

MEDIA SELECTION OF PRINT AND  
NON-PRINT MATERIALS

I. GENERAL REQUIREMENTS

The school board recognizes that the primary objective of each school’s media center is to implement, enrich and support the school’s educational program. Accordingly, each school media center shall provide a wide range of materials in a variety of formats, which uphold this purpose.

Procedures shall be established relative to the selection of media materials, the periodic review of media materials as to their usefulness and effectiveness, and review of complaints concerning media materials.

For purposes of this policy, the term “instructional materials,” shall have that meaning provided by state law, section 1006.29(2), Fla. Stat.

For purposes of this policy, “resident” shall have that meaning provided in section 1006.28(1)(b), Fla. Stat.

II. OBJECTIVES FOR SELECTION OF MATERIALS

The primary objective of the school’s educational media center is to implement, enrich, and support the educational program of the school. The media center shall provide a wide range of materials in a variety of formats on all levels of difficulty, with diversity of appeal, and representing different points of view. Materials are considered for their quality and appropriateness and must serve both the breadth of the curriculum and the need and interests of individual students.

Each media center shall provide:

- A. Materials selected in compliance with §1006.28(2)(a)(2), *Florida Statutes*,<sup>(1), (2), (3), (4), (5)</sup>
- B. Materials that will enrich and support the curriculum, taking into consideration the varied interests, abilities, and maturity levels of the students served;
- C. Materials that will stimulate growth in factual knowledge, literary appreciation, aesthetic values, and ethical standards;

<sup>1</sup> FS 847.012 Obscenity: “Harmful materials; sale or distribution to minors or using minors in production prohibited; penalty.—(1) As used in this section, “knowingly” means having the general knowledge of, reason to know, or a belief or ground for belief which warrants further inspection or inquiry of both: (a) The character and content of any material described in this section which is reasonably susceptible of examination by the defendant; and (b) The age of the minor. (2) A person’s ignorance of a minor’s age, a minor’s misrepresentation of his or her age, a bona fide belief of a minor’s age, or a minor’s consent may not be raised as a defense in a prosecution for a violation of this section. (3) A person may not knowingly sell, rent, or loan for monetary consideration to a minor: (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 s. 847.001, explicit and detailed verbal descriptions or narrative accounts of sexual excitement, or sexual conduct and that is harmful to minors. (4) 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. (5) 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 materials that by design serve 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 s. 1012.01. (6) Any person violating any provision of this section commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. (7) Every act, thing, or transaction forbidden by this section constitutes a separate offense and is punishable as such. (8)(a) The circuit court has jurisdiction to enjoin a violation of this section upon complaint filed by the state attorney in the name of the state upon the relation of such state attorney. (b) After the filing of such a complaint, the judge to whom it is presented may grant an order restraining the person complained of until final hearing or further order of the court. Whenever the relator state attorney requests a judge of such court to set a hearing upon an application for a restraining order, the judge shall set the hearing for a time within 3 days after the making of the request. The order may not be made unless the judge is satisfied that sufficient notice of the application therefor has been given to the party restrained of the time when and place where the application for the restraining order is to be made. (c) The person sought to be enjoined is entitled to a trial of the issues within 1 day after joinder of issue, and a decision shall be rendered by the court within 2 days after the conclusion of the trial. (d) If a final decree of injunction is entered, it must contain a provision directing the defendant having the possession, custody, or control of the materials, matters, articles, or things affected by the injunction to surrender the same to the sheriff and requiring the sheriff to seize and destroy the same. The sheriff shall file a certificate of her or his compliance. (e) In any action brought as provided in this section, a bond or undertaking may not be required of the state or the state attorney before the issuance of a restraining order provided for by paragraph (b), and the state or the state attorney may not be held liable for costs or for damages sustained by reason of the restraining order in any case where a final decree is rendered in favor of the person sought to be enjoined. (f) Every person who has possession, custody, or control of, or otherwise deals with, any of the materials, matters, articles, or things described in this section, after the service upon her or him of a summons and complaint in an action for injunction brought under this section, is chargeable with knowledge of the contents and character thereof. (9) The several sheriffs and state attorneys shall vigorously enforce this section within their respective jurisdictions. (10) This section does not apply to the exhibition of motion pictures, shows, presentations, or other representations regulated under s. 847.013.”, §847.012, *Florida Statutes*.

<sup>2</sup> “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: (a) Predominantly appeals to a prurient, shameful, or morbid interest; (b) 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 (c) Taken as a whole, is without serious literary, artistic, political, or scientific value for minors. A mother’s breastfeeding of her baby is not under any circumstance “harmful to minors.”, §847.001(7), *Florida Statutes*.

<sup>3</sup> “Child pornography” means: (a) Any image depicting a minor engaged in sexual conduct; or (b) Any image that has been created, altered, adapted, or modified by electronic, mechanical, or other means, to portray an identifiable minor engaged in sexual conduct.

<sup>4</sup> “Obscene” means 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. A mother’s breastfeeding of her baby is not under any circumstance “obscene.”, §847.001(12), *Florida Statutes*.

<sup>5</sup> “Sexually oriented material” means any book, article, magazine, publication, or written matter of any kind or any drawing, etching, painting, photograph, motion picture film, or sound recording that depicts sexual activity, actual or simulated, involving human beings or human beings and animals, that exhibits uncovered human genitals or the pubic region in a lewd or lascivious manner, or that exhibits human male genitals in a discernibly turgid state, even if completely and opaquely covered.”, §847.001(21), *Florida Statutes*.

- D. A background of information which will enable students to make intelligent judgments in their daily lives;
- E. Materials on opposing sides of controversial issues so that young citizens may develop, under guidance, the practice of critical reading and thinking;
- F. Materials representative of the many religious, ethnic, and cultural groups and their contributions to our American heritage; and
- G. 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.

### III. RESPONSIBILITY FOR SELECTION OF MATERIALS

School media staff shall, in accordance with school board policy and district procedures, coordinate the selection of educational materials. The principal, consulting with the media specialist, is responsible for the final evaluation and selection of materials for the school's media center. Upon review, a principal may direct the removal of material he/she deems in violation of Florida law.

All school media staff and all other individuals responsible for selection and purchasing of media materials shall be trained in compliance with this policy and Florida laws relevant to implementation of this policy. Upon completion of such training, all school media staff, and other individuals responsible for selection and purchasing of media materials shall sign written acknowledgement of his/her responsibilities under this policy and Florida law.

### IV. CRITERIA FOR SELECTION OF EDUCATIONAL MATERIALS

- A. The standards to determine the propriety of the educational materials shall be those set out in this policy. However, the adoption of instructional materials is exclusively governed by School Board Policy 321, including adoption contests.
- B. First consideration shall be given to the needs of the individual school based on the curriculum, the existing collection, and the needs of the students. Requests from users of the collection i.e., administrators, faculty, parents, and students, shall be given high priority.
- C. Materials shall be considered on the basis of accuracy of content, overall purpose, timeliness, importance of the subject matter, quality of the writing/production, readability and popular appeal, authoritativeness, comprehensiveness, reputation, and significance of the author/artist/producer, etc., and format and price.

- D. Gifts of media or money will only be accepted with the understanding that their use or disposition shall be determined by those persons having the responsibility for acquisitions, according to the same selection criteria and procedures as purchased materials.

## V. CHALLENGED MATERIALS

The following procedures shall be followed for an objection to a specific instructional material, or a material accessed in a school media center, by a parent of a district student or resident:

- A. Individuals may register their objection to instructional material with the principal of the school where the individual knows the materials to be in use.
- B. The complainant shall meet with the principal and school-based instructional personnel to discuss the complainant's objection. The initial conference level meeting may be conducted via electronic means at the parties' mutual consent. If the complainant fails, refuses, or otherwise does not participate in such meeting with the principal within 30 school days of submitting the objection form, the complaint shall be deemed abandoned and the material returned to the shelves.
- C. Should the issue not be resolved at the conference level, the objection shall be presented in writing on the form that is available on the District website. ~~in each school office.~~ An objection will not be processed until the required form is completed and filed with the principal. The objection shall include the following information.
1. Author, compiler, or editor;
  2. Publisher;
  3. Title;
  4. Certification that the complainant has read the entire material;
  5. Specific allegation as to how the material violates the requirements of section 1006.28(2)(a)2.a. or b., Fla. Stat.
  6. Page number of each item challenged; and
  7. Signature, address and telephone number of person making complaint.
- D. These procedures shall be followed for school level appeals.
1. The principal of the school where the material is challenged shall convene the school's instructional review committee to evaluate the challenged material, and

to make recommendations of any changes. Review by the committee shall be limited to determination as to whether the material violates the requirements of section 1006.28(2)(a)2.a. or b., Fla. Stat.

2. The principal shall notify the superintendent and the media supervisor when a committee is convened. The composition of the committee shall mirror the make-up of a district review committee as outlined in Subsection E.(1), below.
  3. ~~Using the procedure set out in School Board Policy 321,~~ ¶The challenged materials shall be read and re-evaluated by the committee, considering the specific objections raised. The committee shall report its recommended resolution to the principal within fifteen (15) school days. The principal shall review the committee's recommendation and determine whether the material violates the requirements of section 1006.28(2)(a)2.a. or b., Fla. Stat.
  4. Within 30 days from the date the initial complaint form is received by the school principal or school official, ~~¶~~the complainant shall be informed in writing concerning the committee's recommendations to the principal, and the principal's proposed resolution to the objection.
- E. If the Complainant disagrees with the principal's proposed resolution, then the following procedures shall be followed. The complainant shall be required to indicate, in writing on a form provided by the district, that he/she disagrees with the principal's proposed resolution, and explain why. The superintendent shall have the authority to determine the material to be consistent with the requirements of section 1006.28(2)(a)2.a and b, Fla. Stat. without establishing a review committee review where staff presents information that the book in question is widely accepted and used by school districts in the State of Florida, and has been recommended by national literacy and/or educational organizations. If such action is not taken, then a committee shall be appointed by the superintendent to review the appeal. The superintendent shall designate the district media supervisor as being responsible for the organization of this review committee pursuant to School Board policies. The committee's recommendations shall be submitted to the superintendent within fifteen (15) ~~working school~~ days.
1. The following shall serve as a district review committee:
    - a. a principal;
    - b. a media specialist;
    - c. a curriculum supervisor or an instructional staff member; and
    - d. four (4) parents/citizens who are not employed full-time by Volusia County Schools.

2. Review by the committee shall be limited to determination as to whether the material violates the requirements of section 1006.28(2)(a)2.a. or b., Fla. Stat.
3. The complainant shall be informed, in writing, of the committee's recommendation. Within fifteen (15) ~~working school~~ days after with committee's report is received by the superintendent, the superintendent shall review the committee's recommendation and determine whether the material violates the requirements of section 1006.28(2)(a)2.a. or b., Fla. Stat. Within 30 school days from the date the complaint to the Superintendent is received by the superintendent's office or other school official, ~~T~~the complainant shall be provided a copy of the superintendent's decision.
4. If the complainant disagrees with the superintendent's decision, he or she may file an appeal with the superintendent within ten (10) school days of the date of the decision. In such case, the school board shall review the decisions from the school and district-level committees and provide the complainant with the opportunity to proffer evidence to it as provided in section 1006.28(2)(a)2, Fla. Stat. The school board shall render a final decision on the complainant's objection, which shall be limited to a determination whether the material violates section 1006.28(2)(a)2.a. or b., Fla. Stat. For district appeals of the superintendent's decision, ~~T~~the school board's decision is final and not subject to further local petition or review. Appeals may be taken at the state level, in accordance with applicable Florida Statutes.

## Legal Authority:

Sections 1001.41, Florida Statutes

## Laws Implemented:

Sections 1006.28, 1006.40, Florida Statutes

## History:

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