



833208

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/27/2017	.	
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	.	
	.	

The Committee on Education (Lee) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Present subsections (1), (2), and (3) of section
1006.28, Florida Statutes, are redesignated as subsections (2),
(3), and (4), respectively, a new subsection (1) is added to
that section, and present subsection (1) and paragraph (a) of
present subsection (2) are amended, to read:

1006.28 Duties of district school board, district school
superintendent; and school principal regarding K-12



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12 instructional materials.-

13 (1) DEFINITIONS.-As used in this section, the term:

14 (a) "Adequate instructional materials" means instructional
15 materials that meet the requirements of this section and have a
16 sufficient number of student or site licenses or sets of
17 materials that are available in bound, unbound, kit, or package
18 form and may consist of hardbacked or softbacked textbooks,
19 electronic content, consumables, learning laboratories,
20 manipulatives, electronic media, and computer courseware or
21 software to serve as the basis for instruction for each student
22 in the core subject areas of mathematics, language arts, social
23 studies, science, reading, and literature.

24 (b) "Instructional materials" has the same meaning as in s.
25 1006.29(2).

26 (c) "Legal resident" or "resident" means a person who has
27 maintained his or her residence in this state for the preceding
28 year, has purchased a home that is occupied by him or her as his
29 or her residence, or has established a domicile in this state
30 pursuant to s. 222.17.

31 (2)~~(1)~~ DISTRICT SCHOOL BOARD.-The district school board has
32 the constitutional duty and responsibility to select and provide
33 adequate instructional materials for all students in accordance
34 with the requirements of this part. ~~The term "adequate~~
35 ~~instructional materials" means a sufficient number of student or~~
36 ~~site licenses or sets of materials that are available in bound,~~
37 ~~unbound, kit, or package form and may consist of hardbacked or~~
38 ~~softbacked textbooks, electronic content, consumables, learning~~
39 ~~laboratories, manipulatives, electronic media, and computer~~
40 ~~courseware or software that serve as the basis for instruction~~



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41 ~~for each student in the core subject areas of mathematics,~~
42 ~~language arts, social studies, science, reading, and literature.~~
43 The district school board also has the following specific duties
44 and responsibilities:

45 (a) *Courses of study; adoption.*—Adopt courses of study,
46 including instructional materials, for use in the schools of the
47 district.

48 1. Each district school board is responsible for the
49 content of all instructional materials used in a classroom,
50 whether adopted and purchased from the state-adopted
51 instructional materials list ~~or~~, adopted and purchased through a
52 district instructional materials program under s. 1006.283, ~~or~~
53 ~~otherwise purchased or made available in the classroom.~~

54 Irrespective of whether or not instructional materials are
55 purchased by a district from the state-adopted instructional
56 materials list or purchased by a district through a district
57 instructional materials program under s. 1006.283, each district
58 school board shall ensure that all instructional materials used
59 in the classroom meet the following criteria:

60 a. Be research based, and be proven to be effective in
61 supporting student learning;

62 b. Provide a noninflammatory, objective, and balanced
63 viewpoint on issues;

64 c. Be appropriate to the students' ages and varying levels
65 of learning;

66 d. Be accurate and factual;

67 e. Be of acceptable technical quality;

68 f. Shall strictly adhere to the requirements of s.
69 1003.42(2); and



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70 g. Not contain pornography or content as is otherwise
71 prohibited by s. 847.012(3).

72
73 Districts may not determine that instructional materials used in
74 the classroom meet the above criteria on the basis that such
75 materials were purchased by a district from the state-adopted
76 instructional materials list or purchased by a district through
77 a district instructional materials program under s. 1006.283.

78 2. Each district school board shall ~~must~~ adopt a policy
79 regarding the right of a parent or a resident of the county to
80 object ~~parent's objection to the~~ his or her child's use of a
81 specific instructional material based on the criteria specified
82 in subparagraph 1., which policy must clearly describe ~~describes~~
83 a process to handle all objections and provide resolutions,
84 which shall be applied and enforced on a districtwide basis,
85 that eliminate the use, in all schools within the district, of
86 instructional materials that do not meet the criteria specified
87 in subparagraph 1. The process must also include a right to
88 timely appeal any district decision to the district school board
89 ~~provides for resolution.~~

90 3. Each district school board shall ~~must~~ establish a
91 process by which the parent of a public school student or a
92 resident of the county may contest the district school board's
93 adoption of a specific instructional material directly to the
94 school board based on the instructional materials requirements
95 under this section and the requirements of a district
96 instructional materials program under s. 1006.283 or the
97 requirements of instructional materials purchased from the list
98 of state-adopted materials, as applicable. The parent or the



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99 resident of the county shall ~~must~~ file a petition, on a form
100 provided by the school board, within 30 calendar days after the
101 adoption of the material by the school board. The school board
102 shall ~~must~~ make the form available to the public and publish the
103 form on the school district's website. The form must be signed
104 by the parent or the resident of the county, include the
105 required contact information, and state the objection to the
106 instructional material. Within 30 days after the 30-day period
107 has expired, the school board shall ~~must~~ conduct at least one
108 open public hearing on all petitions timely received and provide
109 the petitioner written notification of the date and time of the
110 hearing at least 7 days before the hearing. The school board
111 shall make all contested instructional materials ~~contested must~~
112 ~~be made~~ accessible online to the public at least 7 days before a
113 public hearing. ~~The school board's decision after convening a~~
114 ~~hearing is final and not subject to further petition or review.~~

115 (b) *Instructional materials.*—Provide for proper
116 requisitioning, distribution, accounting, storage, care, and use
117 of all instructional materials and furnish such other
118 instructional materials as may be needed. Instructional
119 materials used must be consistent with the district goals and
120 objectives and the course descriptions established in rule of
121 the State Board of Education, ~~as well as~~ with the applicable
122 Next Generation Sunshine State Standards provided for in s.
123 1003.41.

124 (c) *Other instructional materials.*—Provide such other
125 teaching accessories and aids as are needed for the school
126 district's educational program.

127 (d) *School library media services; establishment and*



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128 maintenance.—Establish and maintain a program of school library
129 media services for all public schools in the district, including
130 school library media centers, or school library media centers
131 open to the public, and, in addition such traveling or
132 circulating libraries as may be needed for the proper operation
133 of the district school system. Upon a written request, a school
134 district shall provide access to any instructional material or
135 book specified in the request which is maintained in a district
136 school system library and is available for review.

137 (3)(2) DISTRICT SCHOOL SUPERINTENDENT.—

138 (a) The district school superintendent has the duty to
139 recommend such plans for improving, providing, distributing,
140 accounting for, and caring for instructional materials and other
141 instructional aids as will result in general improvement of the
142 district school system, as prescribed in this part, in
143 accordance with adopted district school board rules prescribing
144 the duties and responsibilities of the district school
145 superintendent regarding the requisition, purchase, receipt,
146 storage, distribution, use, conservation, records, and reports
147 of, and management practices and property accountability
148 concerning, instructional materials, and providing for an
149 evaluation of any instructional materials to be requisitioned
150 that have not been used previously in the district's schools.
151 The district school superintendent shall ~~must~~ keep adequate
152 records and accounts for all financial transactions for funds
153 collected pursuant to subsection (4) ~~(3)~~.

154 Section 2. Subsections (1), (2), and (4) of section
155 1006.283, Florida Statutes, are amended to read:

156 1006.283 District school board instructional materials



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157 review process.-

158 (1) A district school board or consortium of school
159 districts may implement an instructional materials program that
160 includes the review, recommendation, adoption, and purchase of
161 instructional materials pursuant to the requirements of this
162 section. The district school superintendent shall certify to the
163 department by March 31 of each year that all instructional
164 materials for core courses used by the district are aligned with
165 applicable state standards. A list of the core instructional
166 materials that will be used or purchased for use by the school
167 district shall be included in the certification.

168 (2) (a) If a district school board chooses to implement its
169 own instructional materials program, the school board shall
170 adopt rules implementing the district's instructional materials
171 program which must include its processes, criteria, and
172 requirements for the following:

173 1. Selection of reviewers, at least one-third ~~one or more~~
174 of whom must be parents with children in public schools who are
175 not and have not been employees of the district.

176 2. Review of instructional materials.

177 3. Selection of instructional materials, including a
178 thorough review of curriculum content.

179 4. Reviewer recommendations.

180 5. District school board adoption.

181 6. Purchase of instructional materials.

182 7. Use of an instructional materials review committee that
183 is subject to s. 286.011 and that is selected by and reports
184 directly to the district school board.

185 (b) District school board rules shall ~~must~~ also:



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- 186 1. Identify, by subject area, a review cycle for
187 instructional materials.
- 188 2. Specify the qualifications for an instructional
189 materials reviewer and the process for selecting reviewers; list
190 a reviewer's duties and responsibilities, including compliance
191 with the requirements of s. 1006.31; and provide that all
192 instructional materials recommended by a reviewer be accompanied
193 by the reviewer's statement that the materials align with the
194 state standards pursuant to s. 1003.41 ~~and the requirements of~~
195 ~~s. 1006.31.~~
- 196 3. State the requirements for an affidavit to be made by
197 each district instructional materials reviewer which
198 substantially meet the requirements of s. 1006.30.
- 199 4. Comply with s. 1006.32, relating to prohibited acts.
- 200 5. Establish a process that certifies the accuracy of
201 instructional materials.
- 202 6. Incorporate applicable requirements of s. 1006.31, which
203 relates to the duties of instructional materials reviewers.
- 204 7. Incorporate applicable requirements of s. 1006.38,
205 relating to the duties, responsibilities, and requirements of
206 publishers of instructional materials.
- 207 8. Establish the process by which instructional materials
208 are adopted by the district school board, which must include:
- 209 a. A process to allow student editions of recommended
210 instructional materials to be accessed and viewed online by the
211 public at least 20 calendar days before the school board hearing
212 and public meeting as specified in this subparagraph. This
213 process must include reasonable safeguards against the
214 unauthorized use, reproduction, and distribution of



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215 instructional materials considered for adoption.

216 b. An open, noticed school board hearing to receive public
217 comment on the recommended instructional materials.

218 c. An open, noticed public meeting to approve an annual
219 instructional materials plan to identify any instructional
220 materials that will be purchased through the district school
221 board instructional materials review process pursuant to this
222 section. The district school board shall hold this public
223 meeting ~~must be held~~ on a different date than the school board
224 hearing.

225 d. Notice requirements for the school board hearing and the
226 public meeting that must specifically state which instructional
227 materials are being reviewed and the manner in which the
228 instructional materials can be accessed for public review.

229 9. Establish the process by which the district school board
230 shall receive public comment on, and review, the recommended
231 instructional materials.

232 10. Establish the process by which instructional materials
233 are will be purchased, including advertising, bidding, and
234 purchasing requirements.

235 11. Establish the process by which the school district
236 notifies will notify parents and residents of the county of
237 their ability to access ~~their children's~~ instructional materials
238 through the district's local instructional improvement system
239 and by which the school district will encourage parents and
240 residents of the county to access the system. This notification
241 must be displayed prominently on the school district's website
242 and provided annually in written format to all parents of
243 enrolled students.



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244 (4) Instructional materials that have been reviewed by the
245 district instructional materials reviewers and approved shall be
246 ~~must have been~~ determined to align with all applicable state
247 standards pursuant to s. 1003.41 ~~and the requirements in s.~~
248 ~~1006.31~~. The district school superintendent shall annually
249 certify to the department that all instructional materials for
250 core courses used by the district are aligned with all
251 applicable state standards and have been reviewed, selected, and
252 adopted by the district school board in accordance with ~~the~~
253 ~~school board hearing and public meeting requirements of this~~
254 section.

255 Section 3. Subsection (2) of section 1006.31, Florida
256 Statutes, is amended to read:

257 1006.31 Duties of the Department of Education and school
258 district instructional materials reviewer.—The duties of the
259 instructional materials reviewer are:

260 (2) EVALUATION OF INSTRUCTIONAL MATERIALS.—To use the
261 selection criteria listed in s. 1006.34(2)(b) for instructional
262 materials reviewers under a state approval process or to use the
263 selection criteria listed in s. 1006.28(2)(a)1. for
264 instructional materials reviewers under a district approval
265 process under s. 1006.283 and recommend for adoption only those
266 instructional materials that are aligned with the Next
267 Generation Sunshine State Standards provided for in s. 1003.41.
268 Instructional materials recommended by each reviewer shall be,
269 to the satisfaction of each reviewer, accurate, objective,
270 balanced, noninflammatory, ~~current~~, and suited to student needs
271 and their ability to comprehend the material presented.
272 Reviewers shall consider for recommendation materials developed



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273 for academically talented students, such as students enrolled in
274 advanced placement courses. When recommending instructional
275 materials, each reviewer shall:

276 (a) Include only instructional materials that accurately
277 portray the ethnic, socioeconomic, cultural, religious,
278 physical, and racial diversity of our society, including men and
279 women in professional, career, and executive roles, and the role
280 and contributions of the entrepreneur and labor in the total
281 development of this state and the United States.

282 (b) Include only materials that accurately portray,
283 whenever appropriate, humankind's place in ecological systems,
284 including the necessity for the protection of our environment
285 and conservation of our natural resources and the effects on the
286 human system of the use of tobacco, alcohol, controlled
287 substances, and other dangerous substances.

288 (c) Include materials that encourage thrift, fire
289 prevention, and humane treatment of people and animals.

290 (d) Require, when appropriate to the comprehension of
291 students, that materials for social science, history, or civics
292 classes contain the Declaration of Independence and the
293 Constitution of the United States. A reviewer may not recommend
294 any instructional materials that contain any matter reflecting
295 unfairly upon persons because of their race, color, creed,
296 national origin, ancestry, gender, religion, disability,
297 socioeconomic status, or occupation.

298 Section 4. Subsections (3), (5), and (8) of section
299 1006.40, Florida Statutes, are amended to read:

300 1006.40 Use of instructional materials allocation;
301 instructional materials, library books, and reference books;



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302 repair of books.-

303 (3) (a) Except for a school district or a consortium of
304 school districts that implements an instructional materials
305 program pursuant to s. 1006.283 ~~Beginning with the 2015-2016~~
306 ~~fiscal year~~, each district school board shall use ~~at least 50~~
307 ~~percent of~~ the annual allocation for only the purchase of
308 ~~digital or electronic~~ instructional materials that align with
309 state standards and that are included on the state-adopted list,
310 except as otherwise authorized in paragraphs (b) and (c).

311 (b) Up to 50 percent of the annual allocation may be used
312 for:

313 1. The purchase of instructional materials, including
314 library and reference books and nonprint materials; ~~not~~
315 ~~included on the state-adopted list and for the repair and~~
316 ~~renovation of textbooks and library books.~~

317 2. The purchase of materials that are not provided under
318 subparagraph 1. and that have intellectual content that assist
319 in the instruction of a subject or course. These materials may
320 be available in bound, unbound, kit, or package form and may
321 consist of hardbacked or softbacked textbooks, novels,
322 electronic content, consumables, learning laboratories,
323 manipulatives, electronic media, computer courseware or
324 software, and other commonly accepted instructional tools as
325 prescribed by district school board rule; and

326 3. The repair and renovation of textbooks and library books
327 and replacements for items that were part of previously
328 purchased instructional materials.

329 (c) District school boards may use 100 percent of that
330 portion of the annual allocation designated for the purchase of



331 instructional materials for kindergarten, and 75 percent of that
332 portion of the annual allocation designated for the purchase of
333 instructional materials for first grade, to purchase materials
334 not on the state-adopted list.

335 (5) Each district school board is responsible for the
336 content of all instructional materials used in a classroom,
337 whether purchased from the state-adopted instructional materials
338 list or through a district instructional materials program under
339 s. 1006.283 ~~an adoption process or otherwise purchased or made~~
340 ~~available in the classroom~~. Each district school board shall
341 adopt rules, and each district school superintendent shall
342 implement procedures, which that:

343 (a) Maximize student use of the district-approved
344 instructional materials, whether purchased from the state-
345 adopted instructional materials list or purchased through a
346 district instructional materials program under s. 1006.283.

347 (b) If the instructional materials are purchased from the
348 state-adopted instructional materials list, provide a process
349 for public review of, public comment on, and the adoption of
350 instructional materials which that satisfies the requirements of
351 s. 1006.283(2)(b)8., 9., and 11.; or, if purchased through a
352 district instructional materials program, implement a program
353 that fully complies with s. 1006.283.

354 (8) Subsections ~~(3)~~, (4), and (6) do not apply to a
355 district school board or a consortium of school districts which
356 ~~that~~ implements an instructional materials program pursuant to
357 s. 1006.283 except that, ~~by the 2015-2016 fiscal year~~, each
358 district school board shall use at least 50 percent of the
359 annual instructional materials allocation for the purchase of



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360 ~~digital or electronic~~ instructional materials that are aligned
361 ~~align~~ with state standards adopted by the State Board of
362 Education pursuant to s. 1003.41.

363 Section 5. Paragraphs (b) and (c) of subsection (19) of
364 section 1002.20, Florida Statutes, are amended to read:

365 1002.20 K-12 student and parent rights.—Parents of public
366 school students must receive accurate and timely information
367 regarding their child's academic progress and must be informed
368 of ways they can help their child to succeed in school. K-12
369 students and their parents are afforded numerous statutory
370 rights including, but not limited to, the following:

371 (19) INSTRUCTIONAL MATERIALS.—

372 (b) *Curricular objectives*.—The parent of each public school
373 student has the right to receive effective communication from
374 the school principal as to the manner in which instructional
375 materials are used to implement the school's curricular
376 objectives, in accordance with s. 1006.28(4)(a) ~~the provisions~~
377 ~~of s. 1006.28(3)(a)~~.

378 (c) *Sale of instructional materials*.—Upon request of the
379 parent of a public school student, the school principal shall
380 ~~must~~ sell to the parent any instructional materials used in the
381 school, in accordance with s. 1006.28(4)(c) ~~the provisions of s.~~
382 ~~1006.28(3)(c)~~.

383 Section 6. Section 1006.42, Florida Statutes, is amended to
384 read:

385 1006.42 Responsibility of students and parents for
386 instructional materials.—All instructional materials purchased
387 under ~~the provisions of~~ this part are the property of the
388 district school board. When distributed to the students, these



389 instructional materials are on loan to the students while they
390 are pursuing their courses of study and are to be returned at
391 the direction of the school principal or the teacher in charge.
392 Each parent of a student to whom or for whom instructional
393 materials have been issued, is liable for any loss or
394 destruction of, or unnecessary damage to, the instructional
395 materials or for failure of the student to return the
396 instructional materials when directed by the school principal or
397 the teacher in charge, and shall pay for such loss, destruction,
398 or unnecessary damage as provided under s. 1006.28(4) ~~s.~~
399 ~~1006.28(3)~~.

400 Section 7. This act shall take effect upon becoming a law.

401
402 ===== T I T L E A M E N D M E N T =====

403 And the title is amended as follows:

404 Delete everything before the enacting clause
405 and insert:

406 A bill to be entitled
407 An act relating to instructional materials for K-12
408 public education; amending s. 1006.28, F.S.; revising
409 the term "adequate instructional materials"; defining
410 terms; requiring instructional materials to meet
411 certain standards; requiring each district school
412 board to adopt a process allowing parents or residents
413 of the county to object to the use of specific
414 instructional materials based on specified criteria;
415 requiring the process to include a right to appeal a
416 school district decision; specifying the appeal
417 process; deleting a provision relating to the finality



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418 of the school board's decision under certain
419 circumstances; requiring that district school boards
420 provide parents and residents of the county access to
421 certain materials under certain circumstances;
422 amending s. 1006.283, F.S.; revising the requirements
423 for school boards that adopt rules for the
424 implementation of the district's instructional
425 materials program; conforming provisions to changes
426 made by the act; amending s. 1006.31, F.S.; revising
427 the standards that an instructional materials reviewer
428 shall use; amending s. 1006.40, F.S.; revising
429 requirements for use of the instructional materials
430 allocation; revising the types of instructional
431 materials for which a district school board is
432 responsible; revising applicability; amending ss.
433 1002.20 and 1006.42, F.S.; conforming cross-
434 references; providing an effective date.