

**LIBRARY MEDIA CENTER MATERIALS PROGRAM, SELECTION, \_\_\_\_\_ AND ADOPTION FILE: IJL**

**AND CHALLENGES**

**TITLE: Selection of Library Media Center Media Materials and Other Reading Materials Selection**

**POLICY:**

(1) Objectives of Selection.

It is the intent of the School Board of Orange County, Florida ("Board") ~~to establish and maintain a school library media program at all schools in the District, that~~ Each Mmedia Ccenter at a school shall enhance and support the District's educational mission by providing ~~contain~~ a wide range of materials, in print, electronic, and digital format, on all levels of difficulty, with diversity of appeal and the representation of different points of view. The Mmedia Ccenter collection shall consist of the following:

- (a) Materials that will enrich and support the curriculum, taking into consideration the varied interests, abilities, and maturity levels of the students served;
- (b) Materials that will stimulate growth in factual knowledge, literary appreciation, aesthetic values, and ethical standards;
- (c) A background of information enabling students to make intelligent judgments in their daily life;
- (d) Materials representative of the broad racial, ethnic, socio-economic, and cultural diversity of the students of this manydistrict. religious, ethnic, and cultural groups and their contributions to our American heritage; and
- (e) A comprehensive collection appropriate for the users of the Mmedia Ccenter which places principle above personal opinion and reason above prejudice in the selection of materials of the highest quality.

(2) Responsibility and Training for Selection of Media Center Materials.

- (a) ~~Educational Mmaterials shall be selected by professionally trained personnel employed by the school board which may include, but not be limited to, principals, teachers, program specialists and media specialists. Coordinating the selection of educational materials and recommending purchases shall be the responsibility of professionally trained media personnel. District personnel who hold a valid educational media specialist certificate. Principals are responsible for overseeing compliance with~~

**Commented [A1]:** National Standards: " support student inquiry and interests, are developmentally appropriate, culturally inclusive, and align with state and district learning standards" and "carefully curated collection of current materials in a variety of formats" and " the library encourages students to read a variety of literature for information and pleasure" and "library media materials should reflect diversity, student choice for leisure reading, and reading for information as well as the needs of curriculum and state standards"

**Commented [A2]:** HB 1467 - Lines 131 and 132.

**Commented [A3]:** This language is taken directly from slide 12 of the Florida Department of Education's training materials.

**Commented [A4R3]:** "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 [A5]:** HB 1467 - lines 136-141

~~school district procedures for selecting school library media center materials at the school to which they are assigned.~~

~~(b) Media specialists and any other personnel involved in the selection of school library materials shall complete the Florida Department of Education's online training program, created pursuant to Section 1006.29, Florida Statutes, to assist reviewers in complying with the requirements of Section 1006.31, Florida Statutes, before reviewing and selecting age-appropriate materials and library resources. Prior to such training becoming available, media specialists and any other personnel involved in the selection of school library materials shall consider the requirements contained in Sections 1006.28, 1006.283, 1006.31, and 1006.40, Florida Statutes.~~

**Commented [A6]:** HB 1467 - Lines 244-247

**Commented [A7]:** This is a statutory reference to the Florida Department of Education's online training program.

**Commented [A8]:** HB 1467 Lines 270-271

~~(c) The Superintendent shall annually verify that all media specialists employed by the District have completed the Department of Education's online training program.~~

**Commented [A9]:** HB 1467 Lines 270-271

(3) **Criteria and Procedures for Selection of Library-Media Center Media Materials and Other Reading Materials.**

~~(a) The standards to determine the propriety of the library media materials and other reading materials shall be in accordance with Section 1006.3440(3)(d), Florida Statutes, specifically, that the material is:-~~

**Commented [A10]:** HB 1467 - Lines 158-159

~~(i) Free of pornography and material prohibited under Section 847.012, Florida Statutes. For purposes of this policy, "pornography" is defined in the Florida Department of Education's online training materials program as provided by the state as "the depiction of erotic behavior (as in pictures or writing) intended to cause sexual excitement." follows, 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. For purposes of this policy, "obscene" shall have the same definition as that term is defined in Section 847.001(10), Florida Statutes;~~

**Commented [A11]:** Section 1006.40(3)(d)(1), (2), and (3), F.S.  
[http://www.leg.state.fl.us/Statutes/index.cfm?App\\_mode=Display\\_Statute&URL=1000-1099/1006/Sections/1006.40.html](http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&URL=1000-1099/1006/Sections/1006.40.html)

**Commented [A12]:** This is taken directly from slide 7 of the Florida Department of Education's online training materials.

~~(ii) Any picture, photograph, drawing, sculpture, motion picture film, videocassette, or similar visual representation or image of a person or portion of the human body which depicts nudity or sexual conduct, sexual excitement, sexual battery, bestiality, or sadomasochistic abuse and which is harmful to minors; or~~

~~(iii) Any book, pamphlet, magazine, printed matter however reproduced, or sound recording that contains any matter defined in Section 847.001, Florida Statutes, explicit and detailed verbal descriptions or narrative accounts of sexual excitement, or sexual conduct and that is harmful to minors.~~

(iv)  ~~Suited to student needs and their ability to comprehend the material presented; and~~

**Commented [A13]:** This directly sites Section 1006.40 (3)(d)(2).

(v)  ~~Appropriate for the grade level and age group for which the materials are used or made available.~~

(b)  ~~Books, papers, or utterances of a sectarian, religious, or denominational character shall only be included in the collection for instructional purposes when related to an objective study of the Bible and of religion. The Board may install a secular program of education including, but not limited to, an objective study of the Bible and of religion. As such, media specialists may purchase religious materials and/or materials about religious figures for the purpose of such objective study. While using the materials, no No employee may impose upon students his or her personal convictions regarding a particular religion. indoctrinate any student with the viewpoint of a particular religion.~~

**Commented [A14]:** This proposed revision contains amended language from the current version of Policy IMB Teaching About Controversial Issues. See Article I, Section 3, of the Florida Constitution, and Section 1003.45(1), F.S.

**Commented [A15]:** This language tracks article VII, Section B of the CTA contract.

(c)  ~~When selecting materials, whether purchased, donated, or otherwise made available to students for purchase, the media specialist shall:~~

**Commented [A16]:** HB 1467 - Lines 160-165

(i)  ~~Evaluate the existing collection;~~

(ii)  ~~Consult reputable, professionally recognized reviewing periodicals and school community stakeholders;~~

(iii)  ~~Consider materials based on reader interest;~~

(iv)  ~~Consider materials that support the state academic standards and aligned curriculum; and~~

(v)  ~~Consider materials that support the academic needs of students and faculty; and~~

(vi)  ~~Consider the reputation of the publisher/producer, and the significance of the author/artist/composer/producer; and~~

(vii)  ~~Determine whether donated materials shall be accepted for inclusion in the collection.~~

(a)  ~~First consideration shall be given to the needs of the individual school based on the following:~~

(i)  ~~Knowledge of the curriculum;~~

(ii)  ~~Knowledge of the existing collection;~~

(iii)  ~~Knowledge of the needs of the students; and~~

(iv)  ~~Requests from users of the collection (i.e., administrators, faculty, parents, and students), which shall be given high priority.~~

~~(b) Second consideration shall include, but is not limited to, the following:~~

~~(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 the current Florida Standards as provided for in Section 1003.41, Florida Statutes, 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 Florida Board of Education under Section 1004.92, Florida Statutes; and~~

~~(iii) The consideration of the broad racial, ethnic, socioeconomic, and cultural diversity of the students of this state.~~

~~(e) Materials shall be considered on the basis of overall purpose, timeliness, importance of the subject matter, quality of the writing/production, readability and popular appeal, authoritativeness, reputation of the publisher/producer, reputation and significance of the author/artist/composer/producer, format, and price.~~

~~(d) Donated or otherwise made available Gifts of educational materials or money to purchase educational materials shall be accepted with the understanding that their use or disposition inclusion in the collection shall be determined by the school district employees personnel who hold a valid educational media specialist certificate having the responsibility for acquisitions according to in accordance with the same selection criteria and procedures as purchased materials.~~

Commented [A17]: HB 1467 - Line 153

~~(4) Procedures for Selection.~~

~~When selecting materials for purchase, the school media specialist shall evaluate the existing collection and shall consult with the following:~~

~~(a) Reputable, unbiased, professionally prepared selection aids such as those published by the American Library Association, the Association for Educational Communications and Technology, the H. W. Wilson Co., R. R. Bowker, Educational Film Library Association, and others generally accepted by the educational media profession; and~~

~~Media staff, program specialists, faculty, students, and community representatives.~~

(4) Criteria for Removal of LibraryMedia Center Materials and Other Reading Materials.

(a) Materials shall be evaluated and considered for removal from collections on a regular basis.

(b) At minimum, materials shall be considered for removal based on the following criteria:

(i) Physical condition;

(ii) Rate of recent circulation;

(iii) Lack of alignment to state academic standards and relevancy to curriculum;

(iv) Out-of-date content; or

(v) Removed as a result of a formal challenge.

(5) Materials Maintained in Media Centers and Other Reading Materials.

(a) Each school shall publish on its website a link to the searchable library catalog which shall list all materials maintained in the media center, Forcenter. For the purposepurposes of this policy, media centers in elementary schools also include any collection of books, ebooks, periodicals, and videos maintained and accessible on the site of an elementary school, including classrooms. all books maintained in classrooms.

(b) Each school shall publish on its website a list of all materials required as part of a school or grade-level reading list.

**Commented [A18]:** Not in legislation but consider adding language about evaluating the collection annually for average copyright date, number of materials per students, and circulation data.

**Commented [A19R18]:** Outdated books with negative stereotypes should be weeded. Relevancy, diversity, equity, age appropriateness, and variety should be considered.

**Commented [A20]:** HB 1467 Lines 166-170

**Commented [A21]:** HB 1467 - Lines 171-174

**Commented [A22]:** This is new language from Rule 6A-7.0713(2)(c), Florida Administrative Code. The Rule was amended after the 1-17-23 Work Session to remove "elementary."

**SPECIFIC AUTHORITY:**

Section 847.001; 847.012; 1003.41; 1003.45; 1004.92; 1006.28; 1006.283; 1006.31; 1006.34; 1006.40, Florida Statutes

Article I, Section 3, Florida Constitution

ADOPTED: 10/12/93

REVISED: 9/29/15

**TITLE:** ~~Challenges to Library~~Media Center Materials and Other Reading Materials

**POLICY:**

~~The following procedures shall be followed when the appropriateness of books or Media Center materials or other reading materials is questioned (hereinafter "challenged material"). This does not apply to other than State-adopted textbooks in use in the classroom, or school library is questioned.~~

(1) ~~A parent/legal guardian or resident of the county shall use the following procedures to present evidence that the challenged material does not meet the criteria of Sections 1006.31 and 1006.40, Florida Statutes, by requesting reconsideration of the challenged material. The following individuals may file a challenge to library materials and other reading materials:~~

- ~~(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) ~~The following procedures shall be applied when the appropriateness of Media Center materials or other reading materials is questioned (hereinafter "challenged material"). This does not apply to State-adopted textbooks in use in the classroom. Challenged materials shall not be removed immediately; such materials shall be available for student use pending a final decision.~~

~~Notwithstanding the foregoing, the only the Superintendent, or designee, may temporarily remove a challenged material(s) during the pendency of a request for reconsideration if the Superintendent, or designee, believes it will be disruptive to the student learning environment if allow 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.~~

- ~~(a) Receipt of a timely Request for Reconsideration of Media Center Materials or Other Reading Materials form shall follow an informal request and conference with the Principal/Director or Assistant Principal/Assistant Director. Any Request for Reconsideration of Media Center Materials or Other Reading Materials form which alleges the material is pornographic, harmful to minors, and/or obscene shall be immediately forwarded to the District Literacy Council for review and decision. The decision of the District Literacy Council applies district-wide.~~
- ~~(b) Notwithstanding the foregoing, only the Superintendent, or designee, may temporarily remove a challenged material during the pendency of a request for reconsideration 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~~

**Commented [A23]:** This language is from the current version of Policy KEC with modifications based on HB 1467. Policy KEC is being recommended for repeal.

**Commented [A24]:** Language comes directly from Section 1006.28, Florida Statutes.

minors/obscene. If the Superintendent, or designee, determines the materials contain pornography or material that is harmful to minors/obscene, the Superintendent, or designee, shall permanently remove the material from the collection.

(3) School Level - Informal Request for Reconsideration of Instructional Media Center Materials or Other Reading Materials.

(a) A parent/legal guardian or resident of the county who has a concern with the use of specific non-State adopted Media Center materials or other reading materials instructional materials and/or library materials accessed in the classroom and/or the school library must first request, in writing, a conference with the Principal/Director or Assistant Principal/Assistant Director to discuss the use of the challenged material. The Principal/Director, or Assistant Principal/Assistant Director, will schedule the conference within ten (10) working days of receiving the request.

(a) If the concern is not resolved at the conference, the parent/legal guardian or resident of the county will be provided with the Request for Reconsideration of Instructional Media Center Materials or Other Reading Materials or Library Materials form to file a written request for reconsideration. The Principal/Director, or Assistant Principal/Assistant Director, shall provide an explanation of the process that will be followed. Any such written Request for Reconsideration of Media Center Instructional Materials or Other Library Reading Materials form will shall be filed with the Principal/Director, or Assistant Principal/Assistant Director, within ten (10) working days of the conference. A failure to file a written Request for Reconsideration of Instructional Media Center Materials or Library Other Reading Materials form within ten (10) working days shall be considered a waiver of any further request for review.

(b) \_\_\_\_\_

(4) School Level – Formal Request for Reconsideration of Instructional Media Center Materials or Library Other Reading Materials.

(a) The Request for Reconsideration of Instructional Media Center Materials or Library Other Reading Materials form must shall be filed by the parent/legal guardian or resident of the county with Principal/Director, or Assistant Principal/Assistant Director, within ten (10) working days of the conference referenced above in the informal request process. An individual complainant who does not timely complete and return the form shall receive no further consideration. The Request for Reconsideration of Media Center Instructional Materials or Library Other Reading Materials form shall include the following information about the material being challenged:

(i) Author, compiler, or editor;

(ii) Date of request for reconsideration;

- (iii) Grade level (if applicable);
  - (iv) Course (if applicable);
  - (v) Publisher;
  - (vi) Title;
  - (vii) Specific reason for challenge;
  - (viii) Page number of each item challenged; and
  - (ix) Signature and address of the parent/legal guardian or resident of the county requesting the reconsideration.
- (b) Receipt of a timely Request for Reconsideration of Media Center Materials or Other Reading Materials form shall follow an informal request and conference with the Principal/Director or Assistant Principal/Assistant Director. Any Request for Reconsideration of Media Center Materials or Other Reading Materials form which alleges the material is pornographic, harmful to minors, and/or obscene shall be immediately forwarded to the District Literacy Council for review and decision. The decision of the District Literacy Council applies district-wide.
- (c) Upon receipt of a timely Request for Reconsideration of ~~Instructional~~Media Center Materials or ~~Library~~Other Reading Materials form, the Principal/Director, or Assistant Principal/Assistant Director, shall convene the School Literacy Council to review the challenged material. The School Literacy Council shall consist of an odd number of members and shall include, but not be limited to, at least five (5) members:
- (i) A certified educational media specialist;
  - (ii) Principal/Director, or Assistant Principal/Assistant Director;
  - (iii) At least one (1) teacher (excluding the teacher involved) as selected by the Principal/Director, or Assistant Principal/Assistant Director; and
  - (iv) One (1) parent/legal guardian, who is not a District employee or resident of the county (excluding the parent/legal guardian or resident of the county requesting the reconsideration) as selected by the Principal/Director, or Assistant Principal/Assistant Director.
- (d) The Principal/Director, or Assistant Principal/Assistant Director, shall also notify the appropriate district level designee ~~Area Superintendent, Associate Superintendent, and/or Chief of High Schools.~~
- (e) In preparation for its review;



- (i) Each member of the School Literacy Council shall receive a copy of the challenged material, a copy of the filed Request for Reconsideration of InstructionalMedia Center Materials or LibraryOther Reading Materials form, and reviews from reputable, professionally recognized reviewing periodicals.
  - (ii) The School Literacy Council shall endeavor to meet to review the challenged material within fifteen (15) working days of receipt of the written Request for Reconsideration of InstructionalMedia Center Materials or LibraryOther Reading Materials form.
  - (iii) The School Literacy Council shall meet in the sunshine (meaning the meeting shall be open to the public and advertised at the school level).
  - (iv) A quorum of more than half of the members must be present at the meeting in order for the School Literacy Council to make a decision on the challenge.
- (f) In reviewing the challenged material, the School Literacy Council shall:
- (i) Review and understand the entire challenged material;
  - (ii) Determine the extent the challenged material supports the curriculum;
  - (iii) Weigh merits against alleged faults to form opinions based on the challenged material as a whole and not on passages isolated from the context, unless the challenged material contains pornographic material and/or obscene material, as defined herein;
  - (iv) Consider written input from students, when available;
  - (v) Maintain written minutes, containing the start time, end time, location, and names and titles of council members. The written minutes shall be maintained in accordance with Florida law.
- (g) The School Literacy Council shall issue a written determination. In doing so, the School Literacy Council shall find either:
- (i) That the challenged material does not meet the criteria and/or contains prohibited content under Sections 1006.28 and 1006.40, Florida Statutes. If this is the case, the school shall discontinue the use of the challenged material for any grade level or age group for which such use is inappropriate or unsuitable. -This determination shall be reviewable after valid for five (5) years[insert duration here].

or

- (ii) That the challenged material does- meet the criteria under Sections 1006.28 and 1006.40, Florida Statutes. This determination shall be valid for five (5) years.[insert duration here].
- (h) The Principal/Director, or Assistant Principal/Assistant Director, shall state the School Literacy Council's determination to the complainant individual who filed the request in writing and notify the appropriate district level designeeArea Superintendent, Associate Superintendent, and/or Chief of High Schools. The School Literacy Council's determination shall be shared within five (5) working days of the School Literacy Council making its determination.
- (i) If the parent/legal guardian or resident of the county requesting the reconsideration requests an appeal of the School Literacy Council's determination, the appeal must be made in writing and submitted to the Principal/Director, or Assistant Principal/Assistant Director, within ten (10) working days of the School Literacy Council's determination. A failure to file a written appeal within ten (10) working days shall be considered a waiver of any such appeal.
- (5) District Level - Formal Request for Reconsideration of InstructionalMedia Center Materials or LibraryOther Reading Materials.
- (a) If the parent/legal guardian or resident of the county requesting the reconsideration requests timely requests an appeal of the School Literacy Council's determination, an appeal shall be made in writing and submitted to the Principal/Director, or Assistant Principal/Assistant Director, within ten (10) working days of the School Literacy Council's determination. A failure to file a written appeal within ten (10) working days shall be considered a waiver of any such appeal.
- (b) Within forty-eight (48) hours of the receipt of the appeal, the Principal/Director, or Assistant Principal/Assistant Director, shall forward a copy of the appeal to the appropriate district level designees.Area Superintendent, Associate Superintendent, and/or Chief of High Schools.
- (c) The appropriate district level designee Associate Superintendent who oversees curriculum, or designee, shall convene a District Literacy Council to review the determination of the School Literacy Council. The appropriate district level designee Associate Superintendent who oversees curriculum, or designee, shall also notify the Board of the district level appeal formal request.
- (d) The Associate Superintendentappropriate district level designee who oversees curriculum, or designee, shall appoint members to the District Literacy Council and serve as the facilitator of the District Literacy Council.
- (e) The District Literacy Council shall consist of an odd number of members and include, but not be limited to, the following:
- (i) One (1) school administrator (not from originating school);

- (ii) One (1) parent/legal guardian, who is not a District employee, or resident of the county representing the school grade (not from originating school);
- (iii) One (1) appropriate grade level certified educational media specialist (not from originating school);
- (iv) One (1) appropriate grade level and subject area teacher (not from originating school); and
- (v) One (1) appropriate grade level Student Services representative.
- (f) In preparation for its review:

  - (i) Each member of the District Literacy Council shall receive a copy of the challenged material, a copy of the originally filed Request for Reconsideration Instructional of Media Center Materials or LibraryOther Reading Materials form, the educational philosophy of the District, and reviews from reputable, professionally recognized reviewing periodicals about the challenged material.
  - (ii) The District Literacy Council shall endeavor to 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 Literacy Council's decision regarding the Request for Reconsideration of Media Center Instructional Materials or LibraryOther Reading Materials form.
  - (iii) The District Literacy Council shall meet in the sunshine (meaning the meeting shall be open to the public and advertised at the district level).
  - (iv) A quorum of more than half of the plus one (1) members must be present at the meeting in order for the District Literacy Council to make a decision on the appeal.
- (g) In reviewing the challenged material, the District Literacy Council shall:

  - (i) Review and understand the entire challenged material; and
  - (ii) Consider written input from students, when available; and
  - (iii) Maintain written minutes, containing the start time, end time, location, and names and titles of council members. The written minutes shall be maintained in accordance with Florida law.
- (h) The District Literacy Council shall issue a written decision on the appeal. In doing so, the District Literacy Council shall find either:

(i) That the challenged material does not meet the criteria and/or contains prohibited content under Sections 1006.28 and 1006.40, Florida Statutes. If this is the case, the school shall discontinue the use of the challenged material for any grade level or age group for which such use is inappropriate or unsuitable. This determination shall be reviewable after valid for five (5) years. [insert duration here].

or

(ii) That the challenged material does meet the criteria under Sections 1006.28 and 1006.40, Florida Statutes. This determination shall be valid for five (5) years. [insert duration here].

(i) The Associate Superintendent appropriate district level designee who oversees curriculum, or designee, shall provide the District Literacy Council's determination to the parent/legal guardian or resident of the county requesting the reconsideration, Board, and Principal/Director, or Assistant Principal/Assistant Director, of the originating school in writing within five (5) working days of the District Literacy Council making its determination.

(j) If the parent/legal guardian or resident of the county requesting the reconsideration requests an appeal to the Board, the appeal must be made in writing and submitted to the Associate Superintendent appropriate district level designee who oversees curriculum, or designee, within ten (10) working days of the School District Literacy Council's determination. A failure to file a written appeal within ten (10) working days shall be considered a waiver of any such appeal.

(6) Appeal of the District Literacy Council's Determination to the School Board.

(a) If the parent/legal guardian or resident of the county requesting the reconsideration requests an appeal to the Board, the appeal must be made in writing and submitted to the district level designee Associate Superintendent who oversees curriculum, or designee, within ten (10) working days of the District Literacy Council's determination. A failure to file a written appeal within ten (10) working days shall be considered a waiver of any such appeal.

(b) The Board shall review the challenged material, the recommendations from the School Literacy Council and the District Literacy Council and render the final decision on the originally filed Request for Reconsideration of Instructional-Media Center Materials or Library/Other Reading Materials at a properly noticed regularly scheduled Board meeting.

**SPECIFIC AUTHORITY:**

Section 1004.92; 1006.28; 1006.283; 1006.31; 1006.34; 1006.40, Florida Statutes

ADOPTED: 10/12/93

REVISED: 9/29/15;