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MEMORANDUM

TO: School District Superintendents
Charter School Leaders

FROM: Henry Mack, Ed.D.

DATE: September 23, 2026

SUBJECT: **District Responsibility for the Selection, Review, and Maintenance of School Library and Classroom Materials**

The purpose of this memorandum is to clearly restate the statutory duties of district school boards and superintendents with respect to instructional and library materials; to identify ongoing deficiencies in how some districts are discharging those duties; to describe the steps the Florida Department of Education (Department) will take when a district fails to comply with Florida law and State Board of Education rule; and to offer a recommended 90-day plan for superintendents to implement.

District leaders are responsible for large, complex systems. That responsibility includes ensuring that materials made available to students in classrooms and school libraries are consistent with Florida law and appropriate to the age and development of the students who can access them. The Legislature assigned this duty to district school boards and the superintendent executes it as the board's executive officer.

A process that depends on a parent discovering explicit material, reading it in a public meeting, and then forcing a district response is not only severely flawed; it is administrative neglect masquerading as either ignorance or ineptitude. Whatever it may be, it is unacceptable and must end.

Districts must follow Florida law and State Board of Education rules by providing only materials that are age- and developmentally appropriate. Unfortunately, parents continue to find a shocking amount of material that fails that test. Again, that is unacceptable.

Superintendents, library media specialists, and other personnel involved in the selection and maintenance of instructional and library materials must follow the laws and rules associated with this process.

Section (s.) 1006.28(2)(a)1., Florida Statutes (F.S.), is unambiguously clear: "Each district school board is responsible for the content of all instructional materials and any other materials used in a classroom, made available in a school or classroom library, or included on a reading list, whether adopted and purchased from the state-adopted instructional materials list, adopted and purchased through a district instructional materials program under s. 1006.283, F.S., or otherwise purchased or made available." Both the Floridians that you serve and I demand and expect you to exercise that responsibility before a parent is required to intervene.

Florida law also requires school librarians, media specialists, and other personnel involved in selecting library materials to complete the Department's required training. That training addresses s. 847.012, F.S., which prohibits an adult from knowingly distributing to a minor on school property certain visual depictions of nudity or sexual conduct that are harmful to minors, as well as printed materials containing explicit and detailed descriptions of sexual excitement or sexual conduct that are harmful to minors.

The training states: "No library material shall be used, distributed, or made available to students if it contains content that meets the requirements found in the 'harmful to minors' statute." It further directs districts to, "err on the side of caution" with material that is potentially harmful to minors and in violation of s. 847.012, F.S. The statutory standard is established. The training is mandatory. Both must be applied.

Recent district practice confirms that reactive review is not sufficient. In Hillsborough County, for example, sexual content remained available in high school libraries, including *Call Me by Your Name* and *Jack of Hearts (And Other Parts)*.

Hundreds of titles were subsequently pulled for review. As recently as this month, parents again appeared before Hillsborough County's school board citing additional works – *Kingdom of the Feared*, *Kingdom of the Wicked*, *Kingdom of the Cursed*, and *1Q84* – and identifying passages they contend include sexually explicit content and even a sexual situation involving an adult and a child. A review that remains incomplete, or that leaves parents to locate the next title, does not meet the duty required of you by statute.

Parents should not be required to place this material on the public record for district leadership to examine what is already in circulation.

At a recent Hillsborough County school board meeting, a parent read the following excerpts from books available in a district school library:

"I used to kiss other guys in my neighborhood, make out with them and perform oral sex on them. I liked it. I used to love oral." — *Beyond Magenta: Transgender Teens Speak Out* by Susan Kuklin

"His hips rolled in gentle thrusts, and he pushed in, and in, and in...he pulled out and then thrust back in with excruciating slowness." — *A Court of Wings and Ruin* by Sarah J. Maas

"Let me tell you about now, the breasts of little girls. The buds, the buds on some of these saplings. They were mean, you know. Mean and tender. Mean little buds resisting the touch, springing like rubber but aggressive...daring me to touch, commanding me to touch... I couldn't keep my hands, my mouth, off them." — *The Bluest Eye* by Toni Morrison

That content is not acceptable in a district school library. If books containing such material remain available to students, the district is not in compliance with Florida law or State Board of Education rule. Selection committees, vendor lists, and staff recommendations do not transfer legal responsibility away from the district school board or the superintendent.

Districts cannot satisfy s. 1006.28, F.S., solely by responding to objections after materials have been discovered. Every superintendent should ensure that the district maintains effective procedures to select, approve, review, and, where required, remove library and classroom materials. If a title cannot be defended when a parent reads a passage in an open meeting, the district should not wait for that meeting to occur.

Districts must also use information the Department is required to provide. Section 1006.28, F.S., directs the Department to, “publish and regularly update a list of materials that were removed or discontinued, sorted by grade level, as a result of an objection” and to disseminate that list to districts, “for consideration in their selection procedures.” The list is available at <https://www.fldoe.org/academics/standards/instructional-materials/>.

Districts should compare that list against their own collections on a regular basis. Inclusion on the list does not, by itself, establish a statewide prohibition. It does, however, require a district that still holds the same material to review it and determine whether it complies with Florida law and remains appropriate for the students who can access it.

Several districts, including Clay, Escambia, and Nassau, have already removed or discontinued substantial numbers of titles following review. Delaying until a district becomes the subject of the next public controversy is not an acceptable approach.

Protecting the innocence of Florida’s children is among the most serious responsibilities entrusted to public school leadership. Parents *want* to trust districts to protect and educate their children, but it’s not easy to trust them when the parents have to act as the quality-control mechanism for which materials are available to their children in a school library.

To be perfectly clear: when the Department receives credible allegations that a district has failed to comply with its statutory responsibilities, I will use the authority provided by law to the fullest extent. Section 1008.32(2)(a), F.S., provides that the, “Commissioner of Education may investigate allegations of noncompliance with law or state board rule and determine probable cause.”

Upon a determination of probable cause, I will report that determination to the State Board of Education, and if a district cannot satisfactorily document compliance, the State Board may order corrective action. If the State Board determines that a district is, “unwilling or unable to comply with law or state board rule within the specified time,” s. 1008.32, F.S., authorizes further enforcement, including the authority to, “withhold the transfer of state funds, discretionary grant funds, discretionary lottery funds, or any other funds specified as eligible for this purpose by the Legislature.”

The State Board may also declare a district ineligible for competitive grants and require periodic reporting until the noncompliance is remedied.

When noncompliance involves a district's process for selecting, reviewing, or maintaining library materials, I will recommend corrective measures to the State Board, including restrictions on acquiring additional library materials until the district demonstrates that its existing collection and selection procedures comply with Florida law.

I am also directing Department staff to develop recommendations to strengthen State Board of Education rules for consideration by the State Board, including requirements for districts to audit materials available in school libraries, report the results, and verify that those materials comply with Florida law.

Review your procedures. Review your collections. Ensure that required personnel complete and apply the Department's training. Use the list the Department has already published. Correct deficiencies before inappropriate materials reach students. Florida law places this responsibility on districts.

Make no mistake, the Department will hold districts, and the superintendents who lead them, accountable for failing to protect students from inappropriate content and material.

HM/pob

90-Day Plan

1. Own it in writing.

Issue a short directive to principals and the chief academic officer: the district will complete a collection-integrity review this term; no new library or classroom-library purchases until the school's certified media specialist certifies the title against ss. 1006.40 and 847.012, F.S., and the Department training; principals will attest that classroom libraries were selected the same way as the media center.

2. Run a voluntary audit. Do it in layers, not as a five-year catalog project.

Triage in this order:

- Titles on the Department's published list of materials removed or discontinued after objection. Compare every campus catalog to that list. A match is not an automatic statewide ban; it is a mandatory local review.
- High-frequency challenged authors and series that keep surfacing in Florida (Maas, Hopkins, graphic novels with explicit panels, etc.).
- Elementary school titles with known sexual conduct passages, then middle school, then high school.
- Classroom libraries and book fair / donation intake. That is where districts get blindsided because the media specialist never touched the box.

Score each flagged title: complies / does not comply / needs full-text review / relocate by grade band. The superintendent should see the exception list, not a 40,000-title dump.

3. Use the Department's own test in the audit protocol.

The required training already gives staff a practical standard: if an adult selector would not be comfortable reading the passage in a public meeting, lean toward not placing it in a school library. As a reminder, s. 1006.28(2)(a), F.S., requires that if the school board denies a parent the right to read passages due to content due to it being pornographic or harmful material, the school district shall discontinue the use of the material in the school district. Put that test in the district rubric. It is not extra-legal; it is the state's own guidance for applying s. 847.012, F.S.

4. Invite parents—on a structured charge, not an open mic.

Statute already expects stakeholder consultation and parent membership on instructional materials committees. A superintendent can go further without surrendering the decision:

- Appoint a Library Materials Integrity Panel: certified media specialists, secondary ELA lead, elementary curriculum lead, a principal, general counsel or compliance officer, and parents of currently enrolled students across grade bands. Give them a written charge: apply Florida law and the training, not PEN America or ALA talking points, and not a parent activist checklist either.
- Have them review the flagged set from the audit, not the entire fiction wall.
- Publish the charge, the rubric, meeting dates, and the recommendation memo. Decisions stay with the certified selector and, ultimately, the board. Parents advise; they do not take a veto vote that the statute does not give them.
- Offer a standing parent inspection window—two evenings a month—where any parent can request and review a title. That honors s. 1006.28, F.S., access rights, and drains the “they hid the books” narrative.

Do not outsource the panel to the loudest Facebook group. Appoint parents who will read the statute and the book.

5. Close the back doors.

Most failures are operational, not philosophical.

- Freeze donations and book fair leftovers until a certified media specialist selects them. The phrase, “Otherwise made available” is in the statute for a reason, but not an exploitable loophole.
- Inventory classroom libraries. If a teacher’s shelf was never selected under the media specialist rule, it is not a collection. It is a liability.
- Require vendor and digital content contracts to filter against the district’s restricted list and against s. 847.012, F.S., standards.
- Stop treating “under review” as a parking lot. Set a 30-day clock for full-text review of any title pulled after an objection or audit flag.

6. Make principals personally accountable.

The statute already puts campus oversight on the principal. Require a mid-year certification: training completed for every selector; website procedures posted; classroom libraries inventoried; Department list cross-checked; no unselected donations on shelves. A superintendent who never asks for that signature is choosing not to know.

7. Weed on purpose, not only after a fight.

Section 1006.28, F.S., already requires regular book discontinuance based on condition, dead circulation, and curriculum irrelevance. Use weeding to shrink the pile of titles nobody can defend. A book that has not circulated in three years and would fail the public reading test does not need a culture-war hearing. It needs to come off the shelf.

8. Brief the board before the next parent does.

Give the board a closed session or workshop briefing: number of titles flagged, number removed, number retained with grade-band limits, schools still out of compliance, and the 90-day plan. Superintendents get crushed if the first time the board hears a passage is from a parent at the podium.

9. Communicate like an executive, not a defendant.

One parent letter and one staff FAQ: Florida law requires age-appropriate collections; the district is auditing against the statute and the Department list; parents may inspect titles; objections will be processed on the statutory clock; the goal is a clean collection, not a barren one. Short. No adjectives.

What “real leadership” looks like in practice:

The superintendent who waits for Tallahassee or a board blowup is managing risk after it has already matured. The superintendent who does the audit, puts parents in a structured room, makes principals sign, and takes close-call titles off of the elementary and middle school shelves before they are read into the microphone is doing the job the statute describes.

Voluntary audit: yes. Parent team: yes, with a written charge and no confusion about who decides. The move that actually stops the cycle is simpler than either: treat library intake like procurement and student safety—named owner, written standard, sample audits, and consequences when a campus skips the process.