

**LIBRARY MEDIA CENTER MATERIALS EVALUATION, SELECTION,
AND OBJECTION TO USE** 4.22*+

**LIBRARY MEDIA CENTER MATERIALS: SELECTION AND
OBJECTION TO USE** 4.22*+

Objectives of Selection - The primary objective of the school's educational media center is to implement, enrich, and support the educational program of the school. The center shall provide a wide range of materials on all levels of difficulty, ~~with diversity of appeal, and the representation of that~~ are of interest to students, represent different points of view and comply with state standards.

Per FS 1006.28 (1)(a)3. "Library media center" means any collection of books, eBooks, periodicals, or videos maintained and accessible on the site of a school, including in classrooms.

I. Legal Responsibility for Selection. The School Board has the constitutional duty and responsibility to select and provide adequate materials for all students and is ~~The School Board is legally responsible for establishing and maintaining a program of for all matters relating to the operation of the Sarasota County Schools. The responsibility for the selection of educational library media center materials and services for all public schools in the District made available on the site of a school, regardless of whether the book is purchased, donated, or otherwise made available to students is delegated to a~~ Each material made available to students through a District library media center or included in a recommended or assigned school or grade level reading list must be selected or vetted 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. School principals are responsible for overseeing compliance with school district procedures for selecting school library media center materials. All school librarians, media specialists, and other personnel involved in the selection of library media center materials must complete state mandated training before reviewing and selecting age-appropriate materials and resources.

Commented [1]: 1. Much of this language is what was recommended. This first sentence comes straight from FS 1006.28(2). The rest is recommended by the group with re-wording to make this section flow better.

II. Parental Rights. ~~Upon written request, a parent or resident of the county will be provided access to instructional materials specified in the written request that are maintained in a District library if such materials are available for review. The school principal shall arrange for a convenient time to provide such access. The parent has the right to request that it be noted in the student's library record that the student not be allowed to check out certain material.~~ A parent or resident of the county may request access to instructional materials for their review by contacting the districts Instructional Materials Office. The Supervisor of Instructional Materials or designee will provide the requested materials and arrange a time for the review to take place. Upon written request, the District shall provide access to any material or book specified in the request that is

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maintained in a district school system library and is available for review.

Commented [2]: 2. I agree with the general point raised so I deleted the provision. The language inserted instead is directly from FS 1006.28(2)(d).

- II. Parents/Guardians have the right to opt their student(s) out of access to school or classroom libraries in a manner prescribed by the district.

III. Criteria for Selection of Media-Library Media Materials

- A. The standards to determine the propriety of the educational materials, including library materials, shall be pursuant to Florida Statutes, relevant Florida administrative rules, and other FDOE guidance.
- B. ~~First consideration~~ Consideration shall be given to: (1) whether the materials are consistent with state academic standards and relevant to the curriculum, (2) reader interests, and or (3) -the academic needs of the individual school, students, and faculty -based on knowledge of the curriculum, knowledge of the existing collection, and of the needs of children and youth. Requests from other users of the collection, (i.e., administrators, faculty, parents, and students) shall be given high priority, also be considered.
- C. Materials shall be considered ~~on the basis of~~ based on accuracy of content, overall purpose, timeliness, importance of the subject matter, quality of the writing/production, readability and popular appeal, authoritativeness, comprehensiveness of material, reputation of the publisher/producer, reputation and significance of the author/artist/composer/producer, ~~format~~ format, and price, and alignment to state standards and criteria.
- D. In determining the suitability and value of the material included in the collection, consideration of the following elements must be given:
1. Materials must be free of pornography and material prohibited under s. 847.012-or.
 - 4-2. -Materials depicting or describing sexual conduct as defined by s.847.001(19) that is not otherwise mandated by law or rule shall not be permitted
 2. 3. Materials must be suited to student needs and their ability to comprehend the material presented.
 3. 4. Materials must be appropriate for the grade level and age group for which the materials are used or made available.
 - 4-3. Materials must consider the broad racial, ethnic, socioeconomic, and cultural diversity of the students of this state and district. Materials

Commented [3]: 3. I cleaned up this language to make it more clear in the general manner but not exactly as suggested by this group.

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must represent different points of view and comply with state standards. This includes consideration of the accurate portrayal of the state's broad racial, ethnic, socioeconomic and cultural diversity, without bias or indoctrination.

- E. Gifts of media or money shall be accepted with the understanding that their use or disposition shall be determined by those persons having the responsibility for acquisitions, according to the same selection criteria and procedures as purchased materials.

IV. Procedures for Selection

- A. In selecting materials made available to students through the district library media center, the district media specialist shall adhere to the following:

1. Endeavor to stay informed about appropriate new publications that become available, using multiple sources, such as discussions with colleagues, attendance at conferences, and reading a variety of periodicals and book reviews. The district media specialist will also receive and consider suggestions and requests brought forward by other faculty, students, and parents.
2. ~~Potential new~~ New books being considered for the school library media center will be evaluated to determine ~~if they would be suitable~~ suitability for student needs, and whether they would be age-appropriate for the intended grade level and age group. In considering new acquisitions, the district media specialists will consult reputable, professionally recognized reviewing periodicals and school community stakeholders. The district media specialists will also assess student interest in the subject(s) presented and the ability of students to comprehend the materials presented. Books selected must be free of pornography and other prohibited sexual content or materials prohibited under F.S. 847.012.
3. The goal of the selection process is for the school's library media center and reading list collections to be based on reader interest, the support of state academic standards and aligned curriculum, and the academic needs of students and faculty.
4. After evaluation, the district media specialists will inform the principal of those books that have been evaluated and are approved for inclusion in the collections.

- ~~5. Periodically, books will be removed from the collections or~~

Commented [4]: 3a. This group balks at including the word indoctrination but it is used by DOE in its Feb 2023 PowerPoint re FAC 6A-7.0715 with instructions to "err on the side of caution". The term is also used in a similar context in FAC 6A-1.094124 (where CRT is defined). For these reasons I think we include the term. The link to the DOE PowerPoint is here: https://web02.fl DOE.org/rules/doc/6A-7.0715_2918.pdf

Commented [5]: 4. This group seeks clarity regarding this language. The language they recommend is unnecessary. I think adding this word adds the clarity they seek while remaining consistent with the legislation.

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~~discontinued, based on their poor physical condition, low rate of recent circulation, no alignment to state standards, out of date content, or status following a parent's or community member's objection.~~

6.5. The procedures for developing library media center and reading list collections will be posted on the website for each school in the District.

B. District elementary schools must publish on their school website, a list of all materials maintained in the school library media center or required as a part of a school or grade-level reading list. By definition, Library Media Center materials include any collection of books, ebooks, periodicals, and videos maintained and accessible to students on the site of a school, including classrooms, include classroom libraries or any books other than textbooks made available to students on a school campus.

Commented [6]: 5.This is the verbatim definition of "Library Media Center" from the final version of FAC 6A-7.0715(1)(e).

B-C. Materials shall be removed or discontinued based on evaluation of their (1) physical condition, (2) rate of recent circulation, (3) alignment to state academic standards and relevancy to curriculum, (4) out-of-date content, or (5) if they are subject to removal following objection or challenge as outlined in Section V.

V. Challenged Materials. Library media center materials deemed by some persons to be objectionable may be considered by others to have sound educational value. Any concerned parent of a district student, or Sarasota County Sarasota County resident or employee of the district may resident may request reconsideration of school library media materials. For objections based on materials perceived to have sexual content in violation of Florida Statute 1006.28(2)(a)2.b.(I) and (II) and as outlined in III.D.1.-2., above, books will be removed from circulation within 5 school days, pending resolution of the formal challenge process. Objections to materials, not based on sexual content as determined by Florida Statute, will remain available through the entirety of the formal challenge process. The term "resident" means a person who has maintained his or her residence in this county for the preceding year, has purchased a home within the county that is occupied by him or her as his or her residence, or has established a domicile in this county. ; however, the challenged material shall not be removed from circulation during the reconsideration process. When a complaint is made, the following procedure shall be followed:

Commented [7]: 6.This group does not like the use of this phrase. After review I think it is fine.

A. For parents of students attending traditional Sarasota County schools, the principal or designee shall discuss the matter informally with the complainant explaining the selection procedures for library media materials along with their concerns. If the complainant accepts the explanation given by the principal or

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designee, the reconsideration process concludes matter will be considered resolved.

A.B. Residents of Sarasota County without school age children are not subject to item V.(A) and/or (C). Residents will be required to file a formal written objection by completing the District-approved objection "Request for Reconsideration of Library Media" form and submitting the form to the District Instructional Materials Supervisor or designee. The process for residents of Sarasota will continue using V.(D) through V.(L). The District-approved form shall be easy to read and understand and shall seek from a complainant all of the information sought within FDOE's approved form template.

B.C. If the informal explanation-discussion with the principal fails to resolve the objection, the principal or designee will ask the complainant initiating the challenge to file, by submitting a completed District-approved objection form within two weeks 10 working days, a formal written objection by completing a "Request for Reconsideration of Library Media" form which must reflect that the complainant has read the material in full. Failure to do so results in the conclusion of the reconsideration process. The complainant shall be required to fully complete all of the criteria contained in the District-approved form.

Upon receipt of the completed form The school principal will inform the complainant that completed District-approved objection "Request for Reconsideration of Library Media" forms be submitted to the Supervisor of Instructional Materials and Library Services or designee.

D. Upon receipt of the completed form, the District Instructional Materials Supervisor or designee shall review the material and determine if the material is out of compliance with current Florida Statutes, meets the requirements for discontinuation pursuant to FS 1006.28(2)(d) the qualifications for materials that are justified weeding candidates, or would not meet the vetting standards for the selection of library books as prescribed by Florida law or the Florida Department of Education rule.

E. If it is determined that the materials violate any of the parameters indicated in Section V.(D), the item in question will be removed from the district collection immediately, and the district will notify the complainant in writing. Following this action, the district will consider the matter closed. Following such a determination, the District's Instructional Materials Supervisor or designee shall document in writing the lawful basis for the removal of the book or material.

F. If it is determined that the item does not violate any of the parameters

Commented [8]: 7./8. This group does not like this extra separate process for a citizen of the county vs. a parent. This was the process that pre-dated these changes. The rationale here is that a parent has a relationship with a principal to facilitate an informal resolution at this early stage. Its fine to leave in but ultimately up to the District.

Commented [9]: 7./8. This group seeks the insertion of additional language about prohibiting the informal removal of a book at this stage that I think is unnecessary but ultimately up to the District.

It seems the group wants every decision to go through the Board so a concerned parent can appeal a Board decision to a special magistrate, regardless of whether the parent is the parent that objected.

Commented [10]: 8./9. This group does not want the district instructional materials supervisor to be able to remove books that do not meet criteria without the convening of a committee at a public meeting and later a public Board determination.

This is likely because this group wishes for every decision to be made by a Board so that every decision can be appealed to a special magistrate per (2)(a)6 by a "parent", regardless of whether they are the objecting parent.

The ability to do this is statutorily ambiguous and can be argued either way.

• On one hand, FS 1006.28(2)(d) permits policies to:

"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, and required removal pursuant to subparagraph (a)2.

The above underlined language seems to create 2 separate and distinct methods for removal/discontinuation – one for "regular" removal/discontinuation for non-alignment to state standards and the other for "required" removal per "(a)2."

("(a)2." Refers to the School Board's requirement that:

Each district school board must adopt a policy regarding an objection by a parent or a resident of the county to the use of a specific material, which clearly describes a process to handle all objections and provides for resolution... The process must provide the parent or resident the opportunity to proffer evidence to the district school board that...

Any material used in a classroom, made available in a school or classroom library, or included on a reading list contains content which:

... [1]

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indicated in Section V.(D), the district will notify the complainant who will decide if they wish to continue the formal process

- ~~C. The challenged material shall remain available for circulation during the reconsideration process pending a final decision.~~
- ~~D. The challenged materials shall be read and evaluated by the committee, considering the specific objections raised. The committee shall report its decision within fifteen (15) working days.~~
- ~~E. The Complainant shall be informed in writing by the principal or designee concerning the school level committee's decision within ten (10) working days~~
- ~~F. District Review Committee. If the Complainant disagrees with the decision rendered by the school level committee, an Appeal may be filed with the Instructional Materials.~~
- G. In forming the District Instructional Materials Review Committee, the District Instructional Materials Supervisor shall appoint a District Review Committee with the following composition:
1. The District Manager of Library Services (who shall serve as the Non-voting Committee's chair).
 2. One (1) District Regional Medial Specialist
 3. One (1) District Curriculum Specialist from the appropriate level
 4. One (1) school administrator
 5. One (1) or two (2) parent(s) of students who have access to the challenged book or material representing the associated level(s)
 6. Two (2) appropriate grade level and subject area teachers
- H. The Review Committee, in carrying out its assigned function, shall:
- ~~1. Individually Review the filed objection in its entirety~~
 - ~~4.2. Individually Read, view, or listen to the material in its entirety.~~
 - ~~2. Check general acceptance of the material by reading reviews and consulting recommended lists.~~
 - ~~3. Determine the extent to which the material supports the curriculum. Evaluate the material against current state statutes for determining the appropriateness of library materials, including but not limited to the criteria outlined in FS 1006.28(2)(a)2.b. and VI., below.~~
 4. Complete the "Checklist for Reconsideration of Library Media,"

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judging the material in its entirety, as a committee, for its strength and value as a whole and not in part based on the criteria in Section outlined in FS 1006.28(2)(a)2.b. and VI, below; and

5. Forward, within fifteen (15) working days upon completion of the committee's review, a written recommendation to the District Instructional Materials Manager Supervisor.

All meetings of the Review Committee shall be noticed and open to the public in conformance with FS 286.011 and District protocols.

- I. The District Instructional Materials Manager or designee will inform the complainant, the school's principal, and the Executive Director for the appropriate level of the committee's decision to retain or withdraw the challenged material as recommended by the District Review Committee.

- J-I. Upon receipt of the District Review Committee's recommendation, the District Instructional Materials Supervisor or designee will inform the complainant, the appropriate Level Chief District Level Administrator and the Chief Academic Officer, of the committee's decision to retain, restrict, or withdraw the challenged materials as recommended.

- K-J. If the complainant is dissatisfied with the District Review Committee's decision, a formal written appeal may be filed with the Chief Academic Officer. Failure of the complainant to file a written appeal within 40-5 working days of the District Review Committee's decision will result in a conclusion of the reconsideration process and the decision of the District Review Committee shall be considered final.

- K. Upon receipt of a formal appeal in writing, the Chief Academic Officer will advise the School Board and the Superintendent of the School and the District Review Committee's decision, including all appropriate documentation (i.e., meeting summaries, material reviews, etc.). The School Board will meet at a public-noticed meeting and will render a decision regarding the appropriateness of a particular Library Media center material item based on its own evaluation of the material in accordance with the criteria in Section VI and that decision will be considered final.

At this meeting, the Board shall:

1. Permit the challenger up to 10 minutes to assert why the challenged material does not meet the applicable criteria and

Commented [11]: 10. Typo fixed

Commented [12]: 11. Added at the request of this group. This group seeks greater notification than to those listed - to the public. We are required to report such decisions to DOE yearly. How to announce/document these decisions is up to the Board.

Commented [13]: 12. This group wants any parent (whether they are a complainant or not) to be able to appeal. They cite to a comment made at an SBOE meeting. The effect would be a parent could appeal the removal of a book removed by the District based on the objection of a complainant (which could be a different parent). I think our language is fine and this would unreasonably lead to challenges about challenges at this preliminary stage.

The subsection they cite to (2)(a)6.) for authority provides:

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 5 years' experience in administrative law.

This would be a decision made by the committee, not the Board.

This same statutory provision is what the group likely wishes to be able to get to in 8./9., above when they balk at the Instructional Materials Supervisor making unilateral decisions based on (2)(d) - because that preliminary person makes the decision, they cannot get to "a decision made by the district school" and thus cannot get to a special magistrate to appeal.

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recommend an outcome regarding the challenge for consideration.

2. Clarify any concerns with the book challenger by asking follow up questions.
3. Permit a designated school district employee up to 10 minutes to outline the challenge procedures that have occurred to date, assert why the challenged materials meet the applicable criteria, and recommend an outcome regarding the challenge for consideration.
4. Clarify any concerns with the designated school district employee by asking follow up questions.
5. Permit the challenger up to 2 minutes to rebut the contentions of the school district employee.
6. Clarify any concerns with the book challenger by asking follow up questions.
7. Permit public comment with consideration of the amount of time remaining during the scheduled hearing.
8. Make a determination regarding the objection based on an evaluation of the book in question and the applicable criteria.

Commented [14]: 13. This group wants every member of the public to be able to speak with a reduction permitted to 60 seconds per speaker if time is limited. This is up to the Board.

- L. Per Florida Board of Education Rule 6A-1.094126 parents may request the appointment of a Special Magistrate to determine whether a school district properly considered a parental objection to the use of a specific material in school under s. 1006.28(2)(a)2., F.S.

VI. Criteria regarding objections to library media center materials. The following criteria shall be considered as part of the evaluation of a challenge brought by a parent of a district student or resident of the county to library media center materials:

- A. Whether the material is free of pornography. "Pornography" means the depiction of erotic behavior intended to cause sexual excitement. Library-Media materials in question, can only be removed from circulation and/or used in the school district through the procedures of this policy

- B. Whether the materials are prohibited under Florida Statute 847.012

1. Material prohibited under FS 847.012 includes:

- a. Pictures or visual representations of a person or a portion of the human body which depicts nudity or sexual conduct, sexual excitement, sexual battery, bestiality, or sadomasochistic abuse (as these terms are defined in Ch.

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847, Florida Statutes) and which is harmful to minors;

- b. Books, pamphlets, magazines, or printed matter that contain explicit and detailed verbal descriptions or narrative accounts of sexual excitement or sexual conduct (as these terms are defined in Ch. 847, Florida Statutes) and that is harmful to minors.

- 2. The phrase “harmful to minors” requires that any description or representation of nudity, sexual conduct or sexual excitement meet three requirements in order to be found “harmful to minors.” The description or representation must:

- a. Predominantly appeal to a prurient, shameful, or morbid interest;
- b. Be patently offensive to prevailing standards in the adult community as a whole with respect to what is suitable material for minors; and
- c. Taken as a whole the material is without serious literary, artistic, political, or scientific value for minors.

C. Whether the material depicts or describes sexual conduct as defined in s. 847.001(19), unless such material is for a course required by s. 1003.46, s. 1003.42(2)(n)1.g., or s. 1003.42(2)(n) 3., or identified by State Board of Education rule.

D. Whether the material is suited to student needs and their ability to comprehend the materials presented.

- 1. This includes consideration of:

- a. a student’s ability to comprehend the material;
- b. the degree to which the material explains or supplements classroom instruction; and
- c. the educational purpose of the material;

E. Whether the material is appropriate for the grade level and age group for which the materials are used or made available

- 1. This includes consideration of not just the age of grade level of students but also their level of maturity.

Commented [15]: 14.This is statutory criteria that was inadvertently cut during the revisions. Putting it back in.

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VII.

A. Per current Florida Law, any objections or challenges received based on the material being pornographic or prohibited under s.847.012 or depicting or describing sexual conduct as defined in s.847.001(19), unless such materials is for a course required by s.1003.46, s.1003.42(2)(n) 1.g., or s.1003.42(2)(n)3., or identified by State Board of Education rule, must be removed within 5 school days of receipt of the objection and remain unavailable to students of that school until the objection is resolved.

~~B. If the School Board finds that any material is pornographic or prohibited pursuant to Florida Statute 847.012 (as described in VI. A. and B., above), the school district shall discontinue use of the material.~~

C. ~~If the School Board finds that any other material contains prohibited content as prescribed below, the use of the materials shall be discontinued for any grade level or age group for which such use is inappropriate or unsuitable:~~

~~is pornographic or prohibited under fs.847.012~~

- ~~1. Depicts or describes sexual conduct as defined in s.847.001(19), unless such materials are for a course required by s.1003.46, s.1003.42(2)(n) 1.g., or s.1003.42(2)(n)3., or identified by State Board of Education rule~~
- ~~2. Is not suited to student needs and their ability to comprehend the material presented, or~~
- ~~3. Is inappropriate for the grade level and age group for which the material is used.~~

~~Objections to materials, regardless of outcome, may only take place once within two (2) years of the completion of the formal process. At that time, materials in question may be revisited.~~

Commented [16]: 15. I agree with the point raised by this group here and made changes in response.

STATUTORY AUTHORITY:

1001.41, 1001.42, F.S.

LAW(S) IMPLEMENTED: **1000.21, 1001.43, 1006.28, 1006.34(2)(b), 1006.40 F.S., 847.001 F.S., 847.012 F.S.; FAC 6A-7.0715**

HISTORY:

ADOPTED: _____

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REVISION DATE(S): 10/18/22
FORMERLY:

DRAFT

8./9. This group does not want the district instructional materials supervisor to be able to remove books that do not meet criteria without the convening of a committee at a public meeting and later a public Board determination.

This is likely because this group wishes for every decision to be made by a Board so that every decision can be appealed to a special magistrate per (2)(a)6 by a “parent”, regardless of whether they are the objecting parent.

The ability to do this is statutorily ambiguous and can be argued either way.

- On one hand, FS 1006.28(2)(d) permits policies to:

“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, and required removal pursuant to subparagraph (a)2.”

The above underlined language seems to create 2 separate and distinct methods for removal/discontinuation – one for “regular” removal/discontinuation for non-alignment to state standards and the other for “required” removal per “(a)2.”.

“(a)2.” Refers to the School Board’s requirement that:

Each district school board must adopt a policy regarding an objection by a parent or a resident of the county to the use of a specific material, which clearly describes a process to handle all objections and provides for resolution...The process must provide the parent or resident the opportunity to proffer evidence to the district school board that:...

Any material used in a classroom, made available in a school or classroom library, or included on a reading list contains content which:

- (I) Is pornographic or prohibited under [s. 847.012](#);
- (II) Depicts or describes sexual conduct as defined in [s. 847.001\(19\)](#), unless such material is for a course required by [s. 1003.46](#), [s. 1003.42\(2\)\(n\)](#)1.g., or [s. 1003.42\(2\)\(n\) 3.](#), or identified by State Board of Education rule;
- (III) Is not suited to student needs and their ability to comprehend the material presented; or
- (IV) Is inappropriate for the grade level and age group for which the material is used.

If a book was removed by the Instructional Materials Supervisor because it did

not align with state standards, there would be no reason for the objecting parent or county resident to need to proffer evidence to the School Board that it prohibited based on the above statutory language.

- On the other hand, this entire statutory section seems to create a process for when a parent or resident objects that provides for a decision by the School Board.

What is not addressed is whether the process requires every objection to formally go before the School Board or whether instead the policy can provide for less formal ways to handle objections through FS 1006.28(2)(d).

This is ultimately up to the Board to decide on how to handle.

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