

FLORIDA DEPARTMENT OF EDUCATION
PARENTAL REQUEST FOR APPOINTMENT OF A SPECIAL MAGISTRATE
FOR MATERIALS USED IN CLASSROOM OR SCHOOL LIBRARIES

This form must be completed to request that the Commissioner of Education appoint a Special Magistrate to recommend resolution of certain disputes a parent or guardian has with the school district.

Who is a special magistrate? A Special Magistrate is either an administrative law judge assigned by the Division of Administrative Hearings or a member of the Florida Bar in good standing, who has at least 5 years of experience in administrative law and who is appointed by the Commissioner of Education to hear disputes between a parent or guardian and a school district involving materials used in a classroom or in a school library.

Who can request the appointment of a special magistrate? The request can only be made by a parent or guardian of a student who is enrolled in a public school.

When can a request be made? A request can be made only after a parent or guardian has sought to resolve the dispute with the school and school district using all the procedures adopted by the school district for the dispute. The failure to utilize all school district procedures for resolution of the dispute will result in dismissal of the request for appointment of a Special Magistrate.

What types of disputes can be considered by a special magistrate? A Special Magistrate is available for some, but not all, kinds of disputes.

Please note that objections to instructional materials will not normally be heard by a Special Magistrate and are considered through alternative school district procedures. Every school district is required to have policies and procedures related to the adoption of instructional materials. The policies must include a process to allow for and consider public comment prior to the adoption of the materials. Additionally, each district must have a process that provides parents an opportunity to object to the districts adoption of an instructional material. This process must include the appointment of an unbiased and qualified hearing officer to preside over a hearing before the school board. See § 1006.28(2)(a)3., Fla. Stat. (2023). A school board's decision after the hearing is final and not subject to further petition or review. As a result, a parent should consult and follow school district procedures for objections to instructional materials. A request for the appointment of a special magistrate involving instructional materials which were adopted by a district utilizing a process for public review and public comment which satisfies the requirements of s. 1006.283(2)(b)8., 9., and 11., F.S., will be dismissed.

Except for instructional materials noted above, a request for a Special Magistrate can be made for materials available to a student in a school library, included on a school, grade, or class reading list, or used in a classroom.

What types of relief are available through the special magistrate process? The special magistrate process is available to determine whether a district considered a parental objection to materials under procedures that are required under the law. Relief available to a parent under the special magistrate process does not include the removal of material or limiting student access to material.

When will I know whether a special magistrate has been appointed? The time to review the request, as well as information received from the school district varies; therefore, when you will be notified varies. The Department will notify you and the school district as soon as a decision is made.

Name of Parent or Guardian: _____ Email: _____

Mailing Address: _____

Name of Student/Child: _____

Student Identification Number: _____

School District: _____ School Where Student is Enrolled: _____

Title and ISBN of the Material Subject to Objection: _____

Type of Material: Library Material:

Instructional Material:

Other (Please Describe):

DESCRIBE THE OBJECTION SUBMITTED TO THE SCHOOL DISTRICT

1. Briefly describe the nature of the objection submitted to the school district, including the reason for the objection:

2. Briefly describe how you attempted to resolve your objection with the school district:

3. Do you believe that the school district failed to establish procedures to address your objection or failed to follow its own procedures when considering your objection? Yes: No:
If yes, provide a brief explanation:

4. As the parent or guardian, I have attempted to resolve the objection with the school district by utilizing all of the procedures adopted by the district to resolve the dispute or concern. Please attach the school district's determination. Yes: No:

5. Describe the resolution you would like the Special Magistrate and the State Board of Education to provide to resolve the dispute:

ACKNOWLEDGEMENT

I understand that the hearing before the Special Magistrate and the State Board of Education is open to the public and that records relevant to the dispute may be disclosed to the public.

Signature of Parent or Guardian

Date

HOW TO SUBMIT THIS FORM TO THE DEPARTMENT OF EDUCATION:

The completed form along with required documentation must be sent via email to the following address:

SpecialMagistrate@fldoe.org

or by U.S. mail to:

Florida Department of Education
325 West Gaines Street, Suite 224
Tallahassee, FL 32399