

**MEMORANDUM IN SUPPORT OF DECLARATION OF EMERGENCY**

**WHEREAS**, on March 10, 2022, the legislature of the State of Florida passed House Bill 1467, which Bill drastically alters the School board's action requirements with regards to selection of media publications and instructional materials, and

**WHEREAS**, on March 28, 2022, the Governor of the State of Florida signed the above referenced House Bill, making it law, and

**WHEREAS**, the laws created by said House Bill take effect on July 1, 2022, and

**WHEREAS**, there was an expectation that the Florida Department of Education would provide detailed guidance as to how to draft required School Board Policy and implement the requirements of the legislation, and

**WHEREAS**, The Florida Department of Education on June 3, 2022 issued,, through the Senior Chancellor , a long awaited "MEMORANDUM" on House Bill 1467 which restated the requirements of the legislation but provided no guidance as to its implementation, and

**WHEREAS**, the Florida Department of Education has provided no other guidance as to how to implement the law, how to define the terms set forth in the law and what the required school board policies/procedures should contain, and

**WHEREAS**, it is incumbent upon the District School Board's to craft Policies and Procedures which will serve to establish methodology for choosing and retaining media/library books and choosing instructional materials, give notice to the public of the review and selection requirements established by the legislation, the obligations vis a vis the legislated responsibilities and the remedies available to members of the public in relation to ensuring said responsibilities are carried out, all of which are designed to establish a safe learning environment for students of the District, and

**WHEREAS**, there is insufficient time between March 28, 2022 (date signed by the Governor) and July 1, 2022 to comply with the full adoption process required by Sec. 120.54, *Fla. Stat.*, and

**WHEREAS**, failure to comply with the requirements of the law will subject the District to sanctions which are as of yet undetermined and will profoundly affect the parents, students and employees of the District as well as the citizens of Clay County generally,

**NOW, THEREFORE**, in consideration of the foregoing, the undersigned states:

1. Conditions set forth above create an immediate danger to the public health, safety and welfare and require immediate emergency action by the School Board and the district to confront and control the danger.

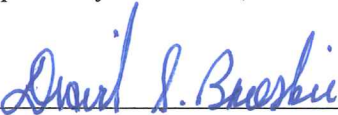
2. School Board policy, in the form of the attached School Board "Procedures Manual for Library Media Services" and "Procedures Manual for Instructional Services" both of which are referred to in School board Policies 4.44 and 4.45, must be adopted in order to comply with the requirements of the newly passed law and to further inform and protect the public, parents, students, and employees of the district from damages, injury and liability exposure for possible violation of parental rights and unintentional failure to protect the welfare of students.

3. Emergency adoption of the School Board "Procedures Manual for Library Media Services" and "Procedures Manual for Instructional Services" is needed as there is insufficient time to adopt said manuals through the normal statutory process.

4. The School Board is asked only to take the action necessary to protect the public by adopting the School Board "Procedures Manual for Library Media Services" and "Procedures Manual for Instructional Services".


5. Procedural safeguards are provided by timely publication of intent to take emergency action, right of the public to be heard concerning this matter, limitation of the School Board's action to only those matters necessary to stem the immediate danger and limitation of the length of time that this emergency action will be effective to no more than ninety (90) days during which time formal adoption of the Reopening Plan pursuant to Sec. 120.54, *Fla. Stat.*, will be pursued.

Respectfully Submitted,

  
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DAVID S. BROSKIE  
Superintendent of Schools

6/28/22  
Date

Reviewed for Legal Sufficiency

  
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J. BRUCE BICKNER  
Attorney for the School Board of Clay County

6/28/22  
Date