reclassify the challenged material to an appropriate age or reading level based upon professional/literary reviews (details about the limitations must be outlined in the report); or
    - 4. remove the challenged material from the total school environment. This action will require an automatic review of the material by the District Materials Review Committee (DMRC).
  - e. Within seven (7) calendar days after receipt of the SMRC ~~recommendation~~ determination, the principal shall inform the complainant of the decision and shall send copies of all reports and communications to the appropriate Region Superintendent and the District Supervisor of Library/Media Services.
3. Except as required by Section I.B.1., access ~~Access~~ to challenged materials shall not be restricted during the review process. The materials shall remain in use pending the outcome of the review. No challenged material may be removed from the curriculum or



from a collection of resource materials solely because it presents ideas that may be unpopular or offensive to some.

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 policy in the school's staff handbook and shall review the selection and reconsideration procedures with the staff as needed, emphasizing the policies pertaining to the teaching of controversial issues and the ethical considerations that are needed in handling citizen complaints with courtesy and integrity.

5.6. The Chief Academic Officer (CAO) may request that the DMRC review any SMRC determination.

C. District Level - Formal Appeal for Reconsideration of Non-Adopted Instructional, Library/Media Center, and Other Educational Materials Only

The following steps are to be followed for a complainant to appeal a School Materials Review Committee (SMRC) ~~decision~~determination or when the CAO requests a DMRC review:

1. The complainant must complete ~~an~~the "Appeal of the School Material Review Committee's Recommendation" form. All required fields must be completed, and the form must be signed, attested, and filed within seven (7) calendar days of receipt of the decision made by the SMRC from the principal. The complainant must file the "Appeal of the School Material Review Committee's ~~Determination~~Recommendation" form with the Assistant Superintendent of Innovation & School Choice. Appeal requests will not be accepted after the appeal window has elapsed. During the time that a specific material is under review by the DMRC, the material may not be reviewed by any SMRC. Any ongoing reviews will be immediately suspended pending the outcome of the DMRC review.
2. The complainant shall be notified in writing by the Assistant Superintendent of Innovation & School Choice, or designee, that the appeal request is being transmitted to a District Materials Review Committee for review. Within fourteen (14) calendar days of receipt of the "Appeal of the School Material Review Committee's ~~Determination~~Recommendation" form from the complainant, the District shall convene the District Materials Review Committee.



The complaint shall be submitted to a fifteen (15) member District Materials Review Committee (DMRC), for materials challenged in grades 6-12 and by a thirteen (13) member DMRC for materials challenged in grades 5 and below. The DMRC will be chaired by the Assistant Superintendent of Innovation & School Choice, or designee, as a non-voting member, while voting members will be appointed on an ad hoc basis by the Superintendent, with the following provisions:

- a. The committee shall consist of:
  1. the Chief Academic Officer, or designee;
  2. the Deputy Superintendent, or designee;
  3. two (2) principals of the appropriate school configuration;
  4. the Director over Instructional Materials and Library Media Services;
  5. one (1) appropriate subject area director/supervisor;
  6. the Supervisor of Library Media Services;
  7. the Supervisor of Instructional Materials;
  8. two (2) teachers for secondary or (1) teacher for elementary in the appropriate subject area/grade;
  9. two (2) library media specialists;
  10. one (1) student from the appropriate grade level or for whom the material is considered to be age-appropriate (middle and senior high school only with parental approval);
  11. two (2) representatives from the Miami-Dade County Council of Parent-Teacher/Parent-Teacher-Student Associations who will be appointed by the President of the District Association;
- b. If a person named above cannot be present at the DMRC meeting(s), the Superintendent or designee may appoint an alternate. Committee meetings convened for the purpose of resolving an objection by a parent or resident to specific materials must be noticed and open to the



public in accordance with s. 286.011. Any committees convened for such purposes must include parents of students who will have access to such materials.

- c. The DMRC may solicit ~~professional/literary~~professionally written reviews of the materials ~~and/or comments from appropriate audiences or resource persons.~~ The DMRC shall read/view the material, consider the reviews of the material, study the comments on the complainant's questionnaire, consider all artifacts produced through prior reviews, consider one (1) or more of the evaluative standards and criteria provided in Sections I and V-IV of this policy, and render a decision based on a majority vote.
- d. Within (30) calendar days of receipt of the "Appeal of the School Material Review Committee's Determination~~Recommendation~~" form, the DMRC shall prepare a written report ~~with recommendations~~ for the Superintendent or designee to consider. The committee's ~~final recommendation~~determination may be any or a combination of the following:
  1. allow the challenged material to maintain its current status prior to the complainant's objection;
  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; and~~ permit the complainant to complete the Request to Limit Access form to limit their child's access to the specific material and request that the teacher provide an alternate assignment;
  3. ~~limit the educational access of~~ reclassify the challenged material to an appropriate age or reading level based upon professional/literary reviews (details about the limitations must be outlined in the report); or
  4. recommend to the Board to remove the challenged material from the total District environment.
- e. The Superintendent or a designee shall make a final decision within seven (7) calendar days of receipt of the DMRC recommendation, and a written report of that decision will be forwarded to the complainant. Documentation regarding the removal of material must



contain a statement of its reasons for the removal.

- f. The ~~DMRC-informed~~ Superintendent's decision ~~will-shall~~ be applied uniformly across all schools ~~and supersede any prior determinations~~. Neither the SMRC nor the DMRC will be convened for future challenges on the same material.
- g. Within fifteen (15) days of the decision by the Superintendent, if the parent is not satisfied with the decision, the parent may submit the issue to the Board in writing pursuant to Policy 9130, *Public Complaints*.
- g-h. If a parent disagrees with a decision made by the School Board on the objection to the use of a specific material, a parent may request the Commissioner of Education to appoint a special magistrate who is a member of The Florida Bar in good standing and who has at least 5 years' experience in administrative law. The special magistrate shall determine facts relating to the school district's determination, consider information provided by the parent and the school district, and render a recommended decision for resolution to the State Board of Education within 30 days after receipt of the request by the parent. The State Board of Education must approve or reject the recommended decision at its next regularly scheduled meeting that is more than 7 calendar days and no more than 30 days after the date the recommended decision is transmitted. The costs of the special magistrate shall be borne by the school district.

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Legal References:  
F.S. 847.012  
F.S. 1002.20(19)  
F.S. 1003.02(1)(d)  
F.S. 1006.28  
F.S. 1006.283  
F.S. 1006.29  
F.S. 1006.30  
F.S. 1006.31



F.S. 1006.34  
F.S. 1006.40  
F.A.C. 6A-6.03028  
34 C.F.R. Part 300

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