

INSTRUCTIONAL RESOURCES AND MATERIALS PROGRAM, SELECTION, FILE: IJ AND OBJECTIONS

TITLE: Allocation of Instructional Materials

POLICY:

The distribution of all textbooks, library resources, and other instructional materials shall be made on an equitable basis to District schools. The allocation of these materials shall be based on student full-time equivalent membership funds, school enrollment and membership, or similar indicators of the schools' student population.

SPECIFIC AUTHORITY: Sections 1002.20; 1003.02; 1006.28; 1006.40, Florida Statutes

TITLE: Selection of Instructional Materials Selection

POLICY:

It is the constitutional duty and responsibility of The School Board of Orange County, Florida ("Board") to ~~select~~ ~~adopt~~ and provide adequate instructional materials to all students of the District, whether the materials are selected from the list of approved materials from the Florida Department of Education or through a local selection program. The following procedures for the ~~adoption~~ selection of instructional materials apply only to those instructional materials that serve as the major content tool and basis for instruction for each student in the core subject areas of mathematics, language arts, social studies, science, reading, and literature. The Division of Teaching and Learning shall coordinate the selection of instructional materials.

(1) ~~Selection of State-Adopted Instructional Materials. A district committee shall be appointed to review instructional materials which are being considered for state adoption.~~

(a) 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.

(b) The Superintendent, or designee, 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, management practices, and property accountability concerning instructional materials.

Commented [A1]: HB 1467 - Line 59 uses the word "select" rather than adopt. This language is specifically from Section 1006.28, F.S.

~~(c) The duties and responsibilities include keeping adequate records and accounts for all financial transactions for funds collected. Such records and accounts shall be a component of the educational service delivery scope of the District's best financial management practices review.~~

~~(d) Committee members shall complete a training program developed by the Florida Department of Education prior to involvement with the review and selection process. The training shall develop skills to assist committee members in making valid and objective recommendations regarding the content and rigor of instructional materials.~~

Commented [A2]: The training in HB 1467 is only for library media materials selection.

~~(e) The composition of the district committee shall be in accordance with current state provisions.~~

~~(2) Selection of District-Adopted Instructional Materials. The primary objective for districtwide adoption of instructional materials, which may include state-adopted and non-state-adopted instructional materials, is to unify the curriculum of the total district educational program. The district committee composition shall follow the same provisions as the state committee. The selection process shall be in accordance with these provisions.~~

~~(a) The Board shall implement its own instructional materials review and selection program for District-adopted instructional materials that are not State-adopted. The procedures are established within this policy and provide for the evaluation and selection of District-adopted instructional materials.~~

~~(b) These procedures include processes, criteria, and requirements for the following:~~

~~(i) Selection of review committee members, one (1) or more of whom must be a parent/legal guardian of a child enrolled in a District public school, who is not a District employee;~~

Commented [A3]: HB 1467 Lines 127 - 129

~~(ii) Review of instructional materials;~~

~~(iii) Selection of materials, including a thorough review of curriculum content; and~~

~~(iv) Review committee recommendations.~~

Commented [A4R3]: Added language around district employee participation.

~~(c) The procedures 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 current requirements.~~

~~(e) Evaluation and Recommendations. The district committee shall evaluate instructional materials for potential use in district schools and~~

~~(d) shall provide recommendations and concerns to the Superintendent's designee regarding the evaluation results.~~

- (i) ~~Public access to student editions of recommended materials will be provided twenty (20) calendar days before the public hearing described below.~~
- (ii) ~~Notice of Materials. Public notice of the materials being considered for adoption shall be posted on the district's instructional materials information website and shall specifically state which instructional materials are being reviewed and the manner in which the instructional materials can be accessed for public review.~~
- (iii) ~~Public Hearing. The Board shall conduct an open, noticed public hearing to receive comment on recommended materials prior to adoption.~~
- (iv) ~~Public Meeting. An open, noticed public meeting, on a date other than the date of the Board's public hearing required by Section 1006.283(8)(b), Florida Statutes, to approve an annual instructional materials plan identifying instructional materials that will be purchased.~~
- (v) ~~Notice of Public Hearing and Public Meeting. Notice for the Board's public hearing and public meeting shall be posted on the district's instructional materials information website and specifically state which instructional materials are being reviewed and the manner in which the instructional materials can be accessed for public review.~~
- (vi) ~~During the public hearing, the parent of a public school student or a resident of the county, shall be permitted to proffer evidence that:~~

~~(1) A recommended instructional material does not meet the criteria provided in Section 1006.31(2), Florida Statutes or Section 1006.40(3)(d), Florida Statutes 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 Section 1006.283(2)(b)8,9, and 1, Florida Statutes; or~~

~~(2) Any material used in a classroom, made available in a school library, or included on a reading list contains content that is pornographic or prohibited under Section 847.012, Florida Statutes, 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.~~

~~(vii) For purposes of this Policy, "resident" shall mean a person who (1) has maintained his or her residence in the State of Florida for the preceding year, (2) has purchased a home that is occupied by him or her as his or her residence, or (3) has established a domicile in this state pursuant to Section 222.17, Florida Statutes.~~

Commented [A5]: This section is being moved to section (4) "Adoption of Instructional Materials" below.

- ~~(viii) In addition to comments during the public hearing, the Board shall receive comments at the public meeting.~~
- ~~(e) Objections to Selection of District-Adopted Instructional Materials. Any objection to the selection of any instructional materials shall be filed and processed as follows:~~
- ~~(i) A parent of a public school student or a resident of the county may file a petition on the form available and posted on the district's instructional materials information website within thirty (30) calendar days after the adoption of the materials. The petitioner must sign the form, include the required contact information, and state the objection to the instructional materials.~~
 - ~~(ii) Within thirty (30) calendar days after the 30-day period has expired, the Board shall conduct a public hearing on all petitions timely received, before an unbiased and qualified hearing officer. The hearing officer may not be an employee or agent of the school district. The hearing is not subject to the provisions of Chapter 120, Florida Statutes.~~
 - ~~(iii) The decision of the Board after conducting the hearing is final and is not subject to appeal.~~
 - ~~(iv) The Board shall maintain on its website a current list of instructional materials, by grade level, purchased by the district.~~
 - ~~(f) A district-adopted list identifying all approved instructional materials shall be prepared and distributed to schools for use.~~

(3) Evaluation of Instructional Materials (State-Adopted and District-Adopted).

Pursuant to Section 1006.28 (2)(a)(1), Florida Statutes, the Board is responsible for the content of all instructional materials used in a classroom or otherwise made available to students, whether adopted and purchased from the State-adopted instructional materials list, adopted and purchased through the District's instructional materials program under Section 1006.283, Florida Statutes, or otherwise purchased or made available.

- ~~(a) The selection of instructional materials and 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. Priority shall be given to the selection of materials that align with applicable State standards and include the instructional objectives contained within the curriculum frameworks for career and technical education and adult general education.~~
 - ~~(iii) The degree to which the material would be supplemented and explained by mature classroom instruction as part of a normal~~

Commented [A6]: This section is being moved to "Objections to Instructional Materials Selected for Adoption" (a new title) below.

Commented [A7]: Added section 1006.28 (2)(a)(1)

Commented [A8]: Language in this section comes directly from Section 1006.34, F.S.

classroom instructional program. For purposes of this policy "mature classroom instruction" is defined as "instruction suited to the students' ability to comprehend the material presented and appropriate for the grade level and age group for which the materials are used or made available."

(iv) The consideration of the ethnic, socioeconomic, cultural, religious, physical, and racial diversity of our society in accordance with Section 1006.31, Florida Statutes.

(b) Any instructional material containing pornography or otherwise prohibited by Section 847.012, Florida Statutes, may not be used or made available within any District school. For purposes of this policy, "pornography" is defined in the Florida Department of Education's online training program as as any depiction (written, narrative, or graphic) of any person engaged in "sexual conduct" as that term is defined in Section 847.001(16), Florida Statutes "the depiction of erotic behavior (as in pictures or writing) intended to cause sexual excitement." For purposes of this policy, "obscene" shall have the same definition as that term is defined in Section 847.001(10), Florida Statutes.

(c) The Superintendent, or designee, may temporarily remove a challenged material during the pendency of a Petition for Objection to Instructional Materials if the Superintendent, or designee, believes it will be disruptive to the student learning environment if the challenged material were to remain available, or if the Superintendent, or designee, determines the materials contain pornography or material that is harmful to minors/obscene.

(b) The instructional materials for College Board Advanced Placement, International Baccalaureate, Dual Enrollment, and Cambridge Assessment International Education are not selected by the Board. The instructional materials may contain college-level content. Participation in these programs is voluntary.

(d) _____

(e) If it is found that an instructional material does not meet the criteria set forth in this policy, or that any other material contains prohibited content, the District shall discontinue use of the material for any grade level or age group for which such use is inappropriate or unsuitable.

(f) Committee members shall complete a training program developed by the Florida Department of Education prior to involvement with the review and selection process. The training shall develop skills to assist committee members in making valid and objective recommendations regarding the content and rigor of instructional materials.

(4) Adoption of Instructional Materials.

Commented [A9]: 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.

From Section 1006.31, F.S.

Commented [A10]: "Whatever else it does in the context of school library books, the First Amendment does not require a school board to leave on its library shelves a purportedly nonfiction book that contains false statements of fact." *Am. Civil Liberties Union of Florida, Inc. v. Miami-Dade Cnty. Sch. Bd.*, 557 F.3d 1177, 1222 (11th Cir. 2009).

Commented [A11]: This language aligns with Policy IJL giving the Superintendent or designee the authority to remove a challenged material.

Commented [A12]: HB 1467 Lines 96 - 101

(a) The appropriate content specialist(s) and the Senior Administrator for Instructional Materials, under the Associate Superintendent who oversees curriculum for Curriculum and Digital 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, statutory requirements under Section 1003.42, Florida Statutes, and the District's strategic plan. Normally, only those instructional materials which have been District-recommended and District-adopted shall be requisitioned for use. By April 1st of each year, the District will notify the Department of Education of the District's plan for purchasing State-adopted materials as required by the Florida Statutes.

(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:

(i) Public Meetings of Committees. Meetings of committees convened for the purpose of ranking, eliminating, or selecting instructional materials for recommendation to the Board must be noticed and open to the public.

(ii) Public Access of Recommended Materials. Public access to student editions of recommended materials will be provided twenty (20) calendar days before the Board hearing and public meeting.

(iii) Public Notice of Materials Considered for Adoption. Public notice of the materials being considered for adoption shall be posted on the District's instructional materials website and shall specifically list which instructional materials are being reviewed and the manner in which the instructional materials can be accessed for public review.

~~(iv)~~ Public Hearing. The Board shall conduct an open, noticed public hearing to receive comment on recommended materials prior to adoption.

~~(iv)(v)~~ Public Meeting. The Board shall conduct an open, noticed public meeting, on a date other than the date of the Board's public hearing, to approve an annual instructional materials plan identifying instructional materials that will be purchased. This public meeting shall be held on a different date than the Board public hearing.

(5) 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

Commented [A13]: This language comes directly from Section 1006.283, F.S.

material prohibited under Section 847.012, Florida Statutes, 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.

(6) Access to Instructional Materials.

The District shall publish on its website, in a searchable format, a list of all instructional materials, including those used to provide instruction required by Section 1003.42, Florida Statutes, by grade level, purchased by the District.

~~(a)~~

Commented [A14]: HB 1467 Lines 175-179

(7) Use of Instructional Materials.

The Principal shall ensure that instructional materials are used to provide instruction to students enrolled at the grade level or levels for which the materials are designed and communicate to parents/legal guardians the manner in which instructional materials are used to implement the curricular objectives of the school.

Commented [A15]: HB 1467 - Lines 208 -215

(8) Lost and Damaged Instructional Materials.

The Principal shall collect from each student or the student's parent/legal guardian the purchase price of any instructional material the student has lost, destroyed, or unnecessarily damaged and to report and transmit the money 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 participation in extracurricular activities or satisfaction of the debt by the student through community service activities at the school site as determined by the Principal.

Commented [A16]: HB 1467 - Lines 216-227

~~(8)~~(9) Objections to Supplemental Instructional Materials Already Adopted and in Use.

With respect to supplemental instructional materials already adopted and in use, or proposed to be used, in the classroom and/or in the library, a parent/legal guardian of a public school student or a resident of the county shall file a petition for review with the Board Request for Reconsideration of Instructional Media Center Materials or Library Other Reading Materials as identified in Policy IJL – Library Media Center Materials Program, Selection, and Challenges. Such material

shall include not only supplemental instructional materials used in the classroom, but also bonus and/or other media material that will be placed in the school's media center and/or used in the classroom.

~~(9) Instructional materials on the state-adopted and district-adopted lists shall remain for the period of the state adoption cycle plus two additional years.~~

SPECIFIC AUTHORITY:

Sections ~~847.001; 847.012; 1000.41;~~ 1001.54; ~~1003.42;~~ 1012.28; 1006.28; 1006.283; 1006.29; 1006.31; 1006.40, Florida Statutes

TITLE: Objections to Instructional Materials Selected for Adoption

Commented [A17]: HB 1467 - Lines 105 -110

POLICY:

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

Commented [A18]: This language comes directly from Section 1006.28, F.S.

(a) A parent/legal guardian of a public school student in the District; or

(b) A 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 in the county, or has established a domicile in the county.

(2) Any objection to the selection of any instructional materials shall be filed and processed as follows:

(a) A parent/legal guardian or resident shall may file a *Petition for Objection to Instructional Materials Adopted by the School Board* utilizing the form available and posted on the district's instructional materials information website within thirty (30) calendar days after the Board's adoption of specific instructional materials. The petitioner ~~must shall~~ sign the form, include the required contact information, and state the objection to the instructional materials.

(b) Within thirty (30) calendar days after the thirty (30) calendar day period to file a petition has expired, the Board shall conduct a public hearing on all petitions timely received before an unbiased and qualified hearing officer. The hearing officer may not be an employee or agent of the school district.

Commented [A19]: HB 1467 - Lines 114 -122

(c) The hearing is not subject to the provisions of Chapter 120, Florida Statutes; however, the hearing must provide sufficient procedural protections to allow each petitioner an adequate and fair opportunity to be heard and present evidence to the hearing officer.

(d) 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. The Board has the authority to reject findings of fact unless such finding is objectively verifiable. The Board may review conclusions of law using a *de novo* standard.

Commented [A20]: HB 1467 118-123

(e) The decision of the Board after conducting the hearing is final and is not subject to appeal.

SPECIFIC AUTHORITY: Sections 1001.54; 1012.28; 1006.28; 1006.283; 1006.29; 1006.31; 1006.40, Florida Statutes

TITLE: Use of Instructional Materials Allocation~~Acquisition of Instructional Materials~~

POLICY:

- (1) The Board shall expend the annual allocation for acquiring instructional materials that align with state standards and are included on the state-adopted list. Funds which are allocated from the state appropriation for instructional and nonprint materials and which are not expended or obligated prior to June 30th of each year shall be carried forward and added to the next year's allocation.
- (2) A maximum of fifty percent (50%) of the annual allocation, except as provided in subsection (1) herein, may be used for purchasing including the purchase of library and reference books and non-print materials.
- (3) The Board may authorize the issuance of purchase orders subsequent to February 1st in an aggregate amount which does not exceed twenty percent (20%) of the current year's allocation, and subsequent to April 1st of each year in an aggregate amount not to exceed ninety percent (90%) of the current year's allocation for the purpose of expediting the delivery of instructional materials which are to be purchased from the ensuing year's allocation.
 - (a) Principals shall properly account for all books on forms supplied through the Division of Teaching and Learning. Principals shall prepare and transmit such textbook records and reports as may be required by the Superintendent or designee.

Commented [A21]: This language comes directly from Section 1006.40, F.S.

SPECIFIC AUTHORITY: Sections ~~1003.41; 1006.28; 1006.283;~~ 1006.31; ~~1006.29;~~ 1006.40; 1006.41, Florida Statutes

TITLE: Sale of Instructional Materials

POLICY:

(1) New ~~instructional material~~ textbooks which are unused and in current adoption may be purchased by the public from the state's textbook depository at the net wholesale price paid by the District.

(1)(2) The Principal, upon request of the parent/legal guardian of a student in the school, shall sell to the parent/legal guardian any physical copies of textbooks used in the school. Textbooks shall not be sold to parents/legal guardians at a profit. If used textbooks are available, they may be purchased from the District's textbook depository at the following rates:

- (a) used less than one (1) year - original cost;
- (b) used one (1) year - 75% of original cost;
- (c) used two (2) years - 60% of original cost; and
- (d) used three (3) years - 50% of original cost.

(2)(3) ~~Instructional materials shall not be sold to students at a profit.~~ Only those supplementary materials which have been authorized in advance may be required for classroom use.

- (a) The Principal shall be responsible for determining authorized supplementary materials for school use.
- (b) Disciplinary action or withholding school credits to require students to purchase supplementary material shall be prohibited.
- (c) The Principal shall be responsible for any expenditures for supplementary materials which are not properly authorized under existing Board rules.

Commented [A22]: The district can only sell instructional materials to parents/legal guardians under a "rule adopted by the district school board." This language is contained in Section 1006.28, F.S.

SPECIFIC AUTHORITY:

Section ~~1000.41~~; 1001.54; 1006.28; 1006.29; 1006.41; 1012.28,
Florida Statutes

ADOPTED: 11/17/08
REVISED: 11/07/17; _____