



Book Policy Manual

Section Vol. 24 No. 1 - July 2023 - Revisions

Title Copy of Revised Policy - Vol. 24, No. 1, July 2023 - CHALLENGES TO ADOPTION OR USE OF INSTRUCTIONAL, LIBRARY, OR READING LIST MATERIALS

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Status

Legal [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](#)
[F.A.C. 6A-7.0714](#)
[34 C.F.R. Part 300](#)

Revised Policy - Vol. 24, No. 1

2522 - CHALLENGES TO ADOPTION OR USE OF INSTRUCTIONAL, LIBRARY, OR READING LIST MATERIALS

The following individuals may contest the adoption of a specific instructional material, or object to the use of specific material used in a classroom, made available in a school or classroom library, or included on a reading list:

- A. parent of a student in the district; and
- B. resident of the county.

For purposes of this policy, "parent" means a parent of a student enrolled in the District's schools. "Resident" means a person residing in the county who has maintained their residence in Florida for the preceding year, has purchased a home that is occupied by them as their residence, or has established a domicile in Florida pursuant to F.S. 222.17.

Contest of School Board's Adoption

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.

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:

- 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.

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 the instructional material does not meet the criteria required under F.S. 1006.28, or contains prohibited material under that statute, the material 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.

Objections to Material Used in Classrooms, Made Available in a School or Classroom Library, or Included On a Reading List

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

Parents and residents of the county must make any such objection to the principal utilizing the standard objection form adopted by the State Board of Education or, if not such form exists the District's objection form, identifying the specific material and stating the basis for the objection.

Any material that is subject to an objection on the basis that it is pornographic or prohibited under F.S. 847.012 or depicts or describes sexual conduct as defined in F.S. 847.001(19)(unless such material is for a course required by F.S. 1003.46, F.S.1003.42(2)(n)1.g., F.S. 1003.42(2)(n)3., or identified by State Board of Education rule) must be removed within five (5)

school days of receipt of the objection and remain unavailable to students of that school until the objection is resolved.

Parents shall have the right to read passages from any material that is subject to an objection. If the Board denies a parent the right to read passages due to content that is subject to an objection on the basis that it is pornographic or prohibited under F.S. 847.012 or depicts or describes sexual conduct as defined in F.S. 847.001(19)(unless such material is for a course required by F.S. 1003.46, F.S. 1003.42(2)(n)1.g., F.S. 1003.42(2)(n)3., or identified by State Board of Education rule), the District shall discontinue the use of the material.

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

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

If the Board finds that any material meets the requirements under F.S. 1006.28(2)(a)2.a or that any other material contains prohibited content under F.S. 1006.28(2)(a)2.b.(I), the District shall discontinue use of the material.

If the Board finds that any other material contains prohibited content under F.S. 1006.28(2)(a)2.b.(II)-(IV), the District shall discontinue use of the material for any grade level or age group for which such use is inappropriate or unsuitable.

If a parent disagrees with the determination made by the Board on the objection to the use of a specific material, a parent may request the Commissioner of Education to appoint a special magistrate who is a member of The Florida Bar in good standing and who has at least five (5) years' experience in administrative law. The special magistrate shall determine facts relating to the District's determination, consider information provided by the parent and the District, and render a recommended decision for resolution to the State Board of Education within thirty (30) days after receipt of the request by the parent.

The State Board of Education must approve or reject the recommended decision at its next regularly scheduled meeting that is more than seven (7) calendar days and no more than thirty (30) days after the date the recommended decision is transmitted. The costs of the special magistrate shall be borne by the District.

Annual Report to the Florida Department of Education

Annually, beginning June 30, 2023, the Board shall submit to the Commissioner of Education a report that identifies the following:

- A. Each material for which the District received an objection, including the grade level and course the material was used in, for the school year and specific objections thereto;
- B. Each material that was removed or discontinued; and,
- C. Each material that was not removed or discontinued and the rationale for not removing or discontinuing the material.

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F.S. 1008.25(5) (a)
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