

INSTRUCTIONAL MATERIALS

## A. PURPOSE

The purpose of this policy is to provide for an instructional materials adoption process consistent with law. 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.

## B. DUTIES

1. The duties of the superintendent and school board related to instructional materials shall be consistent with state law.

## C. PRINCIPAL, PARENTS AND STUDENTS

The district shall assure the selected instructional materials are used to provide instruction to the students at the level or levels for which the materials are designed, and will communicate with parents how the materials are used to implement the curriculum objectives of the district.

The principal has the responsibility for maintaining accurate records related to the instructional materials used at the school site, including accounting, inventory and evaluations of non-district evaluated materials.

1. All instructional materials purchased with allocated funds are the property of the school board. When distributed to students, these instructional materials are on loan to the students while they are pursuing their courses of study and are to be returned at the direction of the principal or the teacher in charge.
2. Each parent of a student to whom instructional materials have been issued, is liable for any loss or destruction of, or unnecessary damage to, the instructional materials, or for the failure of the student to return the instructional materials when directed by the principal or the teacher in charge, and shall pay for such loss, destruction, or unnecessary damage as provided by law.
3. The principal shall collect from each student or the student’s parent the purchase price of any instructional materials the student has lost, destroyed or unnecessarily damaged, and shall transmit the money collected to the Superintendent.

4. Failure to collect such sum upon reasonable effort by the school principal may result in the suspension of the student from participation in extracurricular activities or satisfaction of the debt by the student through community service activities at the school site as determined by the principal or designee, in accordance with applicable school board policy.
5. All funds collected from the sale, exchange, loss or damage of instructional materials shall be transmitted to the superintendent and deposited in the district's general fund and added to the district appropriation for instructional materials.
6. The principal, upon the request of the parent of a student in the school, shall sell to the parent any instructional materials used in the school. The parent wishing to purchase a textbook shall make advanced payment to the school. The purchase price shall be the state contract price plus 15% for shipping. The school principal shall notify the parent upon the receipt of the materials. Any funds remaining from the 15% shipping charge shall become discretionary with the principal. The principal shall annually provide information to parents that they may purchase instructional materials and how to purchase the materials.
7. Prohibited from sale to the parent are teacher editions, teacher guides, answer keys, tests, quizzes, i.e., any materials not normally used by students.

D. EVALUATION AND SELECTION OF INSTRUCTIONAL MATERIALS;  
ADOPTION

The evaluation and selection of instructional materials shall be performed in a manner consistent with the provisions of sections 1006.31, 1006.34(3)(d), and 1006.40, Fla. Stat. A committee consisting of district staff, school-based staff, and a parent, ~~representing the educational community~~ shall be involved in the evaluation and selection ~~for of~~ instructional materials at the district and school levels. ~~The superintendent shall develop an~~ An evaluation form consistent with the terms of this policy and law ~~will be used for utilization~~ by each evaluator to evaluate and select instructional materials. Pursuant to section 1006.40(4), the superintendent shall implement procedures relating to the adoption of instructional materials by the school board that are consistent with that section.

E. ~~PARENTAL CONCERNS; CONTESTS~~ CONTESTING INSTRUCTIONAL MATERIALS

- ~~1. A parent or resident that objects to the use of a specific instructional material may register a concern consistent with, and subject to, section V~~

~~of school board policy 320.~~

~~2. Contesting the adoption of instructional materials.~~

~~a.1. Standing; contest period.~~ A parent of a ~~district~~ Volusia County Schools student or resident may contest adoption by the school board of a specific instructional material within 30 calendar days after the adoption of the instructional material by the school board consistent with, and subject to, the provisions of section 1006.28(1)(a)3, Florida Statutes. ~~The superintendent shall develop a~~ A petition form is available on the Volusia County Schools' website for use by that parent or resident ~~and make it available as provided by law.~~ A petition will be dismissed with prejudice by the superintendent and without referral to a hearing officer or the school board unless it specifically states the objection(s) to the adoption based on the criteria identified in paragraph ~~e~~ a. The individual filing the petition will be notified in writing of any dismissal on these grounds.

a. *Bases for contest.* The exclusive bases to contest the adoption of an instructional material shall be for an alleged violation of the criteria of sections 1006.31(2) or 1006.40(3)(~~dc~~), Fla. Stat.

b. *Hearing officer.*

i. *Appointment.* Upon receipt of a timely filed petition, the superintendent shall appoint a hearing officer to conduct one open public hearing on the petition.

ii. *Qualifications; unbiased.* The hearing officer shall not be: 1) an employee or agent of the district; 2) employed or retained by any publisher or vendor of instructional materials within the past five (5) years; or 3) employed or retained by the petitioner within the past five (5) years. In addition~~al~~, the hearing officer shall: 1) be a current member in good standing of the Florida Bar; 2) not be the attorney of record or member or employee of any law firm with a claim or pending litigation against the district within the past five (5) years; and

iv. The hearing shall be conducted within 30 calendar days after the ~~30~~-calendar day contest period has expired and be conducted in accordance ~~in accordance~~ with the requirements of section 1006.28(2)(a)3, Fla. Stat.

iv The hearing officer shall submit his or her written recommendation on the petition to the school board within

30 calendar days of the conclusion of the hearing.

- c. *Final decision by school board.* The school board shall act on the recommendation of the hearing officer at a public hearing within 30calendar days of the receipt of the hearing officer's recommendation. The school board shall consider the petition, the hearing officer's findings and recommendation, any evidence presented to the hearing officer and make a final decision on the petition. The school board may, within its sole discretion, accept or reject the hearing officer's recommendation. The school board's decision is final and not subject to further petition or review.
- d. *Division of fee of hearing officer.* The district and petitioner shall each be responsible for payment of one-half of the fee of the hearing officer unless the legislature appropriates full funding to the district for this express purpose in the future.

F. DISPOSAL OF INSTRUCTIONAL MATERIALS

Instructional materials that have become unserviceable, surplus or no longer on state contract may be disposed of, in the manner authorized by section 1006.41, Florida Statutes.

Legal Authority:

Section 1001.41, Florida Statutes

Laws Implemented:

Sections 1001.43, 1006.28, 1006.40, 1006.41, 1006.42, Florida Statutes

History:

(Adopted -- December 17, 1974)

(Revised -- February 13, 1990; May 8, 1990; July 28, 2009; January 27, 2015; March 27, 2018, ~~xx-xx-xxxx~~)

(Effective Date ~~March 27, 2018~~ ~~xx-xx-xxxx~~)