



July 25, 2021

Flagler County Public Schools
ATTN: Kristy Gavin
General Counsel
1769 East Moody Blvd.
Bldg. #2
Bunnell, FL 32110

Dear Ms. Gavin,

Please be advised that Pacific Justice Institute (“PJI”) represents Florida Citizens Alliance (“FLCA”), a 501(c)(3) nonprofit dedicated to advancing education reform and parental rights in education. On behalf of FLCA and pursuant to Article I, Section 24 of the Florida Constitution, F.S. §§ 119.01-119.15, and F.S. § 1006.28, I am requesting that you produce the following records:

LOCATIONS OF BOOKS

I request that you produce records which show which (if any) of the following books are in any media center, instructional material, or supplemental material in any of the School District’s schools, as well as records showing which (if any) of these books were in any reading list suggested or mandated by any School District teacher in the last school year. Specifically, I am asking that you compile a list (preferably in Microsoft Excel spreadsheet form) which contains the following information about each of the 58 listed books that the School District has in its possession:

- The name of each public school where the book is located.
- The location where the book is found: Public school media center, public school instructional material, public school supplemental material, or public school reading list.
- The number of book copies, if any, in each public school media center.

The books I am requesting that you search for are:

1. *It’s Perfectly Normal* by Robie H. Harris
2. *Real Live Boyfriends* by E. Lockhart
3. *50 Shades of Grey* by E. L. James
4. *Dreaming in Cuban* by Cristina García
5. *The Bluest Eye* by Toni Morrison
6. *Beloved* by Toni Morrison
7. *Killing Mr. Griffin* by Lois Duncan
8. *Two Boys Kissing* by David Levithan
9. *This Day in June* by Gayle E. Pitman

10. *This One Summer* by Mariko Tamaki
11. *Thirteen Reasons Why* by Jay Asher
12. *The Hate U Give* by Angie Thomas
13. *A Day in the Life of Marlon Bundo* by Jill Twiss
14. *George* by Alex Gino
15. *The Absolutely True Diary of a Part-Time Indian* by Sherman Alexie
16. *Drama* by Raina Telgemeier
17. *The Kite Runner Graphic Novel* by Khaled Hosseini
18. *Sex is a Funny Word* by Cory Silverberg
19. *And Tango Makes Three* by Justin Richardson and Peter Parnell
20. *I Am Jazz* by Jazz Jennings and Jessica Herthel
21. *Tricks* by Ellen Hopkins
22. *Almost Perfect* by Brian Katcher
23. *grl2grl* by Julie Anne Peters
24. *Fly on the Wall: How One Girl Saw Everything* by E. Lockhart
25. *Sloppy Firsts* by Megan McCafferty
26. *Being Jazz: My Life as a (Transgender) Teen* by Jazz Jennings
27. *Home At Last* by Vera B. Williams and Chris Raschka
28. *Beautiful Bastard* by Christina Lauren
29. *The Truth About Alice* by Jennifer Mathieu
30. *The Vincent Boys* by Abbi Glines
31. *Nineteen Minutes* by Jodi Picoult
32. *More Happy Than Not* by Adam Silvera
33. *The Family Fletcher Takes Rock Island* by Dana Alison Levy
34. *Everywhere Babies* by Susan Meyers
35. *The Purim Superhero* by Elisabeth Kushner
36. *A Peacock Among Pigeons* by Tyler Curry
37. *Two Dads* by Carolyn Robertson
38. *Daddy's Roommate* by Michael Willhoite
39. *The Family Book* by Todd Parr
40. *Extremely Loud & Incredibly Close* by Jonathan Safran Foer
41. *Worm Loves Worm* by J. J. Austrian
42. *Mommy, Mama, and Me* by Leslea Newman
43. *Outlander* by Diana Gabaldon
44. *Dead Until Dark* by Charlaine Harris
45. *A Court of Mist and Fury* by Sarah J. Maas
46. *Forever ...* by Judy Blume
47. *Unravel Me* by Tahereh Mafi
48. *Normal People* by Sally Rooney
49. *The God of Small Things* by Arundhati Roy
50. *Fates and Furies* by Lauren Groff
51. *Celebrate Your Body 2: The Ultimate Puberty Book for Preteen and Teen Girls* by Carrie Leff and Lisa Klein
52. *S.E.X., Second Edition: The All-You-Need-to-Know Sexuality Guide to Get You Through Your Teens and Twenties* by Heather Corinna

53. *Wait, What?: A Comic Book Guide to Relationships, Bodies, and Growing Up* by Heather Corinna and Isabella Rotman
54. *This Book is Gay* by Juno Dawson
55. *Trans+: Love, Sex, Romance, and Being You* by Kathryn Gonzales and Karen Rayne
56. *Doing It* by Hannah Witton
57. *Sex Plus: Learning, Loving, and Enjoying Your Body* by Laci Green
58. *The Gender Quest Workbook: A Guide for Teens and Young Adults Exploring Gender Identity* by Rylan Jay Testa, Deborah Coolhart, and Jayme Peta

A list would suffice. However, if a list cannot be compiled, please just send any raw records that the School District has concerning the location of these books, whether or not those raw records are in list format.

The School District must have records about which books are in the media centers, instructional materials, supplemental materials, and reading lists, for it cannot otherwise satisfy all of its statutory obligations under Section 1006.28, Florida Statutes. For example:

“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 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, or otherwise purchased or made available. Each district school board shall maintain on its website a current list of instructional materials, by grade level, purchased by the district.”¹

If your agency does not maintain these public records, please let me know who does and include the proper custodian’s name and address.

Pacific Justice Institute agrees to pay the actual cost of duplication as defined in F.S. §§ 119.011(1) and 119.07(4). However, if you anticipate that in order to satisfy this request, “extensive use” of information technology resources or extensive clerical or supervisory assistance as defined in F.S. § 119.07(4) will be required, please provide a written estimate and justification for each charge. If the total cost of production exceeds \$100, please notify me prior to proceeding.

If you choose to deny this request, you must provide a detailed, written explanation for the denial. The explanation must refer to the specific statutory exemption(s) upon which you rely, and must state with particularity the reason(s) for the conclusion that the record is exempt or confidential.² Additionally, if any exemption you are claiming only applies to a portion of the

¹ F.S. § 1006.28(2)(a)(1); *See also* the School District’s specific obligations concerning “instructional materials,” “other instructional materials,” and “school media library services” under F.S. § 1006.28(2)(b)-(d).

² F.S. § 119.07(1)(e)-(f)

records, you must redact that portion to which the exemption has been asserted and validly applies, and you must provide photocopies of the remainder of the records.³

An unwilling violation of the public records law can result in your being fined up to \$500.⁴ A willful violation of the public records law can result in your being fined up to \$1,000, imprisoned for up to one year, or both.⁵ Your noncompliance with F.S. §§ 119.01-119.15 may also result in a civil action filed against you and/or your agency to enforce the provisions of those sections. Litigation costs and attorney fees may also be awarded.⁶

I request these records be available by 5:00 P.M. EST on August 9, 2021. I will contact your office by or on August 2, 2021, to ensure your agency's progress in responding to this request, and to discuss the payment of any statutorily-prescribed fees. If you have any questions or need more information to expedite this request, please contact me at the contact information below. I prefer emails. Thank you for your assistance.

Alexander Bumbu, Esq.
Staff Attorney
Pacific Justice Institute – Florida Office
1021 Ives Dairy Rd.
Bldg. 3, Ste. 115
Miami, FL 33179
Cell: (954) 682-3168
abumbu@pji.org

³ F.S. § 119.07(1)(d)

⁴ F.S. § 119.10(1)(a)

⁵ F.S. § 119.10(1)(b)

⁶ F.S. § 119.12