

LIBRARY MEDIA MATERIALS RECOMMENDATIONS POST-HB 1069

August 22, 2023

Purpose

The League of Women Voters of Manatee County developed this position paper to help inform the Manatee School Board and the Manatee School District's decisions for selecting appropriate library materials and implementing the portion of HB 1069 that addresses challenges to school library media materials. Students must have access to materials that engage them, broaden their experiences, and help them develop their reading skills to further their learning. School libraries should contain a broad array of age-appropriate and level-appropriate materials in various genres that are of interest and importance to a variety of students.

Manatee School District Students

Manatee schools are rich in the diversity of its students. They represent all races and ethnicities and come from varied backgrounds, cultures, and religions. Students come to school with their own aspirations, experiences, and needs.

Recommendation 1: The School Board should adopt a policy that clearly expresses its support for all students. The policy should state the district's commitment to ensuring that students have access to a wide variety of age-appropriate and level-appropriate materials, with which the students can identify, and from which they can learn and develop the skills to be lifelong learners.

As reported by the Florida Department of Education in the 2022-23 Final Survey 2 (FLDOE, 2023a), there are 51,364 students who attend Manatee Schools, of whom 44% identify as White, 36% as Hispanic, 12% as African American, 2% as Asian, less than 1% as Native Hawaiian, Other Pacific Islander, American Indian or Alaska Native, and 5% as mixed race. Manatee also reported 6,110 students identified as English Language Learners. According to FLDOE 2022-23 Final Survey 3 (FLDOE, 2023b), more than half (58%) of Manatee students qualify for free and reduced-price lunch.

Recommendation 2: In its policy for selecting library materials, the School Board should publicly direct the superintendent and district staff to ensure materials created by African American, Asian American, Pacific Islander, Latino, and Native American authors and materials created for each of these communities are provided. Library materials should also reflect characters from different socio-economic backgrounds and multilingual communities.

There are many LGBTQ+ students of all ages who attend Manatee County Schools. These students face unique challenges in our community. The District should embrace them as it does all other students and ensure they have access to library materials that relate to their lives.

Recommendation 3: In its policy for selecting library materials, the School Board should publicly direct the superintendent and district staff to ensure materials developed by LGBTQ+ creators and developed for their community are provided.

Unfortunately, life is less than idyllic for many Manatee students. Far too many are the victims of bullying; many endure other forms of abuse – physical, mental, sexual, relationship, etc.; and others suffer from physical and/or mental health challenges that may be unrecognized or untreated. These traumas make learning at school difficult and are exacerbated when our institutions ignore these problems rather than ensuring schools are safe havens.

Recommendation 4: In its policy for selecting library materials, the School Board should publicly direct the superintendent and district staff to ensure materials reflecting those life experiences are provided. Such materials not only bring understanding and possibly comfort to the victims, but also build knowledge for other students so that they are aware of real-life issues that their peers face.

We understand the desire of parents to protect their children from what they consider to be inappropriate materials and their preference for their children to not be exposed to ideas with which the parents disagree. But the school district must also recognize that high school students include those who are 17, 18, and maybe even 19 years of age. These young adults are already old enough to engage in activities without parental permission, such as employment, voting, signing up for the military, marriage, etc.

Recommendation 5: In its policy for selecting library materials, the School Board should publicly direct the superintendent and district staff to ensure materials that reflect coming-of-age interests and pursuits are provided.

Rationale for Our Recommendations

Reading is fundamental and it benefits our community for our students to embrace reading to be lifelong learners. Books open the world to students, and the school district should celebrate any event that encourages reading.

The school library functions as a “third place,” serving as a refuge where students can freely pursue materials according to their needs and interests, and allowing students to explore topics that they might perceive as inaccessible outside of school.

A school system is required to teach all children and, to be successful at its core mission, must recognize and support every student regardless of their circumstances. Library Media Specialists utilize their expertise to guide students to materials that will most benefit a student’s needs, interests, and educational growth. Library materials bring understanding and build knowledge so that students are aware of differing life experiences.

Manatee schools adopted as its vision that: “The School District of Manatee County will be an exemplary student-focused school system that develops lifelong learners to be globally competitive.” (SDMC, 2022). The District should recognize in its policy that the ability to assess, analyze, and utilize diverse and controversial materials (including non-curricular materials) has become an essential aspect of being a citizen in our democracy. These skills take years to develop and should be incorporated at every grade level. Many students will graduate from high school and not pursue further formal education. It is imperative that they have developed these skills so they are successful in their future endeavors.

Hundreds of high school students take college-level Advanced Placement, International Baccalaureate, Cambridge, and Dual Enrollment classes, and therefore, they are capable of reading and discussing mature and/or politically and socially controversial topics. Indeed, if they are to be ready to compete with their peers around the country, they must have opportunities to engage in these discussions. It is important to note that these students must have parental permission to participate in these courses. In keeping with the spirit of parental rights, parents are fully informed of the content to be taught and must approve their child’s participation.

In deciding on the appropriateness of library materials, it is important that the District commits to selection over censorship.

Selection's approach to the book is positive, seeking its values in the book as a book, and in the book as a whole. Censorship's approach is negative, seeking for vulnerable characteristics wherever they can be found—anywhere within the book, or even outside it. Selection seeks to protect the right of the reader to read; censorship seeks to protect—not the right—but the reader himself from the fancied effects of his reading. (Lester Asheim, 1953).

HB 1069

HB 1069 requires school boards to establish a process for a parent or community member to request the removal of material from the school or classroom library based on an objection that the material:

- “(I) Is pornographic or prohibited under s. 847.012;
- (II) Depicts or describes sexual conduct as defined in s. 847.001(19), unless such material is for a course required by s. 1003.46, s. 1003.42(2)(n) 1.g., or s. 1003.42(2)(n)3., or identified by State Board of Education rule;
- (III) Is not suited to student needs and their ability to comprehend the material presented; or
- (IV) Is inappropriate for the grade level and age group for which the material is used.”

If the objection is based on subparagraph I or II above, the material must be removed from the library within five school days and cannot be available to students until the objection is resolved.

It is important that the District is clear with parents and the community about its meaning of terms, such as pornography. As discussed in the Library Media Training required by the Florida Department of Education in January 2023 (FLDOE, 2023c), while there is no statutory definition of pornography in the Florida Statutes, the Merriam-Webster dictionary defines pornography as “the depiction of erotic behavior (as in pictures or writing) intended to cause sexual excitement.”

Recommendation 6: There are many appropriate materials that contain sexual content, but are not pornographic. Therefore, we request that if any materials are ultimately removed with pornography as a reason, the District publicly provides evidence of the intent to excite.

Similarly, this same training provided a three-part definition of “harmful to minors” for the district to use when determining that library materials should be removed:

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

Recommendation 7: The District’s challenge process should clearly identify that all three criteria must be met for any material to be removed from student access, per the state’s Library Media Training.

**Recommendations for Manatee School District's
Library Media Materials Reconsideration Procedure**

Parents have a right to request certain library materials not be accessible to their own child, but they cannot make that decision for other parents. Therefore, any material deemed age-appropriate should remain freely accessible for all other students. Requiring parents to monitor library material decisions and proactively request their child have access to age-appropriate material is overly burdensome and will result in disparate impacts on parents and students. The District has a responsibility to ensure that all students have equal access to library materials.

Recommendation 8: The League of Women Voters of Manatee County supports the District implementing an “opt-out” rather than an “opt-in” policy.

The District should make the **Library Media Materials Reconsideration Procedure** clear and complete so that parents and community members are fully informed and can easily participate in the reconsideration process.

Recommendation 9: The library materials challenge process should be transparent and uniform across District schools.

- A. Parents and the community should understand the basis for challenging any library material, the process to follow, and the outcomes. The District should update procedures posted on its website to ensure they are compliant with HB 1069. The updated [Library Media Materials Reconsideration Procedure](#) forms (SDMC, 2023b) should be readily available on the District's website with clearly stated deadlines and information on how and where to submit the form.
- B. The District should recognize that parental rights policies apply to all parents, not just those who seek to restrict access to library materials. Therefore, the District should make it equally accessible and clear regarding how to challenge previous challenges that resulted in restrictions or removals. The District should also track who is making requests for library materials to be restricted or removed, so the District can be informed if the objections are coming from the parents of children who attend Manatee schools or from others in the community.
- C. The District should make it clear how and when “designated committees,” as mentioned in the Reconsideration Procedure, will be formed; how educators, parents, students, and community members can participate in them; and how they differ from School Advisory

Committees (SAC). Parents should be informed via multiple avenues: FOCUS, emails, calls, school Facebook pages, etc.

- D. The District should define the requirements for “designated committees” at both the school and district levels to ensure they will be diverse, reflecting our student bodies. A diverse review committee should include:
- a. At least one school or public librarian (Librarians are best suited to assess the educational value of non-curricular materials and to appreciate their role in creating a diverse catalog);
 - b. At least three teachers, including at least one teacher in the relevant subject;
 - c. At least one school or district-level administrator;
 - d. Current or recently graduated students for the middle and high school level challenges (ensures student voices are being heard, can prevent censorship of popular materials, and provides volunteer opportunities for our students); and
 - e. Community members not employed by the District (who may be less susceptible to internal pressures and biases) in a number that does not exceed trained educators.
- E. The District should open all meetings of the designated committees to the public and promptly publish audio recordings to the District website.
- F. Details regarding each challenge should be posted on the district website. A regularly maintained list of all challenges should include the petitioner’s reasons; the challenge outcome (full availability, restricted, removed); and reasoning for the outcome (age-appropriate vs not age-appropriate, not pornographic vs pornographic, etc.). The document should include information regarding the opt-out procedure and a link so parents can take action if they choose.
- G. The District should never determine that a library material is appropriate and then require parents to provide consent or opt-in for their child to access the material.

References Cited

HB 1069 as signed by the Governor. (2023). <http://laws.flrules.org/2023/105>

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Asheim, L. *Not Censorship But Selection*. (1953). First published in the *Wilson Library Bulletin*, 28 (September 1953), 63-67. Permission to share this article on ala.org was granted to the American Library Association Office for Intellectual Freedom in November 2005 by Michael Frank, Lester Asheim's cousin.

<https://www.ala.org/advocacy/intfreedom/NotCensorshipButSelection>