

## CHAPTER 4.00 - CURRICULUM AND INSTRUCTION

### INSTRUCTIONAL MATERIALS EVALUATION, SELECTION, AND OBJECTION TO USE

4.20\*+

It is the constitutional duty of the School Board to select and provide adequate instructional materials to all District students. The School Board is responsible for the content of all instructional materials used in a classroom or otherwise made available to students. Instructional materials shall be evaluated, selected, adopted, used, stored, and replaced in conformance with State standards, statutory criteria, curriculum frameworks, approved district programs, and state and district performance standards. The School Board shall provide for the requisitioning, distribution, accounting, storage, care, and use of all instructional materials and furnish such other instructional materials as may be needed.

#### I. **Definitions:**

- A. "Adequate instructional materials" means a sufficient number of student or site licenses or sets of instructional materials.
- B. "Instructional materials" means items having intellectual content that by design serves as a major tool for assisting in the instruction of a subject or course.
- C. "Parent" means either or both parents of a student, any guardian or a student, any person in a parental relationship to a student, or any person exercising supervisory authority over a student in place of the parent.
- D. "Purchase" includes purchase, lease, license, or acquire.
- E. "Resident" means a person who has maintained his or her residence in the state for the preceding year, has purchased a home that is occupied by him or her and his or her residence, or has established a domicile in this state pursuant to Florida Statute 222.17.

#### II. **Standards for Instructional Materials.** All instructional materials selected or used shall align with and be in conformance with all statutory and State Board rules, including:

- A. The standards and criteria outlined in Florida Statute 1003.41, 1003.42, 1006.31(2), FAC 6A-1.09401, and FAC 6A-1.094124, as amended from time-to-time.
- B. By being accurate, objective, balanced, noninflammatory, and current.

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- C. Consideration of the educational purpose to be served by the material; the degree to which the material would be supplemented and explained by mature classroom instruction as part of a normal classroom program; and the broad racial, ethnic, socioeconomic, and cultural diversity of the students of this state.
- D. Consideration of the need for materials developed for academically talented students, such as those students enrolled in advanced placement courses, when appropriate.
- E. Being free of content reflecting unfairly upon persons because of race, color, creed, national origin, ancestry, gender, religion, disability, socioeconomic status, or occupation or that otherwise contradict the principles enumerated in Florida Statute 1003.43(3).
- F. Being free of pornographic content or content prohibited under Florida Statute 847.012.
- G. Being free of content that depicts or describes sexual conduct as defined in Florida Statute 847.001, unless such material is for a course required by state statute or State Board rule.
- H. Being suited to student needs and their ability to comprehend the material.
- I. Being appropriate for the grade level and age group for which the material is to be selected or used.

#### **III. Evaluation, Selection, and Adoption of Core Adopted Instructional**

**Materials.** The following procedures for the adoption of instructional materials apply only to those instructional materials that serve as the major content tool and basis for instruction for each student in the core subject areas of Mathematics, Language Arts, Social Studies, and Science, as well as Career and Technical Education, World Languages, Art, Music, Health, PE, and Computer Science.

- A. The Superintendent shall be responsible for the establishment and selection of a District Review Committee and shall develop procedures for the review and evaluation of instructional materials.
- B. District curriculum staff shall be responsible for preparing an initial broad list of potential instructional materials that meet the criteria in II., above; satisfy the publisher and manufacturer requirements in Florida Statute 1006.38; and are in conformance with state adoption cycles, for presentation to the District Review Committee for evaluation.

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- C. The District Review Committee will include content area teachers, one or more parents of children at content grade level enrolled in a District school who will have access to the adopted materials, and other relevant district personnel.
- D. Prior to convening, each member of the District Review Team and any other involved District staff shall complete an affidavit regarding the discharge of their duties which certifies that: each participating committee members will faithfully perform their duties; they have no interest in any publishing or manufacturing organization that produces or sells instructional materials; they are in no way connected with the distribution of the instructional materials; they have no direct or indirect pecuniary interests in the business or profits of any person engaged in manufacturing, publishing, or selling instructional materials or his or her agents or anyone interested in or intending to bias his or her judgment in any way, in the selection of any instructional materials to be adopted; they understand it is unlawful to discuss matters related to instructional materials submitted for adoption with any agent of any publisher or manufacturer of instructional materials, either directly or indirectly, except during the period when the publisher is providing a presentation for them during their review of instructional materials for adoption; that they will conform with the requirement outlined in this policy, including selecting instructional materials based on the criteria in II., above; and that they will otherwise be in compliance with all state requirements, including those outlined in Florida Statute 1006.30, 1006.31, and 1006.32.
- E. District curriculum staff, in conjunction with legal counsel, shall be responsible for advising the District Review Committee on selection criteria, ethical obligations, public record and open meeting requirements, and other relevant considerations.
- F. The District Review Committee's duties shall include the vetting, evaluating, narrowing down, and selecting one or more instructional materials for presentation to the public and School Board thereafter for adoption.
- G. Meetings of the District Review Committee convened for the purpose of ranking, eliminating, or selecting instructional materials for recommendation to the School Board must be noticed and open to the public in accordance with Florida Statute 286.011.
- H. District staff shall be involved in this process, shall advise the District Review Committee, and shall ensure that the District Review Committee selects instructional materials for presentation to the public

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for comment and to the School Board thereafter for adoption that address the goals and objectives for adopted courses of study and the course descriptions established by state statute, State Board rules, and state and district performance standards.

- I. At a noticed public meeting held in accordance with Florida Statute 286.011 that first permits public comment, the District Review Committee shall recommend one or more instructional materials for presentation to the public for comment and to the School Board thereafter for final adoption.
- J. Prior to final adoption, student editions of the recommended instructional materials will be made accessible for review online for at least twenty (20) calendar days before consideration by the School Board. Public notice of the materials being considered for adoption shall specifically list the materials and how they can be accessed.
- K. The School Board shall conduct an open noticed public hearing to receive comment on recommended materials prior to adoption. The notice of this hearing must specifically state which instructional materials are being reviewed and the manner in which the instructional materials can be accessed for public review. This hearing must allow for the parent of a public school student or a resident of the county to proffer evidence that a recommended instructional material does not meet the criteria provided in Florida Statute 1006.31(2), taking into consideration course expectations based on the district's comprehensive plan for student progression and course descriptions in the course code directory.
- L. The School Board thereafter shall conduct an open, noticed public meeting to approve an annual instructional materials plan to identify core adopted instructional materials that will be purchased. The public meeting will take place on a different date after the public hearing outlined in K., above. The notice of this meeting must specifically state which instructional materials are being reviewed and the manner in which the instructional materials can be accessed for public review. This hearing must allow for the parent of a public school student or a resident of the county to proffer evidence that a recommended instructional material does not meet the criteria provided in Florida Statute 1006.31(2), taking into consideration course expectations based on the district's comprehensive plan for student progression and course descriptions in the course code directory.
- M. The School Board must select, approve, adopt, or purchase all materials as a separate line item on the action agenda. Each selection, approval, adoption, and purchase of an instructional material shall be its own board meeting agenda item and shall not be

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adopted as part of the School Board's consent agenda.

- N. The following procedures shall apply to all objections to the adoption of instructional materials adopted by the School Board after January 1, 2024.
1. The parent of a district student or a resident of the County, may contest the district school board's adoption of a specific instructional material by filing a written objection using the form that is available on the District website.
  2. The form must be signed by the parent or resident of the county, include the required contact information, and state the objection to the instructional material based on the criteria stated in Florida Statutes s. 1006.31(2) or 1006.40(3)(d).
  3. The written objection must be filed within thirty (30) calendar days of the adoption of the instructional material by the School Board. A complainant who does not complete and return the form within the required time shall receive no consideration. The statement shall include the following information:
    - a. The title of the instructional material.
    - b. The specific statutory reason for the objection from Florida Statute 1006.31(2) and/or 1006.40(3)(d).
    - c. The signature, address, and telephone number of person making the complaint.
  4. Within thirty (30) days after the initial thirty-day period has expired, the School Board shall conduct at least one public hearing before an unbiased and qualified hearing officer on all petitions timely received during the thirty-day time period. The hearing officer is not subject to the provisions of Chapter 120 of the Florida Statutes, but the hearing must provide sufficient procedural protections to allow each petitioner an adequate and fair opportunity to be heard and present evidence to the hearing officer
  5. The contested material shall be made available to the public online at least seven (7) days before the hearing.
  6. The decision of the School Board, after convening a hearing, shall be final and not subject to further review or petition.

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### **IV. Objections to specific instructional materials:**

- A. A parent may object to his/her child's use of a specific instructional material.
- B. For objections based on instructional materials perceived to have sexual content in violation of Florida Statute 1006.28(2)(a)2.b.(I) and (II) and as outlined in II.F. and II.G., above, the materials in question will be removed from circulation within 5 school days, pending resolution of the formal challenge process.
- C. Objections to instructional materials, not based on sexual content as determined by Florida Statute, will remain available through the entirety of the formal challenge process.
- D. When an objection is made, the following procedure shall be followed:
  - 1. The principal or designee shall discuss the matter with the complainant explaining the selection procedures for instructional materials along with their concerns. If the complainant accepts the explanation given by the principal or designee, the matter will be considered resolved.
  - 2. Residents of Sarasota County without school age children are not subject to item IV.C.1. and/or 3. Residents will be required to file a formal written objection by completing the District-approved objection form and submitting the form to the District Instructional Materials Supervisor or designee. The process for residents of Sarasota will continue using IV.C.4. through IV.C.9. 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.
  - 3. A resident of the county who is not the parent or guardian of a student with access to school district materials may not object to more than one material per month.
  - 4. If the informal 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 10 working days. The complainant shall be required to fully complete all of the criteria contained in the District-approved form

The school principal will inform the complainant that completed District-approved objection forms should be submitted to the Supervisor of Instructional Materials and Library Services or designee.

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5. Upon receipt of the objection form, the District Instructional Materials Supervisor shall appoint a District Review Committee with the following composition:
  - a. The District Manager of Library Services (who shall serve as the Non-voting Committee's chair).
  - b. One (1) District Regional Medial Specialist
  - c. One (1) District Curriculum Specialist from the appropriate level
  - d. One (1) school administrator
  - e. One (1) or two (2) parent(s) of students who have access to the challenged book or material representing the associated level(s)
  - f. Two (2) appropriate grade level and subject area teachers
  
6. The Review Committee, in carrying out its assigned function, shall:
  - a. Individually review the filed objection in its entirety
  - b. Individually read, view, or listen to the instructional material in its entirety.
  - c. Evaluate the instructional material against current state statutes for determining the appropriateness of the materials, including but not limited to the criteria outlined in FS 1006.28(2)(a)2.b.
  - d. Evaluate the instructional material judging the material as a as a whole based on the criteria in outlined in FS 1006.28(2)(a)2.b.; and
  - e. Forward, upon completion of the committee's review, a written recommendation to the District Instructional Materials Supervisor.

All meetings of the Review Committee shall be noticed and open to the public in conformance with FS 286.011 and District protocols.
  
7. Upon receipt of the District Review Committees recommendation, the District Instructional Materials Supervisor or designee will inform the complainant, the appropriate District Level Administrator and the Chief Academic Officer, of the committee's decision to retain or withdraw the challenged materials as recommended.
  
8. 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 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.
  
9. Upon receipt of a formal appeal in writing, the Chief Academic Officer will advise the School Board and the Superintendent of the District

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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 render a decision regarding the appropriateness of a specific instructional material item based on its own evaluation of the material in accordance with the criteria in Section II. and that decision will be considered final.

At this meeting, the Board shall:

- a. Permit the challenger up to 10 minutes to assert why the challenged instructional material does not meet the applicable criteria and recommend an outcome regarding the challenge for consideration.
  - b. Clarify any concerns with the challenger by asking follow up questions.
  - c. Permit a designated school district employee up to 10 minutes to outline the challenge procedures that have occurred to date, assert why the challenged instructional materials meet the applicable criteria, and recommend an outcome regarding the challenge for consideration.
  - d. Clarify any concerns with the designated school district employee by asking follow up questions.
  - e. Permit the challenger up to 2 minutes to rebut the contentions of the school district employee.
  - f. Clarify any concerns with the challenger by asking follow up questions.
  - g. Permit public comment with consideration of the amount of time remaining during the scheduled hearing.
  - h. Make a determination regarding the objection based on an evaluation of the book in question and the applicable criteria.
10. 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 Florida Statute 1006.28(2)(a)2.

**STATUTORY AUTHORITY:**

**1001.41, 1001.42, F.S.**

**LAW(S) IMPLEMENTED:**

**F.S.**

**286.011, 1001.43, 1003.40, 1003.41, 1003.42, 1003.43(3), 1006.28, 1006.283, 1006.29, 1006.30, 1006.31(2), 1006.32, 1006.38, 1006.40(3)(d), 847.001, 847.012  
FAC 6A-1.09401, 6A-1.09401,**

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