

Protecting Academic Freedom in South Florida
Schools: Addressing Book Bans and Curriculum
Restrictions

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Table of Contents:

1. Executive Summary
2. Background & Problem
3. Equity & Community Impacts
4. Stakeholder Perspectives
5. Policy Recommendations
 - 5.1 Immediate Restoration & Compliance
 - 5.2 Constitutional Review Standards
 - 5.3 Robust Transparency & Due Process
 - 5.4 Protecting Instructional Freedom
 - 5.5 Legal Compliance Requirements
6. Anticipated Impacts & Feasibility
 - 6.1 Projected Outcomes
 - 6.2 Broader Impact
7. Implementation & Evaluation
 - 7.1 Timeline
 - 7.2 Roles & Resources
 - 7.3 Evaluation metrics and cadence
 - 7.4 Quality control and risk mitigation
 - 7.5 Sustainability
8. Conclusion
9. References
 - 9.1 Legal Authorities

1. Executive Summary/Abstract

In August 2025, a federal court struck down multiple sections of Florida's [HB 1069](#), the statute most frequently cited for school library book removals, finding phrases such as "describes sexual conduct" overbroad. The court found [HB 1069](#) overbroad, rejected the 'government speech' defense, and reaffirmed the narrower 'harmful to minors' test.

Despite that ruling, South Florida school districts decided earlier in August to remove 55 titles after the State ordered them to do so amid the ongoing case: demonstrating the ongoing gap that is visibly present between constitutional requirements and local practices. With the Broward County school district confirming said removals meanwhile schools in Palm Beach County were also being pressured to comply with these same standards. Data from the [American Library Association \(ALA\)](#) and [PEN America](#) along with the aforementioned events come together to show that sustained censorship pressure disproportionately targets literature about both LGBTQ+ and people of color: even when they are not considered obscene as a whole.

Accordingly, this brief proposes a legally compliant and equity-centered district policy framework that addresses four key areas of contention: (1) immediately restoring titles that struck down key provisions; (2) realigning removal processes with Florida's "harmful to minors" definition; (3) establishing transparent, evidence-based review procedures with due process protections and safeguards against bad-faith challenges; and (4) affirming instructional freedoms consistent with the March 2024 settlement clarifying that [HB 1557](#) does not prohibit LGBTQ-themed books or classroom discussions.

Keywords: First Amendment, School Library Censorship, Book Challenges, Educational Policy, Student Rights

2. Background & Problem

On August 7, 2025, Broward County schools confirmed the removal of 55 books following a directive that was issued statewide. [Local 10 News in Broward County](#) reported that pieces of literature such as *Judy Blume's Forever*, *Chuck Palahniuk's Choke*, *Juno Dawson's This Book Is Gay*, and *Breathless* were removed from shelves all across the county (Ramos, 2025). [PEN America](#), adding onto this notion, recorded that at least 9 Florida counties, including Palm Beach, were in the process of pulling books of the same content types prior to the start of the school year (Trimel, 2025).

Library book selection and removal are constrained by students' rights to receive information. While school boards retain discretion, they may not remove titles to suppress ideas (*Board of Education, Island Trees v. Pico*, 457 U.S. 853, 1982). Curricular, school-sponsored materials receive greater deference when limits are reasonably related to legitimate pedagogical concerns (*Hazelwood School District v. Kuhlmeier*, 484 U.S. 260, 1988; *Virgil v. School Board of Columbia County*, 862 F.2d 1517, 11th Cir. 1989). The Eleventh Circuit recognizes process and accuracy rationales for curricular choices, but not viewpoint suppression (*ACLU of Florida v. Miami-Dade County School Board*, 557 F.3d 1177, 11th Cir. 2009). This policy implements Florida's "harmful to minors" standard in [§ 847.001](#), applied to the work as a whole, considering prurient interest, patent offensiveness, and serious value for minors, and not isolated passages.

Those removals unfolded alongside *Penguin Random House v. Gibson*, in which the court ruled that [HB 1069](#) violated the First Amendment: upholding the freedom to read. With this in mind, it is clear to see where the issues come to fruition. The law's language had the result of demanding the immediate removal of materials that were under a vague scope of "pornographic," without ever going in depth as to what the definition of "pornographic" is, not even considering the literary value that they provided. The court confirmed that the only obscene material that could be deemed removable had to fall under the standard of Florida's "harmful to minors," finding that school-based content scrutiny and selection is not a facet of government speech that can be immune from the First Amendment. The discrepancy that can be seen so clearly here is a perfect example as to why there is a need for transparent district-level policy that links constitutional standards with local practices: protecting educators, families, and legislators.

3. Equity & Community Impacts

South Florida districts serve majority-minority populations with high immigrant representation (DataUSA, 2024). Book removals, granted, have the effect of disproportionately harming these communities by eliminating culturally affirming materials proven to enhance academic engagement and outcomes.

[Research](#) conducted on culturally responsive teaching has found that these practices led to positive increases in students' understanding and engagement with academic skills and concepts across the board (Najarro, 2022). Mirroring this, [a peer-reviewed study](#) from the University of Amsterdam shows that such approaches relate to "increased student engagement, better achievement, and more positive peer

relationships” (Abacioglu, 2020). To expand, [national data](#) reveals that roughly 47% of all books targeted were written by people of the LGBTQ or BIPOC communities (Nguyen, 2024), and [19th News](#) summarizing GLSEN research, confirmed that LGBTQ+ students who attend schools with inclusive curriculum have better academic outcomes and school environments than those that don't (Rummler, 2023).

As a result of this overwhelming data, it is clear to see what consequences these removals have on our constituents of diverse backgrounds: compromising both student belonging and academic performance, a negative trend all across the board.

4. Stakeholder Perspectives

(A) Student & Family Perspectives

University of Florida student Aidan Edwards noted: "There are definitely books that add a lot of value to kids' lives, especially when you're growing up... Especially if you're gay or in the minority group, it makes it a lot more difficult to work through these things when you don't have the resources" (Thompson, 2024). On this same common notion, the [Orlando Sentinel](#) finds that Moms for Liberty argues "Parents should have a say in what is available to our children within the school library and classrooms" (Ferrell, 2025).

(B) Educator & Librarian Experiences

This desire to be heard isn't just limited to students and parents, however. Veteran teacher Don Falls in Manatee County, FL saw his classroom collection reduced from 450-500 books to just 12 approved titles, calling it "ridiculous that in 2023 we are covering books... that sounds like McCarthyism" (Dzhanova, 2023). [HB 1069](#) requires librarians undergo annual training to err on the side of caution while threatening criminal penalties (Modan, 2023). Florida Education Association President Andrew Spar set the contradiction in the limelight: "With 50 percent of third graders not reading on grade level, we should expand access to books, not limit it" (Florida Education Association, 2023). These concerns remain salient; the [Gibson](#) ruling provides a framework to resolve them.

(C) Community Responses & Solutions

The August 2025 federal victory included six major publishers, prominent authors, and Florida families, with Judge Mendoza ruling that 23 removed books "are not obscene" under constitutional standards (*Penguin Random House LLC v. Gibson*, M.D. Fla.,

2025).

[PEN America](#) reported that Florida accounted for 45% of all US book bans in 2023-24 (PEN, 2024) while grassroots groups like [Authors Against Book Bans in St. Johns County, FL](#) successfully defended challenged books through community organizing (Castle-Cimfel, 2025). This policy brief enables districts that were affected to restore protected materials while implementing transparent review processes: finally making sure that constituents who are harmed by the censorship get redeemed access to valuable literature, but also protected through a transparent and lawful review process.

5. Policy Recommendations

5.1 Immediate Restoration & Compliance

Districts should hereby reshelve all books removed under the court-voided provisions within the next 15 business days, issue public restoration notices (PSA/email), and conduct staff training on the new constitutional requirements. Create a public inventory of restored titles with brief explanations of the legal basis.

5.2 Constitutional Review Standards

Establish review procedures that apply only Florida's statutory "harmful to minors" test ([§ 847.001\(7\)](#)). Reviews must evaluate the work as a whole and make express findings on all three prongs: (a) predominant appeal to prurient, shameful, or morbid interest; (b) patent offensiveness to prevailing adult-community standards for minors; and (c) lack of serious literary, artistic, political, or scientific value for minors. Isolated passages may not be controlled.

5.3 Robust Transparency & Due Process

- One active challenge per person at a time, consolidation of duplicative challenges by staff, and "substantial change in grounds" required for re-filings within six months.
- Full read of the work, or chapter-specific grounds with acknowledgment of full-work context in order to proceed with a challenge
- Written decision with findings under [§ 847.001](#), identifying the record considered, posted on the district website within ten business days.
- Appeal to the Board within fifteen calendar days, Board decision within thirty calendar days on the existing administrative record unless good cause for limited new evidence.

- Public dashboards and reports may not expose individual borrowing records, consistent with FERPA and Florida library confidentiality requirements. ([§ 257.261](#))
- All proceedings must comply with Florida’s open meetings and public records laws, with audio or video recordings and a records retention schedule specified in district procedures ([§ 286.011](#)).

5.4 Protecting Instructional Freedom

Districts must issue clear policy statements affirming that inclusive materials, LGBTQ+ themed books, and classroom discussions remain lawful under the settlement ([HB 1557](#)). Provide regular staff guidance upon request, community FAQs, and legal protection against retaliation for educators using constitutionally protected materials.

Some proponents of book bans may argue that robust parental rights justify wide removals; however, this framework preserves individual opt-outs while preventing viewpoint-based censorship of all students. Others worry about obscenity corrupting their children, yet the policy enforces Florida’s “harmful to minors” statute, ensuring explicit material remains barred. Concerns about administrative burden and tax dollars are outweighed by evidence from other districts, where unmanaged challenges cost far more in staff time and litigation than transparent, streamlined systems. Nevertheless, it is important to find a middle ground with representation from both sides of the spectrum.

5.5 Legal Compliance Requirements

Districts must ensure all review procedures comply with Florida’s open meetings and public records laws, maintain a defined records retention schedule, and include conflict-of-interest attestations for committee members. Training materials must include a one-page reference card for principals and media specialists with the [§ 847.001](#) checklist, examples of impermissible viewpoint-based removals, and the rule that evaluations consider the work as a whole and not isolated passages to ensure a holistic review/removal process.

6. Anticipated Impacts & Feasibility

6.1 Projected Outcomes

Implementation of the proposed framework is projected to yield tangible, quantifiable outcomes, including:

- A +15% increase in circulation of diverse titles, as suggested by [pilot studies](#) conducted by FirstBook Research showing that adding culturally responsive books leads to improved reading engagement and test scores: upwards of +9 points overall and +11 points among lower-performing students within the first academic year (by end of 2025-26) (FirstBook, 2025).
- A reduction in challenge-processing time from an average of 60 to 30 days within the first academic year (by end of 2025-26), driven by streamlined and efficient procedures and transparent legal standards.
- Quarterly community trust surveys showing 10-15 percent increases in parental confidence and perceived transparency, aligning with [ALA data](#) that 71% of voters oppose library book removals and trust librarians' professional judgment (ALA, 2022).
- [HB 1467](#) already requires searchable public catalogs and media-specialist training, so implementation mainly involves brief staff training and a lightweight public dashboard (low-cost).
- Avoided costs: Districts elsewhere have absorbed significant staff time and legal spend processing unmanaged challenges: for example, a [Utah district](#) reported 10,000 staff hours and >\$100,000 to handle 199 challenges, while [ABC News reported that Spring Branch ISD \(TX\)](#) spent about \$30,000 and roughly 220 staff hours on a single challenge; clear, time-boxed procedures reduce both volume and cycle time (Staff, 2023; Ryan, 2023).

6.2 Broader Impact

While advocacy groups such as Moms for Liberty are likely to persist in legal challenges and public pressure campaigns, the transparency and constitutional grounding of this approach greatly minimize the risk of successful appeals. Clear and publicly available due process procedures, coupled with the empirical outcomes and legal precedents like the *Penguin Random House v. Gibson* decision, equip districts to respond confidently to criticisms, reducing polarization. Similar frameworks have proven successful, with both [Redlands Unified School District](#) and [Katy Independent School District](#) finding that a streamlined review committee reduced processing times and policy-aligned responses do in fact work, respectively (McCann, 2025; Solomon, 2022). South Florida districts can also partner with local public libraries, FIU's law clinic, or student groups to host info sessions on the review process, building community trust: ensuring that the word gets out on all fronts. The district will also hold quarterly community forums with

parents, students, and advocacy groups to explain the review process, answer concerns, and strengthen public trust to a larger extent than ever before.

Should this policy framework succeed in South Florida, it can serve as a replicable model for other districts statewide, and even nationally, facing similar censorship pressures. Florida's continued prominence as a ground zero for national book-bans serves as a point of reference to view the broader urgency of establishing robust, transparent, and legally sound review systems. By demonstrating measurable success, both in metrics and public trust, South Florida can lead the way toward defending academic freedom throughout the state and beyond.

7. Implementation & Evaluation

7.1 Timeline

- Days 0-30: Initial restoration
Reshelve all titles removed under voided provisions, publish restoration list, issue community PSA, open challenge portal with new forms. Notify families of restored materials via PSA/email and school-wide news outlets.
- Days 31-60: Training and alignment
Deliver staff training on [§ 847.001\(7\)](#) and [Gibson](#), seat review committees, adopt standardized rubrics, finalize public dashboard and set up archives.
- Days 61-90: Full operations
New procedures live districtwide, begin quarterly reporting, conduct first quality audit of active challenges.

7.2 Roles & Resources

- Leads: District General Counsel, Chief Academic Officer, Library Services.
- Committees: Librarian, teacher, counselor, parent, age-appropriate student.
- Resources: Staff training time, legal review time, simple data dashboard built from existing library and case-management systems, translation support for forms and notices (low cost).

7.3 Evaluation Metrics and Cadence

- Access: Circulation of diverse titles, target +10-15% increase by 2025-26.
- Process: Median challenge cycle time, target 30 days, percent decisions posted within 5 days of vote.

- Fairness: Share of decisions citing full-work analysis, appeal sustain rate, committee diversity index.
- Trust: Quarterly community survey score, target +10-15%, staff confidence pulse, target +10%.
- Compliance: Zero findings of noncompliance in internal legal audits.
- Cadence: Monthly internal review, quarterly public dashboard, annual policy review with revisions voted by board.

7.4 Quality control and Risk Mitigation

- Checkpoints: If median cycle time exceeds 45 days or appeals overturn more than 15 percent of decisions in a quarter, trigger a corrective action plan within 10 business days.
- Safeguards: Document full-work evaluations, require conflict-of-interest attestations, retain recordings and artifacts for three years.
- Communications: Pre-approved FAQ and scripts for principals and board members, multilingual notices upon request, standing office hours for families.
- Anticipate state oversight: 2025 state policies ([HB 1539](#), [SB 1692](#)) expand removal triggers, impose 5-day pull-down requirements during review, and authorize audits/penalties for noncompliance, including potential funding consequences: rigorous documentation is essential.

7.5 Sustainability

- Integration of metrics into superintendent performance evaluations, reinforced policy compliance in school accountability visits, yearly training refreshers, and updated definitions on public dashboards as statutes or case law change over time. To ensure further consistency, a peer district knowledge sharing initiative will be created to guarantee a means of sustained improvement and a method of communication district-wide.

8. Conclusion

Districts across South Florida should move to align their policies with the August 2025 ruling by restoring all forms of literature that were previously removed under stricken provisions while also applying the new and narrower "harmful to minors" standard to all works on a general basis. In doing so, it closes the gap that exists within compliance, protects the First Amendment rights of students involved, and would also restore credibility and trust in the institutions involved for students and teachers alike.

The path is one that is of both practical and simple nature. It accomplishes this via using existing and proven real world policies, short and cost-effective staff training, a simple public dashboard, and being implemented on a 30-60-90-day rollout that is both smooth with its day to day transitions and clear in what it accomplishes. (1) increased circulation of diverse, identity-affirming titles that are crucial to diverse students; (2) a reduction in the average challenge-resolution time from ~60 to ~30 days based upon extant policy; and (3) quarterly parent trust scores rising by 10-15%. This, supplemented by transparent and time-boxed procedures and nonpartisan review committees would have the implications of reducing confusion, deterring frivolous challenges, and building back lasting public confidence. The implementation of this policy allows South Florida to serve as a role-model for constitutional and equitable approaches for the rest of the state and beyond. This model brings to fruition a well-rounded and effective academic program that is grounded in constitutionality and transparency.

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