

CHALLENGED MATERIALS PROCEDURE RECONSIDERATION OR REVIEW OF INSTRUCTIONAL MATERIALS

The District ~~Curriculum Council should~~ shall handle complaints regarding the reconsideration of Instructional and Library Materials **other than those adopted by the Board pursuant to the *Instructional Materials Adoption* process set forth on pages 15 through 19 of this Manual**, according to the following procedures. When there is a complaint **only concerning** ~~about~~ library materials, the District Library Media Specialist should be notified, **and the complaint should be handled as set forth in the Procedures Manual for Library Media Services**

- Individuals (Complainants) requesting reconsideration of Instructional and Library Materials must complete the Request for Reconsideration or Review of Instructional Materials and ~~submit~~ file the completed and signed form ~~to~~ **with** the Supervisor of Instructional Resources.
- Within **seven (7)** ~~(3)~~ working days of receiving the complaint, the Supervisor of Instructional Resources will advise the **Challenge Oversight Committee, which includes the Supervisor of Instructional Resources, the Chief Academic Officer, and the District Library Media Specialist** of the request. ~~The Supervisor of Instructional Resources will then notify the District Curriculum Council of the challenge.~~
- **Within a reasonable amount of time, the Challenge Oversight Committee will review each submission. The committee retains the right to do any of the following:**
 - **Based upon its own review, recommend immediate and permanent removal of materials that violate s. 847.012, F.S., or other pertinent Florida Statute or are determined to contain**

content that is obviously pornographic or inappropriate for the grade level or age group for which the material is used; or

- Reject or deny and return a complainant's request if (a) the material in question obviously does not meet the aforementioned criteria or violate the aforementioned statutes, (b) is a frivolous complaint, or (c) complains of materials which have been previously reviewed, have been determined to be appropriate for the grade level or age group for which the material is used and upon which approval has been given. This decision is not appealable; the Complainant may resubmit their request for reconsideration in a format which corrects the prior deficiencies (if correctable); or
 - If a Challenge is not disposed of under either of the two preceding paragraphs, it shall be forwarded to the District Curriculum Council for Reconsideration for review.
 - Regardless of any interpretation of the three preceding paragraphs to the contrary, a Challenge may be dismissed by the Chief Academic Officer of the district if it is determined by him that the Challenge is frivolous, fails to comply with any provision set forth above, or is a duplicate of a Challenge filed by the same or a different individual
- The District Curriculum Council for Reconsideration shall be comprised of rotating teams with each team consisting of no fewer than 5 persons. Each team shall incorporate any combination of the following: the Chief Academic Officer, the Supervisor of Instructional Resources, the District Library Media Specialist, a school-based Library Media Specialist (mandatory), a curriculum specialist, a principal, and a parent of a student (mandatory) appointed by the Superintendent or the Superintendent's Designee.

- Each District Curriculum Council **for Reconsideration** team will invite the appropriate curriculum division director as an ex-officio member to its meetings when reconsideration of non-adopted instructional materials is being placed on the agenda. If the decision results in a tie vote, the Superintendent may cast the deciding vote. Additional District Curriculum Council teams may be added at the Superintendent's discretion.
- In order to participate in the District Curriculum Council for Reconsideration, all members must complete a training in the method for analyzing and reviewing instructional and library materials.
- The District Curriculum Council **for Reconsideration** will meet within a reasonable amount of time and- will submit their decision to the Superintendent.
- The challenge to any material reviewed by the District Curriculum Council **for Reconsideration** shall apply to all schools **at which the material is housed. The decision of the Council and Superintendent or his/her designee shall apply to all schools at which the challenged materials are housed.**
- During the pendency of a challenge under this procedure, the Instructional ~~and Library~~ Material which is the subject of the petition will not be accessible by the students.

Instructional and Library-Material as used in this ~~document~~ **section** refers to books, other than textbooks adopted by the district or the state utilized for classroom instruction ~~or~~ **made** available to students in the school library, **or included on a reading list, including** digital media, including but not limited to videos, DVDs, periodicals, computer software, or other electronic media.

- For those challenges which **only** apply to library or media materials, the books or other media materials which are not immediately and permanently removed by the Challenge Oversight Committee based upon their own review as previously set forth herein, shall NOT be removed from circulation. They shall remain accessible to students subject to the following restrictions:
 - (1) The books will be removed from the library shelves and sequestered in an area which can only be accessed by the district librarian/media specialist.
 - (2) A list of those books sequestered pursuant to this process shall be maintained by the district librarian/media specialist and is available at each school facility circulation desk.
 - (3) Said materials may be checked out by any student upon presentation by the student of a signed permission slip or note or letter to the district librarian/media specialist, which note is signed by a parent of the student and accompanied by a copy of the parent's state identification card or driver's license. The parent's signed consent, which may be submitted electronically, shall grant permission to the district librarian/ media specialist to check out the challenged book or other media materials to his/her named child, and must state that the parent who wrote the note is giving consent for his/her child to check out, read or view the materials, that the parent will counsel the child concerning the material and that the parent is taking responsibility to maintain the book or materials in a safe place where they will not be shared with children or students other than his/her own. Only when the parent has given consent and assumed responsibility for his/her child's use of challenged materials may sequestered books or materials be checked out to the student.
- All District Curriculum Council for Reconsideration meetings will use the following agenda to conduct material review meetings:

Item	Approximate Time
Welcome and Introductions	2 Minutes
Purpose and Review of Request for Reconsideration	2 Minutes
Complainant Opportunity to Address Committee	5 Minutes
Review Rules as Necessary: S.B. Policy (4.44; 4.45)/State Statute	10 Minutes
Review of Contested Materials (Book and Expert Reviews)	15 Minutes
Explanation and Completion of Forms for Materials Under Review	15-20 Minutes
Explanation of Possible Outcomes	2 Minutes
Committee Discussion and Decision	10-15 Minutes
Next Steps/Adjournment	5 Minutes

- The Complainant will have a ~~minimum~~ **maximum** of 5 minutes to present information to support their complaint during the District Curriculum Council **for Reconsideration** meeting. ~~However, they~~ **After completing his/her presentation, the Complainant** may not participate in **the discussion among Council members, and may not preside over or participate in** the vote regarding their challenge. During the meeting, no new additional **challenged** materials may be introduced to the Council; a separate reconsideration form must be submitted by the Complainant **for any additional challenges**.
- All District Curriculum Council **for Reconsideration** meetings are led by a Meeting Facilitator (Supervisor of Instructional Resources or the District Library Media Specialist). The Meeting Facilitator is an impartial and non-voting member of the Council. They follow the agenda and maintain order during the meeting.

- Times may be extended or ~~diminished~~**shortened** by the meeting facilitator acting within their discretion.
- The District Curriculum Council **for Reconsideration** makes decisions by a majority vote.
- The District Curriculum Council **for Reconsideration** may include recommendations for an appropriate alternative selection for the materials being requested for reconsideration.
- The District Curriculum Council for Reconsideration shall end their recommendations to the Supervisor of Instructional Resource who, within 5 days of receipt, shall forward the recommendation to the ~~Superintendent or the~~ Superintendent's Designee for consideration.
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- The Superintendent's Designee **shall** review the Instructional and Library Material considering the recommendation of the **Challenge Oversight Committee and the District Curriculum Council for Reconsideration**.
- **Within 10 working days of the committee's report, the Superintendent's Designee shall make the final decision and notify the complainant of that decision in writing. The School Board shall be notified of the final decision by the Superintendent's designee, and at the next meeting for which there is sufficient time to provide the public with proper notice pursuant to F.S.120, shall review the Committee/Superintendent's Designee's decisions as a matter of course. At the time of review by the School Board, the decisions of the Committee and Superintendent's Designee shall carry a presumption that they are correct. The Challenges which have been decided shall be placed on the School Board meeting consent agenda as a single item under which each challenged book title presented for review is listed separately but without elaboration.**

- ~~• The Superintendent 's or Superintendent's Designee shall make the final decision and notify the complainant of that decision..~~
- ~~• The complainant may appeal the Superintendent's decision to the School Board for reconsideration and advisement within 10 days of the decision.~~

The Complainant may appeal any Final Decisions of the Superintendent's Designee, which are based on the Committee's recommendation or his/her own review, and which Final Decisions are or will be forwarded to the School Board for final approval. ~~reconsideration and advisement within 10 days of the decision~~ The appeal shall proceed as follows:

1. Within ten (10) calendar days of the Superintendent's Designee's decision, the Complainant shall file with the Superintendent's office a one-page request for appeal.
2. Upon receipt of the Request for Appeal, the office of the Superintendent will mail a Notice of Board action to the Complainant which states the date of the School Board meeting at which the Final Decision will be considered by the School Board.
3. No later than (15) days before the Meeting at which the appeal is scheduled, the Complainant may serve the Superintendent with a written statement of his position, which document may not exceed two pages of argument, shall be written on 8.5 x 11 inch white paper, using black ink, typed on one side only, double spaced, with 1 inch margins on all sides, is typed in a font that is either 12 point or 14 point, and in a type face that is either New Times Roman or Arial. Service of the position paper shall be made to the Superintendent's office either by hand delivery or by courier.

4. No later than 10 days before the Meeting at which the appeal is scheduled, the Superintendent's Designee may serve the Complainant with a written position statement, which document shall not exceed two pages of argument, shall be written on 8.5 x 11 inch white paper, using black ink, typed on one side only, double spaced, with 1 inch margins on all sides, typed in a font that is either 12 point or 14 point, and in a type face that is either New Times Roman or Arial. Service, of said paper shall be made to the Complainant either by hand delivery or courier.
5. No later than seven (7) calendar days prior to the scheduled school board meeting, copies of both parties' statements shall be provided to each member of the Board. The School Board shall determine whether they have sufficient information with which to make a decision based solely upon their review of the written statements.
6. If the School Board determines that they are unable to make a decision based solely upon their independent review of the written statements, the Chair shall, upon the request of any individual Board member, move the consideration of the specific book title or titles to the Discussion agenda where, when that portion of the discussion agenda is brought up for consideration, the Board members may discuss the merits of the written statements, the actions of the Committee and the District Curriculum Council for Reconsideration and the decision of the Superintendent's Designee with regard to the Challenged book or material, after which they shall, without any further involvement or statements from either the Superintendent's Designee or the Challenger, make a final decision to either Overrule or Approve the Superintendent's Designee's decision, the effects of which decision are set forth in the next paragraph.

7. If the School Board determines that the written statements are sufficient, the School Board shall determine, based upon the written argument of the parties, whether to Overrule or Approve the Superintendent's Designee's Final Decision. If the decision of the Superintendent's Designee is Approved, the matter is concluded. The decision of the School Board is final. If the Board Overrules the Superintendent's Designee's decision, the matter shall be returned to the District Curriculum council for further consideration.
8. In considering these matters, the School Board shall be sitting as a *quasi* judicial body, accordingly, and pursuant to F. S. 286.0114(3)(d), no speakers shall be allowed to address the Board on this matter.
9. All decisions of the School Board are final.