

SELECTION OF PRINT AND
NON-PRINT LIBRARY MEDIA MATERIALS

I. GENERAL REQUIREMENTS

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

For purposes of this policy, the following terms are defined:

“Library media center” means any collection of books, ebooks, periodicals, or videos maintained and accessible on the site of a school, including in classrooms.

“Parent” means a person who has legal custody of a minor child as a natural or adoptive parent or a legal guardian.

“Resident” means a person who has maintained his or her residence in this state for the preceding year, has purchased a home that is occupied by him or her as his or her residence, or has established a domicile in this state pursuant to s. 222.17, Fla. Statute.

II. OBJECTIVES FOR SELECTION OF LIBRARY MEDIA MATERIALS

The primary objective of the school’s library media center is to encourage the love of reading, enrich, and support the curriculum goals of the school through self-selected reading materials. 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 needs and interests of individual students.

Each library media center shall provide:

- A. Materials selected in compliance with section 1006.28(2)(a)2.a or b., Fla. Statute 1006.40(3)(c)
;(1), (2), (3), (4), (5)

¹ 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

- 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;
- 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 library media center which places principle above-personal opinion and reason above prejudice in the selection of materials of the highest quality.

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*.

² "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*.

³ "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.

⁴ "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*.

⁵ "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*.

III. RESPONSIBILITY FOR SELECTION OF MATERIALS

School library media center staff shall, in accordance with school board policy and district procedures, coordinate the selection of educational library media materials.

Each book made available to students through a school district library media center or included in a recommended or assigned school or grade-level reading list must be selected by a school district employee who holds a valid educational media specialist certificate, regardless of whether the book is purchased, donated, or otherwise made available to students.

The principal is responsible for overseeing compliance with school district procedures for selecting school library media center materials.

All educational media specialists and other persons employed by the school district who are involved in the selection of school library materials must complete the online training, entitled Library Media Training, before selecting library materials. This training must be completed annually 1006.28(2)(d) F.S Rule 6A-7.0715, F.A.C.

IV. CRITERIA FOR SELECTION AND MANAGEMENT OF LIBRARY MEDIA MATERIALS

The standards to determine the propriety of the library media materials shall be in compliance with §1006.28(2)(d)2. Fla. Stat. as follows:

- A. 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.
- B. Materials shall be considered based on accuracy of content, overall purpose, timeliness, importance of the subject matter, quality of the writing/production, readability and popular appeal, authoritativeness, comprehensiveness, reputation, significance of the author/artist/producer, etc., format, and price.
- C. Consultation of reputable, professionally recognized reviewing periodicals and school community stakeholders.
- D. Gifts of library media center materials 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.
- E. Materials shall be evaluated and considered for removal from school library media collections on a regular basis based on the following criteria:

- i. Physical condition;

- ii. Rate of recent circulation in the last 3-5 years;
- iii. Lack of alignment to state academic standards and relevance to the curriculum and
- iv. Out of date content.

F. Upon review, a principal may direct the removal of material he/she deems in violation of Florida law. Additionally, the principal has the authority to remove library media materials that do not meet the needs of his or her school community.

V. OBJECTED LIBRARY MEDIA MATERIALS

The following procedures shall be followed by a parent or resident of Volusia County who is objecting to specific library media center materials.

Please note: The Specific Materials Objection form is located on the Volusia County Schools website and must be completed for any objected library media materials.

- A. **Principal's Conference** - Individuals must register their objection regarding library media center materials with the principal of the school, where the individual knows the materials are used. The complainant shall meet with the principal to discuss the complainant's objection. The initial conference may be conducted via electronic means at the parties' mutual consent. The principal shall document the conference using the *Principal's Record* form. Other staff members may be present at the principal's discretion. If the complainant fails, refuses, or otherwise does not participate in such meeting with the principal within 30 school days of informing the principal of his or her concern the complaint shall be deemed abandoned.
- i. If the resolution is removal of the title at the principal's conference level, the principal shall forward the *Principal's Record* form and the *Specific Materials Objection* form to the district media supervisor to begin the district-level review to determine if the resolution for removal should apply to all Volusia County schools.
 - ii. Should the issue not be resolved at the principal's conference level, the complainant shall submit a copy of the completed *Specific Materials Objection* form to the district media supervisor listed on the form within fifteen (15) school days of the principal's conference. Please note: A resident of Volusia County who is not the parent or guardian of a student with access to school district materials may not object to more than one material per month pursuant to 1006.28(2)(a)2.b., Fla. Stat.
 - iii. Moreover, if the complainant has an objection to the use of the library media material which impacts other students besides his or her own student(s), then the principal shall direct the complainant to make a formal objection by

submitting the *Specific Materials Objection* form to the district media supervisor.

- B. The library media materials for which there is an objection shall remain available for circulation until a final determination is rendered, unless otherwise required by law.

Any material that is objected to for containing content which:

- (I) Is pornographic or prohibited under §847.012;
- (II) Depicts or describes sexual conduct as defined in §847.001(19), unless such material is for a course required by §1003.46 or §1003.42(2)(o)1.g or 3, or identified by State Board of Education rule; must be removed within 5 school days after receipt of the objection and remain unavailable to students of that school until the objection is resolved pursuant to 1006.28(2)(b)2.b, Fla. Stat.

- C. **District Level Review** - The district media supervisor will notify the superintendent upon receipt of a *Specific Materials Objection* form. The superintendent shall designate the district media supervisor as being responsible for organizing the district level review committee pursuant to School Board policies. The district-level review committee shall convene within thirty (30) school days of the receipt of the *Specific Materials Objection* form. If multiple objections are received from a complainant, then the district-level review committee shall convene regarding the first objection within thirty (30) school days. The district-level review committee will generate a timeline for the remaining objections.

- 1. The following shall serve as a district review committee:
 - a. an administrator;
 - 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. A standing district-level review committee for elementary, middle, and high schools shall be organized at the beginning of each school year with at least one alternate for each role.
 - i. District-level review committee members shall be randomly selected from volunteers.
 - ii. District staff shall be appointed if no volunteers come forward.
 - iii. The opportunity for parents and Volusia County residents who are not employed full-time by Volusia County Schools to volunteer for the district-level review committee shall be advertised using district communication tools.

- iv. The complainant shall not serve on the district-level review committee for an objection he or she submitted.
3. The district review committee shall be limited to determining whether the material violates the requirements of 1006.28(2)(a)2.a. or b., Fla. Stat. or Fla. Stat.; 1006.40.

The district-level review committee's recommendation shall be one (1) of the following:

- The objectionable material contains prohibited content under Fla. Stat. 1006.28 or 1006.40. The recommendation shall be to discontinue use of the material for any grade level or age group district-wide for which the committee determines such use is inappropriate or unsuitable.

OR

- The objectionable material does not contain prohibited content under Fla. Stat. 1006.28 or 1006.40. The recommendation shall be for the materials(s) to remain in circulation in Volusia County Schools.
4. The district-level review committee meeting must be noticed and open to the public. Before rendering a decision, the district-level review committee will provide (15) minutes designated for public comment for or against removal of the objected material.
 5. The complainant shall be informed, in writing, of the committee's resolution within ten (10) school days after the district-level review committee's report is received by the superintendent. If a title is determined to be in violation of Florida Statute by the district-level review committee, then the title shall be removed from all Volusia County schools
 6. **School Board Appeal** - If the complainant disagrees with the district-level review committee's decision, he or she may file an appeal with the school board through the office of the superintendent within ten (10) school days of the date of the decision using the Resolution Appeal form. In such case, the school board shall review the decisions from the district-level committees and provide the complainant with the opportunity to proffer evidence. The school board shall render a decision on the complainant's objection, which shall be limited to whether the material violates section 1006.28(2)(a)2.a. or b., Fla. Stat.
 7. If the complainant disagrees with the determination made by the district school board, the complainant may request the Commissioner of Education to appoint a special magistrate.

8. The final determination shall be reviewable after three (3) years by the School Media Advisory Committee. The School Media Advisory Committee must follow all procedures for selecting and adding materials to the school library media center collection.

Legal Authority:

Sections 1001.41, Florida Statutes

Laws Implemented:

Sections 1006.28, 1006.40, Florida Statutes

History:

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