



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

Policy Number:	2520
Title of Policy:	Selection and Adoption of Instructional Materials
Cabinet Member:	K. Jane Cline
Purpose of Revisions:	The purpose of the proposed revisions to the policy is to ensure compliance with all applicable federal and state laws, Florida State Board of Education Rules, Board policies, administrative rules, procedures, and guidelines. In addition, the proposed revisions promote transparency and accountability.
Tentative Schedule:	<ul style="list-style-type: none"> • Cabinet – October 4, 2021 • Work Session – 10/19/21 • Rule Development Workshop – 11/16/21 • School Board Meeting Information – 11/16/21 • School Board Meeting Approval – 12/14/21 • Effective Date – upon approval
Summary of Proposed Policy Revisions:	<ul style="list-style-type: none"> • This policy is being revised to clarify the procedures regarding the selection and adoption of instructional materials, parent objection to instructional materials, and the New Worlds Reading Initiative to be in compliance with applicable Florida law. • Particular areas of revision include the following: Parent Objection to Instructional Materials and the New Worlds Reading Initiative. • These proposed revisions do encompass the suggested language from NEOLA.
Specific Authority:	<i>F.S. 119.071, F.S. 212.183, F.S. 1001.215, F.S. 1002.22, 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</i>
Next Steps:	<ul style="list-style-type: none"> • Revisions to internal procedures • Training for BPS employees regarding revisions to policy and revised procedures

**Current
Version**

2520 - SELECTION OF INSTRUCTIONAL MATERIALS AND EQUIPMENT; OBJECTIONS AND REQUESTS FOR RECONSIDERATION

A. Instructional Materials

Generally:

1. The Board shall select and provide adequate instructional materials, as recommended by the Superintendent that serve as the basis for instruction for each student in the core subject areas of mathematics, language arts, social studies, science, reading, and literature. The Board is responsible for the content of all instructional materials and any other materials used in a classroom, made available in a school library, or included on a reading list whether adopted and purchased from the state-adopted instructional materials list, adopted and purchased through the District instructional materials program or otherwise purchased or made available in the classroom. Instructional materials and resources shall be provided in a variety of formats that are appropriate, timely, and essential to the attainment of specified educational objectives and are free of bias, stereotypes, distortions, and prejudices.
2. "Adequate instructional materials" means a sufficient number of student or site licenses or sets of materials and have intellectual content that by design serve as the major tool for assisting in the instruction of a subject or course. These items may be provided in a variety of forms, bound, unbound, kit, or package form and may consist of hardbacked or softbacked textbooks, electronic content, consumables, learning laboratories, manipulatives, electronic media, and computer courseware or software. Instructional materials, including textbooks, educational media (library media print, nonprint, and electronic resources), computer software, digital content, videotapes. The Board must (a) adopt instructional materials selected from the state-approved materials according to the state adoption cycles, (b) adopt instructional materials pursuant to a Board instructional materials review program prescribed by this policy, or (c) a combination of both.

B. State-Adopted Instructional Materials

The Florida Commissioner of Education shall determine annually the areas in which instructional materials shall be submitted for adoption and evaluate them pursuant to law. The Superintendent shall assign responsibilities for the District's participation in the State adoption of instructional materials, determine areas of the curriculum in which State adoption of instructional materials is needed and communicate those needs to the Commissioner of Education, and establish procedures for the requisition, purchase, receipt, storage, distribution, use, conservation, maintenance of records and reports, and management practices, and property accountability concerning instructional materials. The duties and responsibilities include keeping adequate records and accounts for all financial transactions for funds collected pursuant to F.S. 1006.28(3)(a). Such records and account shall be a component of the educational service delivery scope of the District's best financial management practices review under F.S. 1008.35.

C. District-Adopted Instructional Materials

1. The Board shall implement its own instructional materials review and selection program for District-adopted instructional materials that are not State-adopted. Procedures shall be established, which are incorporated by reference in and made a part of this policy, to provide for evaluation and selection of District-adopted instructional materials.
2. These procedures shall include processes, criteria, and requirements for the following:
 - a. selection of reviewers, one (1) or more of whom must be a parent/legal guardian with a child enrolled in a District public school;

- b. review of instructional materials;
 - c. selection of materials, including a thorough review of curriculum content; and
 - d. reviewer recommendations.
3. The procedures must also identify, by subject area, a review cycle for instructional materials, specify the qualifications of reviewers, establish a process that certifies the accuracy of instructional materials, and comply with all other requirements in F.S. 1006.283(2).

D. Evaluation and Selection of Instructional Materials (State-Adopted and Non-State Adopted Instructional Materials)

1. Pursuant to F.S. 1006.34, 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 includes:
- a. the age of the students who normally could be expected to have access to the material;
 - b. the educational purpose to be served by the material;
- Priority shall be given to the selection of materials that align with the applicable State standards as provided for in F.S. 1003.41, and include the instructional objectives contained within the curriculum frameworks for career and technical education and adult and adult general education adopted by rule of the State Board of Education under F.S. 1004.92.
- c. the degree to which the material would be supplemented and explained by mature classroom instruction as part of a normal classroom instructional program; and
 - d. the consideration of the broad racial, ethnic, socioeconomic, and cultural diversity of the students of this State.
2. Any instructional material containing pornography or otherwise prohibited by F.S. 847.012, may not be used or made available within any public school.
3. If the Board finds that an instructional material does not meet the criteria or that any other material contains prohibited content herein, the District shall discontinue use of the material for any grade level or age group for which such use is inappropriate or unsuitable.

E. Instructional Materials - Adoption and Purchase

1. Adoption of Instructional Materials

- a. The appropriate content specialist or resource teacher, under the Assistant Superintendent for Leading and Learning, shall appoint committees to evaluate materials for District adoption and obtain samples, train committees, and publicize adoptions. These committees shall evaluate instructional materials which have not been used previously in the District to determine their appropriateness and usability in the schools before such materials are requisitioned. Evaluations will consider the Florida standards and District strategic directions. Normally, only those instructional materials which have been District recommended and District adopted shall be requisitioned for use in this school system. By March 31st of each year, the District will notify the Department of Education of the District's plan for purchasing State adopted materials as required by State statute.

- b. The following procedures for the adoption of instructional materials apply only to those instructional materials that serve as the major content tool and basis for instruction for each student in the core subject areas:
 - 1) Public access to student editions of recommended instructional materials can be accessed and viewed online at least twenty (20) calendar days before the Board hearing and public meeting.
 - 2) Public notice of the materials being considered for adoption shall specifically list the materials and how they can be accessed.
 - 3) The Board shall conduct an open, noticed public hearing to receive comment on recommended materials prior to adoption.
 - 4) The Board shall conduct an open, noticed public meeting, on a date other than the date of the public hearing, to approve an annual instructional materials plan identifying instructional materials that will be purchased. See F.S. 1006.283.

2. Purchase of Instructional Materials

- a. Following adoption by the Board, requisitions shall be issued to purchase current instructional materials from the State-adopted instructional materials list so that each student in kindergarten through grade 12 will have a major tool of instruction in core courses of the subject areas of mathematics, language arts, science, social studies, reading, and literature. Any materials purchased shall be free of pornography and material prohibited under F.S. 847.012, suited to student needs and their ability to comprehend the material presented, and appropriate for the grade level and age group for which the materials are used or made available.
- b. Requisitions shall also be issued to purchase instructional materials that will be the major tool of instruction for subjects in the State Course Code Directory for which the Board has adopted courses of study, but for which there are no materials on the State-adopted instructional materials list.
- c. The Superintendent or designee shall approve these purchases.
- d. The District shall maintain on its website a current list of instructional materials, by grade level, purchased by the District.

F. Petition to Object to Instructional Materials Selected for Adoption

1. The following individuals may file an objection to the adoption of a specific instructional material:
 - a. parent/legal guardian of a public school student in the District; or
 - b. resident of the county. 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.
2. A parent/legal guardian or resident may file a petition (using [Form 2520 F1](#) - Petition to Object to Instructional Materials Selected for Adoption) with the Board within thirty (30) calendar days after the Board's adoption of specific instructional materials. The Petition to Object to Instructional Materials Selected for Adoption form ([Form 2520 F1](#)) shall be publicly available on the District's website. The Petition to Object to Instructional Materials Selected for Adoption form ([Form 2520 F1](#)) must be signed by the parent/legal guardian or resident, include the required contact

information, and state the objection to the instructional material based on the criteria set forth in F.S. 1006.31(2) or 1006.40(3)(d).

3. Within thirty (30) calendar days after the thirty (30) calendar day period to file a petition has expired, an unbiased and qualified hearing officer shall conduct an open public hearing on all petitions timely received. The hearing officer shall be appointed by the Superintendent and shall be neither an employee nor agent of the Board.
4. The hearing before the hearing officer is not subject to the provisions of F.S. Chapter 120 but the hearing officer shall provide sufficient procedural protections to allow each petitioner an adequate and fair opportunity to be heard and present evidence to the hearing officer. The hearing officer will present his/her findings and recommendation in writing to the Board.
5. Within thirty (30) days after the Board receives the hearing officer's findings and recommendation, the Board, at a public meeting, will consider the petition, the hearing officer's findings and recommendation, and any evidence presented to the hearing officer, and make a final decision on the petition.
6. The decision of the Board shall be final and is not subject to further review or petition.

G. Access to Instructional Materials

1. The Board shall provide annual written notice to parents/legal guardians of the ability to access their child's instructional materials. In addition, the notice shall be posted on the District's instructional materials information website. The Board must also provide notice and access for teachers, administrators, students, and parents/legal guardians to a local instructional improvement system for electronic and digital instructional materials.
2. The District shall maintain on its website a current list of instructional materials, by grade level, purchased by the District (set forth in F.S. 1006.283). School library media: Upon written request, a school district shall provide access to any material or book specified in the request that is maintained in a district school system library and is available for review (F.S. 1006.283(2)(3d)).

H. Use of Instructional Materials

Principals shall ensure that instructional materials are used to provide instruction to students enrolled at the grade level(s) for which the materials are designed and for effectively communicating to parents/legal guardians the manner in which materials are used to implement the curricular objectives of the school under F.S. 1006.40 and 1006.28.

I. Lost and Damaged Instructional Materials

The principal shall collect from each student or the student's parent/legal guardians the purchase price of any instructional materials the student has lost, destroyed, or unnecessarily damaged and report and transmit the amount collected to the Superintendent. The failure to collect such sum upon reasonable effort by the principal may result in the suspension of the student from participating in extra-curricular activities or satisfaction of the debt by the student through community service activities at the school site as determined by the principal under F.S. 1006.28(3)(b).

J. 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. 1006.31(2) and 1006.40(3)(d) by requesting reconsideration of the challenged material.
3. Challenged materials shall remain in use and shall not be removed until the following informal and formal due process procedures have been completed.
4. **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) working days of receiving the request.
 - 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) working days of the conference.
5. **School Level - Formal Request for Reconsideration of Non-State Adopted Instructional Materials (Classroom and Library): School Material Review Committee**
 - a. The Request for Reconsideration of Materials Form ([Form 2520 F2](#)) must be filed within ten (10) working 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 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 meet in the sunshine (meaning the meeting shall be open to the public and advertised at the school and District level).
 - 3) 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](#)).
 - 4) A quorum of half plus one (1) members must be present at the meeting in order for the School Material Review Committee to make a recommendation.
- 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; and
 - 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.
 - 5) the record of the School 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.
- 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. 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 four (4) years and affects only the participating school.
- OR
- 2) that the challenged instructional material does meet the criteria under F.S. 1006.28. The School Material Review Committee's determination is valid for four (4) 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) working 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) working days of the School Material Review Committee's determination.

6. 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) working 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 (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 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 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 meet in the sunshine (meaning the meeting shall be open to the public and advertised at the District level).
 - 3) the District Material Review Committee shall meet to review the merits of the appeal within twenty (20) working days of receipt of the written appeal of the determination of the School Material Review Committee's decision regarding the Request for Reconsideration of Material Form ([Form 2520 F2](#))
 - 4) a quorum of half plus one (1) members must be present at the meeting in order for the District Material Review Committee to make a decision on the appeal.
- 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. 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 four (4) years and affects the District.
- OR
- 2) that the challenged instructional material does meet the criteria under F.S. 1006.28. The District Material Review Committee's determination is valid for four (4) 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.

Legal

F.S. 119.071
F.S. 847.012
F.S. 1006.28 through 1006.42
F.A.C. 6A-6.03025
34 C.FR. Part 300

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NEOLA 2017

Neola Template



Book: Florida Policies for Update

Section: Vol. 22, No. 1, Sept. 2021

Title: REVISED POLICY - VOL. 22, NO. 1 - SELECTION AND ADOPTION OF INSTRUCTIONAL MATERIALS

Number: po2520

REVISED POLICY - VOL. 22, NO. 1

2520 - SELECTION AND ADOPTION OF INSTRUCTIONAL MATERIALS

The School Board adopts courses of study pursuant to State law and Policy 2220. When adopting courses of study, State law also requires the Board to adopt and provide adequate instructional materials to students 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 Individualized Education Program (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.

As required by State law, instructional materials adopted and used in the District shall be consistent with the goals and objectives in the District's adopted course of study and with the course descriptions established by State Board rule. The Board is responsible for the content of all instructional materials and any other materials used in a classroom, made available in a school library, or included on a reading list. 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.

The Superintendent shall develop administrative procedures that set forth a process to involve staff in the review and evaluation of instructional materials. The staff involved in this process shall recommend to the Superintendent for submission to the Board for adoption the instructional materials that address the goals and objectives for adopted courses of study and the course descriptions established by State Board rule. The instructional materials shall be from the State-adopted instructional materials list if there has been a State adoption or from publishers and other resources if there has not been a State adoption.

The Superintendent's procedures shall also prescribe the process for the acquisition, management, use, accountability, and reporting requirements of all instructional materials.

Adoption of Instructional Materials

Prior to submitting a recommendation to the Board regarding the recommended instructional materials, those materials will be accessible for review online for at least twenty (20) calendar days prior to the open publicly noticed meeting at which a public hearing will be held so that the Board can receive comment, if any, about the instructional material under consideration for adoption. The Superintendent shall establish reasonable safeguards against the unauthorized use, reproduction, and distribution of the instructional material under consideration.

Following the public hearing, the Board may act upon the Superintendent's recommendation to adopt the instructional materials.

At an open publicly noticed meeting following the meeting at which the instructional material is adopted, the Board shall consider a recommendation to approve an annual instructional materials plan that identifies any instructional materials to be purchased pursuant to the instructional materials review process described herein.

The Superintendent shall maintain a list of all adopted instructional materials.

Purchase of Instructional Materials

Following adoption by the Board, requisitions shall be issued to purchase current instructional materials from the State-adopted instructional materials list so that each student in kindergarten through grade 12 will have a major tool of instruction in core courses of the subject areas of mathematics, language arts, science, social studies, reading, and literature. 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.

Requisitions shall also be issued to purchase instructional materials that will be the major tool of instruction for subjects in the State Course Code Directory for which the Board has adopted courses of study, but for which there are no materials on the State-adopted instructional materials list.

The Superintendent shall approve these purchases.

In any year in which the total instructional materials allocation for District has not been expended or obligated prior to June 30th, the unobligated amount shall be carried forward and added to the next year's allocation.

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

Replacement and Purchase of Instructional Materials by Students/Parents

Students shall be held responsible for the cost of replacing any instructional materials lost, destroyed, or unnecessarily damaged. Failure to provide payment for the damage or loss may result in the suspension of the student from participation in extra-curricular activities, or the debt may be satisfied by the student performing community service activities at the school site as determined by the school principal.

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.

Process for Parents and Residents to Contest Adoption of Instructional Materials

The following individuals may file an objection to the adoption of a specific instructional material:

parents of students in the District; and

residents of the county.

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.

Filing a Petition

A parent 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 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 or resident, include the required contact information, and state the objection to the instructional material based on the criteria set forth in F.S. 1006.31(2) or 1006.40(3)(d).

Timeframe for Hearing

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.

Hearing Officers

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.

[DRAFTING NOTE - F.S. 1006.28 mandates that the hearing provide sufficient procedural protections to

allow each petitioner an adequate and fair opportunity to be heard and present evidence to the hearing officer. Importantly, however, F.S. 1006.28 is relatively silent as to how the hearing must be conducted or what is meant by "an adequate and fair opportunity to be heard and present evidence." In the "Procedures for Hearings" section that follows this drafting note, we have proposed procedures that we believe meet the intent of F.S. 1006.28. If the Board does not desire to adopt Neola's proposed Procedures for Hearings, we strongly encourage you to consult with board legal counsel to develop hearing procedures that comply with the intent and requirements of F.S. 1006.28.]

Procedures for Hearings

Petitioners will have an adequate and fair opportunity to be heard and present evidence to the hearing officer. Hearings shall be conducted as follows:

The petitioner may make an opening statement.

The District's representative may make an opening statement.

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.

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.

The petitioner may make a closing statement.

The District representative may make a closing statement.

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. 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

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, or both, in an attempt to resolve the objection, using an alternative instructional material for the child. If the objection is not resolved to the parents' 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.

Free School-Related Instructional Materials

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

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.

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

The advertising feature of the materials should be minimized.

Educational films should contain a minimum amount of commercial advertising.

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.

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 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, 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.

F.S. 119.071

F.S. 212.183

F.S. 1001.215

F.S. 1002.22

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

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Legal References

F.S. 119.071

F.S. 212.183

F.S. 1001.215

F.S. 1002.22

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

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Redline Draft

~~2520—SELECTION OF INSTRUCTIONAL MATERIALS AND EQUIPMENT; OBJECTIONS AND REQUESTS FOR RECONSIDERATION~~

~~A.—Instructional Materials~~

~~Generally:~~

- ~~1. The Board shall select and provide adequate instructional materials, as recommended by the Superintendent that serve as the basis for instruction for each student in the core subject areas of mathematics, language arts, social studies, science, reading, and literature. The Board is responsible for the content of all instructional materials and any other materials used in a classroom, made available in a school library, or included on a reading list whether adopted and purchased from the state-adopted instructional materials list, adopted and purchased through the District instructional materials program or otherwise purchased or made available in the classroom. Instructional materials and resources shall be provided in a variety of formats that are appropriate, timely, and essential to the attainment of specified educational objectives and are free of bias, stereotypes, distortions, and prejudices.~~
- ~~2. “Adequate instructional materials” means a sufficient number of student or site licenses or sets of materials and have intellectual content that by design serve as the major tool for assisting in the instruction of a subject or course. These items may be provided in a variety of forms, bound, unbound, kit, or package form and may consist of hardbacked or softbacked textbooks, electronic content, consumables, learning laboratories, manipulatives, electronic media, and computer courseware or software. Instructional materials, including textbooks, educational media (library media print, nonprint, and electronic resources), computer software, digital content, videotapes. The Board must (a) adopt instructional materials selected from the state-approved materials according to the state adoption cycles, (b) adopt instructional materials pursuant to a Board instructional materials review program prescribed by this policy, or (c) a combination of both.~~

~~B.—State-Adopted Instructional Materials~~

~~The Florida Commissioner of Education shall determine annually the areas in which instructional materials shall be submitted for adoption and evaluate them pursuant to law. The Superintendent shall assign responsibilities for the District’s participation in the State adoption of instructional materials, determine areas of the curriculum in which State adoption of instructional materials is needed and communicate those needs to the Commissioner of Education, and establish procedures for the requisition, purchase, receipt, storage, distribution, use, conservation, maintenance of records and reports, and management practices, and property accountability concerning instructional materials. The duties and responsibilities include keeping adequate records and accounts for all financial transactions for funds collected pursuant to F.S. 1006.28(3)(a). Such records and account shall be a component of the educational service delivery scope of the District’s best financial management practices review under F.S. 1008.35.~~

~~C.—District-Adopted Instructional Materials~~

- ~~1. The Board shall implement its own instructional materials review and selection program for District-adopted instructional materials that are not State-adopted. Procedures shall be established, which are incorporated by reference in and made a part of this policy, to provide for evaluation and selection of District-adopted instructional materials.~~
- ~~2. These procedures shall include processes, criteria, and requirements for the following:~~
 - ~~a. selection of reviewers, one (1) or more of whom must be a parent/legal guardian with a child enrolled in a District public school;~~
 - ~~b. review of instructional materials;~~

~~c. selection of materials, including a thorough review of curriculum content; and~~

~~d. reviewer recommendations.~~

~~3. The procedures must also identify, by subject area, a review cycle for instructional materials, specify the qualifications of reviewers, establish a process that certifies the accuracy of instructional materials, and comply with all other requirements in F.S. 1006.283(2).~~

~~D. Evaluation and Selection of Instructional Materials (State-Adopted and Non-State Adopted Instructional Materials)~~

~~1. Pursuant to F.S. 1006.34, 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 includes:~~

~~a. the age of the students who normally could be expected to have access to the material;~~

~~b. the educational purpose to be served by the material;~~

~~Priority shall be given to the selection of materials that align with the applicable State standards as provided for in F.S. 1003.41, and include the instructional objectives contained within the curriculum frameworks for career and technical education and adult and adult general education adopted by rule of the State Board of Education under F.S. 1004.92.~~

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

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

~~2. Any instructional material containing pornography or otherwise prohibited by F.S. 847.012, may not be used or made available within any public school.~~

~~3. If the Board finds that an instructional material does not meet the criteria or that any other material contains prohibited content herein, the District shall discontinue use of the material for any grade level or age group for which such use is inappropriate or unsuitable.~~

~~E. Instructional Materials – Adoption and Purchase~~

~~1. Adoption of Instructional Materials~~

~~a. The appropriate content specialist or resource teacher, under the Assistant Superintendent for Leading and Learning, shall appoint committees to evaluate materials for District adoption and obtain samples, train committees, and publicize adoptions. These committees shall evaluate instructional materials which have not been used previously in the District to determine their appropriateness and usability in the schools before such materials are requisitioned. Evaluations will consider the Florida standards and District strategic directions. Normally, only those instructional materials which have been District recommended and District adopted shall be requisitioned for use in this school system. By March 31st of each year, the District will notify the Department of Education of the District's plan for purchasing State-adopted materials as required by State statute.~~

~~b. The following procedures for the adoption of instructional materials apply only to those instructional materials that serve as the major content tool and basis for instruction for each student in the core subject areas:~~

- ~~1) Public access to student editions of recommended instructional materials can be accessed and viewed online at least twenty (20) calendar days before the Board hearing and public meeting.~~
- ~~2) Public notice of the materials being considered for adoption shall specifically list the materials and how they can be accessed.~~
- ~~3) The Board shall conduct an open, noticed public hearing to receive comment on recommended materials prior to adoption.~~
- ~~4) The Board shall conduct an open, noticed public meeting, on a date other than the date of the public hearing, to approve an annual instructional materials plan identifying instructional materials that will be purchased. See F.S. 1006.283.~~

~~2. Purchase of Instructional Materials~~

- ~~a. Following adoption by the Board, requisitions shall be issued to purchase current instructional materials from the State-adopted instructional materials list so that each student in kindergarten through grade 12 will have a major tool of instruction in core courses of the subject areas of mathematics, language arts, science, social studies, reading, and literature. Any materials purchased shall be free of pornography and material prohibited under F.S. 847.012, suited to student needs and their ability to comprehend the material presented, and appropriate for the grade level and age group for which the materials are used or made available.~~
- ~~b. Requisitions shall also be issued to purchase instructional materials that will be the major tool of instruction for subjects in the State Course Code Directory for which the Board has adopted courses of study, but for which there are no materials on the State-adopted instructional materials list.~~
- ~~c. The Superintendent or designee shall approve these purchases.~~
- ~~d. The District shall maintain on its website a current list of instructional materials, by grade level, purchased by the District.~~

~~F. Petition to Object to Instructional Materials Selected for Adoption~~

- ~~1. The following individuals may file an objection to the adoption of a specific instructional material:
 - ~~a. parent/legal guardian of a public school student in the District; or~~
 - ~~b. resident of the county. 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.~~~~
- ~~2. A parent/legal guardian or resident may file a petition (using Form 2520 F1 – Petition to Object to Instructional Materials Selected for Adoption) with the Board within thirty (30) calendar days after the Board's adoption of specific instructional materials. The Petition to Object to Instructional Materials Selected for Adoption form (Form 2520 F1) shall be publicly available on the District's website. The Petition to Object to Instructional Materials Selected for Adoption form (Form 2520 F1) must be signed by the parent/legal guardian or resident, include the required contact information, and state the objection to the instructional material based on the criteria set forth in F.S. 1006.31(2) or 1006.40(3)(d).~~
- ~~3. Within thirty (30) calendar days after the thirty (30) calendar day period to file a petition has expired, an unbiased and qualified hearing officer shall conduct an open public hearing on all petitions timely received. The hearing officer shall be appointed by the Superintendent and shall be neither an employee nor agent of the Board.~~

- ~~4. The hearing before the hearing officer is not subject to the provisions of F.S. Chapter 120 but the hearing officer shall provide sufficient procedural protections to allow each petitioner an adequate and fair opportunity to be heard and present evidence to the hearing officer. The hearing officer will present his/her findings and recommendation in writing to the Board.~~
- ~~5. Within thirty (30) days after the Board receives the hearing officer's findings and recommendation, the Board, at a public meeting, will consider the petition, the hearing officer's findings and recommendation, and any evidence presented to the hearing officer, and make a final decision on the petition.~~
- ~~6. The decision of the Board shall be final and is not subject to further review or petition.~~

~~G. Access to Instructional Materials~~

- ~~1. The Board shall provide annual written notice to parents/legal guardians of the ability to access their child's instructional materials. In addition, the notice shall be posted on the District's instructional materials information website. The Board must also provide notice and access for teachers, administrators, students, and parents/legal guardians to a local instructional improvement system for electronic and digital instructional materials.~~
- ~~2. The District shall maintain on its website a current list of instructional materials, by grade level, purchased by the District (set forth in F.S. 1006.283). School library media: Upon written request, a school district shall provide access to any material or book specified in the request that is maintained in a district school system library and is available for review (F.S. 1006.283(2)(3d)).~~

~~H. Use of Instructional Materials~~

~~Principals shall ensure that instructional materials are used to provide instruction to students enrolled at the grade level(s) for which the materials are designed and for effectively communicating to parents/legal guardians the manner in which materials are used to implement the curricular objectives of the school under F.S. 1006.40 and 1006.28.~~

~~I. Lost and Damaged Instructional Materials~~

~~The principal shall collect from each student or the student's parent/legal guardians the purchase price of any instructional materials the student has lost, destroyed, or unnecessarily damaged and report and transmit the amount collected to the Superintendent. The failure to collect such sum upon reasonable effort by the principal may result in the suspension of the student from participating in extra-curricular activities or satisfaction of the debt by the student through community service activities at the school site as determined by the principal under F.S. 1006.28(3)(b).~~

~~J. 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. 1006.31(2) and 1006.40(3)(d) by requesting reconsideration of the challenged material.~~
- ~~3. Challenged materials shall remain in use and shall not be removed until the following informal and formal due process procedures have been completed.~~
- ~~4. **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) working days of receiving the request.~~

- ~~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) working days of the conference.~~

~~**5. School Level – Formal Request for Reconsideration of Non-State Adopted Instructional Materials (Classroom and Library): School Material Review Committee**~~

- ~~a. The Request for Reconsideration of Materials Form (Form 2520-F2) must be filed within ten (10) working 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 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 meet in the sunshine (meaning the meeting shall be open to the public and advertised at the school and District level).~~
- ~~3) 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).~~
- ~~4) A quorum of half plus one (1) members must be present at the meeting in order for the School Material Review Committee to make a recommendation.~~

- ~~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; and~~
- ~~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.~~
- ~~5) the record of the School 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.~~

~~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. 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 four (4) years and affects only the participating school.~~

~~OR~~

- ~~2) that the challenged instructional material does meet the criteria under F.S. 1006.28. The School Material Review Committee's determination is valid for four (4) 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) working 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) working days of the School Material Review Committee's determination.~~

~~**6. 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) working 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 (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 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 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 meet in the sunshine (meaning the meeting shall be open to the public and advertised at the District level).~~
- ~~3) the District Material Review Committee shall meet to review the merits of the appeal within twenty (20) working days of receipt of the written appeal of the determination of the School Material Review Committee's decision regarding the Request for Reconsideration of Material Form (Form 2520 F2)~~
- ~~4) a quorum of half plus one (1) members must be present at the meeting in order for the District Material Review Committee to make a decision on the appeal.~~

~~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. 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 four (4) years and affects the District.~~

~~OR~~

~~2) that the challenged instructional material does meet the criteria under F.S. 1006.28. The District Material Review Committee's determination is valid for four (4) 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.~~

Legal

F.S. 119.071

F.S. 847.012

F.S. 1006.28 through 1006.42

F.A.C. 6A-6.03025

34 C.F.R. Part 300

Revised 4/9/19

Revised 6/25/19

NEOLA 2017

2520 - SELECTION AND ADOPTION OF INSTRUCTIONAL MATERIALS

A. Instructional Materials

1. The School Board adopts courses of study pursuant to State law and Policy 2220. When adopting courses of study, State law also requires the Board to adopt and provide adequate instructional materials to students 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 Individualized Education Program (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. As required by State law, instructional materials adopted and used in the District shall be consistent with the goals and objectives in the District's adopted course of study and with the course descriptions established by State Board rule. The Board is responsible for the content of all instructional materials and any other materials used in a classroom, made available in a school library, or included on a reading list. 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.
5. The Superintendent shall develop administrative procedures that set forth a process to involve staff in the review and evaluation of instructional materials. The

staff involved in this process shall recommend to the Superintendent for submission to the Board for adoption the instructional materials that address the goals and objectives for adopted courses of study and the course descriptions established by State Board rule. The instructional materials shall be from the State-adopted instructional materials list if there has been a State adoption or from publishers and other resources if there has not been a State adoption.

6. The Superintendent's procedures shall also prescribe the process for the acquisition, management, use, accountability, and reporting requirements of all instructional materials.

B. Adoption of Instructional Materials

1. Prior to submitting a recommendation to the Board regarding the recommended instructional materials, those materials will be accessible for review online for at least twenty (20) calendar days prior to the open publicly noticed meeting at which a public hearing will be held so that the Board can receive comment, if any, about the instructional material under consideration for adoption. The Superintendent shall establish reasonable safeguards against the unauthorized use, reproduction, and distribution of the instructional material under consideration.
2. Following the public hearing, the Board may act upon the Superintendent's recommendation to adopt the instructional materials.
3. At an open publicly noticed meeting following the meeting at which the instructional material is adopted, the Board shall consider a recommendation to approve an annual instructional materials plan that identifies any instructional materials to be purchased pursuant to the instructional materials review process described herein.
4. The Superintendent shall maintain a list of all adopted instructional materials.

C. Purchase of Instructional Materials

1. Following adoption by the Board, requisitions shall be issued to purchase current instructional materials from the State-adopted instructional materials list so that each student in kindergarten through grade 12 will have a major tool of instruction in core courses of the subject areas of mathematics, language arts, science, social studies, reading, and literature. 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.
2. Requisitions shall also be issued to purchase instructional materials that will be the major tool of instruction for subjects in the State Course Code Directory for which the Board has adopted courses of study, but for which there are no materials on the State-adopted instructional materials list.
3. The Superintendent shall approve these purchases.
4. In any year in which the total instructional materials allocation for District has not been expended or obligated prior to June 30th, the unobligated amount shall be carried forward and added to the next year's allocation.
5. The District shall maintain on its website a current list of instructional materials, by grade level, purchased by the District.

D. Replacement and Purchase of Instructional Materials by Students/Parents

1. Students shall be held responsible for the cost of replacing any instructional materials lost, destroyed, or unnecessarily damaged. Failure to provide payment for the damage or loss may result in the suspension of the student from participation in extra-curricular activities, or the debt may be satisfied by the student performing community service activities at the school site as determined by the school principal.
2. 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%)**.
3. 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.

E. 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
 - b. 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.

F. 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) 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 material based on the criteria set forth in F.S. 1006.31(2) or 1006.40(3)(d).

G. Timeframe for Hearing

- H. 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.

I. 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.

J. 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. The Board's decision is final and not subject to further petition or review.
3. Hearings under this policy are not subject to the provisions of F.S. Chapter 120.

K. Parent Objection to Instructional Material Used in Classrooms

1. Parents/legal guardians may object to the use by their child of a specific instructional material in the classroom, as set forth in Florida law. Parents/legal guardians 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/legal guardian objection and may meet with the teacher or parents/legal guardians, or both, in an attempt to resolve the objection, 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 Assistant Superintendent of Leading and Learning. The decision of the Assistant Superintendent of Leading and Learning shall be final.

L. Free School-Related Instructional Materials

1. Free instructional materials may be accepted for classroom and school purposes under conditions that meet all the following criteria:
2. 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.
3. The materials should fill a legitimate purpose of the school curriculum.
4. The advertising feature of the materials should be minimized. Educational films should contain a minimum amount of commercial advertising.

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. 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, 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.
2. 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.

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Legal References

F.S. 119.071

F.S. 212.183

F.S. 1001.215

F.S. 1002.22

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

**Clean
Version**

2520 - SELECTION AND ADOPTION OF INSTRUCTIONAL MATERIALS

A. Instructional Materials

1. The School Board adopts courses of study pursuant to State law and Policy 2220. When adopting courses of study, State law also requires the Board to adopt and provide adequate instructional materials to students 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 Individualized Education Program (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. As required by State law, instructional materials adopted and used in the District shall be consistent with the goals and objectives in the District's adopted course of study and with the course descriptions established by State Board rule. The Board is responsible for the content of all instructional materials and any other materials used in a classroom, made available in a school library, or included on a reading list. 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.
5. The Superintendent shall develop administrative procedures that set forth a process to involve staff in the review and evaluation of instructional materials. The staff involved in this process shall recommend to the Superintendent for submission to the Board for adoption the instructional materials that address the goals and objectives for adopted courses of study and the course descriptions established by State Board rule. The instructional materials shall be from the State-adopted instructional materials list if there has been a State adoption or from publishers and other resources if there has not been a State adoption.
6. The Superintendent's procedures shall also prescribe the process for the acquisition, management, use, accountability, and reporting requirements of all instructional materials.

B. Adoption of Instructional Materials

1. Prior to submitting a recommendation to the Board regarding the recommended instructional materials, those materials will be accessible for review online for at least twenty (20) calendar days prior to the open publicly noticed meeting at which a public hearing will be held so that the Board can receive comment, if any, about the instructional material under consideration for adoption. The Superintendent shall establish reasonable safeguards against the unauthorized use, reproduction, and distribution of the instructional material under consideration.
2. Following the public hearing, the Board may act upon the Superintendent's recommendation to adopt the instructional materials.
3. At an open publicly noticed meeting following the meeting at which the instructional

material is adopted, the Board shall consider a recommendation to approve an annual instructional materials plan that identifies any instructional materials to be purchased pursuant to the instructional materials review process described herein.

4. The Superintendent shall maintain a list of all adopted instructional materials.

C. Purchase of Instructional Materials

1. Following adoption by the Board, requisitions shall be issued to purchase current instructional materials from the State-adopted instructional materials list so that each student in kindergarten through grade 12 will have a major tool of instruction in core courses of the subject areas of mathematics, language arts, science, social studies, reading, and literature. 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.
2. Requisitions shall also be issued to purchase instructional materials that will be the major tool of instruction for subjects in the State Course Code Directory for which the Board has adopted courses of study, but for which there are no materials on the State-adopted instructional materials list.
3. The Superintendent shall approve these purchases.
4. In any year in which the total instructional materials allocation for District has not been expended or obligated prior to June 30th, the unobligated amount shall be carried forward and added to the next year's allocation.
5. The District shall maintain on its website a current list of instructional materials, by grade level, purchased by the District.

D. Replacement and Purchase of Instructional Materials by Students/Parents

1. Students shall be held responsible for the cost of replacing any instructional materials lost, destroyed, or unnecessarily damaged. Failure to provide payment for the damage or loss may result in the suspension of the student from participation in extra-curricular activities, or the debt may be satisfied by the student performing community service activities at the school site as determined by the school principal.
2. 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%)**.
3. 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.

E. 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
 - b. 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.

F. 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) 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 material based on the criteria set forth in F.S. 1006.31(2) or 1006.40(3)(d).

G. Timeframe for Hearing

- H. 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.

I. 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.

J. 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. The Board's decision is final and not subject to further petition or review.
3. Hearings under this policy are not subject to the provisions of F.S. Chapter 120.

K. Parent Objection to Instructional Material Used in Classrooms

1. Parents/legal guardians may object to the use by their child of a specific instructional material in the classroom. as set forth in Florida law. Parents/legal guardians 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/legal guardian objection and may meet with the teacher or parents/legal guardians, or both, in an attempt to resolve the objection, 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 Assistant Superintendent of Leading and Learning. The decision of the Assistant Superintendent of Leading and Learning shall be final.

L. Free School-Related Instructional Materials

1. Free instructional materials may be accepted for classroom and school purposes under conditions that meet all the following criteria:
2. 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.
3. The materials should fill a legitimate purpose of the school curriculum.
4. The advertising feature of the materials should be minimized. Educational films should contain a minimum amount of commercial advertising.

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.

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