

**MEDIA CENTER MATERIALS PROGRAM, SELECTION,
AND CHALLENGES**

FILE: IJL

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

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. Each Media Center shall enhance and support the District's educational mission by providing 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 Media Center 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 district.
- (e) A comprehensive collection appropriate for the users of the Media Center 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) Materials shall be selected by District personnel who hold a valid educational media specialist certificate. Principals are responsible for overseeing compliance with school district procedures for selecting materials at the school to which they are assigned.
- (b) Media specialists and any other personnel involved in the selection of 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 materials

shall consider the requirements contained in Sections 1006.28, 1006.283, 1006.31, and 1006.40, Florida Statutes.

- (c) The Superintendent shall annually verify that all media specialists employed by the District have completed the Department of Education's online training program.
- (3) Criteria and Procedures for Selection of Media Center Materials and Other Reading Materials.
- (a) The standards to determine the propriety of materials shall be in accordance with Section 1006.40(3)(d), Florida Statutes, specifically, that the material is:
 - (i) Not "harmful to minors," in accordance with Section 847.001, Florida Statutes, meaning "any reproduction, imitation, characterization, description, exhibition, presentation, or representation, of whatever kind or form, depicting nudity, sexual conduct, or sexual excitement when it:
 - a) Predominantly appeals to a prurient, shameful, or morbid interest;
 - b) Is patently offensive to the prevailing standards in the adult community as a whole with respect to what is suitable material or conduct for minors; and
 - c) Taken as a whole, is without serious literary, artistic, political, or scientific value for minors."
 - (ii) Not "obscene," in accordance with Section 847.001, Florida Statutes, meaning "the status of material which:
 - a) The average person, applying contemporary community standards, would find, taken as a whole, appeals to the prurient interest;
 - b) Depicts or describes, in a patently offensive way, sexual conduct as specifically defined herein; and
 - c) Taken as a whole, lacks serious literary, artistic, political, or scientific value."
 - (iii) 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 program as "the depiction of erotic behavior (as in pictures or writing) intended to cause sexual excitement."

- a) 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
 - b) 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
 - (v) Appropriate for the grade level and age group for which the materials are used or made available.
- (b) 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. No employee may impose upon students his or her personal convictions regarding a particular religion.
 - (c) When selecting materials, whether purchased, donated, or otherwise made available to students, the media specialist shall:
 - (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;
 - (v) Consider materials that support the academic needs of students and faculty;
 - (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.
- (4) Criteria for Removal of Media 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.
- (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. For the purposes of this policy, media centers also include any collection of books, ebooks, periodicals, and videos maintained and accessible on the site of a school, including 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.

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

TITLE: Challenges to Media Center Materials and Other Reading Materials

POLICY:

- (1) A parent/legal guardian, resident of the county, and/or a current district school board member 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:
 - (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; or
 - (c) A current district school board member.
- (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.
 - (a) In the event of multiple formal Requests for Reconsideration of Media Center Materials or Other Reading Materials are filed by the same individual at the same school site, the Superintendent, or designee, shall require the individual to prioritize the order of filed requests.
 - (b) Challenged materials shall not be removed immediately; such materials shall be available for student use pending a final decision. 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 minors/obscene.
 - (c) 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.
- (3) School Level - Informal Request for Reconsideration of Media Center Materials or Other Reading Materials.
 - (a) A parent/legal guardian, resident of the county, and/or a current district school board member who has a concern with the use of Media Center materials or other reading materials 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.
 - (b) If the concern is not resolved at the conference, the parent/legal guardian, resident of the county, and/or a current district school board member will be provided with the Request for Reconsideration of Media Center Materials or Other Reading 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. The Request for Reconsideration of Media Center Materials or Other

Reading Materials form 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 Media Center Materials or Other Reading Materials form within ten (10) working days shall be considered a waiver of any further request for review.

- (4) School Level – Formal Request for Reconsideration of Media Center Materials or Other Reading Materials.
- (a) The Request for Reconsideration of Media Center Materials or Other Reading Materials form shall be filed by the parent/legal guardian, resident of the county, and/or a current district school board member with the Principal/Director, or Assistant Principal/Assistant Director, within ten (10) working days of the conference referenced above in the informal request process. An individual who does not timely complete and return the form shall receive no further consideration. The Request for Reconsideration of Media Center Materials or 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 Media Center Materials or 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 (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.
- (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 Media Center Materials or Other 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 Media Center Materials or Other 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 five (5) years

or

- (ii) That the challenged material does meet the criteria under Sections 1006.28 and 1006.40, Florida Statutes. This determination shall be reviewable after five (5) years.

(h) The Principal/Director, or Assistant Principal/Assistant Director, shall state the School Literacy Council's determination to the individual who filed the request in writing and notify the appropriate district level designee. 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, resident of the county, and/or a current district school board member 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 Media Center Materials or Other Reading Materials.

- (a) If the parent/legal guardian, resident of the county, and/or a current district school board member requesting the reconsideration 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.
- (c) The appropriate district level designee who oversees curriculum, shall convene a District Literacy Council to review the determination of the School Literacy Council. The appropriate district level designee who oversees curriculum, shall also notify the Board of the district level appeal formal request.
- (d) The appropriate district level designee who oversees curriculum, 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, 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 of Media Center Materials or Other 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 Materials or Other 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;

(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 five (5) years.

or

(ii) That the challenged material does meet the criteria under Sections 1006.28 and 1006.40, Florida Statutes. This determination shall be reviewable after five (5) years.

(i) The appropriate district level designee who oversees curriculum, shall provide the District Literacy Council's determination to the parent/legal guardian, resident of the county, and/or a current district school board member 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, resident of the county, and/or a current district school board member requesting the reconsideration requests an appeal to the Board, the appeal must be made in writing and submitted to the appropriate district level designee who oversees curriculum, 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, resident of the county, and/or a current district school board member requesting the reconsideration requests an appeal to the Board, the appeal must be made in writing and submitted to the district

level designee who oversees curriculum, 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 Media Center Materials or 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; 05/09/23