

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF FLORIDA  
PENSACOLA DIVISION

<p>PEN AMERICAN CENTER, INC., et al.,</p> <p>Plaintiffs,</p> <p>vs.</p> <p>ESCAMBIA COUNTY SCHOOL BOARD,</p> <p>Defendant.</p>	<p>CASE NO.: 3:23-CV-10385-TKW-ZCB</p>
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**DECLARATION OF ORI LEV**

I, Ori Lev, declare as follows:

1. I am over the age of 18 and have personal knowledge of the facts in this declaration.

The Restricted Access Spreadsheet

2. On June 27, 2024, I reviewed the spreadsheet posted on the Escambia County Public Schools (“ECPS”) website captioned “ECPS 22-23 Reconsiderations (website)” (hereinafter “ECPS Restricted Access Spreadsheet”).<sup>1</sup> That Spreadsheet lists all books that have been challenged in the County, and the “Current challenges” tab identifies those challenges that have not yet been resolved. Column E of that tab identifies whether access to a book has been restricted during the review process. As of June 27, 2024, 178 books remain restricted in at least some schools pending resolution of the challenge to that book. This includes the seven books that are the subject of the instant motion

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<sup>1</sup> Available at <https://docs.google.com/spreadsheets/d/1hv6Wtu55zY3t5bmbksY2ie7Q-L3zAQdjrtFh4duLC4/edit#gid=0>.

for preliminary injunction (*Ace of Spades*; *Lady Midnight*; *More Happy Than Not*; *Speak*; *The Hate U Give*; *The Music of What Happens*; *Where I End and You Begin*).

3. As of June 27, 2024, the following books were among those identified as having “restricted access during the review process” on the ECPS Restricted Access Spreadsheet:
  - a. *Kite Runner*;
  - b. *The God of Small Things*;
  - c. *The Handmaid’s Tale*;
  - d. *Slaughterhouse Five*;
  - e. *Beloved*; and
  - f. *Forever*.
4. I have reviewed a copy of ECPS Restricted Access Spreadsheet from April 21, 2023. As of that date, the books listed in the prior paragraph were identified as “restricted access during review process.”
5. As of April 21, 2023, seven books included on the ECPS Restricted Access Spreadsheet had been challenged where the challenge form referenced HB 1557. All seven of these books were listed as restricted at elementary schools during the review process on the April 21, 2023 ECPS Restricted Access Spreadsheet.
6. In addition, as of April 21, 2023, for an additional approximately 30 books included on the ECPS Restricted Access Spreadsheet, the challenge form did not reference HB 1557 but did include a variation of one of the following words or phrases: “LGBTQ,” “gay,” “lesbian,” “alternate sexualities,” “alternate gender ideologies,” “sexual alternatives,” “transgenderism,” “racist,” “racial division,” “racial commentary,” “controversial racial ... commentary,” “inflammatory racial commentary,” “inflammatory racism,” or “inflammatory social commentary.” Twenty-five of those thirty books were listed as “restricted access during review process” and an additional 4 were listed as restricted at elementary schools during the review process.
7. The April 21, 2023 version of the ECPS Restricted Access Spreadsheet listed *Uncle Bobby’s Wedding* and *Milo Imagines the World* as restricted at elementary schools during the review process.

8. I have reviewed dozens of the challenge forms linked from the ECPS Restricted Access Spreadsheet submitted by Vicki Baggett. Many of those forms allege that the books at issue contain “extreme graphic sexual scenes,” “explicit sexual activities,” “explicit depictions of oral sex” or other similar language that could arguably be read as alleging that the book at issue “depicts or describes sexual conduct.” Some of the challenge forms that contain such language are the forms for the following books: *Almost Perfect*; *Beyond Magenta*; *Breathless*; *Crank*; *Darius the Great Deserves Better*; *Dime*; *Doing It!*; *Empire of Storms*; *Fade*; *Forever*; *Go Ask Alice*; *Infamous*; *L8rG8r*; *Lush*; *My Friend Dahmer: A Graphic Novel*; *Nineteen Minutes*; *Out of Darkness*; *The Handmaid’s Tale*; *The Kingdom of Little Wounds*; *The Kite Runner*; *We Are the Ants*; *Girl In Pieces*; *Grit*; *Guyaholic*; *Smoke*; *The Handmaid’s Tale, graphic novel*; *Beautiful*; and *I Never*.

#### The 1069 Review Spreadsheet

9. On May 28, 2024, I participated in a call with counsel for Defendant to discuss the Escambia Country Public School District’s (“District”) actions to review books for so-called “compliance” with HB 1069. Defense counsel Nicole Smith explained that the District believes that HB 1069 (and HB 1467) require the District to take steps to review all books in school libraries. Smith explained that the District is conducting a review of all books in school libraries on a school-by-school basis. Each school’s media specialist is responsible for reviewing the book in his/her school’s library. When a media specialist identifies a book that may contain allegedly “prohibited” content and removes that book from a library for further review, the book is added to the spreadsheet captioned “Website Destiny HB 1069 Storage Further Review,” available on the ECPS website at <https://docs.google.com/spreadsheets/d/1dwSpSRyR1ejSLC5OBj3qzO8xQRgydTcImmbjNZysEuM/edit#gid=1785816646> (hereinafter “1069 Review Spreadsheet”). Ms. Smith explained the following regarding the 1069 Review Spreadsheet:
  - a. Each tab of the 1069 Review Spreadsheet is cumulative and represents the full universe of books removed from school shelves for further review pursuant to this process as of the date of the tab; in the event a book appears on an earlier-dated tab of the Spreadsheet but does not appear on the most recently dated tab, that book has been returned to the shelves.

- b. Each entry on the spreadsheet represents a single copy of a book; where the same title of a book is listed more than once on a given tab, that means that multiple copies of that book have been removed from the shelves for further review at one or more schools.
  - c. The 1069 Review Spreadsheet does not identify the specific school from which a book has been removed, but only the school level (e.g. High School) from which the book was removed.
  - d. Those entries highlighted in yellow on the 1069 Review Spreadsheet are supposed to represent books that also appear on the ECPS Restricted Access Spreadsheet because they are subject to a challenge, but in reviewing both spreadsheets I have identified at least one instance in which a challenged book was not highlighted on the 1069 Review Spreadsheet.
  - e. The inclusion of a book the 1069 Review Spreadsheet does not reflect a District-wide restriction of access to the book; it merely reflects one or more media specialists' decision(s) to remove the book from one or more libraries for further review.
10. As of June 27, 2024, there were 3,414 copies of 1,031 different books listed on the May 21, 2024 tab of the 1069 Review Spreadsheet (the most recently dated tab). These include classics such as *A Portrait of the Artist as a Young Man*; *Atlas Shrugged*; *Cold Mountain*; *I Know Why the Caged Bird Sings*; *Invisible Man*; *Light in August*; *Native Son*; and *One Hundred Years of Solitude*.
11. As of June 27, 2024, the May 21, 2024 tab of the 1069 Review Spreadsheet (the most recently dated tab) listed four copies of *Ace of Spades*, four copies of *Lady Midnight*, three copies of *More Happy Than Not*, twenty-three copies of *Speak* (plus four copies of *Speak: the graphic novel*), eighteen copies of the *The Hate U Give*, one copy of *The Music of What Happens*, and twenty-eight copies of *Where I End and You Begin*, suggesting those copies had been removed at one or more schools pending further review.
12. According to Ms. Smith, once a book has been reviewed and the Media Specialist determines that it can be returned to the shelf, the book is listed on the spreadsheet captioned "Media Services: Titles Reviewed by Media Specialists for HB 1069," available at <https://docs.google.com/spreadsheets/d/13lDaAhAyBfFiYfjckSE39L9xgmel8X-xm57D8zihzWw/edit?gid=0#gid=0>.

Current book review process

13. I have watched the video recording of ECSD Board Workshop held on June 13, 2024, which is available at [https://www.youtube.com/live/\\_W7VOdE8-D4](https://www.youtube.com/live/_W7VOdE8-D4). The School Board discusses the process for resolving challenges to books at approximately 17:15-28:15 of the video. The discussion makes clear that the School Board has no timeline for resolution of the challenges to these books. Rather, the Board is just beginning to gather names for members of the review committees that will ultimately need to be convened. The meeting did not discuss a timeline for the convening of these committees or for the completion of their work.
14. During the meeting, the Superintendent makes reference to his review of the challenged books and to decisions that he can make in consultation with the District's Coordinator of Media Services, Ms. Bradley Vinson. In an email to me, defense counsel has explained that this is a reference to the Superintendent's authority under Board Policy 4.06 to make a determination that the challenge to a title provides sufficient evidence to remove the title without review by a committee or the Board. Defense counsel represented that "[w]e expect this will be reserved for books that have the most extreme, explicit and/or graphic content, which the media specialists do not want in their school's library anyway."

Meet and Confer

15. I met and conferred with counsel for Defendant regarding Plaintiffs' motion for preliminary injunction via both phone and email. In response to notice of Plaintiffs' intent to file the motion, defense counsel responded by email that the Board would not agree to return the books to general circulation pending resolution of the challenges because "[t]he challenge forms allege sexual conduct and the books contain sexual conduct to warrant a full review by a District Review Committee and, if necessary, the Board." In a subsequent telephonic meet-and-confer, defense counsel stated that the school district had reviewed the content of the books, and not just the challenge forms, in determining whether the books should be returned to the shelves.

Exhibits – Book Challenges

16. Attached hereto as Exhibits 1-7 are the true copies of the challenge forms for the following eight books, which I downloaded from the links embedded in the ECPS Restricted Access Spreadsheet:

<b>Exhibit No.</b>	<b>Title of Restricted Book</b>
1	<i>Ace of Spades</i>
2	<i>Lady Midnight</i>
3	<i>More Happy Than Not</i>
4	<i>Speak</i>
5	<i>The Hate U Give</i>
6	<i>The Music of What Happens</i>
7	<i>Where I End and You Begin</i>

### Exhibits – Policy 4.06

17. Attached hereto as **Exhibit 8** is a true and correct copy of the Escambia County School Board Policy Manual, Section 4.06, “*Educational Media Materials*” (“Policy 4.06”) as revised by the Escambia County School Board (“Board”) on September 19, 2023. To the best of my knowledge this is the current version of Policy 4.06. I downloaded Exhibit 8 from the Escambia County School District website at

[https://go.boarddocs.com/fl/escambia/Board.nsf/files/CVES636CD99D/\\$file/4.06\\_approved.pdf](https://go.boarddocs.com/fl/escambia/Board.nsf/files/CVES636CD99D/$file/4.06_approved.pdf). Exhibit 8 does not on its face indicate that it is the version adopted on September 19, 2023, but I accessed the document as follows:

- a. I went to the Board website at <https://go.boarddocs.com/fl/escambia/Board.nsf/goto?open&id=C82RRC6F3AE1>.
- b. With the “Meetings” tab selected, I selected the September 19, 2023 meeting from the menu at left.
- c. I clicked on the Agenda tab that appeared once a Board meeting was selected.
- d. From the agenda that appeared on the left-hand side, I selected item 7.A, “Changes to School Board Policy Chapter 4: Instruction – Section 4.06, Educational Media Materials.”
- e. I clicked on the document icon next to item 7.A, which showed the outcome of the Board’s vote on adopting the changes.

f. I clicked on the document labeled “4.06\_approved.pdf,” which I downloaded and is attached as Exhibit 8.<sup>2</sup>

18. Attached hereto as **Exhibit 9** is a true and correct copy of a document that was filed by Defendant in *Parnell v. Sch. Bd. of Lake Cty*, No. 5:23-cv-00381-BJD-PRL (M.D. Fla.), showing changes made to Policy 4.06 on December 19, 2022, which remained effective until June 20, 2023.

19. Attached hereto as **Exhibit 10** is a true and correct copy of the Emergency Rule adopted by the Board on June 20, 2023, amending Policy 4.06, produced by Defendant in this litigation and BATES numbered E\_ECSD\_0028012-34. Although not evident on the face of the document, the School District website indicates that the motion to adopt the Emergency Rule was passed by the Board on June 20, 2023. I have compared Section 10 of Policy 4.06 (dealing with “Challenged Materials”) as adopted by Emergency Rule on June 20, 2023, to Section 10 of Policy 4.06 as adopted by the Board on September 19, 2023, and they are identical.

#### Exhibits – Book Challenge Practices

20. Attached hereto as **Exhibit 11** is a true and correct copy of a document produced by Defendant in this litigation and BATES numbered E-ECSD\_0037677. The document, dated October 4, 2022, is a letter apparently sent to parents of students who had copies of challenged books, informing them of the District’s “new policy to place copies of titles currently being reconsidered for inclusion in our library collections in a restricted area of our libraries.”

21. Attached hereto as **Exhibit 12** is a true and correct copy of a document produced by Defendant in this litigation and BATES numbered E-ECSD\_0067517-18. The document is an email dated April 27, 2023, from Michelle White, then the ECSD Coordinator of Media Services, responding to a

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<sup>2</sup> The school district’s website also contains a link to an online version of Policy 4.06, labeled “Instructional Materials Policy” at the following URL: <https://www.escambiaschools.org/Page/978>. The online version of Policy 4.06, however, contains garbled language at Section 10.A.4.a, which governs access to materials that have been challenged. Accordingly, we rely on the version actually adopted at the Board meeting, which shows the edits to Policy 4.06 adopted on September 19, 2023 in redline.

reporter's question and stating the "[b]ooks that are challenged based on HB 1557 are restricted in elementary schools."

22. Attached hereto as **Exhibit 13** is a true and correct copy of an email dated April 4, 2023, from Michelle White to members of a District Materials Review Committee informing the committee that the Board "is considering changes in our book review process. Therefore, we are putting a pause on the work our committees are currently doing to review challenged titles." This document was received by Plaintiff Benjamin Glass and was produced by Plaintiffs in this litigation and BATES numbered PLAIN0000383.

I declare under penalty of perjury that the foregoing is true and correct.

Executed July 1, 2024.

/s/ Ori Lev  
Ori Lev



# EXHIBIT 1

REQUEST FOR THE RECONSIDERATION OF EDUCATIONAL MEDIA

School: Northview High School

Requested Initiated By: Vicki Baggett

6211

Century State: FL Zip code: 32535

Please Check Media Type

- Book
- Film
- Videocassette
- Periodical
- Filmstrip
- Record
- Pamphlet
- Cassette
- Computer Software
- Laser Videodisc
- Kit
- Other: \_\_\_\_\_

Set 1  
# 2

Title: Ace of Spades

Author: Abike-Iyimide, Faridah

Publisher or Producer: \_\_\_\_\_

1. Reasons for Objections: Sexual obscenities; suicide; language; crude; abuse; LGBTQ themes

2. Have you read, viewed, and/or listened to the entire educational media to which you object?

yes

3. What are the strengths of this educational media? none

4. Are you aware of the judgment of this educational media by literary and authoritative critics?

yes

5. What do you believe is the purpose of this educational media? Indoctrination

6. For what age group would you recommend this educational media? adults

7. Where was the educational media located in the school system? middle schools & high schools

8. On what date(s) was the material utilized for instruction? N/A

Signature of Complainant: Vicki Baggett

Date: 8-24-22

# EXHIBIT 2

**ECPS Request for Reconsideration of Educational Media**

A parent or resident of Escambia County, Florida may proffer evidence that any material used in a classroom, made available in a school library, or included in a reading list 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 the grade level or age group for which the material is being used.

**Please complete all applicable information:**

Before bringing a challenge to a material found at a school, the complainant must read, listened to or viewed the material in its entirety.

Have you read or viewed the entire material? **yes**

Date of Request: **3-31-23**

Author: **Cassandra Clare**

Title: **Lady Midnight**

Publisher or Producer, Date of Publication/Production, Type of Media: **McElderry, 2016**

Request Initiated by (first and last name): Kaye Dickerson

[REDACTED]  
[REDACTED] [REDACTED] [REDACTED]  
[REDACTED] [REDACTED]

School(s) in which item is used: **Beulah Middle School; Washington High; Tate High; West Florida High; Pensacola High**

1. What first prompted your concern? **This fiction book contains sexual situations, multiple killings and other violence, and is age and content inappropriate for middle schoolers.**
2. To what in the material do you object? (Please be specific, cite pages, frames, etc. Attach additional pages if necessary. **Samples below.**

**Kit rolled his eyes – there were a million little cults that sprang up around worshipping some minor demon or angel (p. 4)**

**Dead bodies turning up covered all in the demon languages. Burned, drowned, hands chopped off – all sorts of rumors (p. 5)**

**“Alexander Lightwood was Magnus’s boyfriend for over a decade. They could’ve gotten married under the new laws . . . “ (p. 157)**

**Mundane superstition: palmistry, astrology, crystal balls, tarot cards (p. 192)**

**She bent her knees and sprang, rising into the air as she slashed downward, severing the Mantis's head from its body. (p. 214)**

**“ . . . severing head from thorax . . . hacking through the jaws of two Mantids to leave them drowning in their own blood” (p. 217)**

**Severed arm . . . (p. 219)**

**“Malcolm didn't want victims, he wanted murderers. It was why the Followers needed Sterling back – and why Belinda cut off his hands and left with them. And why Malcolm let her. He needed the murderer's hands , the hands they'd killed with – so he could do this. Belinda took both hands because she didn't know which one he'd killed with – and she couldn't ask” (p. 583)**

**“ . . . severing her head from her neck” (p. 585)**

**“ . . . severed his head from his body” (p. 585)**

**“Just in time to see two of the demons rip his father in half” (p. 638)**

3. What are the strengths of the educational media? **This book is too violent for middle school children.**

4. What do you believe is the purpose of this educational media? **Introduce the mystical.**

5. Are you aware of the judgment of this educational media by literary and/or authoritative critics

Yes  No

6. What do you wish to be the outcome of the reconsideration? **Remove book because of age and content inappropriateness**

a. Available in the following libraries (check all that apply):

K-5 (Elementary)  6-8 (Middle School General Collection)

6-8 (Opt-in Middle School Young Adult Collection)  9-12 (High School)

b. Remain available in libraries but removed for use in classroom instruction:

Yes  No

Signature of Complainant: Kaye Dickerson Date: 3-31-23

ECPS, Media Services, 11-8-22Pg 2 of 2

# EXHIBIT 3

School: Northview High School

Requested Initiated By: Vicki Baggett

Telephone: [Redacted] Address: [Redacted]

City: Century State: FL Zip code: 32535

Please Check Media Type

- Book
- Film
- Videocassette
- Periodical
- Filmstrip
- Record
- Pamphlet
- Cassette
- Computer Software
- Laser Videodisc
- Kit
- Other: \_\_\_\_\_

Set 2  
#25

Title: More Happy Than Not

Author: Adam Silvera

Publisher or Producer: \_\_\_\_\_

1. Reasons for Objections: LGBTQ explicit graphic story lines

2. Have you read, viewed, and/or listened to the entire educational media to which you object? yes

3. What are the strengths of this educational media? None

4. Are you aware of the judgment of this educational media by literary and authoritative critics? yes

5. What do you believe is the purpose of this educational media? indoctrination

6. For what age group would you recommend this educational media? None

7. Where was the educational media located in the school system? middle & high school

8. On what date(s) was the material utilized for instruction? N/A

Signature of Complainant: Vicki Baggett Date: 8-24-22

\* Duplicate Submission.  
Also in set 3, #21.



# EXHIBIT 4

School: Northview High School

Requested Initiated By: Vicki Baggett

Telephone: [redacted] Address: [redacted]

City: Century State: FL Zip code: 32535

Please Check Media Type

- Book
- Film
- Videocassette
- Periodical
- Filmstrip
- Record
- Pamphlet
- Cassette
- Computer Software
- Laser Videodisc
- Kit
- Other: \_\_\_\_\_

Set I  
# 20

Title: Speak

Author: Laurie Halse Anderson

Publisher or Producer: \_\_\_\_\_

1. Reasons for Objections: graphic content; biased against males
2. Have you read, viewed, and/or listened to the entire educational media to which you object? yes
3. What are the strengths of this educational media? none
4. Are you aware of the judgment of this educational media by literary and authoritative critics? yes
5. What do you believe is the purpose of this educational media? Anti-men; anti-rape
6. For what age group would you recommend this educational media? adults
7. Where was the educational media located in the school system? high school
8. On what date(s) was the material utilized for instruction? N/A

Signature of Complainant: Vicki Baggett

Date: 8-24-22

# EXHIBIT 5

School: Northview High School

Requested Initiated By: Vicki Baggett

Telephone: [redacted] Address: [redacted]

City: Century State: FL Zip code: 32535

Please Check Media Type

Book  Film  Videocassette

Periodical  Filmstrip  Record

Pamphlet  Cassette  Computer Software

Laser Videodisc  Kit Other: \_\_\_\_\_

Set 1  
# 15

Title: The Hate U Give

Author: Angie Thomas

Publisher or Producer: \_\_\_\_\_

1. Reasons for Objections: anti-cop agenda; age in appropriate

2. Have you read, viewed, and/or listened to the entire educational media to which you object?  
Yes

3. What are the strengths of this educational media? None

4. Are you aware of the judgment of this educational media by literary and authoritative critics?  
Yes

5. What do you believe is the purpose of this educational media? anti-cop agenda

6. For what age group would you recommend this educational media? none

7. Where was the educational media located in the school system? middle schools

8. On what date(s) was the material utilized for instruction? N/A

Signature of Complainant: Vicki Baggett Date: 8-24-22

# EXHIBIT 6

REQUEST FOR THE RECONSIDERATION OF EDUCATIONAL MEDIA

School: Northview High School

Requested Initiated By: Vicki Baggett

Telephone: [redacted] Address: [redacted]

City: Century State: FL Zip code: 32535

Please Check Media Type

Book  Film  Videocassette

Periodical  Filmstrip  Record

Pamphlet  Cassette  Computer Software

Laser Videodisc  Kit Other: \_\_\_\_\_

Set 2  
# 27

Title: The Music of What Happens

Author: Bill Konigsberg

Publisher or Producer: \_\_\_\_\_

1. Reasons for Objections: LGBTQ content; sexual excitement

2. Have you read, viewed, and/or listened to the entire educational media to which you object? yes

3. What are the strengths of this educational media? none

4. Are you aware of the judgment of this educational media by literary and authoritative critics? yes

5. What do you believe is the purpose of this educational media? indoctrination

6. For what age group would you recommend this educational media? none

7. Where was the educational media located in the school system? high schools

8. On what date(s) was the material utilized for instruction? n/a

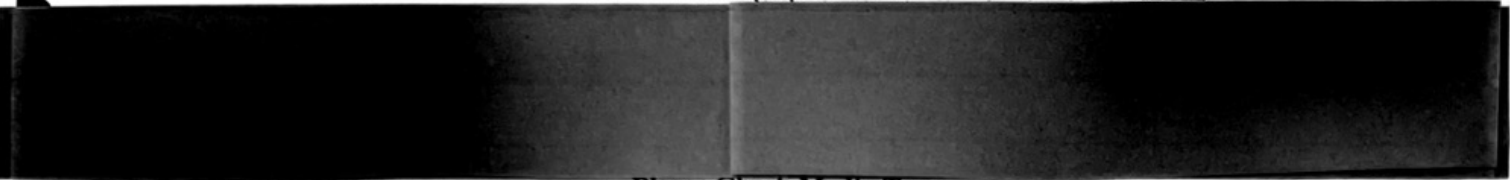
Signature of Complainant: Vicki Baggett

Date: 8-24-22

# EXHIBIT 7

School: Northview High School

Requested Initiated By: Vicki Baggett



Please Check Media Type

- Book
- Film
- Videocassette
- Periodical
- Filmstrip
- Record
- Pamphlet
- Cassette
- Computer Software
- Laser Videodisc
- Kit
- Other: \_\_\_\_\_

Set 4  
# 17

Title: Where I End & You Begin

Author: Preston Norton

Publisher or Producer: \_\_\_\_\_

1. Reasons for Objections: Sexual nudity; alternate sexualities; profanity

2. Have you read, viewed, and/or listened to the entire educational media to which you object?  
yes

3. What are the strengths of this educational media?  
none

4. Are you aware of the judgment of this educational media by literary and authoritative critics?  
no

5. What do you believe is the purpose of this educational media?  
push sexual deviance

6. For what age group would you recommend this educational media?  
none

7. Where was the educational media located in the school system?  
high schools

8. On what date(s) was the material utilized for instruction? N/A

Signature of Complainant: Vicki Baggett

Date: 9-15-22



# EXHIBIT 8

Book	Policy Manual
Section	Chapter 4 - Instruction
Title	Educational Media Materials
Code	4.06
Status	Active
Adopted	06/26/90
Last Revised	12/19/22
Prior Revised Dates	08/25/92; 10/21/03; 01/16/10; 04/19/11; 12/16/14;

The Board has the constitutional duty and responsibility to select and provide adequate instructional materials for all students in accordance with F.S. 1006.28 and 1006.283. For core subject areas, the Board must either (1) adopt instructional materials selected from the State-approved materials according to the state adoption cycles, (2) adopt instructional materials pursuant to a (local) Board instructional materials review program prescribed by this policy, or (3) a combination of both. Core subject areas are mathematics, language arts, science, social studies, reading, and literature for kindergarten through grade 12.

The Board is responsible for the content of all instructional materials and any other materials used in a classroom, made available in a school library/media center, [classroom library](#), or included on a reading list whether adopted and purchased from the state-adopted instructional materials list, adopted and purchased through the District instructional materials program or otherwise purchased or made available in the classroom.

Instructional materials and resources shall be provided in a variety of formats that are appropriate, timely, and essential to the attainment of specified educational objectives and are free of bias, stereotypes, distortions, and prejudices.

This policy provides a parent or resident the opportunity to proffer evidence to the district school board that:

- A. An instructional material does not meet the criteria of F.S. 1006.31(2) or 1006.40(3)(d) if it was selected for use in a course or otherwise made available to students in the school district but was not subject to the public notice, review, comment, and hearing procedures under F.S. 1006.283(2)(b)8., 9., and 11.
- B. Any material used in a classroom, made available in a school library, [classroom library](#), or included on a reading list that 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 the grade level and age group for which the material is used. Materials found to violate these criteria will be discontinued for any grade level or age group for which such use is inappropriate or unsuitable.

#### 1. Definition of Instructional Materials

F.S. 1006.29(2) defines the terms "instructional materials" as items having intellectual content that by design serve as a major tool for assisting in the instruction of a subject or course. These items may be available in bound, unbound, kit, or

package form and may consist of hardbacked or soft backed textbooks, electronic content, consumables, learning laboratories, manipulatives, electronic media, and computer courseware or software. Pursuant to F.S. 1006.28(1)(a)(1), "adequate instructional materials" means a sufficient number of student or site licenses or sets of materials.

2. Use of Instructional Materials

- A. Each school shall purchase sufficient current instructional materials to provide each student with a textbook or other instructional materials as a major tool of instruction in core courses in mathematics, language arts, science, social studies, reading, and literature for kindergarten through grade 12 except for instruction approved by the School Advisory Council that does not include a textbook as a major tool of instruction. Such purchase must be made within the first three (3) years of the effective date of the adoption cycle.

Principals are also responsible for overseeing compliance with school district procedures for selecting school library/media center materials and classroom libraries at the school to which they are assigned. Use of materials must adhere to the "fair use" doctrine permitting the use of copyrighted works for instructional purposes.

(See <https://www.copyright.gov/help/faq/>)

- B. Allocations shall be made to individual schools on an equitable basis. Up to fifty (50) percent of the annual allocation may be used for the purchase of instructional materials, including library and reference books and non-print materials, not including the District-adopted list, and for the repair and renovation of textbooks and library books.
- C. Principals shall communicate to parents/guardians the manner in which instructional materials are used to implement the curricular activities of the school and how instructional materials funds are allocated and spent.
- D. Schools shall notify parents/guardians of their student's ability to access their instructional materials through the district's local instructional improvement system and/or website. This notification will be displayed prominently on the school's website and will be provided annually in written format to all parents/guardians of enrolled students.

3. Adoptions of Core Subject Instructional Materials

Each school year, no later than March 15th, a district subject area Instructional Materials Review Committee shall be established for recommending instructional materials from the state adopted list or materials from appropriate publishers to be included on the District adopted textbook list for purchase by district schools. ~~The School Board shall also annually approve instructional materials used to teach reproductive health or any disease, including HIV/AIDS, its symptoms, development and treatment.~~ All materials used to teach reproductive health or any disease, including HIV/AIDS, its symptoms, development and treatment must be approved by the Florida Department of Education.

No school shall participate in a pilot program of instructional materials under consideration for adoption during the eighteen (18) months prior to state adoption or for the first two (2) years after official adoption of materials.

4. Instructional Materials Adoption Procedure

A. Instructional Materials Review Committee Membership

1. The Instructional Materials Review Committee shall be composed of persons actively engaged in teaching or in the supervision of teaching in the public elementary, middle, or high schools and shall represent the major fields and levels in which instructional materials are used in the public schools. In addition, the Instructional Materials Review Committee must include at least one parent of district students.
2. All persons serving on the Instructional Materials Review Committees must complete a District developed instructional materials selection training program prior to reviewing and selecting materials. The training must assist viewers in complying with Section 1006.31(2), F.S. which requires, among other things, reviews to include materials portraying the ethnic, socioeconomic, cultural, religious, physical, and racial diversity of our society, and to exclude materials containing pornography and prohibited under s. 847.012, F.S.
3. Members of the district subject area Instructional Materials Review Committee must sign an "Instructional Materials Review Committee Member Affidavit" form before conducting committee business. The form specifies that Instructional Materials Review Committee members are prohibited from accepting gifts, money, emoluments, or other valuables which shall directly or indirectly influence the adoption or purchase of any instructional materials. A copy of the form can be found on the District's Media Services website. Instructional Materials Review Committee members' conduct should be in the best interest of the students and the District.
4. The Instructional Materials Review Committees shall meet as often as necessary to carry out their duties and responsibilities and make recommendations to the Superintendent. Meetings of Instructional Materials Review Committees convened for the purpose of ranking, eliminating, or selecting instructional materials for recommendation to the district school board must be noticed and open to the public in accordance with s. 286.011, F.S. Adoption of textbooks from such recommendations shall be considered as separate actionable items in meetings of the Board.

5. The District's Instructional Materials Adoption Policy Follows the Criteria Listed Below.

- A. The District's instructional materials adoption cycle shall correspond with the State adoption cycle except when determined to best serve the District's needs.
- B. The focus of the District review will be to evaluate materials submitted by publishers for State adoption or other appropriate materials with the purpose of recommending materials for District adoption.

C. Content Standards for Instructional Materials

Pursuant to F.S. 1006.34, in the selection of instructional materials, library material, classroom library, and other reading material used in the public school system, the standards used to determine the propriety of the instructional material shall include: the age of the students who normally could be expected to have access to the material; the educational purpose to be served by the material with priority given to the selection of materials that align with Florida State Standards as provided for in F.S. 1003.41 and include instructional objectives contained within the curriculum frameworks for career and technical education.

1. Alignment with Subject Standards

Textbooks and instructional materials should provide quality learning experiences for students, enrich and support the curriculum, and be consistent with the Florida State Standards. The Instructional Materials Review Committee shall evaluate instructional materials utilizing the procedural guidelines provided by the District's Media Services department. Listed below are the major components of the review guidelines.

- a. Content (Alignment with curriculum and Florida State Standards; level of treatment; expertise for content development; accuracy of content; currency of content; authenticity of content; multicultural representation; humanity and compassion)
- b. Presentation (Comprehensiveness of student and teacher resources; alignment of instructional components; organization of instructional materials; readability of instructional materials; pacing of content; ease of use and durability of materials)
- c. Learning (Motivational strategies; teaching a few "big ideas"; explicit instruction; guidance and support; active participation of students; targeted instructional strategies; targeted assessment strategies)

2. Accurate, Objective, Balanced, Current, Free of Pornography and Prohibited Material and Suited for Student Needs

Pursuant to F.S. 1006.40(3)(d), any materials purchased shall be free of pornography and material prohibited under F.S. 847.012, suited to student needs and their ability to comprehend the material presented, and appropriate for the grade level and age group for which the materials are used or made available.

Pursuant to F.S. 1006.31, instructional materials recommended by each reviewer shall be accurate, objective, balanced, noninflammatory, current, free of pornography and material prohibited under F.S. 847.012, and suited to student needs and their ability to comprehend the material presented.

The District shall rely on Florida Department of Education rules to determine what is age-appropriate, or in the absence of rules, on a preponderance of reviews by subject experts and/or professionally recognized periodicals or organizations.

3. Bias-Free

Instructional materials must also be evaluated for bias-free content. There are five (5) areas in which bias is evidenced in instructional materials:

- a. Contextual Invisibility
- b. Stereotyping and Characterization
- c. Historical Distortions and Omissions
- d. Language Bias
- e. Inaccurate and Stereotypical Visual Images

4. Additional Considerations for Selection of Instructional Materials

- a. When recommending instructional materials, each reviewer shall:
  - i. Include instructional materials that accurately portray the ethnic, socioeconomic, cultural, religious, physical, and racial diversity of our society, including men and women in professional, career, and executive roles, and the role and contributions of the entrepreneur and labor in the total development of this state and the United States.
  - ii. Include materials that accurately portray, whenever appropriate, humankind's place in ecological systems, including the necessity for the protection of our environment and conservation of our natural resources and the effects on the human system of the use of tobacco, alcohol, controlled substances, and other dangerous substances.
  - iii. Include materials that encourage thrift, fire prevention, and humane treatment of people and animals.
  - iv. Require, when appropriate to the comprehension of students, that materials for social science, history, or civics classes contain the Declaration of Independence and the Constitution of the United States.
- b. Consideration should be given to the broad racial, ethnic, socioeconomic, and cultural diversity of this state. A reviewer may not recommend any instructional materials that contain any matter reflecting unfairly upon persons because of their race,

color, creed, national origin, ancestry, gender, religion, disability, socioeconomic status, or occupation.

6. Instructional Materials Adoption Evaluation Procedure

- A. Members of an Instructional Materials Review Committee shall apply the standards set forth in Section IV above in evaluating all instructional materials.
- B. Members of an Instructional Materials Review Committee shall receive instructions and training in the evaluation techniques to be used, characteristics of effective instructional materials, and the skills necessary to make valid and objective decisions regarding the content and rigor of instructional materials.
- C. The evaluation process shall include, as available, collection and review of the research about the instructional materials under consideration, as well as other districts' experiences with the instructional materials being reviewed.
- D. The review process shall include scrutiny of each program's correlation to the State Standards and the assessments that are based on such standards.
- E. Evaluation instruments employed by the Instructional Materials Review Committee members in its evaluation and selection process may be instruments developed by the Florida Department of Education or district-modified versions of the same.
- F. If an Instructional Materials Review Committee elects to have publisher presentations, every publisher submitting materials for consideration in a specific subject area shall be provided an equal opportunity to present. All publishers shall be given equal time for the presentation. The Instructional Materials Review Committee chair shall be responsible for ensuring equity.
- G. Instructional Materials Review Committee members shall review materials and return recommendations to the Assistant Superintendent over Instructional Materials.

7. Public Input for the Adoption of Instructional Materials

The public may review and comment on materials being considered and/or recommended for adoption. In addition, Escambia County public school parents/guardians or residents of Escambia County may contest a specific adopted material. Opportunities for public input are listed below.

- A. The public may review all materials being considered for adoption. Print and/or online samples of a student edition will be made available during the Instructional Materials Review Committee review process. Student editions of materials recommended for adoption will be made available online at least twenty (20) calendar days before the school board hearing.
- B. An open, noticed public meeting will be held to review the district's annual instructional materials plan, preview print/online samples, and provide online access instructions.

- C. An open, noticed school board meeting will be held to receive public comment on recommended instructional materials.
  - D. The parent/guardian of a student enrolled in an Escambia County public school/resident of Escambia County may contest the district school board's adoption of a specific instructional material by filing a petition, on the "Motion to Contest the Adoption of an Instructional Material" form, within thirty (30) calendar days after the adoption by the school board.
    - 1. The "Motion to Contest the Adoption of an Instructional Material" form must be signed by the parent/guardian or resident, include the required contact information, and state the objection to the instructional material.
    - 2. Within thirty (30) calendar days after the thirty (30) day period has expired, the school board will conduct at least one open public hearing on all petitions timely received before an unbiased and qualified hearing officer. The hearing officer may not be an employee or agent of the school district. While not subject to Chapter 120 provisions, the hearing must provide sufficient procedural protections to allow each petitioner an adequate and fair opportunity to be heard and present evidence to the hearing officer.
    - 3. The school board's decision after convening a public hearing is final and not subject to further petition or review
8. Lost/Damaged Instructional Materials and Disposal of Instructional Materials
- A. Principals shall make a reasonable effort to collect from each pupil or pupil's parent/guardian the purchase price of any instructional materials the pupil has lost, destroyed, or unnecessarily damaged and to report and transmit the amount collected to the Superintendent. Failure to satisfy the debt may result in suspension of the pupil from participation in extra-curricular activities or an assignment to community service at the school site until the debt is satisfied.
  - B. The District shall dispose of instructional materials when they have become unserviceable or surplus or are no longer on state contract by
    - 1. giving materials to other public education programs within the District or State, giving materials to teachers to use in developing supplementary teaching materials, or giving materials to students or others that may include any charitable organization, governmental agency, private school, or State; or
    - 2. selling the materials to used book dealers, recycling plants, pulp mills, or other persons, firms, or corporations upon such terms as are most economically advantageous to the District. All moneys received because of sale, exchange, or other disposition of instructional materials shall be deposited in the District school fund and added to the District appropriation for instructional materials.
9. School Library/Media Center and Other Educational Materials



In accordance with F.S. 1006.28(2)(d), the School Board shall establish and maintain a program of school library media services for all public schools in the district, including school library/media centers, or school library/media centers open to the public, and, in addition, such traveling or circulating libraries as may be needed for the proper operation of the district school system.

The media specialist will stay informed about appropriate new publications, by using multiple sources, such as discussions with colleagues, attendance at conferences, and reading a variety of periodicals and book reviews. The media specialist will also receive and consider suggestions or requests brought forward by other faculty, students and parents/guardians. Potential new books for the school library media center, classroom library, and reading lists will be evaluated to determine if they would be suitable for student needs and whether they would be appropriate for the intended grade level and age group. In considering possible new acquisitions, the media specialist will consult reputable, professionally recognized reviewing periodicals and school community stakeholders. The media specialist will also assess the level of student interest in the subject(s) presented and the ability of students to comprehend the material. Books that are selected must be free of pornography and material prohibited under F.S. 847.012. After evaluation, the media specialist will inform the principal of those books that have been evaluated and are approved for inclusion in the collections. The procedure for developing library media center, classroom library, and reading list collections will be posted on the website for each school in the District.

A wide choice of materials that support the instructional program shall be available to students and professional staff to allow for varying achievement levels, free choice reading interests, and teaching/learning styles. Materials should be available in a variety of formats and reading levels, offer a well-balanced coverage of subjects, and support the diverse interests, needs, and viewpoints of the school community.

School librarians, media specialists, and other personnel involved in the selection of school district library and classroom library materials must complete a training program developed pursuant to F.S. 1006.29(6) before reviewing and selecting age-appropriate materials and library resources.

Upon written request, the District shall provide access to any materials or book specified in the request that is maintained in the school library and classroom library and is available for review. The school principal shall arrange a convenient time to provide such access.

A. Purpose of the Library/Media Center and Classroom Library Materials

The library/media center and classroom library shall contain a comprehensive collection of materials and equipment in a variety of media formats to:

1. provide a broad background of information resources in all areas of knowledge; and
2. support the general educational goals of the District and the objectives of specific courses, including materials that represent diverse points of view.
3. Meet the personal needs and interests of students, including materials that:

- a. nurture the development of recreational/listening/viewing, cultural appreciation, and aesthetic values;
  - b. represent the many religious, racial, ethnic, linguistic, and cultural groups in our society and reflect their contributions to the heritage and culture of our civilization;
  - c. foster respect for the diverse roles available to all people in today's society;
  - d. provide education media that reflect differing and/or opposing viewpoints; and
  - e. provide a comprehensive collection appropriate for the users of the library media center and classroom library.
4. Support the professional needs of teachers and administrators; and
  5. Introduce new instructional strategies into the learning environment.

B. Student Access to Library/Media Center and Classroom Library Collections

Parents have the right to determine what they believe is and is not appropriate reading material for their student. Parents will be given the opportunity to choose Open Access, Limited Access, or No Access to the library/media center and classroom library collection. The access will be noted in the Student Information System and in the Library Catalog.

Parents of middle school students, grade six (6) through eight (8) shall also have the opportunity to opt in for their student to have access to the "young adult" section in the library/media center and classroom library. The access will be noted in the Student Information System and the Library Catalog.

C. Objectives of Selection

The primary objective of educational media is to implement, enrich, and support the educational program of the District; its secondary function is to contribute to the development of informed and responsible citizens. It is the duty of the District to provide a wide range of materials of different levels of difficulty, with diversity of appeal and representing different points of view taking into account the varied interests, abilities, and maturity levels of the pupils being served. The utilization of any specific item in educational media does not necessarily mean that the school or the District advocates or endorses the contents of the item.

To this end, the School Board of the Escambia District affirms that school library media centers and classroom libraries shall:

1. provide a comprehensive collection of instructional materials that will support the curriculum;

2. provide materials for teachers and students that will stimulate growth in knowledge, literacy appreciation, aesthetic values, and ethical standards;
3. provide information that will enable students to make intelligent decisions and to understand the consequences of their decisions;
4. provide education media that reflects differing and/or opposing viewpoints;
5. provide materials which reflect the ideas and beliefs of the many ethnic, religious, and political groups that have contributed to the American and world heritage and culture; and
6. provide age-appropriate materials in multiple genres to encourage students to read for pleasure and information.

D. Responsibility for Selection of Materials

Selection of educational media is a continuous process which involves teachers, administrators, lay persons, other instructional personnel, and students as appropriate.

1. The responsibility for coordinating the selection process and making the final selection for library-media and classroom library materials rests with the school library media specialist who holds a valid educational media specialist certificate.
2. ~~Beginning January 1, 2023,~~ School library media specialists, and other personnel involved in the selection of school district library materials must complete the online training program developed by the Florida Department of Education prior to reviewing and selecting age-appropriate materials and library resources.
3. School principals are responsible for overseeing compliance with school district procedures for selecting school library media and classroom library materials.
4. Teachers are responsible for fully reviewing and evaluating outside media that will be used as classroom curriculum material.
5. Final selection of classroom curriculum material shall be the responsibility of the principal or principal's designee.

E. Evaluation and Selection of Library/Media Center Materials

In addition to supporting the curriculum, the school library/media center and classroom library affords students the opportunity to explore areas of interest and thought not covered by the prescribed curriculum; therefore, it should contain materials that allow for free inquiry, study, and evaluation. The selection process may include consultation with school administrators, other teachers, students, and parents/guardians to assure a comprehensive

collection appropriate for users of the library/media center and classroom library. School principals are responsible for overseeing compliance with school district procedures for selecting school library/media center materials at the school to which they are assigned.

1. Each book made available to students through a school district library/media center, classroom library 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.
2. Each new title purchased to be available to students through a district library/media center and classroom library must be presented to the school's Library Advisory Council for input. The Library Advisory Council shall be comprised of at least the school's media specialist, two teachers, one parent and one community member. The principal will ensure the committee is representative of the school community.
3. Materials placed in media collections shall meet the criteria set forth in Section 1006.40(3)(d) F.S. The process of evaluating materials for inclusion in collections is continuous and systematic. Selections are based upon consultation with reputable professionally recognized reviewing periodicals and school community stakeholders. Materials for inclusion shall be considered according to the following criteria:
  - a. First consideration is given to the need of the individual school based on:
    - i. reader interest;
    - ii. support of state academic standards and aligned curriculum;
    - iii. existing collection;
    - iv. academic needs of students and faculty; and
    - v. requests from users of the collection (administrators, faculty, parents/guardians, students) are given high priority.
  - b. Materials for purchase are considered on the basis of overall purpose, timeliness, importance of the subject matter, quality of writing or production; readability and popular appeal; authoritativeness; reputation of the author, artists, publisher, producer, format; and cost.
  - c. In the selection of educational media, special consideration is given to the following:
    - i. Ideologies: factual information on any ideology or philosophy present in society;

~~ii. Profanity: the fact that profanity appears in media does not automatically disqualify a selection. Care is taken to exclude media using profanity in a lewd or detrimental manner;~~

iii. Religion: factual unbiased media which represents all major religions;

iv. Science: theories and factual information about scientific knowledge appropriate to the age level for which it is intended;

v. Sex: pornographic, sensation, or titillating media are not included, but the fact of sexual incidents appearing in the media does not automatically disqualify them.

No book or other materials containing pornography shall be used or be available in the District as prohibited by Section 847.012, F.S.

No book or other materials shall be used or be available that depicts or describes sexual conduct as defined in F.S. 847.001(19) for any grade level or age group for which such use is inappropriate or unsuitable, unless such material is for a course required by F.S. 1003.46, 1003.42(2) (n)1.g., or Fla. State. 1003.42(2) (n)3., or identified by State Board of Education rule.

vi. Sex education: factual information appropriate for the age group or related to the school curriculum; and

vii. Stereo-type and sex biases: educational media shall be freed from stereo-type and sex biases.

viii. Race, sexuality, gender identify, profanity, drugs/alcohol and violence; selection will be based on community standards as established by the Board. In the absence of standards, professional reviews will be consulted.

4. Each school must publish on its website, in a searchable format prescribed by the Florida Department of Education, a list of all materials maintained in the school library/media center and elementary classroom libraries.

5. Each elementary school must publish on its website, in a searchable format prescribed by the Florida Department of Education, a list of all required school or grade level reading lists.

D. Discontinuation of Library Media Materials and Classroom Library Materials

Personnel holding responsibility for evaluation and selection of educational media should reexamine materials periodically to ensure they continue to meet selection criteria. Objective criteria for removing materials include:

1. condition of material (worn and damaged);
2. duplication of seldom-used materials;
3. obsolescence and/or inaccuracy of information;
4. inappropriate content based on age interest level;
5. lack of circulation;
6. supersession of serial materials; and
7. alignment to state academic standards and relevancy to curriculum; and
8. required removal pursuant to s. 1006.28(2)(a)2., F.S.

10. Challenged Materials

Objections Regarding Non-Adopted Instructional, Library/Media Center, Classroom Library, and/or other Educational Material.

Challenged materials may be removed from use only after the following procedures have been completed in sequence.

Interested citizens may challenge materials being used in a school according to procedures established by the Board and published in the Challenged Materials document on the Media Services website.

A. Reconsideration of Challenged Media

1. The School District of Escambia County supports the principles of freedom of speech and the right to a redress of grievances inherent in the First Amendment of the United States as well as appropriate Federal and State Statutes, and subsequent court decisions that have been rendered.
2. Any parent/guardian or resident of the county of the school district may raise objections to resources used in the educational program despite the fact that the individuals selecting such resources were duly qualified to make these selections and observed the criteria for selecting resources.
3. No parent, guardian or resident of the county has the right to determine the reading, viewing or listening resources for students other than their own children.
4. Access to Materials Under Review
  - a. Any material challenged on the basis that it contains content that is pornographic or prohibited under F.S. 847.012 or depicts or describes sexual conduct as defined in F.S. 847.001 (19), unless such material is for a course required by F.S.

1003.46, 1003.42(2) (n)1.g., or F.S. 1003.42(2) (n)3. Or identified by State Board of Education rule shall be placed in a Restricted Access Area of the Library/Media Center within five (5) school days of receipt of the objection and remain unavailable to students of that school until a decision has been made by the Superintendent in consultation with the Coordinator of Media Services, District Materials Review Committee or Board. ~~Parent/Guardians may grant permission for their student to check out the material by completing the Permission to Access Restricted Materials form located on the Media Services website and submitting the completed form to the student's school administrator.~~

~~b.~~ The Superintendent, in consultation with the Coordinator of Media Services, shall retain the right to make a determination that a challenge lacks sufficient facts to support a preliminary finding that the material contains content that is pornographic or prohibited under F.S. 847.012. In such case, the challenged material will remain in circulation during the review process.

~~e.b.~~ All other challenged material will remain in circulation during the pendency of the review process. Parents may at any time opt their child out of all materials currently under review which remain in circulation. See section 9.B. Student Access to Library/Media Center and Classroom Library Collections.

5. A decision to sustain a challenge shall not be interpreted as a judgment of irresponsibility on the part of the professionals involved in the original selection and/or use of the resource. Professional personnel shall not be punished or have their employment affected by decisions reached by the District Materials Review Committee or the Board.

#### B. Procedures for Reconsideration of Materials

Objections to some materials may be voiced by the public notwithstanding the care taken in the selection process and despite the qualifications of persons selecting materials. If a complaint is made, the following procedures should be observed:

1. Inform the complainant of the selection procedures and make no comments.
2. All concerns shall be presented in writing on a printed Reconsideration of Educational Media form that is available through the principal of the school or the District website. A complainant who does not complete and return the form shall receive no consideration.
3. These procedures shall be followed for reconsideration:
  - a. The completed Request for Reconsideration of Educational Media forms are submitted to the school principal or to the Coordinator of Media Services.

- b. The principal shall notify the Assistant Superintendent of Curriculum and Instruction and the Coordinator of Media Services.
- c. ~~The availability of the challenged materials is changed to "Restricted Status" in the Library Catalog and placed in an area not accessible by students. Parent/Guardians may grant permission for their student to check out the material by completing the Permission to Access Restricted Materials form located on the Media Services website and submitting the completed form to the student's school administrator. Any material challenged on the basis that it contains content that is pornographic or prohibited under F.S. 847.012 or depicts or describes sexual conduct as defined in F.S. 847.001 (19), unless such material is a course required by F.S. 1003.46, 1003.42(2) (n)1.g., or F.S. 1003.42(2) (n)3., or identified by State Board of Education rule, shall be placed in a Restricted Access Area of the Library/Media Center within five (5) school days of receipt of the objection.~~
- d. The Superintendent, in consultation with the Coordinator of Media Services, shall retain the right to make a determination that the challenge to a title on the basis that it contains content that is pornographic or prohibited under F.S. 847.012 or depicts or describes sexual conduct as defined in Fla. Stat 847.001(19), unless such material is for a course required by Fla. Stat 1003.46, 1003.42(2) (n)1.g, or F.S. 1003.42(2) (n)3., or identified by State Board of Education rule, provides sufficient evidence to remove the title without review by the District Materials Review committee or the Board.
- d. e. Information regarding the challenge shall be posted on the Media Services website for additional public input.
- e. f. A District Materials Review Committee shall be appointed by the Assistant Superintendent of Curriculum and Instruction to review the appeal.
- f. g. The District Materials Review Committee shall be comprised of five or more members to include community members, school administrators, teachers, parents/guardians, and media specialists of the same level(s) of school(s) containing the title. The District Materials Review Committee reserves the right to use outside expertise if necessary to help in its decision making.
- h. Meetings of committees convened for the purpose of resolving an objection by a parent or resident to specific materials must be noticed and open to the public in accordance with s. 286.001.
- g. i. School Library Councils of the same level(s) of school(s) containing the title in question shall be given the opportunity to provide input for the District Materials Review Committee to consider.



- ~~h.~~ i. Challenged materials shall be read and re-evaluated by the District Materials Review Committee considering the specific objections. In the deliberations of challenged materials, the District Materials Review Committee shall consider the educational philosophy of the school district, the professional opinions of other teachers of the same subject and other competent authorities, reviews of the materials by reputable bodies, input from School Library Advisory Councils of the same level(s) of school(s) containing the title, the teacher's own stated objectives in using the materials, public input, and the objection of the complainant.
  
- ~~h.~~ k. The complainant shall have the right to proffer evidence, in a written format, for the District Materials Review Committee's consideration that:
  - i. An instructional material does not meet the criteria of s. 1006.31(2), Fla. Stat., or s. 1006.40(3)(d), Fla. Stat., if it was selected for use in a course or otherwise made available to students in the school district but was not subject to the public notice, review, comment, and hearing procedures under s. 1006.283(2)(b), F.S.
  - ii. Any material used in a classroom, made available in a school library, or classroom library, or included on a reading list contains content that is pornographic or prohibited under s. 847.012, Fla. Stat., depicts or describes sexual conduct as defined in F.S. 847.001(19), unless such material is for a course required by Fla. Sta. 1003.46, 1003.42(2) (n)1.g., or Fla. Sta. 1003.42(2) (n)3., or identified by State Board of Education rule, is not suited to student needs and their ability to comprehend the material presented, or is inappropriate for the grade level and age group for which the material is used.
  
- ~~j.~~ l. The District Materials Review Committee will make its decision determined by the simple majority to retain the item in the collection without restriction, move the resources to a different level, or remove the resources. This will be a secret ballot vote; however, all ballots must be maintained as public records.
  
- ~~k.~~ m. The Assistant Superintendent of Curriculum and Instruction shall receive a written report concerning the District Materials Review Committee's decision.
  
- ~~h.~~ n. The Assistant Superintendent of Curriculum shall inform the complainant, in writing, by certified US mail, of the District Materials Review Committee's decision.

~~m.~~ o. District Materials Review Committee decisions on reconsidered materials will stand for one (1) calendar year before new requests for reconsideration of those items will be entertained, unless the decision is appealed and overturned at a higher level.

~~n.~~ p. The District Materials Review Committee's decision shall apply to all schools.

4. These procedures shall be followed for an appeal to the School Board if the complainant disagrees with the decision by the District Materials Review Committee.

a. An appeal of the decision made by the District Materials Review Committee must be made in writing to the superintendent within ten (10) days of receipt of the District Materials Review Committee's decision.

b. Decision on the complaint will be made at the next regularly scheduled Board meeting unless the date of the decision being appealed is filed within fourteen (14) days of the Board meeting. In that instance, the matter will be heard at the following regular Board meeting. The Board reserves the right to schedule a special meeting for consideration of challenged materials.

c. The Board shall review all evidence and materials presented at the District Materials Review Committee level. If the complainant wishes to offer any additional evidence, it must be submitted to the superintendent no less than eight (8) days prior to the meeting at which the matter will be heard.

d. The public shall be afforded an opportunity to comment before the Board makes a final decision.

e. The Board reserves the right to use outside expertise if necessary to help in its decision making.

f. The Board decision will be final, and the superintendent will implement the decision.

g. Board decisions on reconsidered materials will stand for five (5) calendar years before new requests for reconsideration of those items will be entertained.

h. The Board's decision shall apply to all schools.

i. If a parent disagrees with the determination made by the district school board on the objections to the use of a specific material, a parent may request the Commissioner of Education to appoint a special magistrate who is a member of the Florida Bar in good standing and who has a least five (5) years' experience in administrative law. The special magistrate shall determine facts relating to the school district's determination, consider information provided by the parent and the school district, and

render a recommended decision for resolution to the State Board of Education within thirty (30) days after receipt of the request by the parent. The State Board of Education must approve or reject the recommended decision at its next regularly scheduled meeting that is more than seven (7) calendar days and not more than thirty (30) days after the date the recommended decision is transmitted. The costs of the special magistrate shall be borne by the school district. The State Board of Education shall adopt rules, including forms, necessary to implement this subparagraph.

Rulemaking Authority: Sections 1001.41; 1001.42; 1001.43, F.S.

Law Implemented: Sections 847.02; 1006.28; 1006.34; 1006.40; 1010.215, F.S.

# EXHIBIT 9

Book	Policy Manual
Section	Chapter 4 - Instruction
Title	Educational Media Materials
Code	4.06
Status	Active
Adopted	06/26/90
Last Revised	12/16/14
Prior Revised Dates	08/25/92; 10/21/03; 01/16/10; 04/19/11;

Policy 4.06, the version which was in effect until December 19, 2022 (the crossed out redlined version), and the version in effect from Dec. 19, 2022, until June 20, 2023 (the redline additions). The redline addition version was the version in effect until July 1, 2023, per HB 1069. These are also the versions of the policy Plaintiffs claim to be challenging, per DE 27 at ¶ 69 n.4

~~1. Challenged Materials~~

~~Interested citizens may challenge materials being used in a school according to procedures established by the Board and published in the Challenged Materials document on the Media Services website.~~

~~2. Copyrighted Materials~~

~~The Board recognizes the interests and rights of copyright holders as defined in Title 17, United States Code, and neither authorizes nor condones any violation of the copyright law by any employee of the Board. All employees are responsible for adherence to the guidelines for copyrighted materials as published in the Copyright Materials document on the Media Services website.~~

~~Employees are expected to take all reasonable precautions to prevent unlawful copying or use of copyrighted materials. It is the intent of the Board that students be educated as to the legal and ethical issues raised by violation of the copyright law.~~

~~3. Evaluation and Selection of Educational Media~~

~~Materials shall be evaluated and selected that implement, enrich, and support the educational programs of the District's schools. A wide range of materials shall be provided on different levels of difficulty with diversity of appeal and representing different points of view. Materials placed in media collections shall meet the criteria set forth in Section 1006.34(2)(b), F.S., and as provided in the Evaluation and Selection of Educational Media document on the Media Services website. No book or other material containing pornography shall be used or be available in the District as prohibited by Section 847.012, F.S.~~

~~4. Use of Educational Media from Outside Sources~~

~~Media (films, videotapes, etc.) from sources other than the District or a school library media collection must be approved by the principal of the school before use in the classroom. "The Justification for Use of Educational Media from Outside Sources" form is available on the Media Services website. The content of the curriculum will determine the need for media.~~

~~5. Non-School Use of District Educational Media~~

~~Educational media owned by the Board is normally not made available to non-school related groups because of the likelihood that the items will be in use or needed in schools. Under certain circumstances, educational media (materials and equipment) may (with approval of the Superintendent or his/her designee) be loaned to non-school related groups. The same policy applies to equipment in the District media collection.~~

~~When equipment is needed by a group that will meet in the school, arrangements for such use shall be made with the principal. While there is no charge for the occasional use of educational media, the borrowing group shall be responsible for any damage occurring during its use.~~

~~The Board has the constitutional duty and responsibility to select and provide adequate instructional materials for all students in accordance with F.S. 1006.28 and 1006.283. For core subject areas, the Board must either (1) adopt instructional materials selected from the State-approved materials according to the state adoption cycles, (2) adopt instructional materials pursuant to a (local) Board instructional materials review program prescribed by this policy, or (3) a combination of both. Core subject areas are mathematics, language arts, science, social studies, reading, and literature for kindergarten through grade 12.~~

~~The Board is responsible for the content of all instructional materials and any other materials used in a classroom, made available in a school library/media center, or included on a reading list whether adopted and purchased from the state-adopted instructional materials list, adopted and purchased through the District instructional materials program or otherwise purchased or made available in the classroom.~~

~~Instructional materials and resources shall be provided in a variety of formats that are appropriate, timely, and essential to the attainment of specified educational objectives and are free of bias, stereotypes, distortions, and prejudices.~~

~~This policy provides a parent or resident the opportunity to proffer evidence to the district school board that:~~

- ~~A. An instructional material does not meet the criteria of F.S. 1006.31(2) or 1006.40(3)(d) if it was selected for use in a course or otherwise made available to students in the school district but was not subject to the public notice, review, comment, and hearing procedures under F.S. 1006.283(2)(b)8., 9., and 11.~~
- ~~B. Any material used in a classroom, made available in a school library, or included on a reading list that 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 the grade level and age group for which the material is used. Materials found to violate these criteria will be discontinued for any grade level or age group for which such use is inappropriate or unsuitable.~~

#### ~~1. Definition of Instructional Materials~~

~~F.S. 1006.29(2) defines the terms "instructional materials" as items having intellectual content that by design serve as a major tool for assisting in the instruction of a subject or course. These items may be available in bound, unbound, kit, or package form and may consist of hardbacked or soft backed textbooks, electronic content, consumables,~~

learning laboratories, manipulatives, electronic media, and computer courseware or software. Pursuant to F.S. 1006.28(1)(a)(1), "adequate instructional materials" means a sufficient number of student or site licenses or sets of materials.

## 2. Use of Instructional Materials

A. Each school shall purchase sufficient current instructional materials to provide each student with a textbook or other instructional materials as a major tool of instruction in core courses in mathematics, language arts, science, social studies, reading, and literature for kindergarten through grade 12 except for instruction approved by the School Advisory Council that does not include a textbook as a major tool of instruction. Such purchase must be made within the first three (3) years of the effective date of the adoption cycle.

Principals are also responsible for overseeing compliance with school district procedures for selecting school library/media center materials at the school to which they are assigned. Use of materials must adhere to the "fair use" doctrine permitting the use of copyrighted works for instructional purposes. (See <https://www.copyright.gov/help/faq/>)

B. Allocations shall be made to individual schools on an equitable basis. Up to fifty (50) percent of the annual allocation may be used for the purchase of instructional materials, including library and reference books and non-print materials, not including the District-adopted list, and for the repair and renovation of textbooks and library books.

C. Principals shall communicate to parents/guardians the manner in which instructional materials are used to implement the curricular activities of the school and how instructional materials funds are allocated and spent.

D. Schools shall notify parents/guardians of their student's ability to access their instructional materials through the district's local instructional improvement system and/or website. This notification will be displayed prominently on the school's website and will be provided annually in written format to all parents/guardians of enrolled students.

## 3. Adoptions of Core Subject Instructional Materials

Each school year, no later than March 15th, a district subject area Instructional Materials Review Committee shall be established for recommending instructional materials from the state adopted list or materials from appropriate publishers to be included on the District adopted textbook list for purchase by district schools. The School Board shall also annually approve instructional materials used to teach reproductive health or any disease, including HIV/AIDS, its symptoms, development and treatment.

No school shall participate in a pilot program of instructional materials under consideration for adoption during the eighteen (18) months prior to state adoption or for the first two (2) years after official adoption of materials.

## 4. Instructional Materials Adoption Procedure

A. Instructional Materials Review Committee Membership

1. The Instructional Materials Review Committee shall be composed of persons actively engaged in teaching or in the supervision of teaching in the public elementary, middle, or high schools and shall represent the major fields and levels in which instructional materials are used in the public schools. In addition, the Instructional Materials Review Committee must include at least one parent of district students.
2. All persons serving on the Instructional Materials Review Committees must complete a District developed instructional materials selection training program prior to reviewing and selecting materials. The training must assist viewers in complying with Section 1006.31(2), F.S. which requires, among other things, reviews to include materials portraying the ethnic, socioeconomic, cultural, religious, physical, and racial diversity of our society, and to exclude materials containing pornography and prohibited under s. 847.012, F.S.
3. Members of the district subject area Instructional Materials Review Committee must sign an "Instructional Materials Review Committee Member Affidavit" form before conducting committee business. The form specifies that Instructional Materials Review Committee members are prohibited from accepting gifts, money, emoluments, or other valuables which shall directly or indirectly influence the adoption or purchase of any instructional materials. A copy of the form can be found on the District's Media Services website. Instructional Materials Review Committee members' conduct should be in the best interest of the students and the District.
4. The Instructional Materials Review Committees shall meet as often as necessary to carry out their duties and responsibilities and make recommendations to the Superintendent. Meetings of Instructional Materials Review Committees convened for the purpose of ranking, eliminating, or selecting instructional materials for recommendation to the district school board must be noticed and open to the public in accordance with s. 286.011, F.S. Adoption of textbooks from such recommendations shall be considered as separate actionable items in meetings of the Board.
5. The District's Instructional Materials Adoption Policy Follows the Criteria Listed Below.
  - A. The District's instructional materials adoption cycle shall correspond with the State adoption cycle except when determined to best serve the District's needs.
  - B. The focus of the District review will be to evaluate materials submitted by publishers for State adoption or other appropriate materials with the purpose of recommending materials for District adoption.
  - C. Content Standards for Instructional Materials

Pursuant to F.S. 1006.34, in the selection of instructional materials, library material, and other reading material used in the public school



system, the standards used to determine the propriety of the instructional material shall include: the age of the students who normally could be expected to have access to the material; the educational purpose to be served by the material with priority given to the selection of materials that align with Florida State Standards as provided for in F.S. 1003.41 and include instructional objectives contained within the curriculum frameworks for career and technical education.

1. Alignment with Subject Standards

Textbooks and instructional materials should provide quality learning experiences for students, enrich and support the curriculum, and be consistent with the Florida State Standards. The Instructional Materials Review Committee shall evaluate instructional materials utilizing the procedural guidelines provided by the District's Media Services department. Listed below are the major components of the review guidelines.

- a. Content (Alignment with curriculum and Florida State Standards; level of treatment; expertise for content development; accuracy of content; currency of content; authenticity of content; multicultural representation; humanity and compassion)
- b. Presentation (Comprehensiveness of student and teacher resources; alignment of instructional components; organization of instructional materials; readability of instructional materials; pacing of content; ease of use and durability of materials)
- c. Learning (Motivational strategies; teaching a few "big ideas"; explicit instruction; guidance and support; active participation of students; targeted instructional strategies; targeted assessment strategies)

2. Accurate, Objective, Balanced, Current, Free of Pornography and Prohibited Material and Suited for Student Needs

Pursuant to F.S. 1006.40(3)(d), any materials purchased shall be free of pornography and material prohibited under F.S. 847.012, suited to student needs and their ability to comprehend the material presented, and appropriate for the grade level and age group for which the materials are used or made available.

Pursuant to F.S. 1006.31, instructional materials recommended by each reviewer shall be accurate, objective, balanced, noninflammatory, current, free of pornography and material prohibited under F.S. 847.012, and suited to student needs and their ability to comprehend the material presented.

The District shall rely on Florida Department of Education rules to determine what is age-appropriate, or in the absence of rules,

on a preponderance of reviews by subject experts and/or professionally recognized periodicals or organizations.

3. Bias-Free

Instructional materials must also be evaluated for bias-free content. There are five (5) areas in which bias is evidenced in instructional materials:

- a. Contextual Invisibility
- b. Stereotyping and Characterization
- b. Historical Distortions and Omissions
- c. Language Bias
- d. Inaccurate and Stereotypical Visual Images

4. Additional Considerations for Selection of Instructional Materials

- a. When recommending instructional materials, each reviewer shall:
  - i. Include instructional materials that accurately portray the ethnic, socioeconomic, cultural, religious, physical, and racial diversity of our society, including men and women in professional, career, and executive roles, and the role and contributions of the entrepreneur and labor in the total development of this state and the United States.
  - ii. Include materials that accurately portray, whenever appropriate, humankind's place in ecological systems, including the necessity for the protection of our environment and conservation of our natural resources and the effects on the human system of the use of tobacco, alcohol, controlled substances, and other dangerous substances.
  - iii. Include materials that encourage thrift, fire prevention, and humane treatment of people and animals.
  - iv. Require, when appropriate to the comprehension of students, that materials for social science, history, or civics classes contain the Declaration of Independence and the Constitution of the United States.

- b. Consideration should be given to the broad racial, ethnic, socioeconomic, and cultural diversity of this state. A reviewer may not recommend any instructional materials that contain any matter reflecting unfairly upon persons because of their race, color, creed, national origin, ancestry, gender, religion, disability, socioeconomic status, or occupation.

## 6. Instructional Materials Adoption Evaluation Procedure

- A. Members of an Instructional Materials Review Committee shall apply the standards set forth in Section IV above in evaluating all instructional materials.
- B. Members of an Instructional Materials Review Committee shall receive instructions and training in the evaluation techniques to be used, characteristics of effective instructional materials, and the skills necessary to make valid and objective decisions regarding the content and rigor of instructional materials.
- C. The evaluation process shall include, as available, collection and review of the research about the instructional materials under consideration, as well as other districts' experiences with the instructional materials being reviewed.
- D. The review process shall include scrutiny of each program's correlation to the State Standards and the assessments that are based on such standards.
- E. Evaluation instruments employed by the Instructional Materials Review Committee members in its evaluation and selection process may be instruments developed by the Florida Department of Education or district-modified versions of the same.
- F. If an Instructional Materials Review Committee elects to have publisher presentations, every publisher submitting materials for consideration in a specific subject area shall be provided an equal opportunity to present. All publishers shall be given equal time for the presentation. The Instructional Materials Review Committee chair shall be responsible for ensuring equity.
- G. Instructional Materials Review Committee members shall review materials and return recommendations to the Assistant Superintendent over Instructional Materials.

## 7. Public Input for the Adoption of Instructional Materials

The public may review and comment on materials being considered and/or recommended for adoption. In addition, Escambia County public school parents/guardians or residents of Escambia County may contest a specific adopted material. Opportunities for public input are listed below.

- A. The public may review all materials being considered for adoption. Print and/or online samples of a student edition will be made available during the Instructional Materials Review Committee review process. Student editions of materials recommended for adoption will be made available online at least twenty (20) calendar days before the school board hearing.

- B. An open, noticed public meeting will be held to review the district's annual instructional materials plan, preview print/online samples, and provide online access instructions.
- C. An open, noticed school board meeting will be held to receive public comment on recommended instructional materials.
- D. The parent/guardian of a student enrolled in an Escambia County public school/resident of Escambia County may contest the district school board's adoption of a specific instructional material by filing a petition, on the "Motion to Contest the Adoption of an Instructional Material" form, within thirty (30) calendar days after the adoption by the school board.
  - 1. The "Motion to Contest the Adoption of an Instructional Material" form must be signed by the parent/guardian or resident, include the required contact information, and state the objection to the instructional material.
  - 2. Within thirty (30) calendar days after the thirty (30) day period has expired, the school board will conduct at least one open public hearing on all petitions timely received before an unbiased and qualified hearing officer. The hearing officer may not be an employee or agent of the school district. While not subject to Chapter 120 provisions, the hearing must provide sufficient procedural protections to allow each petitioner an adequate and fair opportunity to be heard and present evidence to the hearing officer.
  - 3. The school board's decision after convening a public hearing is final and not subject to further petition or review

8. Lost/Damaged Instructional Materials and Disposal of Instructional Materials

- A. Principals shall make a reasonable effort to collect from each pupil or pupil's parent/guardian the purchase price of any instructional materials the pupil has lost, destroyed, or unnecessarily damaged and to report and transmit the amount collected to the Superintendent. Failure to satisfy the debt may result in suspension of the pupil from participation in extra-curricular activities or an assignment to community service at the school site until the debt is satisfied.
- B. The District shall dispose of instructional materials when they have become unserviceable or surplus or are no longer on state contract by
  - 1. giving materials to other public education programs within the District or State, giving materials to teachers to use in developing supplementary teaching materials, or giving materials to students or others that may include any charitable organization, governmental agency, private school, or State; or
  - 2. selling the materials to used book dealers, recycling plants, pulp mills, or other persons, firms, or corporations upon such terms as are most economically advantageous to the District. All moneys received because of sale, exchange, or other disposition of instructional materials shall be

deposited in the District school fund and added to the District appropriation for instructional materials.

9. School Library/Media Center and Other Educational Materials

In accordance with F.S. 1006.28(2)(d), the School Board shall establish and maintain a program of school library media services for all public schools in the district, including school library/media centers, or school library/media centers open to the public, and, in addition, such traveling or circulating libraries as may be needed for the proper operation of the district school system.

The media specialist will stay informed about appropriate new publications, by using multiple sources, such as discussions with colleagues, attendance at conferences, and reading a variety of periodicals and book reviews. The media specialist will also receive and consider suggestions or requests brought forward by other faculty, students and parents/guardians. Potential new books for the school library media center and reading lists will be evaluated to determine if they would be suitable for student needs and whether they would be appropriate for the intended grade level and age group. In considering possible new acquisitions, the media specialist will consult reputable, professionally recognized reviewing periodicals and school community stakeholders. The media specialist will also assess the level of student interest in the subject(s) presented and the ability of students to comprehend the material. Books that are selected must be free of pornography and material prohibited under F.S. 847.012. After evaluation, the media specialist will inform the principal of those books that have been evaluated and are approved for inclusion in the collections. The procedure for developing library media center and reading list collections will be posted on the website for each school in the District.

A wide choice of materials that support the instructional program shall be available to students and professional staff to allow for varying achievement levels, free choice reading interests, and teaching/learning styles. Materials should be available in a variety of formats and reading levels, offer a well-balanced coverage of subjects, and support the diverse interests, needs, and viewpoints of the school community.

School librarians, media specialists, and other personnel involved in the selection of school district library materials must complete a training program developed pursuant to F.S. 1006.29(6) before reviewing and selecting age-appropriate materials and library resources.

Upon written request, the District shall provide access to any materials or book specified in the request that is maintained in the school library and is available for review. The school principal shall arrange a convenient time to provide such access.

A. Purpose of the Library/Media Center Materials

The library/media center shall contain a comprehensive collection of materials and equipment in a variety of media formats to:

1. provide a broad background of information resources in all areas of knowledge; and

2. support the general educational goals of the District and the objectives of specific courses, including materials that represent diverse points of view.
3. Meet the personal needs and interests of students, including materials that:
  - a. nurture the development of recreational/listening/viewing, cultural appreciation, and aesthetic values;
  - b. represent the many religious, racial, ethnic, linguistic, and cultural groups in our society and reflect their contributions to the heritage and culture of our civilization;
  - c. foster respect for the diverse roles available to all people in today's society;
  - d. provide education media that reflect differing and/or opposing viewpoints; and
  - e. provide a comprehensive collection appropriate for the users of the library media center.
4. Support the professional needs of teachers and administrators; and
5. Introduce new instructional strategies into the learning environment.

B. Student Access to Library/Media Center Collections

Parents have the right to determine what they believe is and is not appropriate reading material for their student. Parents will be given the opportunity to choose Open Access, Limited Access, or No Access to the library/media center collection. The access will be noted in the Student Information System and in the Library Catalog.

Parents of middle school students, grade six (6) through eight (8) shall also have the opportunity to opt in for their student to have access to the "young adult" section in the library/media center. The access will be noted in the Student Information System and the Library Catalog.

C. Objectives of Selection

The primary objective of educational media is to implement, enrich, and support the educational program of the District; its secondary function is to contribute to the development of informed and responsible citizens. It is the duty of the District to provide a wide range of materials of different levels of difficulty, with diversity of appeal and representing different points of view taking into account the varied interests, abilities, and maturity levels of the pupils being served. The utilization of any specific item in educational media does not necessarily mean that the school or the District advocates or endorses the contents of the item.

To this end, the School Board of the Escambia District affirms that school library media centers shall:

1. provide a comprehensive collection of instructional materials that will support the curriculum;
2. provide materials for teachers and students that will stimulate growth in knowledge, literacy appreciation, aesthetic values, and ethical standards;
3. provide information that will enable students to make intelligent decisions and to understand the consequences of their decisions;
4. provide education media that reflects differing and/or opposing viewpoints;
5. provide materials which reflect the ideas and beliefs of the many ethnic, religious, and political groups that have contributed to the American and world heritage and culture; and
6. provide age-appropriate materials in multiple genres to encourage students to read for pleasure and information.

D. Responsibility for Selection of Materials

Selection of educational media is a continuous process which involves teachers, administrators, lay persons, other instructional personnel, and students as appropriate.

1. The responsibility for coordinating the selection process and making the final selection for library-media materials rests with the school library media specialist who holds a valid educational media specialist certificate.
2. Beginning January 1, 2023, school library media specialists, and other personnel involved in the selection of school district library materials must complete the online training program developed by the Florida Department of Education prior to reviewing and selecting age-appropriate materials and library resources.
3. School principals are responsible for overseeing compliance with school district procedures for selecting school library media materials.
4. Teachers are responsible for fully reviewing and evaluating outside media that will be used as classroom curriculum material.
5. Final selection of classroom curriculum material shall be the responsibility of the principal or principal's designee.

E. Evaluation and Selection of Library/Media Center Materials

In addition to supporting the curriculum, the school library/media center affords students the opportunity to explore areas of interest and thought not covered by the prescribed curriculum; therefore, it should contain materials that allow for free inquiry, study, and evaluation. The selection process may include consultation with school administrators, other teachers, students, and parents/guardians to assure a comprehensive collection appropriate for users of the library/media center. School principals are responsible for overseeing compliance with school district procedures for selecting school library/media center materials at the school to which they are assigned.

1. 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.
2. Each new title purchased to be available to students through a district library/media center must be presented to the school's Library Advisory Council for input. The Library Advisory Council shall be comprised of at least the school's media specialist, two teachers, one parent and one community member. The principal will ensure the committee is representative of the school community.
3. Materials placed in media collections shall meet the criteria set forth in Section 1006.40(3)(d) F.S. The process of evaluating materials for inclusion in collections is continuous and systematic. Selections are based upon consultation with reputable professionally recognized reviewing periodicals and school community stakeholders. Materials for inclusion shall be considered according to the following criteria:
  - a. First consideration is given to the need of the individual school based on:
    - i. reader interest;
    - ii. support of state academic standards and aligned curriculum;
    - iii. existing collection;
    - iv. academic needs of students and faculty; and
    - v. requests from users of the collection (administrators, faculty, parents/guardians, students) are given high priority.
  - b. Materials for purchase are considered on the basis of overall purpose, timeliness, importance of the subject matter, quality of writing or production; readability and popular appeal; authoritativeness; reputation of the author, artists, publisher, producer, format; and cost.



c. In the selection of educational media, special consideration is given to the following:

i. Ideologies: factual information on any ideology or philosophy present in society;

ii. Profanity: the fact that profanity appears in media does not automatically disqualify a selection. Care is taken to exclude media using profanity in a lewd or detrimental manner;

iii. Religion: factual unbiased media which represents all major religions;

iv. Science: theories and factual information about scientific knowledge appropriate to the age level for which it is intended;

v. Sex: pornographic, sensation, or titillating media are not included, but the fact of sexual incidents appearing in the media does not automatically disqualify them.

No book or other materials containing pornography shall be used or be available in the District as prohibited by Section 847.012, F.S.;

vi. Sex education: factual information appropriate for the age group or related to the school curriculum; and

vii. Stereo-type and sex biases: educational media shall be freed from stereo-type and sex biases.

4. Each school must publish on its website, in a searchable format prescribed by the Florida Department of Education, a list of all materials maintained in the school library/media center.

5. Each elementary school must publish on its website, in a searchable format prescribed by the Florida Department of Education, a list of all required school or grade level reading lists.

D. Discontinuation of Library Media Materials

Personnel holding responsibility for evaluation and selection of educational media should reexamine materials periodically to ensure they continue to meet selection criteria. Objective criteria for removing materials include:

1. condition of material (worn and damaged);

2. duplication of seldom-used materials;

3. obsolescence and/or inaccuracy of information;

4. inappropriate content based on age interest level;

5. lack of circulation;
6. supersession of serial materials; and
7. alignment to state academic standards and relevancy to curriculum; and
8. required removal pursuant to s. 1006.28(2)(a)2., F.S.

#### 10. Challenged Materials

Objections Regarding Non-Adopted Instructional, Library/Media Center and/or other Educational Material.

Challenged materials may be removed from use only after the following procedures have been completed in sequence.

Interested citizens may challenge materials being used in a school according to procedures established by the Board and published in the Challenged Materials document on the Media Services website.

##### A. Reconsideration of Challenged Media

1. The School District of Escambia County supports the principles of freedom of speech and the right to a redress of grievances inherent in the First Amendment of the United States as well as appropriate Federal and State Statutes, and subsequent court decisions that have been rendered.
2. Any parent/guardian or resident of the county of the school district may raise objections to resources used in the educational program despite the fact that the individuals selecting such resources were duly qualified to make these selections and observed the criteria for selecting resources.
3. No parent, guardian or resident of the county has the right to determine the reading, viewing or listening resources for students other than their own children.
4. Access to Materials Under Review
  - a. Any material challenged on the basis that it contains content that is pornographic or prohibited under F.S. 847.012 shall be placed in a Restricted Access Area of the Library/Media Center until a decision has been made by the District Materials Review Committee or Board. Parent/Guardians may grant permission for their student to check out the material by completing the Permission to Access Restricted Materials form located on the Media Services website and submitting the completed form to the student's school administrator.
  - b. The Superintendent, in consultation with the Coordinator of Media Services, shall retain the right to make a determination that a challenge lacks sufficient facts to support a preliminary

finding that the material contains content that is pornographic or prohibited under F.S. 847.012. In such case, the challenged material will remain in circulation during the review process.

c. All other challenged material will remain in circulation during the pendency of the review process. Parents may at any time opt their child out of all materials currently under review which remain in circulation. See section 9.B. Student Access to Library/Media Center Collections.

5. A decision to sustain a challenge shall not be interpreted as a judgment of irresponsibility on the part of the professionals involved in the original selection and/or use of the resource. Professional personnel shall not be punished or have their employment affected by decisions reached by the District Materials Review Committee or the Board.

#### B. Procedures for Reconsideration of Materials

Objections to some materials may be voiced by the public notwithstanding the care taken in the selection process and despite the qualifications of persons selecting materials. If a complaint is made, the following procedures should be observed:

1. Inform the complainant of the selection procedures and make no comments.

2. All concerns shall be presented in writing on a printed Reconsideration of Educational Media form that is available through the principal of the school or the District website. A complainant who does not complete and return the form shall receive no consideration.

3. These procedures shall be followed for reconsideration:

a. The completed Request for Reconsideration of Educational Media forms are submitted to the school principal or to the Coordinator of Media Services.

b. The principal shall notify the Assistant Superintendent of Curriculum and Instruction and the Coordinator of Media Services.

c. The availability of the challenged materials is changed to "Restricted Status" in the Library Catalog and placed in an area not accessible by students. Parent/Guardians may grant permission for their student to check out the material by completing the Permission to Access Restricted Materials form located on the Media Services website and submitting the completed form to the student's school administrator.

d. Information regarding the challenge shall be posted on the Media Services website for additional public input.

- e. A District Materials Review Committee shall be appointed by the Assistant Superintendent of Curriculum and Instruction to review the appeal.
- f. The District Materials Review Committee shall be comprised of five or more members to include community members, school administrators, teachers, parents/guardians, and media specialists of the same level(s) of school(s) containing the title. The District Materials Review Committee reserves the right to use outside expertise if necessary to help in its decision making.
- g. School Library Councils of the same level(s) of school(s) containing the title in question shall be given the opportunity to provide input for the District Materials Review Committee to consider.
- h. Challenged materials shall be read and re-evaluated by the District Materials Review Committee considering the specific objections. In the deliberations of challenged materials, the District Materials Review Committee shall consider the educational philosophy of the school district, the professional opinions of other teachers of the same subject and other competent authorities, reviews of the materials by reputable bodies, input from School Library Advisory Councils of the same level(s) of school(s) containing the title, the teacher's own stated objectives in using the materials, public input, and the objection of the complainant.
- i. The complainant shall have the right to proffer evidence, in a written format, for the District Materials Review Committee's consideration that:
  - i. An instructional material does not meet the criteria of s. 1006.31(2), F.S., or s. 1006.40(3)(d), F.S., if it was selected for use in a course or otherwise made available to students in the school district but was not subject to the public notice, review, comment, and hearing procedures under s. 1006.283(2)(b), F.S.
  - ii. Any material used in a classroom, made available in a school library, or included on a reading list contains content that is pornographic or prohibited under s. 847.012, F.S., is not suited to student needs and their ability to comprehend the material presented, or is inappropriate for the grade level and age group for which the material is used.
- j. The District Materials Review Committee will make its decision determined by the simple majority to retain the item in the collection without restriction, move the resources to a different level, or remove the resources. This will be a secret ballot vote; however, all ballots must be maintained as public records.

- k. The Assistant Superintendent of Curriculum and Instruction shall receive a written report concerning the District Materials Review Committee's decision.
  - l. The Assistant Superintendent of Curriculum shall inform the complainant, in writing, by certified US mail, of the District Materials Review Committee's decision.
  - m. District Materials Review Committee decisions on reconsidered materials will stand for one (1) calendar year before new requests for reconsideration of those items will be entertained, unless the decision is appealed and overturned at a higher level.
  - n. The District Materials Review Committee's decision shall apply to all schools.
4. These procedures shall be followed for an appeal to the School Board if the complainant disagrees with the decision by the District Materials Review Committee.
- a. An appeal of the decision made by the District Materials Review Committee must be made in writing to the superintendent within ten (10) days of receipt of the District Materials Review Committee's decision.
  - b. Decision on the complaint will be made at the next regularly scheduled Board meeting unless the date of the decision being appealed is filed within fourteen (14) days of the Board meeting. In that instance, the matter will be heard at the following regular Board meeting. The Board reserves the right to schedule a special meeting for consideration of challenged materials.
  - c. The Board shall review all evidence and materials presented at the District Materials Review Committee level. If the complainant wishes to offer any additional evidence, it must be submitted to the superintendent no less than eight (8) days prior to the meeting at which the matter will be heard.
  - d. The public shall be afforded an opportunity to comment before the Board makes a final decision.
  - e. The Board reserves the right to use outside expertise if necessary to help in its decision making.
  - f. The Board decision will be final, and the superintendent will implement the decision.
  - g. Board decisions on reconsidered materials will stand for five (5) calendar years before new requests for reconsideration of those items will be entertained.

h. The Board's decision shall apply to all schools.

Rulemaking Authority: Sections 1001.41; 1001.42; 1001.43, F.S.

Law Implemented: Sections 847.02; 1006.28; 1006.34; 1006.40; 1010.215, F.S.

# EXHIBIT 10



"Making a Positive Difference"

**THE SCHOOL DISTRICT OF ESCAMBIA COUNTY**

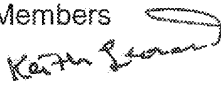
75 NORTH PACE BOULEVARD

PENSACOLA, FL 32505

PH (850)432-6121 FX (850)469-6379

<http://escambiaschools.org>

**KEITH LEONARD, SUPERINTENDENT**

TO: School Board Members  
FROM: Keith Leonard   
SUBJ: Notice of Emergency Rule Adoption – SBR 4.06  
DATE: June 20, 2023

Under the Administrative Procedures Act (APA), Chapter 120, Fla. Stat., the School Board is authorized to adopt emergency rules necessitated by a danger to health, safety, and welfare. At the time of adopting such a rule, the School Board must publish a statement setting forth certain information, including the facts supporting a finding of immediate danger and its reasons for finding that the emergency procedure is fair under the circumstances. I am recommending that the Board take such emergency action at its June 20, 2023 meeting to revise a portion of School Board Rule 4.06. The purpose of the rule is to incorporate legislative changes into the media materials selection policy and challenged materials process which take effect July 1, 2023.

HB 1069 amended section 1006.28, effective July 1, 2023. That legislation specifically provides that any material used in a classroom, made available in a school *or classroom* library, or included on a reading list that "depicts or describes sexual conduct as defined in s. 847.001(19), unless such material is for a course required by s. 302 1003.46, s. 1003.42(2)(n)1.g., or s. 1003.42(2)(n)3., or 303 identified by State Board of Education rule," is subject to challenge. It further prohibits library materials which a School Board would prohibit a parent from reading.

There are a number of books currently under challenge which may cross this threshold; yet there is no specific mechanism to disqualify such materials immediately under the current policy. Additionally, these new standards are not presently incorporated in our medial materials selection policy.

The new legislation also requires that books challenged as pornographic or depicting or describing sexual conduct be removed from circulation within five (5) days with no exception and with no ability of parents to opt in. While we currently have a practice of removing books within that time frame, it is not incorporated in our policy.

Our policy allows some flexibility for the Superintendent to make a preliminary determination that a book does not meet the definition of pornographic or obscene and to allow it to remain in circulation during the challenge. The new legislation prohibits this.

Our current policy allows parents to opt in to allowing their children to have access to books which are restricted during a challenge. The new legislation prohibits this.

Affirmative action / equal opportunity employer

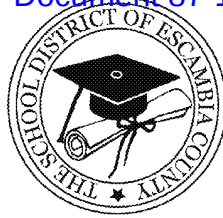
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In order to preserve public resources with our current book challenges, to give clear guidance to our media specialists reviewing and selecting media materials, and most significantly, to avoid violation of the new provisions of HB 1069, it is necessary to adopt the emergency rule.

A notice of intent to adopt the emergency rule was published in the Pensacola News Journal advising the public of the subject matter of the rule, and the time and place at which they could provide public input prior to its adoption. I will recommend the commencement of formal rule-making under Chapter 120, to adopt a permanent rule which will afford the public additional opportunity to be heard on the matter. Therefore, the emergency procedure is fair under the circumstances.

Affirmative action / equal opportunity employer



Book	Policy Manual			
Section	Chapter 4 - Instruction			
Title	Educational Media Materials			
Code	4.06			
Status	Active			
Adopted	June 26, 1990			
Last Revised	December 19, 2022			
Prior Revised Dates	08/25/1992;	10/21/2003;	01/16/2010;	04/19/2011;
	12/16/2014;			

#### Educational Media Materials

The Board has the constitutional duty and responsibility to select and provide adequate instructional materials for all students in accordance with F.S. 1006.28 and 1006.283. For core subject areas, the Board must either (1) adopt instructional materials selected from the State approved materials according to the state adoption cycles, (2) adopt instructional materials pursuant to a (local) Board instructional materials review program prescribed by this policy, or (3) a combination of both. Core subject areas are mathematics, language arts, science, social studies, reading, and literature for kindergarten through grade 12.

The Board is responsible for the content of all instructional materials and any other materials used in a classroom, made available in a school library/media center, classroom library, or included on a reading list whether adopted and purchased from the state-adopted instructional materials list, adopted and purchased through the District instructional materials program or otherwise purchased or made available in the classroom.

Instructional materials and resources shall be provided in a variety of formats that are appropriate, timely, and essential to the attainment of specified educational objectives and are free of bias, stereotypes, distortions, and prejudices.

This policy provides a parent or resident the opportunity to proffer evidence to the district school board that:

- A. An instructional material does not meet the criteria of F.S. 1006.31(2) or 1006.40(3)(d) if it was selected for use in a course or otherwise made available to students in the school district but was not subject to the public notice, review, comment, and hearing procedures under F.S. 1006.283(2)(b)8., 9., and 11.
- B. Any material used in a classroom, made available in a school library, classroom library, or included on a reading list that 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 the grade level and age group for which the material is used. Materials found to violate these criteria will be discontinued for any grade level or age group for which such use is inappropriate or unsuitable.

### 1. Definition of Instructional Materials

F.S. 1006.29(2) defines the terms "instructional materials" as items having intellectual content that by design serve as a major tool for assisting in the instruction of a subject or course. These items may be available in bound, unbound, kit, or package form and may consist of hardbacked or soft backed textbooks, electronic content, consumables, learning laboratories, manipulatives, electronic media, and computer courseware or software. Pursuant to F.S. 1006.28(1)(a)(1), "adequate instructional materials" means a sufficient number of student or site licenses or sets of materials.

### 2. Use of Instructional Materials

- A. Each school shall purchase sufficient current instructional materials to provide each student with a textbook or other instructional materials as a major tool of instruction in core courses in mathematics, language arts, science, social studies, reading, and literature for kindergarten through grade 12 except for instruction approved by the School Advisory Council that does not include a textbook as a major tool of instruction. Such purchase must be made within the first three (3) years of the effective date of the adoption cycle.

Principals are also responsible for overseeing compliance with school district procedures for selecting school library/media center materials and classroom libraries at the school to which they are assigned. Use of materials must adhere to the "fair use" doctrine permitting the use of copyrighted works for instructional purposes. (See <https://www.copyright.gov/help/faq/>)

- B. Allocations shall be made to individual schools on an equitable basis. Up to fifty (50) percent of the annual allocation may be used for the purchase of instructional materials, including library and reference books and non-print

materials, not including the District-adopted list, and for the repair and renovation of textbooks and library books.

- C. Principals shall communicate to parents/guardians the manner in which instructional materials are used to implement the curricular activities of the school and how instructional materials funds are allocated and spent.
- D. Schools shall notify parents/guardians of their student's ability to access their instructional materials through the district's local instructional improvement system and/or website. This notification will be displayed prominently on the school's website and will be provided annually in written format to all parents/guardians of enrolled students.

### 3. Adoptions of Core Subject Instructional Materials

Each school year, no later than March 15th, a district subject area Instructional Materials Review Committee shall be established for recommending instructional materials from the state adopted list or materials from appropriate publishers to be included on the District adopted textbook list for purchase by district schools. ~~The School Board shall also annually approve instructional materials used to teach reproductive health or any disease, including HIV/AIDS, its symptoms, development and treatment. All materials used to teach reproductive health or any disease, including HIV/AIDS, its symptoms, development and treatment must be approved by the Florida Department of Education.~~

No school shall participate in a pilot program of instructional materials under consideration for adoption during the eighteen (18) months prior to state adoption or for the first two (2) years after official adoption of materials.

### 4. Instructional Materials Adoption Procedure

#### A. Instructional Materials Review Committee Membership

- 1. The Instructional Materials Review Committee shall be composed of persons actively engaged in teaching or in the supervision of teaching in the public elementary, middle, or high schools and shall represent the major fields and levels in which instructional materials are used in the public schools. In addition, the Instructional Materials Review Committee must include at least one parent of district students.
- 2. All persons serving on the Instructional Materials Review Committees must complete a District developed instructional materials selection training program prior to reviewing and selecting materials. The training must assist viewers in complying with Section 1006.31(2), F.S. which

requires, among other things, reviews to include materials portraying the ethnic, socioeconomic, cultural, religious, physical, and racial diversity of our society, and to exclude materials containing pornography and prohibited under s. 847.012, F.S.

3. Members of the district subject area Instructional Materials Review Committee must sign an "Instructional Materials Review Committee Member Affidavit" form before conducting committee business. The form specifies that Instructional Materials Review Committee members are prohibited from accepting gifts, money, emoluments, or other valuables which shall directly or indirectly influence the adoption or purchase of any instructional materials. A copy of the form can be found on the District's Media Services website. Instructional Materials Review Committee members' conduct should be in the best interest of the students and the District.
4. The Instructional Materials Review Committees shall meet as often as necessary to carry out their duties and responsibilities and make recommendations to the Superintendent. Meetings of Instructional Materials Review Committees convened for the purpose of ranking, eliminating, or selecting instructional materials for recommendation to the district school board must be noticed and open to the public in accordance with s. 286.011, F.S. Adoption of textbooks from such recommendations shall be considered as separate actionable items in meetings of the Board.

5. The District's Instructional Materials Adoption Policy Follows the Criteria Listed Below.

- A. The District's instructional materials adoption cycle shall correspond with the State adoption cycle except when determined to best serve the District's needs.
- B. The focus of the District review will be to evaluate materials submitted by publishers for State adoption or other appropriate materials with the purpose of recommending materials for District adoption.
- C. Content Standards for Instructional Materials

Pursuant to F.S. 1006.34, in the selection of instructional materials, library material, classroom library, and other reading material used in the public school system, the standards used to determine the propriety of the instructional material shall include: the age of the students who normally could be expected to have access to the material; the educational purpose to be served by the material

1. Alignment with Subject Standards

Textbooks and instructional materials should provide quality learning experiences for students, enrich and support the curriculum, and be consistent with the Florida State Standards. The Instructional Materials Review Committee shall evaluate instructional materials utilizing the procedural guidelines provided by the District's Media Services department. Listed below are the major components of the review guidelines.

- a. Content (Alignment with curriculum and Florida State Standards; level of treatment; expertise for content development; accuracy of content; currency of content; authenticity of content; multicultural representation; humanity and compassion)
- b. Presentation (Comprehensiveness of student and teacher resources; alignment of instructional components; organization of instructional materials; readability of instructional materials; pacing of content; ease of use and durability of materials)
- c. Learning (Motivational strategies; teaching a few "big ideas"; explicit instruction; guidance and support; active participation of students; targeted instructional strategies; targeted assessment strategies)

2. Accurate, Objective, Balanced, Current, Free of Pornography and Prohibited Material and Suited for Student Needs

Pursuant to F.S. 1006.40(3)(d), any materials purchased shall be free of pornography and material prohibited under F.S. 847.012, suited to student needs and their ability to comprehend the material presented, and appropriate for the grade level and age group for which the materials are used or made available.

Pursuant to F.S. 1006.31, instructional materials recommended by each reviewer shall be accurate, objective, balanced, noninflammatory, current, free of pornography and material prohibited under F.S. 847.012, and suited to student needs and their ability to comprehend the material presented.

The District shall rely on Florida Department of Education rules to determine what is age-appropriate, or in the absence of rules, on a preponderance of reviews by subject experts and/or professionally recognized periodicals or organizations.

3. Bias-Free

Instructional materials must also be evaluated for bias-free content. There are five (5) areas in which bias is evidenced in instructional materials:

- a. Contextual Invisibility
- b. Stereotyping and Characterization
- c. Historical Distortions and Omissions
- d. Language Bias
- e. Inaccurate and Stereotypical Visual Images

4. Additional Considerations for Selection of Instructional Materials

- a. When recommending instructional materials, each reviewer shall:
  - i. Include instructional materials that accurately portray the ethnic, socioeconomic, cultural, religious, physical, and racial diversity of our society, including men and women in professional, career, and executive roles, and the role and contributions of the entrepreneur and labor in the total development of this state and the United States.
  - ii. Include materials that accurately portray, whenever appropriate, humankind's place in ecological systems, including the necessity for the protection of our environment and conservation of our natural resources and the effects on the human system of the use of tobacco, alcohol, controlled substances, and other dangerous substances.
  - iii. Include materials that encourage thrift, fire prevention, and humane treatment of people and animals.

iv. Require, when appropriate to the comprehension of students, that materials for social science, history, or civics classes contain the Declaration of Independence and the Constitution of the United States.

v. Consideration should be given to the broad racial, ethnic, socioeconomic, and cultural diversity of this state. A reviewer may not recommend any instructional materials that contain any matter reflecting unfairly upon persons because of their race, color, creed, national origin, ancestry, gender, religion, disability, socioeconomic status, or occupation.

## 6. Instructional Materials Adoption Evaluation Procedure

- A. Members of an Instructional Materials Review Committee shall apply the standards set forth in Section IV above in evaluating all instructional materials.
- B. Members of an Instructional Materials Review Committee shall receive instructions and training in the evaluation techniques to be used, characteristics of effective instructional materials, and the skills necessary to make valid and objective decisions regarding the content and rigor of instructional materials.
- C. The evaluation process shall include, as available, collection and review of the research about the instructional materials under consideration, as well as other districts' experiences with the instructional materials being reviewed.
- D. The review process shall include scrutiny of each program's correlation to the State Standards and the assessments that are based on such standards.
- E. Evaluation instruments employed by the Instructional Materials Review Committee members in its evaluation and selection process may be instruments developed by the Florida Department of Education or district-modified versions of the same.
- F. If an Instructional Materials Review Committee elects to have publisher presentations, every publisher submitting materials for consideration in a specific subject area shall be provided an equal opportunity to present. All publishers shall be given equal time for the presentation. The Instructional Materials Review Committee chair shall be responsible for ensuring equity.



G. Instructional Materials Review Committee members shall review materials and return recommendations to the Assistant Superintendent over Instructional Materials.

## 7. Public Input for the Adoption of Instructional Materials

The public may review and comment on materials being considered and/or recommended for adoption. In addition, Escambia County public school parents/guardians or residents of Escambia County may contest a specific adopted material. Opportunities for public input are listed below.

- A. The public may review all materials being considered for adoption. Print and/or online samples of a student edition will be made available during the Instructional Materials Review Committee review process. Student editions of materials recommended for adoption will be made available online at least twenty (20) calendar days before the school board hearing.
- B. An open, noticed public meeting will be held to review the district's annual instructional materials plan, preview print/online samples, and provide online access instructions.
- C. An open, noticed school board meeting will be held to receive public comment on recommended instructional materials.
- D. The parent/guardian of a student enrolled in an Escambia County public school/resident of Escambia County may contest the district school board's adoption of a specific instructional material by filing a petition, on the "Motion to Contest the Adoption of an Instructional Material" form, within thirty (30) calendar days after the adoption by the school board.
  1. The "Motion to Contest the Adoption of an Instructional Material" form must be signed by the parent/guardian or resident, include the required contact information, and state the objection to the instructional material.
  2. Within thirty (30) calendar days after the thirty (30) day period has expired, the school board will conduct at least one open public hearing on all petitions timely received before an unbiased and qualified hearing officer. The hearing officer may not be an employee or agent of the school district. While not subject to Chapter 120 provisions, the hearing must provide sufficient procedural protections to allow each petitioner an adequate and fair opportunity to be heard and present evidence to the hearing officer.

3. The school board's decision after convening a public hearing is final and not subject to further petition or review

## 8. Lost/Damaged Instructional Materials and Disposal of Instructional Materials

- A. Principals shall make a reasonable effort to collect from each pupil or pupil's parent/guardian the purchase price of any instructional materials the pupil has lost, destroyed, or unnecessarily damaged and to report and transmit the amount collected to the Superintendent. Failure to satisfy the debt may result in suspension of the pupil from participation in extra-curricular activities or an assignment to community service at the school site until the debt is satisfied.
- B. The District shall dispose of instructional materials when they have become unserviceable or surplus or are no longer on state contract by
  1. giving materials to other public education programs within the District or State, giving materials to teachers to use in developing supplementary teaching materials, or giving materials to students or others that may include any charitable organization, governmental agency, private school, or State; or
  2. selling the materials to used book dealers, recycling plants, pulp mills, or other persons, firms, or corporations upon such terms as are most economically advantageous to the District. All moneys received because of sale, exchange, or other disposition of instructional materials shall be deposited in the District school fund and added to the District appropriation for instructional materials.

## 9. School Library/Media Center and Other Educational Materials

In accordance with F.S. 1006.28(2)(d), the School Board shall establish and maintain a program of school library media services for all public schools in the district, including school library/media centers, or school library/media centers open to the public, and, in addition, such traveling or circulating libraries as may be needed for the proper operation of the district school system.

The media specialist will stay informed about appropriate new publications, by using multiple sources, such as discussions with colleagues, attendance at conferences, and reading a variety of periodicals and book reviews. The media specialist will also receive and consider suggestions or requests brought forward by other faculty, students and parents/guardians. Potential new books for the school library media center, classroom library, and reading lists will be evaluated to determine if they would be suitable for student needs and whether they would be appropriate for the intended grade level and age group. In considering possible new acquisitions, the media specialist will consult

reputable, professionally recognized reviewing periodicals and school community stakeholders. The media specialist will also assess the level of student interest in the subject(s) presented and the ability of students to comprehend the material. Books that are selected must be free of pornography and material prohibited under F.S. 847.012. After evaluation, the media specialist will inform the principal of those books that have been evaluated and are approved for inclusion in the collections. The procedure for developing library media center, classroom library, and reading list collections will be posted on the website for each school in the District.

A wide choice of materials that support the instructional program shall be available to students and professional staff to allow for varying achievement levels, free choice reading interests, and teaching/learning styles. Materials should be available in a variety of formats and reading levels, offer a well-balanced coverage of subjects, and support the diverse interests, needs, and viewpoints of the school community.

School librarians, media specialists, and other personnel involved in the selection of school district library and classroom library materials must complete a training program developed pursuant to F.S. 1006.29(6) before reviewing and selecting age-appropriate materials and library resources.

Upon written request, the District shall provide access to any materials or book specified in the request that is maintained in the school library and classroom library and is available for review. The school principal shall arrange a convenient time to provide such access.

#### A. Purpose of the Library/Media Center and Classroom Library Materials

The library/media center and classroom library shall contain a comprehensive collection of materials and equipment in a variety of media formats to:

1. provide a broad background of information resources in all areas of knowledge; and
2. support the general educational goals of the District and the objectives of specific courses, including materials that represent diverse points of view.
3. Meet the personal needs and interests of students, including materials that:
  - a. nurture the development of recreational/listening/viewing, cultural appreciation, and aesthetic values;
  - b. represent the many religious, racial, ethnic, linguistic, and cultural groups in our society and reflect their contributions to the heritage and culture of our civilization;

- c. foster respect for the diverse roles available to all people in today's society;
  - d. provide education media that reflect differing and/or opposing viewpoints; and
  - e. provide a comprehensive collection appropriate for the users of the library media center and classroom library.
4. Support the professional needs of teachers and administrators; and
  5. Introduce new instructional strategies into the learning environment.

#### B. Student Access to Library/Media Center and Classroom Library Collections

Parents have the right to determine what they believe is and is not appropriate reading material for their student. Parents will be given the opportunity to choose Open Access, Limited Access, or No Access to the library/media center and classroom library collection. The access will be noted in the Student Information System and in the Library Catalog.

Parents of middle school students, grade six (6) through eight (8) shall also have the opportunity to opt in for their student to have access to the "young adult" section in the library/media center and classroom library. The access will be noted in the Student Information System and the Library Catalog.

#### C. Objectives of Selection

The primary objective of educational media is to implement, enrich, and support the educational program of the District; its secondary function is to contribute to the development of informed and responsible citizens. It is the duty of the District to provide a wide range of materials of different levels of difficulty, with diversity of appeal and representing different points of view taking into account the varied interests, abilities, and maturity levels of the pupils being served. The utilization of any specific item in educational media does not necessarily mean that the school or the District advocates or endorses the contents of the item.

To this end, the School Board of the Escambia District affirms that school library media centers and classroom libraries shall:

1. provide a comprehensive collection of instructional materials that will support the curriculum;

2. provide materials for teachers and students that will stimulate growth in knowledge, literacy appreciation, aesthetic values, and ethical standards;
3. provide information that will enable students to make intelligent decisions and to understand the consequences of their decisions;
4. provide education media that reflects differing and/or opposing viewpoints;
5. provide materials which reflect the ideas and beliefs of the many ethnic, religious, and political groups that have contributed to the American and world heritage and culture; and
6. provide age-appropriate materials in multiple genres to encourage students to read for pleasure and information.

#### D. Responsibility for Selection of Materials

Selection of educational media is a continuous process which involves teachers, administrators, lay persons, other instructional personnel, and students as appropriate.

1. The responsibility for coordinating the selection process and making the final selection for library-media and classroom library materials rests with the school library media specialist who holds a valid educational media specialist certificate.
2. ~~Beginning January 1, 2023,~~ School library media specialists, and other personnel involved in the selection of school district library materials must complete the online training program developed by the Florida Department of Education prior to reviewing and selecting age-appropriate materials and library resources.
3. School principals are responsible for overseeing compliance with school district procedures for selecting school library media and classroom library materials.
4. Teachers are responsible for fully reviewing and evaluating outside media that will be used as classroom curriculum material.
5. Final selection of classroom curriculum material shall be the responsibility of the principal or principal's designee.

## E. Evaluation and Selection of Library/Media Center Materials

In addition to supporting the curriculum, the school library/media center and classroom library affords students the opportunity to explore areas of interest and thought not covered by the prescribed curriculum; therefore, it should contain materials that allow for free inquiry, study, and evaluation. The selection process may include consultation with school administrators, other teachers, students, and parents/guardians to assure a comprehensive collection appropriate for users of the library/media center and classroom library. School principals are responsible for overseeing compliance with school district procedures for selecting school library/media center materials at the school to which they are assigned.

1. Each book made available to students through a school district library/media center, classroom library, 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.
2. Each new title purchased to be available to students through a district library/media center and classroom library must be presented to the school's Library Advisory Council for input. The Library Advisory Council shall be comprised of at least the school's media specialist, two teachers, one parent and one community member. The principal will ensure the committee is representative of the school community.
3. Materials placed in media collections shall meet the criteria set forth in Section 1006.40(3)(d) F.S. The process of evaluating materials for inclusion in collections is continuous and systematic. Selections are based upon consultation with reputable professionally recognized reviewing periodicals and school community stakeholders. Materials for inclusion shall be considered according to the following criteria:
  - a. First consideration is given to the need of the individual school based on:
    - i. reader interest;
    - ii. support of state academic standards and aligned curriculum;
    - iii. existing collection;

v. requests from users of the collection (administrators, faculty, parents/guardians, students) are given high priority.

b. Materials for purchase are considered on the basis of overall purpose, timeliness, importance of the subject matter, quality of writing or production; readability and popular appeal; authoritativeness; reputation of the author, artists, publisher, producer, format; and cost.

c. In the selection of educational media, special consideration is given to the following:

i. Ideologies: factual information on any ideology or philosophy present in society;

~~ii. Profanity: the fact that profanity appears in media does not automatically disqualify a selection. Care is taken to exclude media using profanity in a lewd or detrimental manner;~~

ii. Religion: factual unbiased media which represents all major religions;

iii. Science: theories and factual information about scientific knowledge appropriate to the age level for which it is intended;

iv. Sex: pornographic, sensation, or titillating media are not included, but the fact of sexual incidents appearing in the media does not automatically disqualify them.

No book or other materials containing pornography shall be used or be available in the District as prohibited by Section 847.012, F.S.

No book or other materials shall be used or be available that depicts or describes sexual conduct as defined in F.S. 847.001(19) for any grade level or age group for which such use is inappropriate or unsuitable, unless such material is for a course required by F.S. 1003.46, F.S.

v. Sex education: factual information appropriate for the age group or related to the school curriculum; and

vi. Stereo-type and sex biases: educational media shall be freed from stereo-type and sex biases.

vii. Race, sexuality, gender identity, profanity, drugs/alcohol and violence: selection will be based on community standards as established by the Board. In the absence of standards, professional reviews will be consulted.

4. Each school must publish on its website, in a searchable format prescribed by the Florida Department of Education, a list of all materials maintained in the school library/media center and elementary classroom libraries.

5. Each elementary school must publish on its website, in a searchable format prescribed by the Florida Department of Education, a list of all required school or grade level reading lists.

D. Discontinuation of Library Media and Classroom Library Materials

Personnel holding responsibility for evaluation and selection of educational media should reexamine materials periodically to ensure they continue to meet selection criteria. Objective criteria for removing materials include:

1. condition of material (worn and damaged);
2. duplication of seldom-used materials;
3. obsolescence and/or inaccuracy of information;
4. inappropriate content based on age interest level;
5. lack of circulation;
6. supersession of serial materials; and
7. alignment to state academic standards and relevancy to curriculum; and



8. required removal pursuant to s. 1006.28(2)(a)2., F.S.

## 10. Challenged Materials

Objections Regarding Non-Adopted Instructional, Library/Media Center, Classroom Library, and/or other Educational Material.

Challenged materials may be removed from use only after the following procedures have been completed in sequence.

Interested citizens may challenge materials being used in a school according to procedures established by the Board and published in the Challenged Materials document on the Media Services website.

### A. Reconsideration of Challenged Media

1. The School District of Escambia County supports the principles of freedom of speech and the right to a redress of grievances inherent in the First Amendment of the United States as well as appropriate Federal and State Statutes, and subsequent court decisions that have been rendered.
2. Any parent/guardian or resident of the county of the school district may raise objections to resources used in the educational program despite the fact that the individuals selecting such resources were duly qualified to make these selections and observed the criteria for selecting resources.
3. No parent, guardian or resident of the county has the right to determine the reading, viewing or listening resources for students other than their own children.
4. Access to Materials Under Review
  - a. Any material challenged on the basis that it contains content that is pornographic or prohibited under F.S. 847.012 or depicts or describes sexual conduct as defined in F.S. 847.001(19), unless such material is for a course required by F.S. 1003.46, F.S. 1003.42(2) (n)1.g., or F.S. 1003.42(2) (n)3., or identified by State Board of Education rule shall be placed in a Restricted Access Area of the Library/Media Center within five (5) school days of receipt of the objection and remain unavailable to students of that school until a decision has been made by the

~~Superintendent, in consultation with the Coordinator of Media Services, District Materials Review Committee or Board.~~

- ~~b. Parent/Guardians may grant permission for their student to check out the material by completing the Permission to Access Restricted Materials form located on the Media Services website and submitting the completed form to the student's school administrator.~~
- ~~c. The Superintendent, in consultation with the Coordinator of Media Services, shall retain the right to make a determination that a challenge lacks sufficient facts to support a preliminary finding that the material contains content that is pornographic or prohibited under F.S. 847.012. In such case, the challenged material will remain in circulation during the review process.~~
- d. All other challenged material will remain in circulation during the pendency of the review process. Parents may at any time opt their child out of all materials currently under review which remain in circulation. See section 9.B. Student Access to Library/Media Center and Classroom Library Collections.

5. A decision to sustain a challenge shall not be interpreted as a judgment of irresponsibility on the part of the professionals involved in the original selection and/or use of the resource. Professional personnel shall not be punished or have their employment affected by decisions reached by the District Materials Review Committee or the Board.

## B. Procedures for Reconsideration of Materials

Objections to some materials may be voiced by the public notwithstanding the care taken in the selection process and despite the qualifications of persons selecting materials. If a complaint is made, the following procedures should be observed:

1. Inform the complainant of the selection procedures and make no comments.
2. All concerns shall be presented in writing on a printed Reconsideration of Educational Media form that is available through the principal of the school or the District website. A complainant who does not complete and return the form shall receive no consideration.
3. These procedures shall be followed for reconsideration:

- a. The completed Request for Reconsideration of Educational Media forms are submitted to the school principal or to the Coordinator of Media Services.
- b. The principal shall notify the Assistant Superintendent of Curriculum and Instruction and the Coordinator of Media Services.
- c. ~~The availability of the challenged materials is changed to "Restricted Status" in the Library Catalog and placed in an area not accessible by students. Parent/Guardians may grant permission for their student to check out the material by completing the Permission to Access Restricted Materials form located on the Media Services website and submitting the completed form to the student's school administrator. Any material challenged on the basis that it contains content that is pornographic or prohibited under F.S. 847.012 or depicts or describes sexual conduct as defined in F.S. 847.001(19), unless such material is for a course required by F.S. 1003.46, F.S. 1003.42(2) (n)1.g., or F.S. 1003.42(2) (n)3., or identified by State Board of Education rule, shall be placed in a Restricted Access Area of the Library/Media Center within five (5) school days of receipt of the objection.~~
- d. The Superintendent, in consultation with the Coordinator of Media Services, shall retain the right to make a determination that the challenge to a title on the basis that it contains content that is pornographic or prohibited under F.S. 847.012 or depicts or describes sexual conduct as defined in F.S. 847.001(19), unless such material is for a course required by F.S. 1003.46, F.S. 1003.42(2) (n)1.g., or F.S. 1003.42(2) (n)3., or identified by State Board of Education rule, provides sufficient evidence to remove the title without review by the District Materials Review Committee or the Board.
- e. Information regarding the challenge shall be posted on the Media Services website for additional public input.
- f. A District Materials Review Committee shall be appointed by the Assistant Superintendent of Curriculum and Instruction to review the appeal.
- g. The District Materials Review Committee shall be comprised of five or more members to include community members, school

administrators, teachers, parents/guardians, and media specialists of the same level(s) of school(s) containing the title. The District Materials Review Committee reserves the right to use outside expertise if necessary to help in its decision making.

- h. Meetings of committees convened for the purpose of resolving an objection by a parent or resident to specific materials must be noticed and open to the public in accordance with s. 286.001.
- i. School Library Councils of the same level(s) of school(s) containing the title in question shall be given the opportunity to provide input for the District Materials Review Committee to consider.
- j. Challenged materials shall be read and re-evaluated by the District Materials Review Committee considering the specific objections. In the deliberations of challenged materials, the District Materials Review Committee shall consider the educational philosophy of the school district, the professional opinions of other teachers of the same subject and other competent authorities, reviews of the materials by reputable bodies, input from School Library Advisory Councils of the same level(s) of school(s) containing the title, the teacher's own stated objectives in using the materials, public input, and the objection of the complainant.
- k. The complainant shall have the right to proffer evidence, in a written format, for the District Materials Review Committee's consideration that:
  - i. An instructional material does not meet the criteria of s.1006.31(2), F.S., or s. 1006.40(3)(d), F.S., if it was selected for use in a course or otherwise made available to students in the school district but was not subject to the public notice, review, comment, and hearing procedures under s. 1006.283(2)(b), F.S.
  - ii. Any material used in a classroom, made available in a school library or classroom library, or included on a reading list contains content that is pornographic or prohibited under s. 847.012, F.S., depicts or describes sexual conduct as defined in F.S. 847.001(19), unless such material is for a course required by F.S. 1003.46, F.S. 1003.42(2) (n)1.g., or F.S. 1003.42(2) (n)3., or identified by State Board of Education rule, is not suited to student needs and their ability to comprehend the

- l. The District Materials Review Committee will make its decision determined by the simple majority to retain the item in the collection without restriction, move the resources to a different level, or remove the resources. This will be a secret ballot vote; however, all ballots must be maintained as public records.
  - m. The Assistant Superintendent of Curriculum and Instruction shall receive a written report concerning the District Materials Review Committee's decision.
  - n. The Assistant Superintendent of Curriculum shall inform the complainant, in writing, by certified US mail, of the District Materials Review Committee's decision.
  - o. District Materials Review Committee decisions on reconsidered materials will stand for one (1) calendar year before new requests for reconsideration of those items will be entertained, unless the decision is appealed and overturned at a higher level.
  - p. The District Materials Review Committee's decision shall apply to all schools.
4. These procedures shall be followed for an appeal to the School Board if the complainant disagrees with the decision by the District Materials Review Committee.
- a. An appeal of the decision made by the District Materials Review Committee must be made in writing to the Superintendent within ten (10) days of receipt of the District Materials Review Committee's decision.
  - b. Decision on the complaint will be made at the next regularly scheduled Board meeting unless the date of the decision being appealed is filed within fourteen (14) days of the Board meeting. In that instance, the matter will be heard at the following regular Board meeting. The Board reserves the right to schedule a special meeting for consideration of challenged materials.
  - c. The Board shall review all evidence and materials presented at the District Materials Review Committee level. If the complainant

wishes to offer any additional evidence, it must be submitted to the Superintendent no less than eight (8) days prior to the meeting at which the matter will be heard.

- d. The public shall be afforded an opportunity to comment before the Board makes a final decision.
- e. The Board reserves the right to use outside expertise if necessary to help in its decision making.
- f. The Board decision will be final, and the Superintendent will implement the decision.
- g. Board decisions on reconsidered materials will stand for five (5) calendar years before new requests for reconsideration of those items will be entertained.
- h. The Board's decision shall apply to all schools.
- i. If a parent disagrees with the determination made by the district school board on the objections to the use of a specific material, a parent may request the Commissioner of Education to appoint a special magistrate who is a member of The Florida Bar in good standing and who has at least five (5) years' experience in administrative law. The special magistrate shall determine facts relating to the school district's determination, consider information provided by the parent and the school district, and render a recommended decision for resolution to the State Board of Education within thirty (30) days after receipt of the request by the parent. The State Board of Education must approve or reject the recommended decision at its next regularly scheduled meeting that is more than seven (7) calendar days and no more than thirty (30) days after the date the recommended decision is transmitted. The costs of the special magistrate shall be borne by the school district. The State Board of Education shall adopt rules, including forms, necessary to implement this subparagraph.

Legal Rulemaking Authority: Sections 1001.41; 1001.42; 1001.43, F.S.

Law Implemented: Sections 847.02; 1006.28; 1006.34; 1006.40; 1010.215, F.S.

Last Modified by Sharon Goshorn on December 20, 2022

# EXHIBIT 11

Hello <<parent name>>

The Escambia Public Schools has implemented a new policy to place copies of titles currently being reconsidered for inclusion in our library collections in a restricted area of our libraries.

Your student <<student name>> currently has a copy of <<title>>. Please have your student return the copy of the book to the school library media center as soon as possible.

As a parent/guardian, you may choose to give permission for your student to check out currently restricted titles. You can do this by completing the Parent Permission Form for Student Access for each Restricted Title you want to grant permission for your student to read. Completed forms should be returned to the school library media specialist. The permission will be noted in the Destiny library catalog and then your student can read the titles for which permission has been given.

The form is located on the District Media Services - Reconsideration of Educational Media website and the school library website.

Thank you for your support

Media Services, 10-4-22



# EXHIBIT 12

**From:** White, Michelle [MWhite5@ecsdfl.us]  
**Sent:** 4/27/2023 11:31:34 AM  
**To:** [REDACTED]  
**CC:** MWhite5@escambia.k12.fl.us  
**BCC:** [REDACTED]  
**Subject:** Re: Book bans and Florida laws  
**Attachments:** Outlook-gplazh4s.png

Books that are challenged for content that may be in violation of 847.012 (pornography harmful to minors) are restricted until the review is completed. Parents may grant permission for their student to check out these specific titles.

Books that are challenged based on HB1557 are restricted in elementary schools. Parents may grant permission for their student to check out these specific titles.

On Tue, Apr 25, 2023 at 8:03 PM Eesha Pendharkar <[REDACTED]> wrote:

Hi, I'm reaching out from Education Week to ask about your district's book access, because PEN America's report about book bans in 2022 mentioned your district. <https://pen.org/report/banned-in-the-usa-state-laws-supercharge-book-suppression-in-schools/>

I know your district added a restricted section for books with "questionable content," I'm reaching out to ask if and how Florida's 3 laws, HB 1557, HB 7 and HB 1467, impacted your district's decision to form a restricted section that requires parental approval.

Please let me know. My deadline is this Friday. Thanks!

**Eesha Pendharkar** | Reporter, Race and Opportunity  
Pronouns: she/her/hers  
Twitter: @Eeshapendharkar | [REDACTED] | [REDACTED]

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Michelle White  
Coordinator of Media Services  
Escambia County Public Schools  
2005 N 6th Ave

Pensacola, FL 32503



[mwhite5@ecsdfl.us](mailto:mwhite5@ecsdfl.us)

Submit a Helpdesk Ticket using the email address listed below to submit questions, request assistance, or support for textbooks:

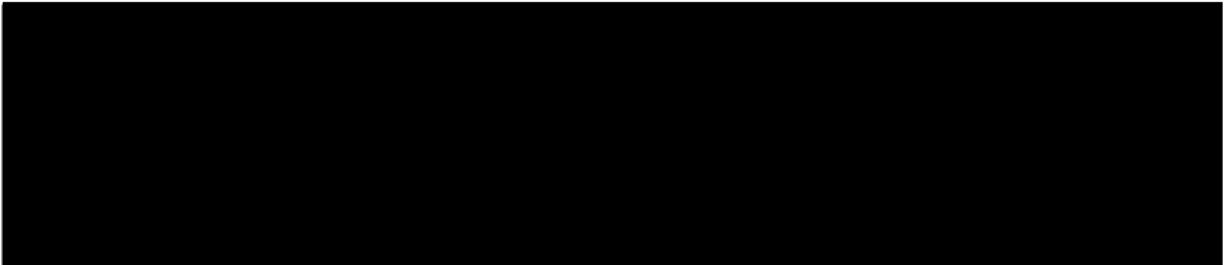
Textbook: [textbooksupport@ecsd.zendesk.com](mailto:textbooksupport@ecsd.zendesk.com)

# EXHIBIT 13

## Pause in Book Reviews

From: White, Michelle (mwhite5@ecsdfi.us)

To:



Cc:



Date: Tuesday, April 4, 2023 at 10:17 AM CDT

Good morning

First, thank you again for participating in our book review process. The Escambia County School Board is considering changes in our book review process. Therefore, we are putting a pause on the work our committees are currently doing to review challenged titles. Once we have a clear direction for our next steps I will communicate that to you and continue our work accordingly.

Please feel free to reach out if you have any questions or concerns.

Best regards,  
Michelle

--  
Michelle White  
Coordinator of Media Services  
Escambia County Public Schools  
2005 N 6th Ave  
Pensacola, FL 32503



[mwhite5@ecsdfi.us](mailto:mwhite5@ecsdfi.us)

Submit a Helpdesk Ticket using the email address listed below to submit questions, request assistance, or support for textbooks:

Textbook: [textbooksupport@ecsd.zendesk.com](mailto:textbooksupport@ecsd.zendesk.com)