



**PERSONAL | PASSIONATE | PROGRESSIVE**

# Challenge to Instructional and/or Media Materials

*Board Briefing: February 22, 2022*



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# welcome

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# Florida State Statutes

1006.28, 1006.40, 847.012, 847.001, & 1014.05: Parents' Bill of Rights



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# Florida State Statutes

1006.28

Early Learning  
– 20 Education

1006.40

Early Learning  
– 20 Education

847.012

Harmful  
Materials

847.001

Definitions

Parents' Bill of  
Rights: 1014.05



# Florida Statute §1006.28 – Early Learning

## Each School Board:

- has the constitutional duty and responsibility to **select and provide adequate instructional materials** .
- is responsible for the content of **all instructional materials used in the classroom** , and made available in the **library** .
- is responsible for maintaining on its **website** a current **list of instructional materials** , by grade level, purchased by the District.
- must **adopt a policy** to allow for a parent or resident to **object to the use of a specific instructional material** . The process must be clear and allow the parent or resident to proffer evidence of the following:
  - That it did not meet criteria of F.S. §1006.31, **F.S. §1006.40(3)(d)** or meet hearing procedure requirement under F.S. §1006.283(2)(b)8
  - That the material used in the classroom or provided in the library contains content that is pornographic or prohibited under **F.S. §847.012**, is not suited to student needs and their ability to comprehend the material presented or is inappropriate for age/grade level.



# Florida Statute §1006.40 – Early Learning

**ANY MATERIALS** purchased pursuant to this section **MUST BE:**

- Free of pornography and material prohibited under **F.S. §847.012**.
- Suited to student needs and their ability to comprehend the material presented.
- Appropriate for the grade level and age group for which the materials are used or made available.

Each district school board is responsible for the content of all materials used in a classroom or otherwise made available to students. Each district school board shall adopt rules, and each district school superintendent shall implement procedures, that:

- Maximize student use of the district -approved instructional materials.
- **Provide a process for public review of, public comment on, and the adoption of instructional materials** , including instructional materials used to teach reproductive health or any disease, including HIV/AIDS, under F.S. §1003.42(3) and F.S. §1003.46 which satisfies the requirements of F.S. §1006.283(2)(b)8, 9 and 11.



# Florida Statute §847.012 – Harmful Materials

## A PERSON MAY NOT KNOWINGLY SELL, RENT, OR LOAN FOR MONETARY CONSIDERATION TO A MINOR :

- 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
- Any book, pamphlet, magazine, printed matter however reproduced, or sound recording that contains any matter defined in F.S. §847.001, explicit and detailed verbal descriptions or narrative accounts of sexual excitement, or sexual conduct and that is harmful to minors.
- A person may not knowingly use a minor in the production of any material described in subsection (3), regardless of whether the material is intended for distribution to minors or is actually distributed to minors.





# Florida Statute §847.012 – Harmful Materials

An adult may not knowingly distribute to a minor on school property, or post on school property, any material described in subsection (3). As used in this subsection, the term “school property” means the grounds or facility of any kindergarten, elementary school, middle school, junior high school, or secondary school, whether public or nonpublic. *THIS SUBSECTION DOES NOT APPLY TO THE DISTRIBUTION OR POSTING OF SCHOOL-APPROVED INSTRUCTIONAL MATERIAL THAT BY DESIGN SERVES AS A MAJOR TOOL FOR ASSISTING IN THE INSTRUCTION OF A SUBJECT OR COURSE BY SCHOOL OFFICERS, INSTRUCTIONAL PERSONNEL, ADMINISTRATIVE PERSONNEL, SCHOOL VOLUNTEERS, EDUCATIONAL SUPPORT EMPLOYEES, OR MANAGERS AS THOSE TERMS ARE DEFINED IN F.S. §1012.01.*

Any person violating any provision of this section commits a felony of the third degree, punishable as provided in F.S. §775.082, §775.083 or §775.084.



# Florida Statute §847.001 – Definitions

“Harmful to minors” means any reproduction, imitation, characterization, description, exhibition, presentation, or representation, of whatever kind or form, depicting nudity, sexual conduct, or sexual excitement when it:

- Predominantly appeals to a prurient, shameful, or morbid interest;
- Is patently offensive to prevailing standards in the adult community as a whole with respect to what is suitable material or conduct for minors; and
- Taken as a whole, is without serious literary, artistic, political, or scientific value for minors.

*This is based off of the Miller test from the Supreme Court case of Miller v. California, 413 U.S. 15 (1973).*



# First Amendment Issues

- Government has limited power to restrict expression because of its message, its ideas, its subject matter, or its content.
- One exception has always been **obscenity** – courts have used the **three part Miller test** to determine whether something is obscene.
- Must look at book/curriculum challenges on a case-by-case basis.
  - In order for material to be obscene, and thus unprotected under First Amendment, it must, on the whole, **appeal to the prurient interest in sex** (as judged by contemporary community standards), **depict or describe sexual conduct** (as specifically defined by state law) **in a patently offensive way**, **AND** **lack serious literary, artistic, political, or scientific value**.
- Our committee looks at these questions and processes review requests individually.
- Must always note that the **PARENTS' BILL OF RIGHTS**, F.S. §1014.05, allows parents to opt out and be provided an alternate assignment.

# Board Policy

2.18



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## **POLICY**      The School Board of Lee County      **2.18**

Related Entries: (Not identified at this time)

### **District Management and Selection of Instructional Materials**

The Superintendent shall prepare guidelines compatible with those of the State, for carrying out the provisions of law and State Board of Education Rules for the requisition, purchase, storage, distribution, use, conservation, management, property accountability and the keeping and filing of necessary records and reports relating to instructional materials and other educational media materials.

As used in this policy, instructional materials are defined as materials that serve as the basis for instruction for each student in the core courses of mathematics, language arts, social studies, science, reading and literature.

#### (1) Management of Library Media Material

(a) The standards for the selection of library media materials shall include those established by the American Library Association, the Association of Educational Communication and Technology, the Florida Association for Media in Education, and the Board, utilizing the recommendations of professional educational media specialists and/or certified professional educators.

(b) Any complaint or objection to the selection or use of any library media materials shall be filed and processed as follows:

1. The complainant shall submit a letter to the school principal outlining objections to the material in question. Within 10 school days the principal and/or designee and the school media specialist shall meet with the complainant for the purpose of hearing the complainant's concerns and attempting to resolve the issue without removing the material in question from the library collection. If the complainant is not satisfied with the results of this meeting, a formal complaint may be filed with the Superintendent following the steps listed below.
2. The complaint shall contain the specific reasons relating thereto for the complainant's objections and shall be made in writing on the form provided by the principal or Superintendent and shall be filed with the Superintendent.
3. The Superintendent shall submit the complaint for review to an Ad Hoc educational media review committee consisting of professional media specialists and lay members.

## Board Policy 2.18 is the guiding document for The School District of Lee County's Challenge to Instructional and/or Media Materials' Process Document.

### District Management and Selection of Instructional Materials

Policy 2.18

ability to access their child's instructional materials. This notice shall also be posted on the District's instructional materials information website.

**STATUTORY AUTHORITY:** 1001.41, 1001.42, 1001.43, 1003.42, 1006.28, 1006.283, 1006.34, 1006.40, F.S.

Adopted: 1/6/09  
 Revised: 2/24/15  
 Revised: 1/23/18  
 Revised: 10/5/2021



# Process Document

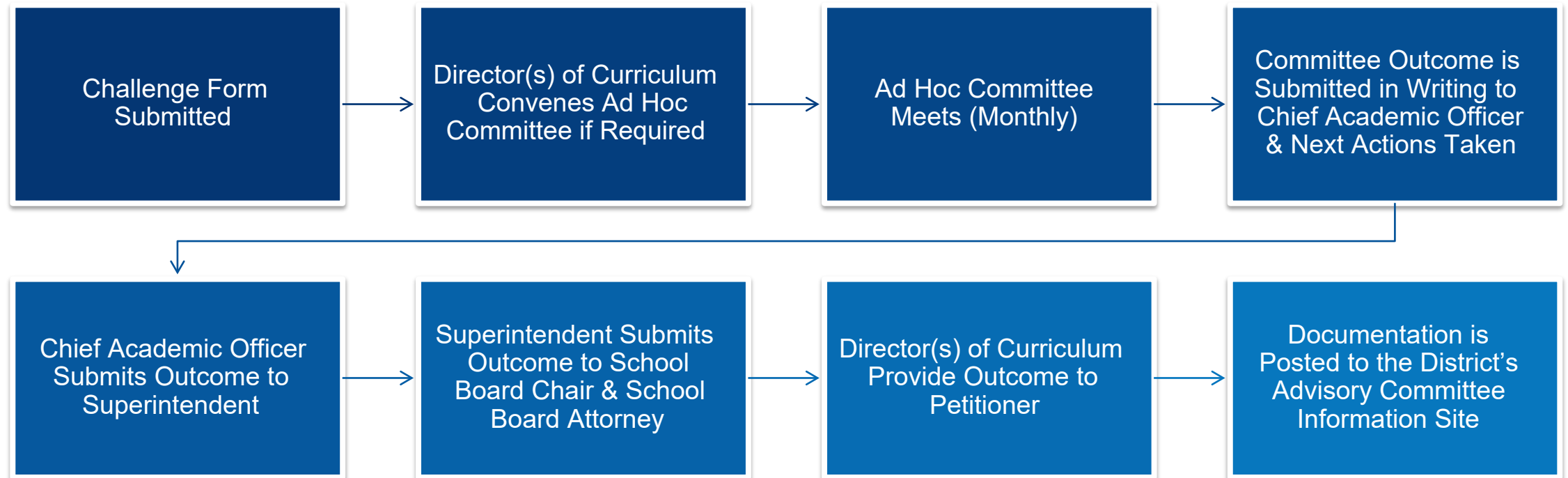
Challenge to Instructional and/or Media Materials



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# Review Process





# Committee Make -Up

- Director(s) of Curriculum and Instruction
- School-Based Administrator
- Content Coordinator(s)
- School-Based Media Specialist
- District -Lead Media Specialist
- Community Representative from Curriculum Advisory
- Representative from Department of Equity and Diversity



# Committee Member Considerations

Each member will individually read challenged text and evaluate considering the specific criteria:

- State Statutes;
- Professional Reviews;
- Age and Maturity Level of Students;
- Theme of Material;
- Intended Use of Material;
- Literary Merit;
- Multiple Perspectives;
- Material in Entirety; and
- Applicable Considerations.

# Committee Response Form



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THE SCHOOL DISTRICT OF LEE COUNTY

## Committee Response Challenge to Instructional and/or Media Materials

Committee Meeting Date: \_\_\_\_\_  
Date Challenge to Instruction and/or Media Materials Form Received: \_\_\_\_\_  
Submitted by: \_\_\_\_\_  
Challenged Material: \_\_\_\_\_  
Complainant: \_\_\_\_\_

### Decision:

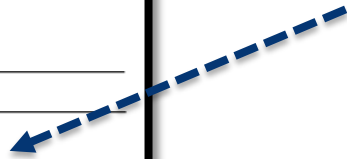
- Recommend continued use of challenged material as instructional materials and for media circulation
- Recommend continued use for media circulation only
- Recommend continued use for instructional purposes only
- Recommend continued use of challenged material with the following guidelines:  
\_\_\_\_\_  
\_\_\_\_\_
- Recommend to discontinue use of challenged material during instruction and remove from media circulation

### Additional Comments and/or Notes:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



- Decision Points are Discussed in Relation to Statutes' Guidance
- Committee Follows the Interest -Based Process
- Minutes to the Meeting are Documented
- Communication Process is Followed





# Parental Resources

*Destiny and OverDrive  
Challenge Form*



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# Follett Destiny



Follett Destiny

# OverDrive



OverDrive

[Launchpad.Leeschools.net](http://Launchpad.Leeschools.net)

A screenshot of the Launchpad.Leeschools.net interface. The interface is divided into two main sections. The top section shows a grid of application icons including Castle, Focus K-12, Google Apps, Instructional Apps (highlighted with a blue arrow), Pinewoods Elementary Stud..., Rally! Education - Pinewo..., Reference Materials, and Safari Montage. The bottom section shows a detailed view of the "Instructional Apps" category, listing various educational tools such as Khan Academy, BrainPOP (district and Jr), Compass Learning, connectED (LTI), Davis Digital, Earobics, Edgenutty (Lee Students), Follett Destiny (highlighted with a blue arrow), HMH Central, OverDrive (highlighted with a blue arrow), Pearson/Savvas SuccessNet, Renaissance Home Connect, Socrative (Student), Think Central, Performance Matters (Stud...), and USA Test Prep (SSO). A sidebar on the left contains navigation options like "Edit Mode", "My Files", "My Analytics", and "Contact Support".



# Parental Preferences

Parents/Guardians may **EXERCISE THEIR PARENTAL RIGHT** within the Parent Bill of Rights and **SUBMIT AN INDIVIDUAL REQUEST** to their child's school for an **ALERT** to be placed on the child's **DESTINY ACCOUNT**, identifying the book as **PROHIBITED FOR MEDIA CHECKOUT**.

Display this note whenever the patron's information is accessed. ?

Student is prohibited from checking out the following books:|

[Save Note](#)

[Cancel](#)

home Dashboard Catalog Circulation Reports Admin My Info

check Out

How do I...?

**Student Alert** Student is prohibited from checking out the following books: [Hide Note](#)

To Patron By Homeroom

Find  [Go](#) [Find Patron](#) [Find Copy](#) [Add Title](#)

Only my patrons  Only search Last Name  Only Active Patrons Due Dates

[Edit Patron](#)

Checked Out Library: 44  
Overdue Library: 38  
Holds Ready: 0  
Fines: Library: \$0.00 / Textbooks: \$0.00  
Patron: \$0.00

Grade Level  
Homeroom  
ELA/Literacy Teacher  
Reading Ach. Level  
Lexile  
STAR ZPD Low  
STAR ZPD High  
 Only today's check outs [Print Receipt](#)



# Challenge Form – Parents' Bill of Rights

The School District of Lee County  
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Our District | Our Schools | Enrollment | Leadership | District Services | Calendars | Careers | Superintendent Search

Parent Portal > Parents' Bill of Rights

## Parents' Bill of Rights

Provides parental rights relating to a minor child's education, upbringing, and health care

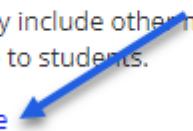
The state, any of its political subdivisions, any other governmental entity, or any other institution may not infringe on the fundamental rights of a parent to direct the upbringing, education, health care, and mental health of his or her minor child without demonstrating that such action is reasonable and necessary to achieve a compelling state interest and that such action is narrowly tailored to that interest.

Board Policy 2.062 Parents' Bill of Rights

Parents' Bill of Rights Chapter 1014, Florida Statutes

c. Procedures, pursuant to [s. 1006.28\(2\)\(a\)2.](#), for a parent to object to instructional materials and other materials used in the classroom. Such objections may be based on beliefs regarding morality, sex, and religion or the belief that such materials are harmful. For purposes of this section, the term "instructional materials" has the same meaning as in [s. 1006.29\(2\)](#) and may include other materials used in the classroom, including workbooks and worksheets, handouts, software, applications, and any digital media made available to students.

- [Challenge to Instructional and/or Media Material In Use](#)





# Challenge Form – Parent Portal

## Parent Portal

Proudly educating over 95,000 students in grades K-12

FOCUS Parent Portal Login



Sign up for a FOCUS account

### C

- Career Academies
- Calendars (Instructional and Assessment)
- Charter Schools
- Clubs
- Connect with LEE (Live Educational Experts)
- CPalms (State of Florida's Standards and Course Descriptions)
- Challenge to Instructional and/or Media Materials
- Curriculum Standards and Instructional Materials



# THANK YOU!

