



SCHOOL BOARD OF BREVARD COUNTY, FLORIDA  
**School Board Policy Executive Summary**  
 Form D

<b>Policy Number:</b>	2521
<b>Title of Policy:</b>	Instructional Materials Program
<b>Cabinet Member:</b>	Jane Cline/ Stephanie Soliven
<b>Purpose of Revisions:</b>	The purpose of the proposed revisions to the policy is based upon Board request.
<b>Tentative Schedule:</b>	<ul style="list-style-type: none"> <li>• Cabinet – 12/19/22</li> <li>• Work Session – 1/24/23</li> <li>• Rule Development (Public Hearing) – 2/7/23</li> <li>• School Board Meeting Information – 2/7/23</li> <li>• School Board Meeting Approval – 2/21/23</li> <li>• Effective Date – upon approval</li> </ul>
<b>Summary of Proposed Policy Revisions:</b>	<ul style="list-style-type: none"> <li>• Particular areas of revision include the following: Section T Process for Requesting Reconsideration of Non-State – Adopted Instructional Materials (Classroom and Library)</li> <li>• These proposed revisions do not encompass the suggested language from NEOLA.</li> </ul>
<b>Specific Authority:</b>	<i>§§119.071, 847.001, 847.012, 1001.215, 1002.22, 1003.41, 1003.485, 1006.28, through 1006.42, 1008.22, 1008.25(5) (a), 1008.25(5) (c), 1012.01, 1014.05; F.S.; 6A-6.03028, 7A-7.0713 F.A.C; 34 C.F.R., Part 300</i>
<b>Next Steps:</b>	<ul style="list-style-type: none"> <li>• Revisions to internal procedures</li> <li>• Training for BPS employees regarding revisions to policy and revised procedures</li> </ul>

**Current  
Version**

**2521 - INSTRUCTIONAL MATERIALS PROGRAM****A. Instructional Materials**

1. The School Board shall provide instructional materials and equipment, within budgetary constraints, to implement the District's educational goals and objectives and to meet students' needs. The primary objective of such instructional materials and equipment shall be to enrich, support, and implement the educational program of the school. Instructional materials used in the District shall be consistent with the District goals and objectives and the course descriptions established by the State Board of Education and the State standards provided for in F.S. 1003.41. State law requires the Board to provide adequate instructional materials free of charge to students who are enrolled in the District.
2. "Adequate instructional materials" means a sufficient number of student or site licenses or sets of materials that are available in bound, unbound, kit, or package form and may consist of hard-backed or soft-backed textbooks, electronic content, consumables, learning laboratories, manipulatives, electronic media, and computer courseware or software that serves as the basis for instruction for each student in the core courses of mathematics, language arts, social studies, science, reading, and literature.
3. Furthermore, Federal law requires the Board to provide accessible instructional materials as specified in a student's IEP. Such accessible instructional materials may be of a type or in a format as specified in the definition of adequate instructional materials in this policy.
4. The Board hereby establishes an instructional materials program that includes the review, recommendation, adoption, and purchase of instructional materials. The program shall be implemented in accordance with the terms of this policy and administrative procedures adopted in accordance herewith. The program shall comply with all applicable provisions of F.S. Chapter 1006, Part I, F. Instructional Materials for K-12 Public Education.
5. The Superintendent shall certify to the Florida Department of Education (FLDOE) by March 31<sup>st</sup> of each year that all instructional materials for core courses used by the District are aligned with applicable State standards. A list of the core instructional materials that will be used or purchased for use by the District shall be included in the certification.

**B. Instructional Materials Program and Processes, Criteria and Requirements**

1. Selection, Duties, and Qualifications of Reviewers, Review of Instructional Materials,

Recommendations of Reviewers, and Selection of Instructional Materials by Reviewer.

- a. The Board may employ or contract with one (1) or more instructional materials reviewers, one (1) or more of whom must be a parent with a child in a District public school. The qualifications of the instructional materials reviewer shall be set forth in the Board-approved job description for the position, or, alternatively, in the contract for services.
- b. The duties of an instructional materials reviewer are:
  - i. to adhere to prescribed procedures for evaluating instructional materials submitted by publishers and manufacturers in each adoption.
  - ii. to utilize the selection criteria set forth in State law, including F.S. 1006.34(2)(b) and recommend for adoption only those instructional materials aligned with State standards provided for in F. S. 1003.41
- c. Instructional materials recommended by each reviewer shall be, to the satisfaction of each reviewer, accurate, objective, balanced, noninflammatory, current, free of pornography and material prohibited under F.S. 847.12, 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. When recommending instructional materials, each reviewer shall:
  - i. 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;
  - ii. 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;
  - iii. include materials that encourage thrift, fire prevention, and humane treatment of people and animals;
  - iv. require, when appropriate to the comprehension of students,

that materials for social science, history, or civics classes contain that Declaration of Independence and the Constitution of the United States:

- d. 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.
- e. In the selection of instructional materials, library media, and other reading material used in the District, the standards used to determine the propriety of the material shall include:
  - i. the age of the students who normally could be expected to have access to the material;
  - ii. the educational purpose to be served by the material;
- f. In considering instructional materials for classroom use, priority shall be given to the selection of materials which encompass the State and Board performance standards provided for in F.S. 1001.03(1) and which include the instructional objectives contained within the curriculum frameworks approved by rule of the State Board of Education.
  - i. the degree to which the material would be supplemented and explained by mature classroom instruction as part of a normal instructional program;
  - ii. the consideration of the broad racial, ethnic, socioeconomic, and cultural diversity of the students of this State.
- g. Any instructional material containing pornography or otherwise prohibited by F.S. 847.012 may not be used or made available within any public school.
- h. After a thorough study of all data submitted on each instructional material, the reviewer shall submit an electronic report to the Superintendent for presentation to the Board. The report shall be in substantially the same format as the form used by the FLDOE. All instructional materials recommended by a reviewer shall be accompanied by a statement from the reviewer that the materials align with State standards pursuant to F.S. 1003.41 and the requirements of F.S. 1006.31.

### **C. Certification of the Accuracy of Instructional Materials**

- 1. In addition to relying on statements of publishers or manufacturers of instructional materials, the reviewer may, with the approval, and subject to the direction of the

Superintendent, conduct or cause to be conducted an independent investigation to determine the accuracy of State-adopted instructional materials.

2. When errors in Board-adopted materials are confirmed, the publisher of the materials shall provide to each district school board that has purchased the materials the corrections in a format approved by the department.
3. The Board may remove materials from the list of Board-adopted materials if it finds that the content is in error and the publisher refuses to correct the error when notified by the Board.
4. The Board may remove materials from the list of Board-adopted materials at the request of the publisher if, in its opinion, there is no material impact on the State's education goals.

#### **D. Affidavit of Instructional Materials Reviewer**

1. Before commencing his/her duties, a District instructional materials reviewer shall execute an affidavit which substantially includes the following requirements of F.S. 1006.30.
  - a. The reviewer will faithfully discharge the duties imposed upon him/her.
  - b. The reviewer has no interest in any publishing or manufacturing organization that produces or sells instructional materials.
  - c. The reviewer is in no way connected with the distribution of the instructional materials.
  - d. The reviewer does not have any direct or indirect pecuniary interest in the business or profits of any person engaged in manufacturing, publishing, or selling instructional materials designed for use in the public schools.
  - e. The reviewer will not accept any emolument or promise of future reward of any kind from any publisher or manufacturer of instructional materials or his/her agent or anyone interest in, or intending to bias his/her judgment in any way in, the selection of any materials to be adopted.
  - f. The reviewer understands that it is unlawful to 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 publisher or manufacturer is providing a presentation for the reviewer during his/her review of the instructional materials submitted for adoption.

**E. Board Adoption of Instructional Materials**

1. After receipt from the Superintendent of a reviewer's electronic report and recommendation, the Board shall publish a notice indicating the date, time, and location of an open public hearing to address the recommended instructional materials. The public shall have an opportunity to provide public comment at the public hearing.
2. Following the public hearing, the Board shall publish notice indicating the date, time, and location of an open public meeting to approve an annual instructional materials plan to identify any instructional materials that will be purchased through the Board instructional materials review process pursuant to this policy. This public meeting will be held on a different date than the public hearing.
3. Notice of the public hearing and public meeting identified herein shall specifically identify which instructional materials are being reviewed and the matter in which the instructional materials can be accessed for public review. The hearing must allow the parent of a District student or a resident of the county to proffer evidence that a recommended instructional material does not meet the criteria provided in F.S. 1006.31(2), taking into consideration course expectations based on the District's comprehensive plan for student progression under F.S. 1008.25(2) and course descriptions in the course code directory.
  - a. 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.
4. At least twenty (20) calendar days before the Board hearing and public meeting, the Board shall make available online to the public through the District's website all student editions of the recommended instructional materials. In making these materials available, District staff shall implement reasonable safeguards against the unauthorized use, reproduction, and distribution of instructional materials considered for adoption.

**F. Purchase of Instructional Materials, Including Advertising and Bidding**

1. Beginning on or before May 15th of any year in which an instructional materials adoption is to be initiated, the District shall advertise in a local newspaper of general circulation (the Florida Administrative Register) four (4) weeks preceding the date on which the bids shall be received, that at a certain designated time, not later than June 15th, sealed bids or proposals to be deposited with the District will be received from publishers or manufacturers for the furnishing of instructional materials proposed to be adopted as listed in the advertisement beginning April 1st following the adoption.
2. The advertisement shall state that each bidder shall furnish electronic sample copies

of all instructional materials submitted, at a time designated by the District, which copies shall be identical with the copies approved and accepted by State instructional materials reviewers, and with the copies furnished to the District and Superintendent.

3. The advertisement shall state that a contract covering the adoption of the instructional materials shall be for a definite term.
4. The advertisement shall fix the time within which the required contract must be executed and shall state that the Department reserves the right to reject any or all bids.
5. The advertisement shall give information regarding digital specifications that have been adopted by the Board, including minimum format requirements that will enable electronic and digital content to be accessed through the District's local instructional improvement system and a variety of mobile, electronic, and digital devices.
6. Beginning with specifications released in 2014, the digital specifications shall include requiring the capability for searching by State standards and site and student-level licensing. Such digital format specifications shall be appropriate for the interoperability of the content. The Board will not adopt specifications that require the instructional materials to include specific references to State mandated testing and Next Generation Sunshine State Standards and benchmarks at the point of student use.
7. The bids submitted shall be for furnishing the designated materials in accordance with specifications of the District. The bid shall state the lowest wholesale price at which the materials will be furnished, at the at the time the adoption period provided in the contract begins.
8. Each publisher or manufacturer of instructional materials who submits a bid under this part is required to deposit with the District such sum of money or certified check as may be determined by the District, the amount to be not less than \$500 and not more than \$2,500, according to the number of instructional materials covered by the bid, which deposit shall be forfeited to the Board and placed in the (General Revenue Fund) General Fund if the bidder making the deposit fails or refuses to execute the contract and bond within thirty (30) days after receipt of the contract in case his/her bid or proposal is accepted. The District shall, upon determining that the deposit is correct and proper, deposit the funds in an interest bearing trust account and issue his/her official receipt.
9. Sample copies of all instructional materials that have been made the bases of contracts under this policy shall upon request for the purpose of public inspection, be made available by the publisher to the Department of Education



and the Superintendent from the state list upon request for the purpose of public inspection.

#### **G. Maximization of Student Use of District-approved Instructional Materials**

1. In order to maximize student use of authorized instructional materials, the Board shall:
  - a. purchase current instructional materials to provide each student with a major tool of instruction in core courses of the subject areas of mathematics, language arts, science, social studies, reading, and literature for kindergarten through grade 12;
  - b. by the 2015-2016 fiscal year, use at least fifty percent (50%) of the annual allocation for the purchase of digital or electronic instructional materials included on the State-adopted list, except as otherwise authorized by law or rules of the State Board of Education;
  - c. use up to 100% of that portion of the annual allocation designated for the purchase of instructional materials for kindergarten, and up to seventy-five percent (75%) of that portion of the annual allocation designated for the purchase of instructional materials for first grade, to purchase materials not on the State-adopted list, which shall be used for the purchase of instructional materials or other items having intellectual content which assist in the instruction of a subject or course.
2. These items may be available in bound, unbound, kit, or package form and may consist of hardbacked or soft backed textbooks, electronic content, replacements for items which were part of previously purchased instructional materials, consumables, learning laboratories, manipulatives, electronic media, computer courseware or software, and other commonly accepted instructional tools.
3. The Superintendent shall implement procedures that will assure the maximum use by the students of the authorized instructional materials.

#### **H. Required Curriculum**

1. Nothing in this policy shall limit or remove the responsibility of the Board to include in its curriculum the required instruction specified in State law including, but not limited to, the following:
  - a. The history of the United States; the history of the Holocaust.
  - b. The history of African Americans.
  - c. The study of Hispanic contributions to the United States.
  - d. The study of women's contributions to the United States.
  - e. The nature and importance of free enterprise to the United States economy
  - f. The elementary principles of agriculture; and kindness to animals.

**I. Publisher and Manufacturer Duties, Responsibilities, and Requirements**

1. In accordance with State law, all publishers and manufacturers of instructional materials, and their representatives, must comply with the requirements of F.S. 1006.38. These requirements include, but are not limited to, the following:
  - a. Electronically deliver fully developed sample copies of all instructional materials upon which bids are based to the department pursuant to procedures adopted by the State Board of Education.
2. Submit, at a time designated in F.S. 1006.33, the following information:
  - a. Detailed specifications of the physical characteristics of the instructional materials, including any software or technological tools required for use by the District, school, teachers, or students. The publisher or manufacturer shall comply with these specifications if the instructional materials are adopted and purchased in completed form.
  - b. Evidence that the publisher or manufacturer has provided materials that address the performance standards provided for in F.S. 1001.03(1) and that can be accessed through the District's digital classrooms plan and a variety of electronic, digital, and mobile devices.
  - c. Evidence that the instructional materials include specific reference to Statewide standards in the teacher's manual and incorporate such standards into chapter tests or the assessments.
3. Make available for purchase by the Board any diagnostic, criterion-referenced, or other tests that they may develop.
4. Furnish the instructional materials offered by them at a price in the State which, including all costs of electronic transmission, may not exceed the lowest price at which they offer such instructional materials for adoption or sale to any state or school district in the United States.
5. Reduce automatically the price of the instructional materials to the Board to the extent that reductions are made elsewhere in the United States.
6. Provide any instructional materials free of charge in the State to the same extent as they are provided free of charge to any state or school district in the United States.
7. Guarantee that all copies of any instructional materials sold in this State will be at least equal in quality to the copies of such instructional materials that are sold elsewhere in the United States and will be kept revised, free from all errors, and

up-to-date as may be required by the department.

8. Agree that any supplementary material developed at the District or State level does not violate the author's or publisher's copyright, provided such material is developed in accordance with the doctrine of fair use.
9. Not in any way, directly or indirectly, become associated or connected with any combination in restraint of trade in instructional materials, nor enter into any understanding, agreement, or combination to control prices or restrict competition in the sale of instructional materials for use in the State.
10. Maintain or contract with a depository in the State.
11. For the core subject areas specified in F.S. 1006.40(2), maintain in the depository for the first three (3) years of the contract an inventory of instructional materials sufficient to receive and fill orders.
12. For the core subject areas specified in F.S. 1006.40(2), ensure the availability of an inventory sufficient to receive and fill orders for instructional materials for growth, including the opening of a new school, and replacement during the 3rd and subsequent years of the original contract period.
13. Accurately and fully disclose only the names of those persons who actually authored the instructional materials.
14. Grant, without prior written request, for any copyright held by the publisher or its agencies automatic permission to the Board for the reproduction of instructional materials and supplementary materials in Braille, large print, or other appropriate format for use by visually impaired students or other students with disabilities that would benefit from use of the materials.

#### **J. Assessment and Collection of Fees**

1. The Board shall not assess and collect fees from publishers participating in the instructional materials approval process. In addition, each reviewer may be compensated for evaluation of materials in compliance with F.S. 112.061 for actual service in meetings.
2. Instructional materials that have been reviewed by the District instructional materials reviewers and approved must have been determined to align with all applicable State standards pursuant to F.S. 1003.41 and the requirements in F.S. 1006.31. The Superintendent shall annually certify to the FLDOE that all instructional materials for core courses used by the District are aligned with all applicable State standards.

3. A list of all approved instructional materials shall be maintained by the Superintendent and made available for the use of the instructional staff.

**K. Fees Charged to Parents**

1. A student or his/her parent/legal guardian(s) may purchase a copy of the designated course instructional materials, regardless of format, for the District's purchase price, including shipping, **(plus ten percent (10%))**.
2. Cost of materials may be charged for materials used in those activities beyond the basic curriculum in which a student elects to participate, particularly in activities where the product becomes the property of the student.

**L. Free School-Related Instructional Materials**

1. Free instructional materials may be accepted for classroom and school purposes under conditions that meet all of the following criteria:
  - a. Educational films should contain a minimum amount of commercial advertising. The advertising feature of the materials should be minimized.
  - b. The materials should fill a legitimate purpose of the school curriculum.
  - c. The initiative for securing the materials should be of the type that teachers seek rather than materials forwarded to them to promote the interests of an outside agency.

**M. Equipment or Instructional Materials Vendors**

1. The principal may permit vendors to demonstrate and show only that equipment and instructional materials which can be used to improve the instructional program and which are under consideration for purchase by the school.

**N. Public Inspection of Sample Copies of Instructional Materials**

1. In addition to the requirements for public inspection of sample copies of instructional materials required by this policy, the Board shall make available for public inspection sample copies of all instructional materials that have been purchased by the Board. Members of the public seeking to inspect these materials shall contact the District's Instructional Materials Manager.

**O. Process for Parents and Residents to Contest Adoption of Instructional Materials**

1. The following individuals may file an objection to the adoption of a specific instructional material:
  - a. parents/legal guardians of students in the District; and residents of the county.

2. 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.

**P. Filing a Petition**

1. A parent/legal guardian or resident must file a petition with the Board within thirty (30) calendar days after the Board's adoption of specific instructional material, on a form provided by the Board. The petition form (2520 F1/F2) shall be publicly available by visiting any school in person or by accessing the link on the Board's website. The petition must be signed by the parent/legal guardian or resident, include the required contact information, and state the objection to the instructional materials based on the criteria set for in F.S. 1006.31(2) or 1006.40(3)(d).

**Q. Timeframe for Hearing**

1. When the thirty (30) calendar day period following Board adoption of the instructional material in question has expired, the Board will conduct at least one (1) open public hearing before an unbiased and qualified hearing officer for all timely petitions received.

**R. Hearing Officers**

1. Hearing officers are not employees or agents of the District with the exception of any agreement entered into for purposes of conducting the hearings set forth herein. Hearing officers shall be selected annually by the Board from a list of candidates provided by the Superintendent.

**S. Procedures for Hearings**

1. Petitioners will have an adequate and fair opportunity to be heard and present evidence to the hearing officer. Hearings shall be conducted as follows:
  - a. The petitioner may make an opening statement.
  - b. The District's representative may make an opening statement.
  - c. The petitioner may present evidence (including documents and testimony from witnesses) that 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.
  - d. The District representative may present evidence (including documents and testimony from witnesses) that the instructional material does 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.

- e. The petitioner may make a closing statement.
  - f. The District representative may make a closing statement.
2. Within fourteen (14) days of the date of the hearing, the hearing officer shall submit a recommended order to the Board. The Board shall consider the recommended order and enter a final order at a publicly noticed Board meeting. If the petitioner proves that instructional material does not meet the criteria required under F.S. 1006.28, or contains prohibited material under that statute, it shall be removed in accordance with Florida law.
  3. The Board's decision is final and not subject to further petition or review. Hearings under this policy are not subject to the provisions of F.S. Chapter 120. Parent Objection to Instructional Material Used in Classrooms.
  4. Parents may object to the use by their child of a specific instructional material in the classroom as set forth in Florida law. Parents should make any such objection in writing to the principal, at least ten (10) days before the intended use of the material, identifying the specific instructional material and stating the basis for the objection. The principal will review the parent objection and may meet with the teacher or parents/legal guardians, or both, in an attempt to resolve the objection, which may include using an alternative instructional material for the child. If the objection is not resolved to the parents'/legal guardians' satisfaction, the principal shall refer the matter to the appropriate District-level curriculum supervisor. The decision of the District-level curriculum supervisor shall be final.

**T. Process for Requesting Reconsideration of Non-State-Adopted Instructional Materials (Classroom and Library)**

1. Non-state adopted instructional materials are in use in the classroom and/or other material may be placed in the school's library.
2. A parent/legal guardian of a public school student or a resident of the county shall use the following procedures to present evidence that the material does not meet the criteria of F.S. 1006.28 and 1006.40(3)(d) by requesting reconsideration of the challenged material.
3. Challenged materials shall remain in use during the reconsideration process unless informal review has determined that the materials violate 1006.40(3)(d) sections 1, 2, or 3.
4. Pathways for review:
  - A. Single Book/Single School for reconsideration (School Review)
    1. Informal

2. Formal
3. District appeal

B. Multiple School/ Multiple Book Titles for reconsideration  
(District Review)

1. Informal
2. Formal

4.A:1 School Level - Informal Request for Reconsideration of Non-State Adopted Instructional Materials (Classroom and Library)

- a. A parent/legal guardian or resident who has an objection to the use of specific non-state adopted instructional material accessed in the classroom and/or the school library must first request, in writing, a conference with the principal or principal's designee to discuss the use of the material. The principal or designee will schedule the conference within ten (10) school days of receiving the request. The principal shall consider the criteria of F.S. 1006.28 and 1006.40(3)(d) in considering resolution.
- b. If the issue is not resolved at the conference, the parent/legal guardian or resident will be provided with the Request for Reconsideration of Materials Form (Form 2520 F2) to file a written request for reconsideration. The principal or designee shall also provide an explanation of the process that will be followed. Any such written request for reconsideration will be filed with the principal within ten (10) school days of the conference.

4.A: 2. School Level - Formal Request for Reconsideration of Non-State Adopted Instructional Materials (Classroom and Library)

- a. The Request for Reconsideration of Materials Form (Form 2520 F2) must be filed within ten (10) school days of the conference referenced above in the informal request process.
- b. Upon receipt of a timely Request for Reconsideration of Materials Form (Form 2520 F2), the principal shall convene a School Material Review Committee to review the challenged materials. The School Material Review Committee shall include, but not be limited to:
  1. the school media specialist;
  2. principal (or designee);
  3. at least one (1) teacher(s) (excluding teacher involved);
  4. one (1) parent/legal guardian (excluding requestor); and
  5. may include at least one (1) high school student, with parent/legal guardian's permission, for challenges to high school materials (a student who is accomplished in the specific subject area is required).

\*Note that members of the School Advisory Committee may fulfill these roles.

- c. The principal shall also notify the Assistant Superintendent of Leading and Learning who will then notify the Superintendent and the Board.
- d. In preparation for its review:
  1. Each member of the School Material Review Committee shall receive a copy of the completed Request for Reconsideration of Materials

- Form (Form 2520 F2) and any other information about the challenged material that the School Material Review Committee may want to see.
2. The School Material Review Committee shall receive a copy of the book for reconsideration
  3. The School Material Review Committee shall follow the Florida Government in the Sunshine Law to include the taking of minutes.
  4. The School Material Review Committee shall meet to review the challenged material within fifteen (15) working days of receipt of the written Request for Reconsideration of Material Form (Form 2520 F2).
- e. In reviewing the challenged material, the School Material Review Committee shall:
1. review the challenged material (i.e. poem, individual book, section of textbook, video, etc.); The School Material Review Committee shall have an understanding of the entire work.
  2. survey evaluation documents on file and appraisals of the challenged material in professional reviewing sources;
  3. determine the extent the challenged material supports the curriculum;
  4. weigh merits against alleged faults to form opinions based on the challenged material as a whole and not on passages isolated from the context; and
- f. The School Material Review Committee shall issue a determination. In doing so, the School Material Review Committee shall find:
1. that the challenged instructional material does not meet the criteria and/or contains prohibited content under F.S. 1006.28 or F.S. 1006.40. If this is the case, the school shall discontinue use of the material for any grade level or age group for which such use is inappropriate or unsuitable. The School Material Review Committee's determination is valid for eight (8) years and affects only the participating school.
- OR
2. that the challenged instructional material does meet the criteria under F.S. 1006.28 and F.S. 1006.40. The School Material Review Committee's determination is valid for eight (8) years and affects only the participating school.
- g. The principal shall state the School Material Review Committee's determination to the requestor in a letter, with copies to the committee members, the Assistant Superintendent for Leading and Learning, and the Board. This letter will be written within five (5) school days after the School Material Review Committee makes its determination.
- h. If the requestor requests an appeal, this appeal must be made in writing and submitted to the principal within ten (10) school days of the School Material Review Committee's determination.



4.A:3 District Level - Formal Request for Reconsideration of Non-State Adopted Instructional Materials (Classroom and Library): District Material Review Committee

- a. If the requestor requests an appeal of the School Material Review Committee's determination, an appeal must be submitted to the principal in writing and made within ten (10) school days of the School Material Review Committee's decision.
- b. Within twenty-four (24) hours of receipt of the appeal, the principal shall forward a copy of the appeal to the Assistant Superintendent for Leading and Learning, the appropriate elementary or secondary director, and the District library media resource teacher/content specialist (committee chair), that such a review is being requested.
- c. The Assistant Superintendent for Leading and Learning shall convene a District Material Review Committee to review the determination of the School Material Review Committee. The Assistant Superintendent for Leading and Learning shall also notify the Superintendent and the Board of the District level formal request.
- d. The District Material Review Committee shall consist of, but not be limited to, the following:
  1. the District library media resource/content teacher (who shall serve as the Non-Voting Committee's chair);
  2. the Assistant Superintendent of Leading and Learning or designee;
  3. one (1) school administrator (not from originating school);
  4. one (1) parent/legal guardian representing the school grade (not from originating school);
  5. one (1) appropriate grade level and subject area teacher (not from originating school);
  6. one (1) appropriate subject resource/content teacher (not from originating school); and
  7. a designee from each Board member.
- e. In preparation for its review:
  1. each member of the District Material Review Committee shall receive a copy of the written appeal, the completed Request for Reconsideration of Materials Form (Form 2520 F2), and any other information about the challenged material that the District Material Review Committee may want to see.
  2. The District Material Review Committee shall receive a copy of the book for reconsideration.
  3. the District Material Review Committee shall follow the Florida Government in the Sunshine Law to include minutes.
  4. the District Material Review Committee will receive a copy of the book and given adequate time to read the book. (One (1) week per every 100 pages within the book). The committee meeting will be scheduled within 15 days of the time given to read the book.

- f. In reviewing the challenged material, the District Material Review Committee shall:
  - 1. Review the challenged material (i.e. poem, individual book, section of textbook, video, etc.). The District Material Review Committee shall have an understanding of the entire work.
  - 2. The requestor filing the appeal and the classroom teacher may make an oral presentation (ten (10) minutes maximum) to the District Material Review Committee, if desired by the District Material Review Committee or the requestor filing the appeal.
  - 3. The record of the District Material Review Committee's meeting shall consist of written minutes containing start time, end time, location, names and titles of committee members, and names of attendees. The written minutes shall be maintained in accordance with Florida law.
- g. The District Material Review Committee shall issue a decision on the appeal. In doing so, the District Material Review Committee shall find:
  - 1. that the challenged instructional material does not meet the criteria and/or contains prohibited content under F.S. 1006.28 or F.S. 1006.40. If this is the case, the District shall discontinue use of the material for any grade level or age group for which such use is inappropriate or unsuitable. The District Material Review Committee's determination is valid for eight (8) years and affects the District.

OR

  - 2. that the challenged instructional material does meet the criteria under F.S. 1006.28 and F.S. 1006.40. The book will remain available in the school. The District Material Review Committee's determination is valid for eight (8) years and affects the District.
- h. The District Material Review Committee's decision is final.
- i. The Assistant Superintendent for Leading and Learning shall provide the District Material Review Committee's determination to the requestor in a letter, with copies to the committee members, within five (5) working days after the District Material Review Committee makes its decision.

4B: District Level - Request for Reconsideration of Non-State Adopted Instructional Materials (Classroom and Library): District Material Review Committee (for multiple book reconsiderations in multiple schools).

4B.1 A: District Level - Informal Request for Reconsideration of Non-State Adopted Instructional Materials (Classroom and Library)

- a. A parent/legal guardian or resident who has an objection(s) to the use of specific non-state adopted instructional material accessed in the multiple school classrooms and/or libraries must first request, in writing to the Assistant Superintendent of Leading & Learning. The Assistant Superintendent or designee will schedule the follow-up to the requestor.
- b. Each impacted school will be notified by the Assistant Superintendent of Leading & Learning to commence the informal review of the materials in consideration of F.S. 1006.28 and F.S. 1006.40(3)(d) sections 1, 2, and 3.

- c. If the requester is not satisfied with the results of the informal review, the parent/legal guardian or resident will be provided with the Request for Reconsideration of Materials Form (Form 2520 F2) to file a written request for reconsideration. The Assistant Superintendent or designee shall also provide an explanation of the process that will be followed. Any such written request for reconsideration will be filed with the Assistant Superintendent of Leading & Learning or designee.
- d. Following the informal District Review of titles for reconsideration, if title/book remains only at one school the review process will transfer back to Pathway A school review

4B.1.B: District Level - Formal Request for Reconsideration of Non-State Adopted Instructional Materials (Classroom and Library):

- a. The Request for Reconsideration of Materials Form (Form 2520 F2) per title must be filed with the Assistant Superintendent of Leading & Learning. The requestor must identify the priority order in which the books should be reviewed. The Assistant Superintendent shall notify the Library/Media Content Specialist, the Superintendent, and the Board.
- b. Upon receipt of a Request for Reconsideration of Materials Form (Form 2520 F2), the District Library/Media Content Specialist shall convene the District Material Review Committee to review the challenged materials. The District Material Review Committee shall be established at the beginning of each year school year. The District Material Review Committee shall include:
  - 1. the District library media resource/content teacher (who shall serve as the Non- Voting Committee's chair);
  - 2. Two (2) school media specialist representative of the grade band of the book in review;
  - 3. A principal or assistant principal representative of the grade band of the book in review.
  - 4. Content Specialist/ Resource Teacher.
  - 5. One (1) parent/legal guardian/community member preselected to serve per school board member excluding the requestor

\*\*\* in the event of the need for additional committees the Superintendent of Schools had the authority to add additional review committees following the established protocols

- c. In preparation for its review:
  - 1. Each member of the District Material Review Committee shall receive a copy of the completed Request for Reconsideration of Materials Form (Form 2520 F2) and any other information about the challenged material that the District Material Review Committee may want to see.
  - 2. The District Review Committee will receive a copy of the book and given adequate time to read the book. (One (1) week per every 100 pages within the book)
  - 3. The District Material Review Committee shall meet in the sunshine (meaning the meeting shall be open to the public and advertised at

the district level).

4. The District Material Review Committee shall meet to review the challenged material within fifteen (15) working days after the process of reading has been completed per book up for reconsideration.

e. The committee, in evaluating the material questioned, shall be guided by F.S. 1006.28 and 1006.40 and the following criteria:

1. The District Material Review Committee shall have an understanding of the entire work.
2. The appropriateness of the material for the age and maturity level of the students with whom it is being used
3. The accuracy of the material
4. The objectivity of the material
5. The use being made of the material
6. The material in question may be withdrawn from use pending the committee's determination to the Superintendent.
7. The committee's determination shall be reported to the Superintendent in writing within 5 student school days following the completion of the process. The Superintendent will advise the requestor, in writing, of the committee's determination and advise the Board within 5 student days.

- a. that the challenged instructional material does not meet the criteria and/or contains prohibited content under F.S. 1006.28 or 1006.40. If this is the case, the school shall discontinue use of the material for any grade level or age group for which such use is inappropriate or unsuitable. The District Material Review Committee's determination is valid for eight (8) years.

OR

- b. that the challenged instructional material does meet the criteria under F.S. 1006.28 and 1006.40. The book(s) remain available in the schools. The District Material Review Committee's determination is valid for eight (8) years.

f. The District Material Review Committee's decision is final.

- U.**
1. The District library/media specialist will notify media specialists within the (identified grade ban) of any title(s) that are in the Book Reconsideration process. An update of the outcomes will be communicated with media specialists at the conclusion of the process. A link will be added to the public district library/media webpage of any book that has been through the reconsideration process and the outcome of that review.
  2. No challenged material may be removed solely because it presents ideas that may be unpopular or offensive to some. Any Board action to remove material outside of the identified processes above will be accompanied by the Board's statement of its

reasons for the removal.

3. The Board shall discontinue use of any material challenged under this policy if it 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.

#### **V. New Worlds Reading Initiative**

1. The New Worlds Reading Initiative, created by the Florida Department of Education, provides high-quality, freebooks directly to K-5 students who score below a level 3 in the preceding year's Statewide English Language Arts Assessment (ELA) or having a substantial reading deficiency. The School District must notify parents/legal guardians of eligible students in writing and provide them with the application form, which must allow for the selection of specific book topics or genres for the student. The District must coordinate monthly book deliveries with the program administrator beginning no later than October and continuing through at least June. However, for the 2021-2022 school year only, the delivery may begin no later than December 31, 2021. The District must participate in the initiative by partnering with local nonprofit organizations and raising awareness by using marketing materials provided by the program administrator. A student's eligibility for the initiative continues until promotion to grade 6 or until the parent/legal guardian opts out of the initiative.
2. The District shall coordinate with each charter school it sponsors for the purposes of identifying eligible students, notifying parents/legal guardians, coordinating book deliveries, providing the opportunity to annually select book topics and genres, and raising awareness of the initiative.
3. The Statewide ELA assessment is not the sole determiner of promotion. Additional evaluations, portfolio reviews, and assessments are available to the child to assist parents/legal guardians and schools in identifying the reading level of the student. A parent/legal guardian of a student in grade 3 who is identified anytime during the year as being at risk of retention may request that the school begin collecting evidence for a portfolio.

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Adopted 12/14/21

Revised: 5/11/22

#### **Legal Reference**

F.S. 119.071

F.S. 1001.215

F.S. 1002.22

F.S. 1003.41

F.S. 1003.485

F.S. 1006.28

F.S. 1006.28 through 1006.42

F.S. 1008.22

F.S. 1008.25(5) (a)

F.S. 1008.25(5) (c)

F.S. 1014.05

# Neola Template

Book: Local Policies for Update

Section: Vol. 23, No. 1, June 2022

Title: Revised Policy - Vol. 23, No. 1, June 2022 - INSTRUCTIONAL MATERIALS PROGRAM

Number: po2521

## **Revised Policy - Vol. 23, No. 1**

### **2521 - INSTRUCTIONAL MATERIALS PROGRAM**

The School Board shall provide instructional materials and equipment, within budgetary constraints, to implement the District's educational goals and objectives and to meet students' needs. The primary objective of such instructional materials and equipment shall be to enrich, support, and implement the educational program of the school. Instructional materials used in the District shall be consistent with the District goals and objectives and the course descriptions established by the State Board of Education and the State standards provided for in F.S. 1003.41.

State law requires the Board to provide adequate instructional materials free of charge to students who are enrolled in the District.

"Adequate instructional materials" means a sufficient number of student or site licenses or sets of materials that are available in bound, unbound, kit, or package form and may consist of hard-backed or soft-backed textbooks, electronic content, consumables, learning laboratories, manipulatives, electronic media, and computer courseware or software that serves as the basis for instruction for each student in the core courses of mathematics, language arts, social studies, science, reading, and literature.

Furthermore, Federal law requires the Board to provide accessible instructional materials as specified in a student's IEP. Such accessible instructional materials may be of a type or in a format as specified in the definition of adequate instructional materials in this policy.



The Board ( ), as part of a consortium of schools districts consisting of \_\_\_\_\_, **[END OF OPTIONS]** hereby establishes an instructional materials program that includes the review, recommendation, adoption, and purchase of instructional materials. The program shall be implemented in accordance with the terms of this policy and administrative procedures adopted in accordance herewith. The program shall comply with all applicable provisions of F.S. Chapter 1006, Part I, F. Instructional Materials for K-12 Public Education.

The Superintendent shall certify to the Florida Department of Education (FLDOE) by March 31st of each year that all instructional materials for core courses used by the District are aligned with applicable State standards. A list of the core instructional materials that will be used or purchased for use by the District shall be included in the certification.

### **~~Instructional Materials Program and Processes, Criteria and Requirements~~**

#### **Selection, Duties, and Qualifications of Reviewers, Review of Instructional Materials, Recommendations of Reviewers, and Selection of Instructional Materials by Reviewer**

The Board may employ or contract with one (1) or more instructional materials reviewers, one (1) or more of whom must be a parent with a child in a District public school. The qualifications of the instructional materials reviewer shall be set forth in the Board-approved job description for the position, or, alternatively, in the contract for services. **A meeting of a committee for the purpose of ranking, eliminating, or selecting instructional materials for recommendation to the Board must be noticed and open to the public in accordance with F.S. 286.011. A committee convened for such purposes must include parents of District students.**

The duties of an instructional materials reviewer are:

##### Procedures

To adhere to prescribed procedures for evaluating instructional materials submitted by publishers and manufacturers in each adoption.

##### Review, Recommendations, and Selection of Instructional Materials by Reviewer

Reviewers shall utilize the selection criteria set forth in State law, including F.S. 1006.34(2)(b) and recommend for adoption only those instructional materials aligned with State standards provided for in F.S. 1003.41.

Instructional materials recommended by each reviewer shall be, to the satisfaction of each reviewer, accurate, objective, balanced, noninflammatory, current, free of pornography and material prohibited under F.S. 847.12, 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. When recommending instructional materials, each reviewer shall:

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;

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;

include materials that encourage thrift, fire prevention, and humane treatment of people and animals;

require, when appropriate to the comprehension of students, that materials for social science, history, or civics classes contain that Declaration of Independence and the Constitution of the United States;

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.

In the selection of instructional materials, library media, and other reading material used in the public school system, the standards used to determine the propriety of the 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;

In considering instructional materials for classroom use, priority shall be given to the selection of materials which encompass the State and Board performance standards provided for in F.S. 1001.03(1) and which include the instructional objectives contained within the curriculum frameworks approved by rule of the State Board of Education.

the degree to which the material would be supplemented and explained by mature classroom instruction as part of a normal instructional program;

the consideration of the broad racial, ethnic, socioeconomic, and cultural diversity of the students of this State.

Any instructional material containing pornography or otherwise prohibited by F.S. 847.012 may not be used or made available within any public school.

After a thorough study of all data submitted on each instructional material, the reviewer shall submit an electronic report to the Superintendent for presentation to the Board. The report shall be in substantially the same format as the form used by the FLDOE. All instructional materials recommended by a reviewer shall be accompanied by a statement from the reviewer that the materials align with State standards pursuant to F.S. 1003.41 and the requirements of F.S. 1006.31.

### **Certification of the Accuracy of Instructional Materials**

In addition to relying on statements of publishers or manufacturers of instructional materials, the reviewer may, with the approval, and subject to the direction of the Superintendent, conduct or cause to be conducted an independent investigation to determine the accuracy of State-adopted instructional materials.

When errors in Board-adopted materials are confirmed, the publisher of the materials shall provide to each

district school board that has purchased the materials the corrections in a format approved by the department.

The Board may remove materials from the list of Board-adopted materials if it finds that the content is in error and the publisher refuses to correct the error when notified by the Board.

The Board may remove materials from the list of Board-adopted materials at the request of the publisher if, in its opinion, there is no material impact on the State's education goals.

### **Affidavit of Instructional Materials Reviewer**

Before commencing his/her duties, a District instructional materials reviewer shall execute an affidavit which substantially includes the following requirements of F.S. 1006.30:

The reviewer will faithfully discharge the duties imposed upon him/her.

The reviewer has no interest in any publishing or manufacturing organization that produces or sells instructional materials.

The reviewer is in no way connected with the distribution of the instructional materials.

The reviewer does not have any direct or indirect pecuniary interest in the business or profits of any person engaged in manufacturing, publishing, or selling instructional materials designed for use in the public schools.

The reviewer will not accept any emolument or promise of future reward of any kind from any publisher or manufacturer of instructional materials or his/her agent or anyone interest in, or intending to bias his/her judgment in any way in, the selection of any materials to be adopted.

The reviewer understands that it is unlawful to 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 publisher or manufacturer is providing a presentation for the reviewer during his/her review of the instructional materials submitted for adoption.

## Board Adoption of Instructional Materials

After receipt from the Superintendent of a reviewer's electronic report and recommendation, the Board shall publish a notice indicating the date, time, and location of an open public hearing to address the recommended instructional materials. The public shall have an opportunity to provide public comment at the public hearing.

Following the public hearing, the Board shall publish notice indicating the date, time, and location of an open public meeting to approve an annual instructional materials plan to identify any instructional materials that will be purchased through the Board instructional materials review process pursuant to this policy. This public meeting will be held on a different date than the public hearing. **The Board will select, approve, and adopt all materials as a separate line item on the regular (non-consent) agenda and will provide a reasonable opportunity for public comment.**

Notice of the public hearing and public meeting identified herein shall specifically identify which instructional materials are being reviewed and the **manner** in which the instructional materials can be accessed for public review. The hearing must allow the parent of a District student or a resident of the county to proffer evidence that a recommended instructional material does not meet the criteria provided in F.S. 1006.31(2), taking into consideration course expectations based on the District's comprehensive plan for student progression under F.S. 1008.25(2) and course descriptions in the course code directory.

~~Policy 2520—Selection and Adoption of Instructional Materials sets forth in detail the process to challenge the adoption of instructional materials.~~

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.

At least twenty (20) calendar days before the Board hearing and public meeting, the Board shall make available online to the public through the District's website all student editions of the recommended instructional materials. In making these materials available, District staff shall implement reasonable safeguards against the unauthorized use, reproduction, and distribution of instructional materials considered for adoption.

## **Publication on Website**

The Board will publish on its website, in a searchable format, a list of all instructional materials, including those used to provide required instruction under Florida law.

## **School Library Media Centers and Reading Lists**

Effective July 1, 2022, each book newly made available to students through a school library media center or included in a recommended or assigned school or grade level reading list must be selected and approved by a District employee who holds a valid educational media specialist certificate, regardless of whether the book is purchased, donated, or otherwise made available to students.

[DRAFTING NOTE: F.S. 1006.28(2)(d)2. requires the Board to adopt procedures for developing library media center collections and to post the procedure on each school's website. The following procedure is suggested, but the Board may want to substitute its own procedure here instead.]

### **Procedure**

The media specialist will 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 media specialist will also receive and consider suggestions and requests brought forward by other faculty, students, and parents.

Potential new books for the school library media center 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 new acquisitions, the media specialist will consult reputable, professionally recognized reviewing periodicals and school community stakeholders. The media specialist will also assess student interest in the subject(s) presented and the ability of students to comprehend the material presented. Books selected must be free of pornography and material prohibited under F.S. 847.012.

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.

After evaluation, the media specialist will inform the principal [OR ( ) \_\_\_\_\_] of those books that have been evaluated and are approved for inclusion in the collections.

Periodically, books will be removed from the collections or discontinued, based on their poor physical condition, low rate of recent circulation, non-alignment to state standards, out-of-date content, or status following a parent's or community member's objection.

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

### **Access**

Upon written request, an individual will be provided access to material or books specified in the written request that are maintained in a District library if such material or books are available for review. The school principal shall arrange for a convenient time to provide such access.

Each elementary school will publish on its website, in a searchable format, a list of all materials maintained in the school library media center or required as part of a school or grade-level reading list.

### **Purchase of Instructional Materials, Including Advertising and Bidding**

Beginning on or before May 15th of any year in which an instructional materials adoption is to be initiated, the District shall advertise in a local newspaper of general circulation ~~(the Florida Administrative Register)~~ four (4) weeks preceding the date on which the bids shall be received, that at a certain designated time, not later than June 15th, sealed bids or proposals to be deposited with the District will be received from publishers or manufacturers for the furnishing of instructional materials proposed to be adopted as listed in the advertisement beginning April 1st following the adoption.

The advertisement shall state that each bidder shall furnish electronic sample copies of all instructional materials submitted, at a time designated by the District, which copies shall be identical with the copies approved and accepted by State instructional materials reviewers, and with the copies furnished to the District and Superintendent.

The advertisement shall state that a contract covering the adoption of the instructional materials shall be for a definite term.

The advertisement shall fix the time within which the required contract must be executed and shall state that the ~~District~~Department reserves the right to reject any or all bids.

The advertisement shall give information regarding digital specifications that have been adopted by the Board, including minimum format requirements that will enable electronic and digital content to be accessed through the District's local instructional improvement system and a variety of mobile, electronic, and digital devices. Beginning with specifications released in 2014, the digital specifications shall include requiring the capability for searching by State standards and site and student-level licensing. Such digital format specifications shall be appropriate for the interoperability of the content. The Board will not adopt specifications that require the instructional materials to include specific references to State mandated testing and ~~Next-Generation Sunshine~~ State ~~academic standards~~Standards and benchmarks at the point of student use.

The bids submitted shall be for furnishing the designated materials in accordance with specifications of the District. The bid shall state the lowest wholesale price at which the materials will be furnished, at the time the adoption period provided in the contract begins. ~~The Board will purchase all materials as a separate line item on the regular (non-consent) agenda and will provide a reasonable opportunity for public comment.~~

Each publisher or manufacturer of instructional materials who submits a bid under this part is required to deposit with the District such sum of money or certified check as may be determined by the District, the amount to be not less than \$500 and not more than \$2,500, according to the number of instructional materials covered by the bid, which deposit shall be forfeited to the Board and placed in the (General Revenue Fund) General Fund if the bidder making the deposit fails or refuses to execute the contract and bond within thirty (30) days after receipt of the contract in case his/her bid or proposal is accepted. The District shall, upon determining that the deposit is correct and proper, deposit the funds in an interest bearing trust account and issue his/her official receipt.



Sample copies of all instructional materials that have been made the bases of contracts under this policy shall upon request for the purpose of public inspection, be made available by the publisher to the Department of Education and the Superintendent from the state list upon request for the purpose of public inspection.

Any materials purchased shall be free of pornography and material prohibited under F.S. 847.12, 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.

The District shall maintain on its website a current list of instructional materials, by grade level, purchased by the District.

### **Review Cycle for Instructional Materials by Subject Area**

By April 15th of each school year, the instructional material reviewer shall review all instructional materials and evaluate the content for alignment with applicable State Standards. The reviewer shall review the materials for the level of instructional support and the accuracy and appropriateness of progression of introduced content. Instructional materials shall be made electronically available to the reviewer. The reviewer shall rate the material on the instructional usability of the resources.

### **Compliance with F.S. 1006.32, Relating to Prohibited Acts**

In accordance with State law, this policy strictly prohibits any individual or the Board from engaging in any of the prohibited acts set forth in F.S. 1006.32.

### **Parental Notification of Access to Student's Instructional Materials and Access to Materials and Books in District Libraries**

The District shall notify parents through the District's website and in writing annually of their ability to access their children's instructional materials through the District's local instructional improvement system. The notification shall encourage parents to access the local instructional improvement system.

Upon written request, an individual will be provided access to material or books specified in the written request that are maintained in a District library if such material or books are available for review. The school principal shall arrange for a convenient time to provide such access.

### **Maximization of Student Use of District-approved Instructional Materials**

In order to maximize student use of authorized instructional materials, the Board shall:

purchase current instructional materials to provide each student with a major tool of instruction in core courses of the subject areas of mathematics, language arts, science, social studies, reading, and literature for kindergarten through grade 12;

by the 2015-2016 fiscal year, use at least fifty percent (50%) of the annual allocation for the purchase of digital or electronic instructional materials included on the State-adopted list, except as otherwise authorized by law or rules of the State Board of Education;

use up to 100% of that portion of the annual allocation designated for the purchase of instructional materials for kindergarten, and up to seventy-five percent (75%) of that portion of the annual allocation designated for the purchase of instructional materials for first grade, to purchase materials not on the State-adopted list, which shall be used for the purchase of instructional materials or other items having intellectual content which assist 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 softbacked textbooks, electronic content, replacements for items which were part of previously purchased instructional materials, consumables, learning laboratories, manipulatives, electronic media, computer courseware or software, and other commonly accepted instructional tools.

The Superintendent shall implement procedures that will assure the maximum use by the students of the authorized instructional materials.

### **Required Curriculum**

Nothing in this policy shall limit or remove the responsibility of the Board to include in its curriculum the required instruction specified in State law including, but not limited to, the following:

The history of the United States; the history of the Holocaust.

The history of African Americans.

The study of Hispanic contributions to the United States.

The study of women's contributions to the United States.

The nature and importance of free enterprise to the United States economy.

The elementary principles of agriculture; and kindness to animals.

### **Publisher and Manufacturer Duties, Responsibilities, and Requirements**

In accordance with State law, all publishers and manufacturers of instructional materials, and their representatives, must comply with the requirements of F.S. 1006.38. These requirements include, but are not limited to, the following:

Electronically deliver fully developed sample copies of all instructional materials upon which bids are based to the department pursuant to procedures adopted by the State Board of Education.

Submit, at a time designated in F.S. 1006.33, the following information:

Detailed specifications of the physical characteristics of the instructional materials, including any software or technological tools required for use by the District, school, teachers, or students. The publisher or manufacturer shall comply with these specifications if the instructional materials are adopted and purchased in completed form.

Evidence that the publisher or manufacturer has provided materials that address the performance standards

provided for in F.S. 1001.03(1) and that can be accessed through the District's digital classrooms plan and a variety of electronic, digital, and mobile devices.

Evidence that the instructional materials include specific reference to Statewide standards in the teacher's manual and incorporate such standards into chapter tests or the assessments.

Make available for purchase by the Board any diagnostic, criterion-referenced, or other tests that they may develop.

Furnish the instructional materials offered by them at a price in the State which, including all costs of electronic transmission, may not exceed the lowest price at which they offer such instructional materials for adoption or sale to any state or school district in the United States.

Reduce automatically the price of the instructional materials to the Board to the extent that reductions are made elsewhere in the United States.

Provide any instructional materials free of charge in the State to the same extent as they are provided free of charge to any state or school district in the United States.

Guarantee that all copies of any instructional materials sold in this State will be at least equal in quality to the copies of such instructional materials that are sold elsewhere in the United States and will be kept revised, free from all errors, and up-to-date as may be required by the department.

Agree that any supplementary material developed at the District or State level does not violate the author's or publisher's copyright, provided such material is developed in accordance with the doctrine of fair use.

Not in any way, directly or indirectly, become associated or connected with any combination in restraint of trade in instructional materials, nor enter into any understanding, agreement, or combination to control prices or restrict competition in the sale of instructional materials for use in the State.

Maintain or contract with a depository in the State.

For the core subject areas specified in F.S. 1006.40(2), maintain in the depository for the first three (3) years of the contract an inventory of instructional materials sufficient to receive and fill orders.

For the core subject areas specified in F.S. 1006.40(2), ensure the availability of an inventory sufficient to receive and fill orders for instructional materials for growth, including the opening of a new school, and replacement during the 3rd and subsequent years of the original contract period.

Accurately and fully disclose only the names of those persons who actually authored the instructional materials.

Grant, without prior written request, for any copyright held by the publisher or its agencies automatic permission to the Board for the reproduction of instructional materials and supplementary materials in Braille, large print, or other appropriate format for use by visually impaired students or other students with disabilities that would benefit from use of the materials.

### **Assessment and Collection of Fees**

The Board ( ) **shall** ( ) **shall not** assess and collect fees from publishers participating in the instructional materials approval process.

The amount of fees assessed and collected shall be posted on the District's website and reported to the Florida Department of Education. The fees shall not exceed the actual cost of the review process, and the fees shall 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 the 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.

Instructional materials that have been reviewed by the District instructional materials reviewers and approved

must have been determined to align with all applicable State standards pursuant to F.S. 1003.41 and the requirements in F.S. 1006.31. The Superintendent shall annually certify to the FLDOE that all instructional materials for core courses used by the District are aligned with all applicable State standards.

A list of all approved instructional materials shall be maintained by the Superintendent and made available for the use of the instructional staff.

### **Fees Charged to Parents**

A student or his/her parent(s) may purchase a copy of the designated course instructional materials, regardless of format, for the District's purchase price, including shipping, ( ) **plus ten percent (10%)**.

Cost of materials may be charged for materials used in those activities beyond the basic curriculum in which a student elects to participate, particularly in activities where the product becomes the property of the student.

### **Free School-Related Instructional Materials**

Free instructional materials may be accepted for classroom and school purposes under conditions that meet all the following criteria:

Educational films should contain a minimum amount of commercial advertising.

The advertising feature of the materials should be minimized.

The materials should fill a legitimate purpose of the school curriculum.

The initiative for securing the materials should be of the type that teachers seek rather than materials forwarded to them to promote the interests of an outside agency.

### **Equipment or Instructional Materials Vendors**

The principal may permit vendors to demonstrate and show only that equipment and instructional materials

which can be used to improve the instructional program and which are under consideration for purchase by the school.

### **Public Inspection of Sample Copies of Instructional Materials**

In addition to the requirements for public inspection of sample copies of instructional materials required by this policy, the Board shall make available for public inspection sample copies of all instructional materials that have been purchased by the Board. Members of the public seeking to inspect these materials shall contact

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### **~~Parent and Resident Objections to Instructional Material Used in Classrooms, Made Available in a School Library, or Included on a Reading List~~**

~~Parents and residents of the county may object to the use of a specific instructional material in the classroom, made available in a school library, or included on a reading list based on the criteria set forth in F.S. 1006.28(2)(a)2. or F.S. 1014.05(1)(c).~~

~~For purposes of this policy, "resident" means a resident of the county who has maintained their residence in Florida for the preceding year, has purchased a home that is occupied them as their residence, or has established a domicile in Florida pursuant to F.S. 222.17.~~

~~[DRAFTING NOTE – F.S. 1006.28 requires school boards to adopt a policy regarding an objection by a parent or a resident of the county to the use of a specific instructional material, which clearly describes a process to handle all objections and provides for resolution. Neola has created three options for consideration by the Board as to how to resolve such objections; however, the Board may elect to create its own process regarding how objections by a parent or a resident must be resolved.]~~

~~[SELECT OPTION 1, OPTION 2, OR OPTION 3]~~

~~[ ] [OPTION 1]~~

~~All challenges under this policy shall be addressed as follows:~~

( ) The complaint is to be addressed to the \_\_\_\_\_, in writing, and shall include:

~~( )~~ author;

~~( )~~ title;

~~( )~~ publisher;

~~( )~~ the complainant's familiarity with the material challenged;

~~( )~~ sections challenged, by page and item;

~~( )~~ whether the challenged material 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.

( ) Upon receipt of the information, the \_\_\_\_\_ ( ) shall ( ) may,

~~( )~~ after advising the \_\_\_\_\_ of the complaint,

~~( )~~ and upon the \_\_\_\_\_ approval,

appoint a review committee which may consist of:

( ) one (1) or more instructional staff members including \_\_\_\_\_;

~~( )~~ one (1) or more Board members;

~~( )~~ one (1) or more lay persons knowledgeable in the area.

~~( )~~ The Superintendent shall be an ex officio member of the committee.



~~(-) The committee, in evaluating the questioned material, shall be guided by the following criteria:~~

~~(-) the appropriateness of the material for the age and maturity level of the students with whom it is being used~~

~~(-) the accuracy of the material~~

~~(-) the objectivity of the material~~

~~(-) the use being made of the material~~

~~(-) The material in question ( ) may be ( ) may not be withdrawn from use pending the committee's recommendation to the Superintendent.~~

~~(-) The committee's recommendation shall be reported to the Superintendent in writing within \_\_\_ business days following the formation of the committee. The Superintendent will advise the complainant, in writing, of the committee's recommendation and advise the Board of the action taken or recommended.~~

~~(-) The complainant may appeal this decision, within thirty (30) business days, to the Board through a written request to the Superintendent, who shall forward the request and all written material relating to the matter to the Board.~~

~~(-) The Board shall review the case, including all evidence proffered by the objector, during a publicly noticed Board meeting. The Board shall announce during the meeting whether the challenged material meets the requirements of this Policy. The complainant shall submit any additional evidence for the Board's consideration no later than \_\_\_\_\_ days before the meeting at which the Board will consider the challenge.~~

~~No challenged material may be removed from the curriculum or from a collection of resource materials except by action of the Board, and no challenged material may be removed solely because it presents ideas that may be unpopular or offensive to some. Any Board action to remove material will be accompanied by the Board's~~

~~statement of its reasons for the removal.~~

~~The Board shall discontinue use of any material challenged under this policy if it 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.~~

~~The decision of the Board shall be final.~~

**[END OF OPTION 1]**

**[OR]**

**[ ] [OPTION 2]**

~~Parents and residents of the county should make any such objection in writing to the principal identifying the specific instructional material and stating the basis for the objection.~~

~~The principal will review the objection and may meet with the teacher and/or parents/resident, or both, in an attempt to resolve the objection, using an alternative instructional material. If the objection is not resolved to the objectors' satisfaction, the principal shall refer the matter to the appropriate District-level curriculum supervisor.~~

~~The District-level curriculum supervisor will meet with the objector and attempt to resolve the objection. The objector is further permitted to provide any evidence it desires to the District-level curriculum supervisor to consider as set forth in F.S. 1006.28(2)(a)2. a. and b. If the objection is not resolved to the objector's satisfaction, the matter will be referred to the Board for a public hearing.~~

~~The public hearing will be scheduled as soon as practicable to take place during a regularly scheduled Board meeting. Prior to the hearing, the Board will receive and review all evidence submitted by the objector. Additionally, the objector will have an opportunity to make a \_\_\_\_\_ minute oral presentation to the Board.~~

~~If the Board finds that the instructional material does not meet the criteria under F.S. 1006.28(2)(a)2.a. or that any other material contains prohibited content under F.S. 1006.28(2)(a)2.b., the district will discontinue use of~~

~~the material for any grade level or age group for which such use is inappropriate or unsuitable.~~

~~The decision of the Board shall be final.~~

~~**[END OF OPTION 2]**~~

~~**[OR]**~~

~~**[ ] [OPTION 3]**~~

~~Parents and residents of the county should make any such objection in writing to the principal identifying the specific instructional material and stating the basis for the objection.~~

~~The principal will review the objection and may meet with the teacher or objector, or both, in an attempt to resolve the objection, which may include using an alternative instructional material. If the objection is not resolved to the objector's satisfaction, the principal shall refer the matter to the appropriate District-level curriculum supervisor.—~~

~~The District-level curriculum supervisor will meet with the objector and attempt to resolve the objection. If the objection is still not resolved to the objector's satisfaction, the matter will be referred for a hearing, using the hearing procedure set forth in Policy 2520.~~

~~If the Board finds that the instructional material does not meet the criteria under F.S. 1006.28(2)(a)2.a. or that any other material contains prohibited content under F.S. 1006.28(2)(a)2.b., the district will discontinue use of the material for any grade level or age group for which such use is inappropriate or unsuitable. The decision of the Board shall be final.~~

~~**[END OF OPTION 3]**~~

~~**[END OF OPTIONS]**~~

The process to challenge and/or object to the adoption of instructional materials is set forth in Policy 2520.

## **New Worlds Reading Initiative**

The New Worlds Reading Initiative, created by the Florida Department of Education, provides high-quality, free books directly to K-5 students who score below a level 3 in the preceding year's Statewide English Language Arts Assessment (ELA) or having a substantial reading deficiency. The School District must notify parents of eligible students **upon enrollment and at the beginning of each school year options for specific book topics or genres in order to maximize student interest in reading**~~in writing and provide them with the application form, which must allow for the selection of specific book topics or genres for the student.~~ The District must coordinate monthly book deliveries with the program administrator beginning no later than October and continuing through at least June. ~~However, for the 2021-2022 school year only, the delivery may begin no later than December 31, 2021.~~ The District must participate in the initiative by partnering with local nonprofit organizations and raising awareness by using marketing materials provided by the program administrator. A student's eligibility for the initiative continues until promotion to grade 6 or until the parent opts out of the initiative.

The District shall coordinate with each charter school it sponsors for the purposes of identifying eligible students, notifying parents, coordinating book deliveries, providing the opportunity to annually select book topics and genres, and raising awareness of the initiative.

The Statewide ELA is not the sole determiner of promotion. Additional evaluations, portfolio reviews, and assessments are available to the child to assist parents and schools in identifying the reading level of the student. A parent of a student in grade 3 who is identified anytime during the year as being at risk of retention may request that the school begin collecting evidence for a portfolio.

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### Legal References

F.S. 119.071

F.S. 1001.215

F.S. 1002.22

F.S. 1003.41

F.S. 1003.485

F.S. 1006.28

F.S. 1006.28 through 1006.42

F.S. 1008.22

F.S. 1008.25(5) (a)

F.S. 1008.25(5) (c)

F.S. 1014.05

F.A.C. 6A-6.03028

34 C.F.R. Part 300

# Redline Draft

## 2521 - INSTRUCTIONAL MATERIALS PROGRAM

### A. Instructional Materials

1. The School Board shall provide instructional materials and equipment, within budgetary constraints, to implement the District's educational goals and objectives and to meet students' needs. The primary objective of such instructional materials and equipment shall be to enrich, support, and implement the educational program of the school. Instructional materials used in the District shall be consistent with the District goals and objectives and the course descriptions established by the State Board of Education and the State standards provided for in F.S. 1003.41. State law requires the Board to provide adequate instructional materials free of charge to students who are enrolled in the District.
2. "Adequate instructional materials" means a sufficient number of student or site licenses or sets of materials that are available in bound, unbound, kit, or package form and may consist of hard-backed or soft-backed textbooks, electronic content, consumables, learning laboratories, manipulatives, electronic media, and computer courseware or software that serves as the basis for instruction for each student in the core courses of mathematics, language arts, social studies, science, reading, and literature.
3. Furthermore, Federal law requires the Board to provide accessible instructional materials as specified in a student's IEP. Such accessible instructional materials may be of a type or in a format as specified in the definition of adequate instructional materials in this policy.
4. The Board hereby establishes an instructional materials program that includes the review, recommendation, adoption, and purchase of instructional materials. The program shall be implemented in accordance with the terms of this policy and administrative procedures adopted in accordance herewith. The program shall comply with all applicable provisions of F.S. Chapter 1006, Part I, F. Instructional Materials for K-12 Public Education.
5. The Superintendent shall certify to the Florida Department of Education (FLDOE) by March 31<sup>st</sup> of each year that all instructional materials for core courses used by the District are aligned with applicable State standards. A list of the core instructional materials that will be used or purchased for use by the District shall be included in the certification.

### B. Instructional Materials Program and Processes, Criteria and Requirements

1. Selection, Duties, and Qualifications of Reviewers, Review of Instructional Materials,

Recommendations of Reviewers, and Selection of Instructional Materials by Reviewer.

- a. The Board may employ or contract with one (1) or more instructional materials reviewers, one (1) or more of whom must be a parent with a child in a District public school. The qualifications of the instructional materials reviewer shall be set forth in the Board-approved job description for the position, or, alternatively, in the contract for services.
- b. The duties of an instructional materials reviewer are:
  - i. to adhere to prescribed procedures for evaluating instructional materials submitted by publishers and manufacturers in each adoption.
  - ii. to utilize the selection criteria set forth in State law, including F.S. 1006.34(2)(b) and recommend for adoption only those instructional materials aligned with State standards provided for in F. S. 1003.41
- c. Instructional materials recommended by each reviewer shall be, to the satisfaction of each reviewer, accurate, objective, balanced, noninflammatory, current, free of pornography and material prohibited under F.S. 847.12, 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. When recommending instructional materials, each reviewer shall:
  - i. 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;
  - ii. 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;
  - iii. include materials that encourage thrift, fire prevention, and humane treatment of people and animals;
  - iv. require, when appropriate to the comprehension of students,



that materials for social science, history, or civics classes contain that Declaration of Independence and the Constitution of the United States:

- d. 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.
- e. In the selection of instructional materials, library media, and other reading material used in the District, the standards used to determine the propriety of the material shall include:
  - i. the age of the students who normally could be expected to have access to the material;
  - ii. the educational purpose to be served by the material;
- f. In considering instructional materials for classroom use, priority shall be given to the selection of materials which encompass the State and Board performance standards provided for in F.S. 1001.03(1) and which include the instructional objectives contained within the curriculum frameworks approved by rule of the State Board of Education.
  - i. the degree to which the material would be supplemented and explained by mature classroom instruction as part of a normal instructional program;
  - ii. the consideration of the broad racial, ethnic, socioeconomic, and cultural diversity of the students of this State.
- g. Any instructional material containing pornography or otherwise prohibited by F.S. 847.012 may not be used or made available within any public school.
- h. After a thorough study of all data submitted on each instructional material, the reviewer shall submit an electronic report to the Superintendent for presentation to the Board. The report shall be in substantially the same format as the form used by the FLDOE. All instructional materials recommended by a reviewer shall be accompanied by a statement from the reviewer that the materials align with State standards pursuant to F.S. 1003.41 and the requirements of F.S. 1006.31.

### **C. Certification of the Accuracy of Instructional Materials**

- 1. In addition to relying on statements of publishers or manufacturers of instructional materials, the reviewer may, with the approval, and subject to the direction of the

Superintendent, conduct or cause to be conducted an independent investigation to determine the accuracy of State-adopted instructional materials.

2. When errors in Board-adopted materials are confirmed, the publisher of the materials shall provide to each district school board that has purchased the materials the corrections in a format approved by the department.
3. The Board may remove materials from the list of Board-adopted materials if it finds that the content is in error and the publisher refuses to correct the error when notified by the Board.
4. The Board may remove materials from the list of Board-adopted materials at the request of the publisher if, in its opinion, there is no material impact on the State's education goals.

#### **D. Affidavit of Instructional Materials Reviewer**

1. Before commencing his/her duties, a District instructional materials reviewer shall execute an affidavit which substantially includes the following requirements of F.S. 1006.30.
  - a. The reviewer will faithfully discharge the duties imposed upon him/her.
  - b. The reviewer has no interest in any publishing or manufacturing organization that produces or sells instructional materials.
  - c. The reviewer is in no way connected with the distribution of the instructional materials.
  - d. The reviewer does not have any direct or indirect pecuniary interest in the business or profits of any person engaged in manufacturing, publishing, or selling instructional materials designed for use in the public schools.
  - e. The reviewer will not accept any emolument or promise of future reward of any kind from any publisher or manufacturer of instructional materials or his/her agent or anyone interest in, or intending to bias his/her judgment in any way in, the selection of any materials to be adopted.
  - f. The reviewer understands that it is unlawful to 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 publisher or manufacturer is providing a presentation for the reviewer during his/her review of the instructional materials submitted for adoption.

### **E. Board Adoption of Instructional Materials**

1. After receipt from the Superintendent of a reviewer's electronic report and recommendation, the Board shall publish a notice indicating the date, time, and location of an open public hearing to address the recommended instructional materials. The public shall have an opportunity to provide public comment at the public hearing.
2. Following the public hearing, the Board shall publish notice indicating the date, time, and location of an open public meeting to approve an annual instructional materials plan to identify any instructional materials that will be purchased through the Board instructional materials review process pursuant to this policy. This public meeting will be held on a different date than the public hearing.
3. Notice of the public hearing and public meeting identified herein shall specifically identify which instructional materials are being reviewed and the matter in which the instructional materials can be accessed for public review. The hearing must allow the parent of a District student or a resident of the county to proffer evidence that a recommended instructional material does not meet the criteria provided in F.S. 1006.31(2), taking into consideration course expectations based on the District's comprehensive plan for student progression under F.S. 1008.25(2) and course descriptions in the course code directory.
  - a. 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.
4. At least twenty (20) calendar days before the Board hearing and public meeting, the Board shall make available online to the public through the District's website all student editions of the recommended instructional materials. In making these materials available, District staff shall implement reasonable safeguards against the unauthorized use, reproduction, and distribution of instructional materials considered for adoption.

### **F. Purchase of Instructional Materials, Including Advertising and Bidding**

1. Beginning on or before May 15th of any year in which an instructional materials adoption is to be initiated, the District shall advertise in a local newspaper of general circulation (the Florida Administrative Register) four (4) weeks preceding the date on which the bids shall be received, that at a certain designated time, not later than June 15th, sealed bids or proposals to be deposited with the District will be received from publishers or manufacturers for the furnishing of instructional materials proposed to be adopted as listed in the advertisement beginning April 1st following the adoption.
2. The advertisement shall state that each bidder shall furnish electronic sample copies

of all instructional materials submitted, at a time designated by the District, which copies shall be identical with the copies approved and accepted by State instructional materials reviewers, and with the copies furnished to the District and Superintendent.

3. The advertisement shall state that a contract covering the adoption of the instructional materials shall be for a definite term.
4. The advertisement shall fix the time within which the required contract must be executed and shall state that the Department reserves the right to reject any or all bids.
5. The advertisement shall give information regarding digital specifications that have been adopted by the Board, including minimum format requirements that will enable electronic and digital content to be accessed through the District's local instructional improvement system and a variety of mobile, electronic, and digital devices.
6. Beginning with specifications released in 2014, the digital specifications shall include requiring the capability for searching by State standards and site and student-level licensing. Such digital format specifications shall be appropriate for the interoperability of the content. The Board will not adopt specifications that require the instructional materials to include specific references to State mandated testing and Next Generation Sunshine State Standards and benchmarks at the point of student use.
7. The bids submitted shall be for furnishing the designated materials in accordance with specifications of the District. The bid shall state the lowest wholesale price at which the materials will be furnished, at the at the time the adoption period provided in the contract begins.
8. Each publisher or manufacturer of instructional materials who submits a bid under this part is required to deposit with the District such sum of money or certified check as may be determined by the District, the amount to be not less than \$500 and not more than \$2,500, according to the number of instructional materials covered by the bid, which deposit shall be forfeited to the Board and placed in the (General Revenue Fund) General Fund if the bidder making the deposit fails or refuses to execute the contract and bond within thirty (30) days after receipt of the contract in case his/her bid or proposal is accepted. The District shall, upon determining that the deposit is correct and proper, deposit the funds in an interest bearing trust account and issue his/her official receipt.
9. Sample copies of all instructional materials that have been made the bases of contracts under this policy shall upon request for the purpose of public inspection, be made available by the publisher to the Department of Education

and the Superintendent from the state list upon request for the purpose of public inspection.

#### **G. Maximization of Student Use of District-approved Instructional Materials**

1. In order to maximize student use of authorized instructional materials, the Board shall:
  - a. purchase current instructional materials to provide each student with a major tool of instruction in core courses of the subject areas of mathematics, language arts, science, social studies, reading, and literature for kindergarten through grade 12;
  - b. by the 2015-2016 fiscal year, use at least fifty percent (50%) of the annual allocation for the purchase of digital or electronic instructional materials included on the State-adopted list, except as otherwise authorized by law or rules of the State Board of Education;
  - c. use up to 100% of that portion of the annual allocation designated for the purchase of instructional materials for kindergarten, and up to seventy-five percent (75%) of that portion of the annual allocation designated for the purchase of instructional materials for first grade, to purchase materials not on the State-adopted list, which shall be used for the purchase of instructional materials or other items having intellectual content which assist in the instruction of a subject or course.
2. These items may be available in bound, unbound, kit, or package form and may consist of hardbacked or soft backed textbooks, electronic content, replacements for items which were part of previously purchased instructional materials, consumables, learning laboratories, manipulatives, electronic media, computer courseware or software, and other commonly accepted instructional tools.
3. The Superintendent shall implement procedures that will assure the maximum use by the students of the authorized instructional materials.

#### **H. Required Curriculum**

1. Nothing in this policy shall limit or remove the responsibility of the Board to include in its curriculum the required instruction specified in State law including, but not limited to, the following:
  - a. The history of the United States; the history of the Holocaust.
  - b. The history of African Americans.
  - c. The study of Hispanic contributions to the United States.
  - d. The study of women's contributions to the United States.
  - e. The nature and importance of free enterprise to the United States economy
  - f. The elementary principles of agriculture; and kindness to animals.

**I. Publisher and Manufacturer Duties, Responsibilities, and Requirements**

1. In accordance with State law, all publishers and manufacturers of instructional materials, and their representatives, must comply with the requirements of F.S. 1006.38. These requirements include, but are not limited to, the following:
  - a. Electronically deliver fully developed sample copies of all instructional materials upon which bids are based to the department pursuant to procedures adopted by the State Board of Education.
2. Submit, at a time designated in F.S. 1006.33, the following information:
  - a. Detailed specifications of the physical characteristics of the instructional materials, including any software or technological tools required for use by the District, school, teachers, or students. The publisher or manufacturer shall comply with these specifications if the instructional materials are adopted and purchased in completed form.
  - b. Evidence that the publisher or manufacturer has provided materials that address the performance standards provided for in F.S. 1001.03(1) and that can be accessed through the District's digital classrooms plan and a variety of electronic, digital, and mobile devices.
  - c. Evidence that the instructional materials include specific reference to Statewide standards in the teacher's manual and incorporate such standards into chapter tests or the assessments.
3. Make available for purchase by the Board any diagnostic, criterion-referenced, or other tests that they may develop.
4. Furnish the instructional materials offered by them at a price in the State which, including all costs of electronic transmission, may not exceed the lowest price at which they offer such instructional materials for adoption or sale to any state or school district in the United States.
5. Reduce automatically the price of the instructional materials to the Board to the extent that reductions are made elsewhere in the United States.
6. Provide any instructional materials free of charge in the State to the same extent as they are provided free of charge to any state or school district in the United States.
7. Guarantee that all copies of any instructional materials sold in this State will be at least equal in quality to the copies of such instructional materials that are sold elsewhere in the United States and will be kept revised, free from all errors, and

up-to-date as may be required by the department.

8. Agree that any supplementary material developed at the District or State level does not violate the author's or publisher's copyright, provided such material is developed in accordance with the doctrine of fair use.
9. Not in any way, directly or indirectly, become associated or connected with any combination in restraint of trade in instructional materials, nor enter into any understanding, agreement, or combination to control prices or restrict competition in the sale of instructional materials for use in the State.
10. Maintain or contract with a depository in the State.
11. For the core subject areas specified in F.S. 1006.40(2), maintain in the depository for the first three (3) years of the contract an inventory of instructional materials sufficient to receive and fill orders.
12. For the core subject areas specified in F.S. 1006.40(2), ensure the availability of an inventory sufficient to receive and fill orders for instructional materials for growth, including the opening of a new school, and replacement during the 3rd and subsequent years of the original contract period.
13. Accurately and fully disclose only the names of those persons who actually authored the instructional materials.
14. Grant, without prior written request, for any copyright held by the publisher or its agencies automatic permission to the Board for the reproduction of instructional materials and supplementary materials in Braille, large print, or other appropriate format for use by visually impaired students or other students with disabilities that would benefit from use of the materials.

#### **J. Assessment and Collection of Fees**

1. The Board shall not assess and collect fees from publishers participating in the instructional materials approval process. In addition, each reviewer may be compensated for evaluation of materials in compliance with F.S. 112.061 for actual service in meetings.
2. Instructional materials that have been reviewed by the District instructional materials reviewers and approved must have been determined to align with all applicable State standards pursuant to F.S. 1003.41 and the requirements in F.S. 1006.31. The Superintendent shall annually certify to the FLDOE that all instructional materials for core courses used by the District are aligned with all applicable State standards.

3. A list of all approved instructional materials shall be maintained by the Superintendent and made available for the use of the instructional staff.

#### **K. Fees Charged to Parents**

1. A student or his/her parent/legal guardian(s) may purchase a copy of the designated course instructional materials, regardless of format, for the District's purchase price, including shipping, **(plus ten percent (10%))**.
2. Cost of materials may be charged for materials used in those activities beyond the basic curriculum in which a student elects to participate, particularly in activities where the product becomes the property of the student.

#### **L. Free School-Related Instructional Materials**

1. Free instructional materials may be accepted for classroom and school purposes under conditions that meet all of the following criteria:
  - a. Educational films should contain a minimum amount of commercial advertising. The advertising feature of the materials should be minimized.
  - b. The materials should fill a legitimate purpose of the school curriculum.
  - c. The initiative for securing the materials should be of the type that teachers seek rather than materials forwarded to them to promote the interests of an outside agency.

#### **M. Equipment or Instructional Materials Vendors**

1. The principal may permit vendors to demonstrate and show only that equipment and instructional materials which can be used to improve the instructional program and which are under consideration for purchase by the school.

#### **N. Public Inspection of Sample Copies of Instructional Materials**

1. In addition to the requirements for public inspection of sample copies of instructional materials required by this policy, the Board shall make available for public inspection sample copies of all instructional materials that have been purchased by the Board. Members of the public seeking to inspect these materials shall contact the District's Instructional Materials Manager.

#### **O. Process for Parents and Residents to Contest Adoption of Instructional Materials**

1. The following individuals may file an objection to the adoption of a specific instructional material:
  - a. parents/legal guardians of students in the District; and residents of the county.



2. 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.

**P. Filing a Petition**

1. A parent/legal guardian or resident must file a petition with the Board within thirty (30) calendar days after the Board's adoption of specific instructional material, on a form provided by the Board. The petition form (2520 F1/F2) shall be publicly available by visiting any school in person or by accessing the link on the Board's website. The petition must be signed by the parent/legal guardian or resident, include the required contact information, and state the objection to the instructional materials based on the criteria set for in F.S. 1006.31(2) or 1006.40(3)(d).

**Q. Timeframe for Hearing**

1. When the thirty (30) calendar day period following Board adoption of the instructional material in question has expired, the Board will conduct at least one (1) open public hearing before an unbiased and qualified hearing officer for all timely petitions received.

**R. Hearing Officers**

1. Hearing officers are not employees or agents of the District with the exception of any agreement entered into for purposes of conducting the hearings set forth herein. Hearing officers shall be selected annually by the Board from a list of candidates provided by the Superintendent.

**S. Procedures for Hearings**

1. Petitioners will have an adequate and fair opportunity to be heard and present evidence to the hearing officer. Hearings shall be conducted as follows:
  - a. The petitioner may make an opening statement.
  - b. The District's representative may make an opening statement.
  - c. The petitioner may present evidence (including documents and testimony from witnesses) that 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.
  - d. The District representative may present evidence (including documents and testimony from witnesses) that the instructional material does 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.
  - e. The petitioner may make a closing statement.
  - f. The District representative may make a closing statement.
2. Within fourteen (14) days of the date of the hearing, the hearing officer shall submit a recommended order to the Board. The Board shall consider the recommended order and enter a final order at a publicly noticed Board meeting. If the petitioner proves that instructional material does not meet the criteria required under F.S. 1006.28, or contains prohibited material under that statute, it shall be removed in accordance with Florida law.
3. The Board's decision is final and not subject to further petition or review. Hearings

under this policy are not subject to the provisions of F.S. Chapter 120. Parent Objection to Instructional Material Used in Classrooms.

4. Parents may object to the use by their child of a specific instructional material in the classroom as set forth in Florida law. Parents should make any such objection in writing to the principal, at least ten (10) days before the intended use of the material, identifying the specific instructional material and stating the basis for the objection. The principal will review the parent objection and may meet with the teacher or parents/legal guardians, or both, in an attempt to resolve the objection, which may include using an alternative instructional material for the child. If the objection is not resolved to the parents'/legal guardians' satisfaction, the principal shall refer the matter to the appropriate District-level curriculum supervisor. The decision of the District-level curriculum supervisor shall be final.

**T. Process for Requesting Reconsideration of Non-State-Adopted Instructional Materials (Classroom and Library)**

1. Non-state adopted instructional materials are in use in the classroom and/or other material that may be placed in the school's library.
2. A parent/legal guardian of a public school student or a resident of the county shall use the following procedures to present evidence that the material does not meet the criteria of F.S. 1006.28 and 1006.40(3)(d) by requesting reconsideration of the challenged material.

~~3. Challenged materials shall remain in use during the reconsideration process unless informal review has determined that the materials violate 1006.40(3)(d) sections 1, 2, or 3.~~

~~4. Pathways for review:~~

~~A. Single Book/Single School for reconsideration (School Review)~~

- ~~\_\_\_\_\_ 1. Informal~~
- ~~\_\_\_\_\_ 2. Formal~~
- ~~\_\_\_\_\_ 3. District appeal~~

~~B. Multiple School/ Multiple Book Titles for reconsideration (District Review)~~

- ~~\_\_\_\_\_ 1. Informal~~
- ~~\_\_\_\_\_ 2. Formal~~

~~4.A.1 School Level Informal Request for Reconsideration of Non-State Adopted Instructional Materials (Classroom and Library)~~

~~a. A parent/legal guardian or resident who has an objection to the use of specific non-state adopted instructional material accessed in the classroom and/or the school library must first request, in writing, a conference with the principal or principal's designee to discuss the use of the material. The principal or designee will schedule the conference within ten (10) school days of receiving the request. The principal shall consider the criteria of F.S. 1006.28 and 1006.40(3)(d) in considering resolution.~~

~~b. If the issue is not resolved at the conference, the parent/legal guardian or~~

resident will be provided with the Request for Reconsideration of Materials Form (Form 2520 F2) to file a written request for reconsideration. The principal or designee shall also provide an explanation of the process that will be followed. Any such written request for reconsideration will be filed with the principal within ten (10) school days of the conference.

4.A: 2. School Level – Formal Request for Reconsideration of Non-State Adopted Instructional Materials (Classroom and Library)

a. The Request for Reconsideration of Materials Form (Form 2520 F2) must be filed within ten (10) school days of the conference referenced above in the informal request process.

a. Upon receipt of a timely Request for Reconsideration of Materials Form (Form 2520 F2), the principal shall convene a School Material Review Committee to review the challenged materials. The School Material Review Committee shall include, but not be limited to:

1. the school media specialist;
2. principal (or designee);
3. at least one (1) teacher(s) (excluding teacher involved);
4. one (1) parent/legal guardian (excluding requestor); and
5. may include at least one (1) high school student, with parent/legal guardian's permission, for challenges to high school materials (a student who is accomplished in the specific subject area is required).

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\*Note that members of the School Advisory Committee may fulfill these roles.

c. The principal shall also notify the Assistant Superintendent of Leading and Learning who will then notify the Superintendent and the Board.

e. In preparation for its review:

1. Each member of the School Material Review Committee shall receive a copy of the completed Request for Reconsideration of Materials Form (Form 2520 F2) and any other information about the challenged material that the School Material Review Committee may want to see.
2. The School Material Review Committee shall receive a copy of the book for reconsideration
3. The School Material Review Committee shall follow the Florida Government in the Sunshine Law to include the taking of minutes.
4. The School Material Review Committee shall meet to review the challenged material within fifteen (15) working days of receipt of the written Request for Reconsideration of Material Form (Form 2520 F2).

d. In reviewing the challenged material, the School Material Review Committee shall:

1. review the challenged material (i.e. poem, individual book, section of textbook, video, etc.); The School Material Review Committee shall have an understanding of the entire work.

- 
- 2. ~~survey evaluation documents on file and appraisals of the challenged material in professional reviewing sources;~~
- 
- 3. ~~determine the extent the challenged material supports the curriculum;~~
- 
- 4. ~~weigh merits against alleged faults to form opinions based on the challenged material as a whole and not on passages isolated from the context; and~~
- 
- e. ~~The School Material Review Committee shall issue a determination. In doing so, the School Material Review Committee shall find:~~
  - 1. ~~that the challenged instructional material does not meet the criteria and/or contains prohibited content under F.S. 1006.28 or F.S. 1006.40. If this is the case, the school shall discontinue use of the material for any grade level or age group for which such use is inappropriate or unsuitable. The School Material Review Committee's determination is valid for eight (8) years and affects only the participating school.~~
  - OR
  - 2. ~~that the challenged instructional material does meet the criteria under F.S. 1006.28 and F.S. 1006.40. The School Material Review Committee's determination is valid for eight (8) years and affects only the participating school.~~
- f. ~~The principal shall state the School Material Review Committee's determination to the requestor in a letter, with copies to the committee members, the Assistant Superintendent for Leading and Learning, and the Board. This letter will be written within five (5) school days after the School Material Review Committee makes its determination.~~
- 
- g. ~~If the requestor requests an appeal, this appeal must be made in writing and submitted to the principal within ten (10) school days of the School Material Review Committee's determination.~~

4.A.3 District Level – Formal Request for Reconsideration of Non-State Adopted Instructional Materials (Classroom and Library): District Material Review Committee

- 
- a. ~~If the requestor requests an appeal of the School Material Review Committee's determination, an appeal must be submitted to the principal in writing and made within ten (10) school days of the School Material Review Committee's decision.~~
- 
- b. ~~Within twenty four (24) hours of receipt of the appeal, the principal shall forward a copy of the appeal to the Assistant Superintendent for Leading and Learning, the appropriate elementary or secondary director, and the District library media resource teacher/content specialist (committee chair), that such a review is being requested.~~
- 
- c. ~~The Assistant Superintendent for Leading and Learning shall convene a District Material Review Committee to review the determination of the School Material Review Committee. The Assistant Superintendent for Leading and Learning shall also notify the Superintendent and the Board of the District level formal request.~~
- 
- d. ~~The District Material Review Committee shall consist of, but not be limited to,~~

the following:

- ~~1. the District library media resource/content teacher (who shall serve as the Non-Voting Committee's chair);~~  
-
- ~~2. the Assistant Superintendent of Leading and Learning or designee;~~  
-
- ~~3. one (1) school administrator (not from originating school);~~  
-
- ~~4. one (1) parent/legal guardian representing the school grade (not from originating school);~~  
-
- ~~5. one (1) appropriate grade level and subject area teacher (not from originating school);~~  
-
- ~~6. one (1) appropriate subject resource/content teacher (not from originating school); and~~  
-
- ~~7. a designee from each Board member.~~

e. In preparation for its review:

- ~~1. each member of the District Material Review Committee shall receive a copy of the written appeal, the completed Request for Reconsideration of Materials Form (Form 2520 F2), and any other information about the challenged material that the District Material Review Committee may want to see.~~
- ~~2. The District Material Review Committee shall receive a copy of the book for reconsideration.~~  
-
- ~~3. the District Material Review Committee shall follow the Florida Government in the Sunshine Law to include minutes.~~  
-
- ~~4. the District Material Review Committee will receive a copy of the book and given adequate time to read the book. (One (1) week per every 100 pages within the book). The committee meeting will be scheduled within 15 days of the time given to read the book.~~

f. In reviewing the challenged material, the District Material Review Committee shall:

- ~~1. Review the challenged material (i.e. poem, individual book, section of textbook, video, etc.). The District Material Review Committee shall have an understanding of the entire work.~~  
-
- ~~2. The requestor filing the appeal and the classroom teacher may make an oral presentation (ten (10) minutes maximum) to the District Material Review Committee, if desired by the District Material Review Committee or the requestor filing the appeal.~~  
-
- ~~3. The record of the District Material Review Committee's meeting shall consist of written minutes containing start time, end time, location, names and titles of committee members, and names of attendees. The written minutes shall be maintained in accordance with Florida law.~~

g. The District Material Review Committee shall issue a decision on the appeal. In doing so, the District Material Review Committee shall find:

~~1. that the challenged instructional material does not meet the criteria and/or contains prohibited content under F.S. 1006.28 or F.S. 1006.40. If this is the case, the District shall discontinue use of the material for any grade level or age group for which such use is inappropriate or unsuitable. The District Material Review Committee's determination is valid for eight (8) years and affects the District.~~

~~OR~~

~~2. that the challenged instructional material does meet the criteria under F.S. 1006.28 and F.S. 1006.40. The book will remain available in the school. The District Material Review Committee's determination is valid for eight (8) years and affects the District.~~

~~h. The District Material Review Committee's decision is final.~~

~~i. The Assistant Superintendent for Leading and Learning shall provide the District Material Review Committee's determination to the requestor in a letter, with copies to the committee members, within five (5) working days after the District Material Review Committee makes its decision.~~

~~4B: District Level—Request for Reconsideration of Non-State Adopted Instructional Materials (Classroom and Library): District Material Review Committee (for multiple book reconsiderations in multiple schools:~~

~~34B.1 A: District Level— – Step One: Informal Request for Reconsideration of Non-State Adopted Instructional Materials (Classroom and Library)~~

- ~~a. A parent/legal guardian or resident who has an objection(s) to the use of specific non-state adopted instructional material accessed in the multiple school- classrooms and/or libraries must first request, in writing to the Assistant Superintendent of Leading & Learning. The Assistant Superintendent or designee will schedule the follow-up to the requestor.~~
- ~~b. Each impacted school will be notified by the Assistant Superintendent of Leading & Learning to commence the informal review of the materials in consideration of F.S. 847.001, F.S. 847.012, F.S. 1006.28 and F.S. 1006.40(3)(d) sections 1, 2, and 3.~~
- ~~c. If the requester is not satisfied with the results of the informal review, the parent/legal guardian or resident will be provided with the Request for Reconsideration of Materials Form (Form 2520 F2) to file a written request for reconsideration. The Assistant Superintendent or designee shall also provide an explanation of the process that will be followed. Any such written request for reconsideration will be filed with the Assistant Superintendent of Leading & Learning or designee.~~
- ~~d. Following the informal District Review of titles for reconsideration, if title/book remains only at one school the review process will transfer back to Pathway A school review~~

~~44B.1.B: District Level— – Step Two: Formal Request for Reconsideration of Non-State Adopted Instructional Materials (Classroom and Library):~~

- ~~a. The Request for Reconsideration of Materials Form (Form 2520 F2) per title must be filed with the Assistant Superintendent of Leading & Learning. If multiple titles are submitted, the requestor ~~must will~~ identify the priority order in which the books should be reviewed. The Assistant Superintendent shall notify the Library/Media Content Specialist, the Superintendent, and the~~

Board.

~~a-b. Schools with the identified titles will be notified to remove the books from circulation pending the outcome of the reconsideration process.~~

~~b-c. Upon receipt of a Request for Reconsideration of Materials Form (Form 2520 F2), the District Library/Media Content Specialist shall convene the District Material Review Committee to review the challenged materials. The school(s) will be notified of the book(s) for formal reconsideration, the named book(s) will be removed from the collection until the process is completed.~~ The District Material Review Committee shall be established at the beginning of each year school year. The District Material Review Committee shall include:

1. the District library media resource/content teacher – or designee (who shall serve as the Non- Voting Committee's chair);

~~2. Two (2) school media specialist representative of the grade band of the book in review;~~

~~3. A principal or assistant principal representative of the grade band of the book in review.~~

~~4. Content Specialist/ Resource Teacher.~~

- ~~5.2. One (1) parent/legal guardian/community member preselected to serve per school board member excluding the requestor.~~

~~\*\*\*3. In in the event of the need for additional committees the the Superintendent School Board of Brevard of Schools had has the authority to add additional review committees following the established protocols~~

~~e-d. In preparation for its review:~~

1. Each member of the District Material Review Committee shall receive a copy of the completed Request for Reconsideration of Materials Form (Form 2520 F2) and any other information about the challenged material that the District Material Review Committee may want to see.
2. The District Review Committee will receive a copy of the book and given adequate time to read the book. (One (1) week per every 100 pages within the book)
3. The District Material Review Committee shall meet in the sunshine (meaning the meeting shall be open to the public and advertised at the district level).
4. The District Material Review Committee shall meet to review the challenged material within fifteen (15) working days after the process of reading has been completed per book up for reconsideration.

e. The committee, in evaluating the material questioned, shall be guided by F.S. 847.001, F.S. 847.012, F.S. 1006.28 and 1006.40 and the following criteria:

1. The District Material Review Committee shall have an understanding of the entire work.
2. The appropriateness of the material for the age and maturity level of



the students with whom it is being used

3. The accuracy of the material
4. The objectivity of the material
5. The use being made of the material
6. The material in question may be withdrawn from use pending the committee's determination to the Superintendent.
7. The committee's determination shall be reported to the Superintendent in writing within 5 student school days following the completion of the process. The Superintendent or Designee will advise the requestor, in writing, of the committee's determination and advise the Board within 5 student days.
  - a. that the challenged instructional material does not meet the criteria and/or contains prohibited content under F.S. 1006.28 or 1006.40. If this is the case, the school shall discontinue use of the material for any grade level or age group for which such use is inappropriate or unsuitable. The District Material Review Committee's determination is valid for eight (8) years.

OR

- b. that the challenged instructional material does meet the criteria under F.S. 1006.28 and 1006.40. The book(s) remain available in the schools. The District Material Review Committee's determination is valid for eight (8) years.

f. The District Material Review Committee's decision is final.

- U.**
1. The District library/media specialist will notify media specialists within the (identified grade ban) of any title(s) that are in the Book Reconsideration process. An update of the outcomes will be communicated with media specialists at the conclusion of the process. A link will be added to the public district library/media webpage of any book that has been through the reconsideration process and the outcome of that review.
  2. No challenged material may be removed solely because it presents ideas that may be unpopular or offensive to some. Any Board action to remove material outside of the identified processes above will be accompanied by the Board's statement of its reasons for the removal.
  3. The Board shall discontinue use of any material challenged under this policy if it 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.

## **V. New Worlds Reading Initiative**

1. The New Worlds Reading Initiative, created by the Florida Department of Education, provides high-quality, freebooks directly to K-5 students who score below a level 3 in the preceding year's Statewide English Language Arts Assessment (ELA) or having a substantial reading deficiency. The School District must notify parents/legal guardians of eligible students in writing and provide them with the application form, which must allow for the selection of specific book topics or genres for the student. The District must coordinate monthly book deliveries with the program administrator beginning no later than October and continuing through at least June. However, for the 2021-2022 school year only, the delivery may begin no later than December 31, 2021. The District must participate in the initiative by partnering with local nonprofit organizations and raising awareness by using marketing materials provided by the program administrator. A student's eligibility for the initiative continues until promotion to grade 6 or until the parent/legal guardian opts out of the initiative.
2. The District shall coordinate with each charter school it sponsors for the purposes of identifying eligible students, notifying parents/legal guardians, coordinating book deliveries, providing the opportunity to annually select book topics and genres, and raising awareness of the initiative.
3. The Statewide ELA assessment is not the sole determiner of promotion. Additional evaluations, portfolio reviews, and assessments are available to the child to assist parents/legal guardians and schools in identifying the reading level of the student. A parent/legal guardian of a student in grade 3 who is identified anytime during the year as being at risk of retention may request that the school begin collecting evidence for a portfolio.

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Revised:

**Legal Reference**

F.S. 119.071

F.S. 847.001

F.S. 847.012

F.S. 1001.215

F.S. 1002.22

F.S. 1003.41

F.S. 1003.485

F.S. 1006.28

F.S. 1006.28 through 1006.42

F.S. 1008.22

F.S. 1008.25(5) (a)

F.S. 1008.25(5) (c)

F.S. 1012.01

F.S. 1014.05

F.A.C. 6A-6.030.28

34 C.F.R. Part 300

# Clean Version

## 2521 - INSTRUCTIONAL MATERIALS PROGRAM

### A. Instructional Materials

1. The School Board shall provide instructional materials and equipment, within budgetary constraints, to implement the District's educational goals and objectives and to meet students' needs. The primary objective of such instructional materials and equipment shall be to enrich, support, and implement the educational program of the school. Instructional materials used in the District shall be consistent with the District goals and objectives and the course descriptions established by the State Board of Education and the State standards provided for in F.S. 1003.41. State law requires the Board to provide adequate instructional materials free of charge to students who are enrolled in the District.
2. "Adequate instructional materials" means a sufficient number of student or site licenses or sets of materials that are available in bound, unbound, kit, or package form and may consist of hard-backed or soft-backed textbooks, electronic content, consumables, learning laboratories, manipulatives, electronic media, and computer courseware or software that serves as the basis for instruction for each student in the core courses of mathematics, language arts, social studies, science, reading, and literature.
3. Furthermore, Federal law requires the Board to provide accessible instructional materials as specified in a student's IEP. Such accessible instructional materials may be of a type or in a format as specified in the definition of adequate instructional materials in this policy.
4. The Board hereby establishes an instructional materials program that includes the review, recommendation, adoption, and purchase of instructional materials. The program shall be implemented in accordance with the terms of this policy and administrative procedures adopted in accordance herewith. The program shall comply with all applicable provisions of F.S. Chapter 1006, Part I, F. Instructional Materials for K-12 Public Education.
5. The Superintendent shall certify to the Florida Department of Education (FLDOE) by March 31<sup>st</sup> of each year that all instructional materials for core courses used by the District are aligned with applicable State standards. A list of the core instructional materials that will be used or purchased for use by the District shall be included in the certification.

### B. Instructional Materials Program and Processes, Criteria and Requirements

1. Selection, Duties, and Qualifications of Reviewers, Review of Instructional Materials,

Recommendations of Reviewers, and Selection of Instructional Materials by Reviewer.

- a. The Board may employ or contract with one (1) or more instructional materials reviewers, one (1) or more of whom must be a parent with a child in a District public school. The qualifications of the instructional materials reviewer shall be set forth in the Board-approved job description for the position, or, alternatively, in the contract for services.
- b. The duties of an instructional materials reviewer are:
  - i. to adhere to prescribed procedures for evaluating instructional materials submitted by publishers and manufacturers in each adoption.
  - ii. to utilize the selection criteria set forth in State law, including F.S. 1006.34(2)(b) and recommend for adoption only those instructional materials aligned with State standards provided for in F. S. 1003.41
- c. Instructional materials recommended by each reviewer shall be, to the satisfaction of each reviewer, accurate, objective, balanced, noninflammatory, current, free of pornography and material prohibited under F.S. 847.12, 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. When recommending instructional materials, each reviewer shall:
  - i. 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;
  - ii. 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;
  - iii. include materials that encourage thrift, fire prevention, and humane treatment of people and animals;
  - iv. require, when appropriate to the comprehension of students,

that materials for social science, history, or civics classes contain that Declaration of Independence and the Constitution of the United States:

- d. 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.
- e. In the selection of instructional materials, library media, and other reading material used in the District, the standards used to determine the propriety of the material shall include:
  - i. the age of the students who normally could be expected to have access to the material;
  - ii. the educational purpose to be served by the material;
- f. In considering instructional materials for classroom use, priority shall be given to the selection of materials which encompass the State and Board performance standards provided for in F.S. 1001.03(1) and which include the instructional objectives contained within the curriculum frameworks approved by rule of the State Board of Education.
  - i. the degree to which the material would be supplemented and explained by mature classroom instruction as part of a normal instructional program;
  - ii. the consideration of the broad racial, ethnic, socioeconomic, and cultural diversity of the students of this State.
- g. Any instructional material containing pornography or otherwise prohibited by F.S. 847.012 may not be used or made available within any public school.
- h. After a thorough study of all data submitted on each instructional material, the reviewer shall submit an electronic report to the Superintendent for presentation to the Board. The report shall be in substantially the same format as the form used by the FLDOE. All instructional materials recommended by a reviewer shall be accompanied by a statement from the reviewer that the materials align with State standards pursuant to F.S. 1003.41 and the requirements of F.S. 1006.31.

### **C. Certification of the Accuracy of Instructional Materials**

- 1. In addition to relying on statements of publishers or manufacturers of instructional materials, the reviewer may, with the approval, and subject to the direction of the

Superintendent, conduct or cause to be conducted an independent investigation to determine the accuracy of State-adopted instructional materials.

2. When errors in Board-adopted materials are confirmed, the publisher of the materials shall provide to each district school board that has purchased the materials the corrections in a format approved by the department.
3. The Board may remove materials from the list of Board-adopted materials if it finds that the content is in error and the publisher refuses to correct the error when notified by the Board.
4. The Board may remove materials from the list of Board-adopted materials at the request of the publisher if, in its opinion, there is no material impact on the State's education goals.

#### **D. Affidavit of Instructional Materials Reviewer**

1. Before commencing his/her duties, a District instructional materials reviewer shall execute an affidavit which substantially includes the following requirements of F.S. 1006.30.
  - a. The reviewer will faithfully discharge the duties imposed upon him/her.
  - b. The reviewer has no interest in any publishing or manufacturing organization that produces or sells instructional materials.
  - c. The reviewer is in no way connected with the distribution of the instructional materials.
  - d. The reviewer does not have any direct or indirect pecuniary interest in the business or profits of any person engaged in manufacturing, publishing, or selling instructional materials designed for use in the public schools.
  - e. The reviewer will not accept any emolument or promise of future reward of any kind from any publisher or manufacturer of instructional materials or his/her agent or anyone interest in, or intending to bias his/her judgment in any way in, the selection of any materials to be adopted.
  - f. The reviewer understands that it is unlawful to 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 publisher or manufacturer is providing a presentation for the reviewer during his/her review of the instructional materials submitted for adoption.



#### **E. Board Adoption of Instructional Materials**

1. After receipt from the Superintendent of a reviewer's electronic report and recommendation, the Board shall publish a notice indicating the date, time, and location of an open public hearing to address the recommended instructional materials. The public shall have an opportunity to provide public comment at the public hearing.
2. Following the public hearing, the Board shall publish notice indicating the date, time, and location of an open public meeting to approve an annual instructional materials plan to identify any instructional materials that will be purchased through the Board instructional materials review process pursuant to this policy. This public meeting will be held on a different date than the public hearing.
3. Notice of the public hearing and public meeting identified herein shall specifically identify which instructional materials are being reviewed and the matter in which the instructional materials can be accessed for public review. The hearing must allow the parent of a District student or a resident of the county to proffer evidence that a recommended instructional material does not meet the criteria provided in F.S. 1006.31(2), taking into consideration course expectations based on the District's comprehensive plan for student progression under F.S. 1008.25(2) and course descriptions in the course code directory.
  - a. 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.
4. At least twenty (20) calendar days before the Board hearing and public meeting, the Board shall make available online to the public through the District's website all student editions of the recommended instructional materials. In making these materials available, District staff shall implement reasonable safeguards against the unauthorized use, reproduction, and distribution of instructional materials considered for adoption.

#### **F. Purchase of Instructional Materials, Including Advertising and Bidding**

1. Beginning on or before May 15th of any year in which an instructional materials adoption is to be initiated, the District shall advertise in a local newspaper of general circulation (the Florida Administrative Register) four (4) weeks preceding the date on which the bids shall be received, that at a certain designated time, not later than June 15th, sealed bids or proposals to be deposited with the District will be received from publishers or manufacturers for the furnishing of instructional materials proposed to be adopted as listed in the advertisement beginning April 1st following the adoption.
2. The advertisement shall state that each bidder shall furnish electronic sample copies

of all instructional materials submitted, at a time designated by the District, which copies shall be identical with the copies approved and accepted by State instructional materials reviewers, and with the copies furnished to the District and Superintendent.

3. The advertisement shall state that a contract covering the adoption of the instructional materials shall be for a definite term.
4. The advertisement shall fix the time within which the required contract must be executed and shall state that the Department reserves the right to reject any or all bids.
5. The advertisement shall give information regarding digital specifications that have been adopted by the Board, including minimum format requirements that will enable electronic and digital content to be accessed through the District's local instructional improvement system and a variety of mobile, electronic, and digital devices.
6. Beginning with specifications released in 2014, the digital specifications shall include requiring the capability for searching by State standards and site and student-level licensing. Such digital format specifications shall be appropriate for the interoperability of the content. The Board will not adopt specifications that require the instructional materials to include specific references to State mandated testing and Next Generation Sunshine State Standards and benchmarks at the point of student use.
7. The bids submitted shall be for furnishing the designated materials in accordance with specifications of the District. The bid shall state the lowest wholesale price at which the materials will be furnished, at the at the time the adoption period provided in the contract begins.
8. Each publisher or manufacturer of instructional materials who submits a bid under this part is required to deposit with the District such sum of money or certified check as may be determined by the District, the amount to be not less than \$500 and not more than \$2,500, according to the number of instructional materials covered by the bid, which deposit shall be forfeited to the Board and placed in the (General Revenue Fund) General Fund if the bidder making the deposit fails or refuses to execute the contract and bond within thirty (30) days after receipt of the contract in case his/her bid or proposal is accepted. The District shall, upon determining that the deposit is correct and proper, deposit the funds in an interest bearing trust account and issue his/her official receipt.
9. Sample copies of all instructional materials that have been made the bases of contracts under this policy shall upon request for the purpose of public inspection, be made available by the publisher to the Department of Education

and the Superintendent from the state list upon request for the purpose of public inspection.

#### **G. Maximization of Student Use of District-approved Instructional Materials**

1. In order to maximize student use of authorized instructional materials, the Board shall:
  - a. purchase current instructional materials to provide each student with a major tool of instruction in core courses of the subject areas of mathematics, language arts, science, social studies, reading, and literature for kindergarten through grade 12;
  - b. by the 2015-2016 fiscal year, use at least fifty percent (50%) of the annual allocation for the purchase of digital or electronic instructional materials included on the State-adopted list, except as otherwise authorized by law or rules of the State Board of Education;
  - c. use up to 100% of that portion of the annual allocation designated for the purchase of instructional materials for kindergarten, and up to seventy-five percent (75%) of that portion of the annual allocation designated for the purchase of instructional materials for first grade, to purchase materials not on the State-adopted list, which shall be used for the purchase of instructional materials or other items having intellectual content which assist in the instruction of a subject or course.
2. These items may be available in bound, unbound, kit, or package form and may consist of hardbacked or soft backed textbooks, electronic content, replacements for items which were part of previously purchased instructional materials, consumables, learning laboratories, manipulatives, electronic media, computer courseware or software, and other commonly accepted instructional tools.
3. The Superintendent shall implement procedures that will assure the maximum use by the students of the authorized instructional materials.

#### **H. Required Curriculum**

1. Nothing in this policy shall limit or remove the responsibility of the Board to include in its curriculum the required instruction specified in State law including, but not limited to, the following:
  - a. The history of the United States; the history of the Holocaust.
  - b. The history of African Americans.
  - c. The study of Hispanic contributions to the United States.
  - d. The study of women's contributions to the United States.
  - e. The nature and importance of free enterprise to the United States economy
  - f. The elementary principles of agriculture; and kindness to animals.

**I. Publisher and Manufacturer Duties, Responsibilities, and Requirements**

1. In accordance with State law, all publishers and manufacturers of instructional materials, and their representatives, must comply with the requirements of F.S. 1006.38. These requirements include, but are not limited to, the following:
  - a. Electronically deliver fully developed sample copies of all instructional materials upon which bids are based to the department pursuant to procedures adopted by the State Board of Education.
2. Submit, at a time designated in F.S. 1006.33, the following information:
  - a. Detailed specifications of the physical characteristics of the instructional materials, including any software or technological tools required for use by the District, school, teachers, or students. The publisher or manufacturer shall comply with these specifications if the instructional materials are adopted and purchased in completed form.
  - b. Evidence that the publisher or manufacturer has provided materials that address the performance standards provided for in F.S. 1001.03(1) and that can be accessed through the District's digital classrooms plan and a variety of electronic, digital, and mobile devices.
  - c. Evidence that the instructional materials include specific reference to Statewide standards in the teacher's manual and incorporate such standards into chapter tests or the assessments.
3. Make available for purchase by the Board any diagnostic, criterion-referenced, or other tests that they may develop.
4. Furnish the instructional materials offered by them at a price in the State which, including all costs of electronic transmission, may not exceed the lowest price at which they offer such instructional materials for adoption or sale to any state or school district in the United States.
5. Reduce automatically the price of the instructional materials to the Board to the extent that reductions are made elsewhere in the United States.
6. Provide any instructional materials free of charge in the State to the same extent as they are provided free of charge to any state or school district in the United States.
7. Guarantee that all copies of any instructional materials sold in this State will be at least equal in quality to the copies of such instructional materials that are sold elsewhere in the United States and will be kept revised, free from all errors, and

up-to-date as may be required by the department.

8. Agree that any supplementary material developed at the District or State level does not violate the author's or publisher's copyright, provided such material is developed in accordance with the doctrine of fair use.
9. Not in any way, directly or indirectly, become associated or connected with any combination in restraint of trade in instructional materials, nor enter into any understanding, agreement, or combination to control prices or restrict competition in the sale of instructional materials for use in the State.
10. Maintain or contract with a depository in the State.
11. For the core subject areas specified in F.S. 1006.40(2), maintain in the depository for the first three (3) years of the contract an inventory of instructional materials sufficient to receive and fill orders.
12. For the core subject areas specified in F.S. 1006.40(2), ensure the availability of an inventory sufficient to receive and fill orders for instructional materials for growth, including the opening of a new school, and replacement during the 3rd and subsequent years of the original contract period.
13. Accurately and fully disclose only the names of those persons who actually authored the instructional materials.
14. Grant, without prior written request, for any copyright held by the publisher or its agencies automatic permission to the Board for the reproduction of instructional materials and supplementary materials in Braille, large print, or other appropriate format for use by visually impaired students or other students with disabilities that would benefit from use of the materials.

#### **J. Assessment and Collection of Fees**

1. The Board shall not assess and collect fees from publishers participating in the instructional materials approval process. In addition, each reviewer may be compensated for evaluation of materials in compliance with F.S. 112.061 for actual service in meetings.
2. Instructional materials that have been reviewed by the District instructional materials reviewers and approved must have been determined to align with all applicable State standards pursuant to F.S. 1003.41 and the requirements in F.S. 1006.31. The Superintendent shall annually certify to the FLDOE that all instructional materials for core courses used by the District are aligned with all applicable State standards.

3. A list of all approved instructional materials shall be maintained by the Superintendent and made available for the use of the instructional staff.

**K. Fees Charged to Parents**

1. A student or his/her parent/legal guardian(s) may purchase a copy of the designated course instructional materials, regardless of format, for the District's purchase price, including shipping, **(plus ten percent (10%))**.
2. Cost of materials may be charged for materials used in those activities beyond the basic curriculum in which a student elects to participate, particularly in activities where the product becomes the property of the student.

**L. Free School-Related Instructional Materials**

1. Free instructional materials may be accepted for classroom and school purposes under conditions that meet all of the following criteria:
  - a. Educational films should contain a minimum amount of commercial advertising. The advertising feature of the materials should be minimized.
  - b. The materials should fill a legitimate purpose of the school curriculum.
  - c. The initiative for securing the materials should be of the type that teachers seek rather than materials forwarded to them to promote the interests of an outside agency.

**M. Equipment or Instructional Materials Vendors**

1. The principal may permit vendors to demonstrate and show only that equipment and instructional materials which can be used to improve the instructional program and which are under consideration for purchase by the school.

**N. Public Inspection of Sample Copies of Instructional Materials**

1. In addition to the requirements for public inspection of sample copies of instructional materials required by this policy, the Board shall make available for public inspection sample copies of all instructional materials that have been purchased by the Board. Members of the public seeking to inspect these materials shall contact the District's Instructional Materials Manager.

**O. Process for Parents and Residents to Contest Adoption of Instructional Materials**

1. The following individuals may file an objection to the adoption of a specific instructional material:
  - a. parents/legal guardians of students in the District; and residents of the county.

2. 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.

**P. Filing a Petition**

1. A parent/legal guardian or resident must file a petition with the Board within thirty (30) calendar days after the Board's adoption of specific instructional material, on a form provided by the Board. The petition form (2520 F1/F2) shall be publicly available by visiting any school in person or by accessing the link on the Board's website. The petition must be signed by the parent/legal guardian or resident, include the required contact information, and state the objection to the instructional materials based on the criteria set for in F.S. 1006.31(2) or 1006.40(3)(d).

**Q. Timeframe for Hearing**

1. When the thirty (30) calendar day period following Board adoption of the instructional material in question has expired, the Board will conduct at least one (1) open public hearing before an unbiased and qualified hearing officer for all timely petitions received.

**R. Hearing Officers**

1. Hearing officers are not employees or agents of the District with the exception of any agreement entered into for purposes of conducting the hearings set forth herein. Hearing officers shall be selected annually by the Board from a list of candidates provided by the Superintendent.

**S. Procedures for Hearings**

1. Petitioners will have an adequate and fair opportunity to be heard and present evidence to the hearing officer. Hearings shall be conducted as follows:
  - a. The petitioner may make an opening statement.
  - b. The District's representative may make an opening statement.
  - c. The petitioner may present evidence (including documents and testimony from witnesses) that 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.
  - d. The District representative may present evidence (including documents and testimony from witnesses) that the instructional material does 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.

- e. The petitioner may make a closing statement.
  - f. The District representative may make a closing statement.
2. Within fourteen (14) days of the date of the hearing, the hearing officer shall submit a recommended order to the Board. The Board shall consider the recommended order and enter a final order at a publicly noticed Board meeting. If the petitioner proves that instructional material does not meet the criteria required under F.S. 1006.28, or contains prohibited material under that statute, it shall be removed in accordance with Florida law.
  3. The Board's decision is final and not subject to further petition or review. Hearings under this policy are not subject to the provisions of F.S. Chapter 120. Parent Objection to Instructional Material Used in Classrooms.
  4. Parents may object to the use by their child of a specific instructional material in the classroom as set forth in Florida law. Parents should make any such objection in writing to the principal, at least ten (10) days before the intended use of the material, identifying the specific instructional material and stating the basis for the objection. The principal will review the parent objection and may meet with the teacher or parents/legal guardians, or both, in an attempt to resolve the objection, which may include using an alternative instructional material for the child. If the objection is not resolved to the parents'/legal guardians' satisfaction, the principal shall refer the matter to the appropriate District-level curriculum supervisor. The decision of the District-level curriculum supervisor shall be final.

**T. Process for Requesting Reconsideration of Non-State-Adopted Instructional Materials (Classroom and Library)**

1. Non-state adopted instructional materials are in use in the classroom and/or other material that may be placed in the school's library.
2. A parent/legal guardian of a public school student or a resident of the county shall use the following procedures to present evidence that the material does not meet the criteria of F.S. 1006.28 and 1006.40(3)(d) by requesting reconsideration of the challenged material.

**3 – Step One: Informal Request for Reconsideration of Non-State Adopted Instructional Materials (Classroom and Library)**

- a. A parent/legal guardian or resident who has an objection(s) to the use of specific non-state adopted instructional material accessed in school classrooms and/or libraries must first request, in writing to the Assistant Superintendent of Learning & Learning. The Assistant Superintendent or



designee will schedule the follow-up to the requestor.

- b. Each impacted school will be notified by the Assistant Superintendent of Leading & Learning to commence the informal review of the materials in consideration of F.S. 847.001, F.S. 847.012, F.S. 1006.28 and F.S. 1006.40(3)(d) sections 1, 2, and 3.
- c. If the requester is not satisfied with the results of the informal review, the parent/legal guardian or resident will be provided with the Request for Reconsideration of Materials Form (Form 2520 F2) to file a written request for reconsideration. The Assistant Superintendent or designee shall also provide an explanation of the process that will be followed. Any such written request for reconsideration will be filed with the Assistant Superintendent of Leading & Learning or designee.

4 – Step Two: Formal Request for Reconsideration of Non-State Adopted Instructional Materials (Classroom and Library):

- a. The Request for Reconsideration of Materials Form (Form 2520 F2) per title must be filed with the Assistant Superintendent of Leading & Learning. If multiple titles are submitted, the requestor will identify the priority order in which the books should be reviewed. The Assistant Superintendent shall notify the Library/Media Content Specialist, the Superintendent, and the Board.
- b. Schools with the identified titles will be notified to remove the books from circulation pending the outcome of the reconsideration process.
- c. Upon receipt of a Request for Reconsideration of Materials Form (Form 2520 F2), the District Library/Media Content Specialist shall convene the District Material Review Committee to review the challenged materials. The District Material Review Committee shall be established at the beginning of each year school year. The District Material Review Committee shall include:
  1. the District library media resource/content teacher – or designee (who shall serve as the Non- Voting Committee's chair);
  2. One (1) parent/legal guardian/community member preselected to serve per school board member excluding the requestor.
  3. In the event of the need for additional committees the School Board of Brevard has the authority to add additional review committees following the established protocols
- d. In preparation for its review:
  1. Each member of the District Material Review Committee shall receive a copy of the completed Request for Reconsideration of Materials Form (Form 2520 F2) and any other information about the challenged material that the District Material Review Committee may want to see.
  2. The District Review Committee will receive a copy of the book and given adequate time to read the book. (One (1) week per every 100 pages within the book)
  3. The District Material Review Committee shall meet in the sunshine

(meaning the meeting shall be open to the public and advertised at the district level).

4. The District Material Review Committee shall meet to review the challenged material within fifteen (15) working days after the process of reading has been completed per book up for reconsideration.
- e. The committee, in evaluating the material questioned, shall be guided by F.S. 847.001, F.S. 847.012, F.S. 1006.28 and 1006.40 and the following criteria:
1. The District Material Review Committee shall have an understanding of the entire work.
  2. The appropriateness of the material for the age and maturity level of the students with whom it is being used
  3. The accuracy of the material
  4. The objectivity of the material
  5. The use being made of the material
  6. The material in question may be withdrawn from use pending the committee's determination to the Superintendent.
  7. The committee's determination shall be reported to the Superintendent in writing within 5 student school days following the completion of the process. The Superintendent or Designee will advise the requestor, in writing, of the committee's determination and advise the Board within 5 student days.
    - a. that the challenged instructional material does not meet the criteria and/or contains prohibited content under F.S. 1006.28 or 1006.40. If this is the case, the school shall discontinue use of the material for any grade level or age group for which such use is inappropriate or unsuitable. The District Material Review Committee's determination is valid for eight (8) years.
- OR
- b. that the challenged instructional material does meet the criteria under F.S. 1006.28 and 1006.40. The book(s) remain available in the schools. The District Material Review Committee's determination is valid for eight (8) years.
- f. The District Material Review Committee's decision is final.

- U.**
1. The District library/media specialist will notify media specialists within the (identified grade ban) of any title(s) that are in the Book Reconsideration process. An update of the outcomes will be communicated with media specialists at the conclusion of the process. A link will be added to the public district library/media webpage of any book that has been through the reconsideration process and the outcome of that review.
  2. No challenged material may be removed solely because it presents ideas that may be unpopular or offensive to some. Any Board action to remove material outside of

the identified processes above will be accompanied by the Board's statement of its reasons for the removal.

3. The Board shall discontinue use of any material challenged under this policy if it 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.

#### **V. New Worlds Reading Initiative**

1. The New Worlds Reading Initiative, created by the Florida Department of Education, provides high-quality, freebooks directly to K-5 students who score below a level 3 in the preceding year's Statewide English Language Arts Assessment (ELA) or having a substantial reading deficiency. The School District must notify parents/legal guardians of eligible students in writing and provide them with the application form, which must allow for the selection of specific book topics or genres for the student. The District must coordinate monthly book deliveries with the program administrator beginning no later than October and continuing through at least June. However, for the 2021-2022 school year only, the delivery may begin no later than December 31, 2021. The District must participate in the initiative by partnering with local nonprofit organizations and raising awareness by using marketing materials provided by the program administrator. A student's eligibility for the initiative continues until promotion to grade 6 or until the parent/legal guardian opts out of the initiative.
2. The District shall coordinate with each charter school it sponsors for the purposes of identifying eligible students, notifying parents/legal guardians, coordinating book deliveries, providing the opportunity to annually select book topics and genres, and raising awareness of the initiative.
3. The Statewide ELA assessment is not the sole determiner of promotion. Additional evaluations, portfolio reviews, and assessments are available to the child to assist parents/legal guardians and schools in identifying the reading level of the student. A parent/legal guardian of a student in grade 3 who is identified anytime during the year as being at risk of retention may request that the school begin collecting evidence for a portfolio.

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Revised: \_\_\_\_\_

#### **Legal Reference**

F.S. 119.071  
F.S. 847.001  
F.S. 847.012

F.S. 1001.215

F.S. 1002.22

F.S. 1003.41

F.S. 1003.485

F.S. 1006.28

F.S. 1006.28 through 1006.42

F.S. 1008.22

F.S. 1008.25(5) (a)

F.S. 1008.25(5) (c)

F.S. 1012.01

F.S. 1014.05

F.A.C. 6A-6.030.28

34 C.F.R. Part 300