

By Senator Lee

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1 A bill to be entitled
2 An act relating to instructional materials for K-12
3 public education; amending s. 1006.28, F.S.; revising
4 the term "adequate instructional materials" and
5 defining the term "instructional materials"; requiring
6 instructional materials to meet certain standards;
7 requiring each district school board to adopt a
8 process allowing parents or other persons who pay ad
9 valorem property or sales tax in Florida to object to
10 the use of specific instructional materials based on
11 specified criteria; requiring the process to include a
12 right to appeal a school district decision; specifying
13 the appeal process; deleting a provision relating to
14 the finality of the school board's decision under
15 certain circumstances; revising the standards for
16 instructional materials to include standards that are
17 equivalent to or better than applicable state
18 standards; requiring that district school boards
19 provide parents and other persons who pay ad valorem
20 property or sales tax in Florida full access to
21 certain services under certain circumstances; amending
22 s. 1006.283, F.S.; revising the requirement that the
23 district school superintendent certify that all
24 instructional materials used by the district for core
25 courses meet certain standards; revising the
26 requirements for school boards that adopt rules for
27 the implementation of the district's instructional
28 materials program; conforming provisions to changes
29 made by the act; amending s. 1006.31, F.S.; revising

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30 the standards that an instructional materials reviewer
31 shall use to include instructional materials standards
32 that are equivalent to or better than applicable state
33 standards; amending s. 1006.40, F.S.; revising the use
34 of a portion of the district school board annual
35 allocation; revising the portion of the district
36 school board annual allocation which may be used for
37 instructional materials; revising the types of
38 instructional materials for which a district school
39 board is responsible; revising applicability; amending
40 ss. 1002.20 and 1006.42, F.S.; conforming cross-
41 references; providing an effective date.

42
43 Be It Enacted by the Legislature of the State of Florida:

44
45 Section 1. Present subsections (1), (2), and (3) of section
46 1006.28, Florida Statutes, are redesignated as subsections (2),
47 (3), and (4), respectively, a new subsection (1) is added to
48 that section, and present subsection (1) and paragraph (a) of
49 present subsection (2) are amended, to read:

50 1006.28 Duties of district school board, district school
51 superintendent; and school principal regarding K-12
52 instructional materials.—

53 (1) DEFINITIONS.—As used in this section, the term:

54 (a) "Adequate instructional materials" means instructional
55 materials that meet the requirements of this section and have a
56 sufficient number of student or site licenses or sets of
57 materials that are available in bound, unbound, kit, or package
58 form and may consist of hardbacked or softbacked textbooks,

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59 electronic content, consumables, learning laboratories,
60 manipulatives, electronic media, and computer courseware or
61 software to serve as the basis for instruction for each student
62 in the core subject areas of mathematics, language arts, social
63 studies, science, reading, and literature.

64 (b) "Instructional materials" means systematically arranged
65 content in text, digital, braille and large print, or audio
66 format which may be used within the state curriculum framework
67 for courses of study by a student in a public school. The term
68 includes textbooks, workbooks and worksheets, handouts, computer
69 software, online or Internet courses, CDs or DVDs, and multiple
70 forms of communication and electronic media. Instructional
71 materials may be used by a student or teacher as principal
72 sources of study to cover any portion of the course.

73 Instructional materials:

- 74 1. Must be designated for student use;
- 75 2. May contain or be accompanied by teaching guides and
76 study helps; and
- 77 3. Must include all textbooks, workbooks, and student
78 materials and supplements necessary for a student to fully
79 participate in coursework.

80 (2)(1) DISTRICT SCHOOL BOARD.—The district school board has
81 the constitutional duty and responsibility to select and provide
82 adequate instructional materials for all students in accordance
83 with the requirements of this part. ~~The term "adequate~~
84 ~~instructional materials" means a sufficient number of student or~~
85 ~~site licenses or sets of materials that are available in bound,~~
86 ~~unbound, kit, or package form and may consist of hardbacked or~~
87 ~~softbacked textbooks, electronic content, consumables, learning~~

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88 ~~laboratories, manipulatives, electronic media, and computer~~
89 ~~courseware or software that serve as the basis for instruction~~
90 ~~for each student in the core subject areas of mathematics,~~
91 ~~language arts, social studies, science, reading, and literature.~~
92 The district school board also has the following specific duties
93 and responsibilities:

94 (a) *Courses of study; adoption.*—Adopt courses of study,
95 including instructional materials, for use in the schools of the
96 district.

97 1. Each district school board is responsible for the
98 content of all instructional materials used in a classroom,
99 whether adopted and purchased, leased, licensed, obtained, or
100 used from the state-adopted instructional materials list ~~or~~
101 adopted and purchased, leased, licensed, obtained, or used
102 through a district instructional materials program under s.
103 ~~1006.283, or otherwise purchased or made available in the~~
104 classroom. Irrespective of whether or not instructional
105 materials are purchased, leased, licensed, obtained or used by a
106 district from the state-adopted instructional materials list or
107 purchased, leased, licensed, obtained, or used by a district
108 through a district instructional materials program under s.
109 1006.283, each district school board shall ensure that all
110 instructional materials used in the classroom meet the following
111 criteria:

112 a. Be research-based, and be proven to be effective in
113 supporting student learning;

114 b. Provide a noninflammatory, objective, and balanced
115 viewpoint on issues;

116 c. Be appropriate to the students' ages and varying levels

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117 of learning;

118 d. Be accurate and factual;

119 e. Be of acceptable technical quality;

120 f. Shall strictly adhere to the requirements of s.

121 1003.42(2); and

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

124

125 Districts may not determine that instructional materials used in
126 the classroom meet the above criteria on the basis that such
127 materials were purchased, leased, licensed, obtained, or used by
128 a district from the state-adopted instructional materials list
129 or purchased, leased, licensed, obtained, or used by a district
130 through a district instructional materials program under s.
131 1006.283.

132 2. Each district school board shall ~~must~~ adopt a policy
133 regarding the right of a parent's or other person who pays ad
134 valorem property or sales taxes in Florida to object ~~parent's~~
135 ~~objection to the his or her child's~~ use of a specific
136 instructional material based on the criteria specified in
137 subparagraph 1., which policy must clearly describe ~~describes~~ a
138 process to handle all objections and provide resolutions, which
139 shall be applied and enforced on a districtwide basis, that
140 eliminate the use, in all schools within the district, of
141 instructional materials that do not meet the criteria specified
142 in subparagraph 1. The process must also include a right to
143 timely appeal any district decision to the district school board
144 ~~provides for resolution.~~

145 3. Each district school board shall ~~must~~ establish a

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146 process by which the parent of a public school student or any
147 other person who pays ad valorem property or sales tax in
148 Florida may contest the district school board's adoption of a
149 specific instructional material directly to the school board
150 based on the instructional materials requirements under this
151 section and the requirements of a district instructional
152 materials program under s. 1006.283 or the requirements of
153 instructional materials purchased, leased, licensed, obtained,
154 or used from the list of state-adopted materials, as applicable.
155 The parent or any other person who pays ad valorem property or
156 sales tax in Florida shall ~~must~~ file a petition, on a form
157 provided by the school board, within 30 calendar days after the
158 adoption of the material by the school board. The school board
159 shall ~~must~~ make the form available to the public and publish the
160 form on the school district's website. The form shall ~~must~~ be
161 signed by the parent or such other person who pays ad valorem
162 property or sales tax in Florida, include the required contact
163 information, and state the objection to the instructional
164 material. Within 30 days after the 30-day period has expired,
165 the school board shall ~~must~~ conduct at least one open public
166 hearing on all petitions timely received and provide the
167 petitioner written notification of the date and time of the
168 hearing at least 7 days before the hearing. The school board
169 shall make all contested instructional materials ~~contested must~~
170 ~~be made~~ accessible online to the public at least 7 days before a
171 public hearing. ~~The school board's decision after convening a~~
172 ~~hearing is final and not subject to further petition or review.~~

173 (b) *Instructional materials.*—Provide for proper
174 requisitioning, distribution, accounting, storage, care, and use

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175 of all instructional materials and furnish such other
176 instructional materials as may be needed. Instructional
177 materials used must be consistent with the district goals and
178 objectives and the course descriptions established in rule of
179 the State Board of Education, ~~as well as~~ with the applicable
180 Next Generation Sunshine State Standards provided for in s.
181 1003.41, with standards that are equivalent to or better than
182 the applicable state standards, or with courses offered in the
183 district pursuant to s. 1003.4282(1).

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

187 (d) *School library media services; establishment and*
188 *maintenance.*—Establish and maintain a program of school library
189 media services for all public schools in the district, including
190 school library media centers, or school library media centers
191 open to the public, and, in addition such traveling or
192 circulating libraries as may be needed for the proper operation
193 of the district school system. Subject to district policies
194 pertaining to campus access and security, parents and any other
195 person who pays ad valorem property or sales tax in Florida
196 shall be given full access to inspect all school library media
197 services and materials.

198 (3)~~(2)~~ DISTRICT SCHOOL SUPERINTENDENT.—

199 (a) The district school superintendent has the duty to
200 recommend such plans for improving, providing, distributing,
201 accounting for, and caring for instructional materials and other
202 instructional aids as will result in general improvement of the
203 district school system, as prescribed in this part, in

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204 accordance with adopted district school board rules prescribing
205 the duties and responsibilities of the district school
206 superintendent regarding the requisition, purchase, lease,
207 license, receipt, storage, distribution, use, conservation,
208 records, and reports of, and management practices and property
209 accountability concerning, instructional materials, and
210 providing for an evaluation of any instructional materials to be
211 requisitioned that have not been used previously in the
212 district's schools. The district school superintendent shall
213 ~~must~~ keep adequate records and accounts for all financial
214 transactions for funds collected pursuant to subsection (4) ~~(3)~~.

215 Section 2. Subsections (1), (2), and (4) of section
216 1006.283, Florida Statutes, are amended to read:

217 1006.283 District school board instructional materials
218 review process.—

219 (1) A district school board or consortium of school
220 districts may implement an instructional materials program that
221 includes the review, recommendation, adoption, use, lease,
222 license, obtaining and purchase, or other use of instructional
223 materials pursuant to the requirements of this section. The
224 district school superintendent shall certify to the department
225 by March 31 of each year that all instructional materials for
226 core courses used by the district are aligned with applicable
227 state standards, aligned with standards that are equivalent to
228 or better than the applicable state standards, or aligned with
229 courses offered in the district pursuant to s. 1003.4282(1). A
230 list of the core instructional materials that will be used,
231 leased, licensed, obtained, or purchased for use by the school
232 district shall be included in the certification.

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233 (2) (a) If a district school board chooses to implement its
234 own instructional materials program, the school board shall
235 adopt rules implementing the district's instructional materials
236 program which must include its processes, criteria, and
237 requirements for the following:

238 1. Selection of reviewers, at least one-third ~~one or more~~
239 of whom must be parents with children in public schools which
240 are not and have not been employees of the district.

241 2. Review of instructional materials.

242 3. Selection of instructional materials, including a
243 thorough review of curriculum content.

244 4. Reviewer recommendations.

245 5. District school board adoption.

246 6. Purchase, lease, license, or other use of instructional
247 materials.

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

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

252 1. Identify, by subject area, a review cycle for
253 instructional materials.

254 2. Specify the qualifications for an instructional
255 materials reviewer and the process for selecting reviewers; list
256 a reviewer's duties and responsibilities, including compliance
257 with the requirements of s. 1006.31; and provide that all
258 instructional materials recommended by a reviewer be accompanied
259 by the reviewer's statement that the materials align with the
260 state standards pursuant to s. 1003.41, align with standards
261 that are equivalent to or better than the applicable state

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262 standards, or otherwise align with courses offered in the
263 district pursuant to s. 1003.4282(1) and the requirements of s.
264 1006.31.

265 3. State the requirements for an affidavit to be made by
266 each district instructional materials reviewer which
267 substantially meet the requirements of s. 1006.30.

268 4. Comply with s. 1006.32, relating to prohibited acts.

269 5. Establish a process that certifies the accuracy of
270 instructional materials.

271 6. Incorporate applicable requirements of s. 1006.31, which
272 relates to the duties of instructional materials reviewers.

273 7. Incorporate applicable requirements of s. 1006.38,
274 relating to the duties, responsibilities, and requirements of
275 publishers of instructional materials.

276 8. Establish the process by which instructional materials
277 are adopted by the district school board, which must include:

278 a. A process to allow student and teacher editions of
279 recommended instructional materials to be accessed and viewed
280 online by the public at least 20 calendar days before the school
281 board hearing and public meeting as specified in this
282 subparagraph. This process must include reasonable safeguards
283 against the unauthorized use, reproduction, and distribution of
284 instructional materials considered for adoption.

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

287 c. An open, noticed public meeting to approve an annual
288 instructional materials plan to identify any instructional
289 materials that will be purchased, leased, licensed, obtained or
290 used through the district school board instructional materials

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291 review process pursuant to this section. The district school
292 board shall hold this public meeting ~~must be held~~ on a different
293 date than the school board hearing.

294 d. Notice requirements for the school board hearing and the
295 public meeting that shall ~~must~~ specifically state which
296 instructional materials are being reviewed and the manner in
297 which the instructional materials can be accessed for public
298 review.

299 9. Establish the process by which the district school board
300 shall receive public comment on, and review, the recommended
301 instructional materials.

302 10. Establish the process by which instructional materials
303 are ~~will be~~ purchased, leased, licensed, obtained, or used
304 including advertising, bidding, and purchasing requirements.

305 11. Establish the process by which the school district
306 notifies ~~will notify~~ parents and any other person who pays ad
307 valorem property or sales tax in Florida of their ability to
308 access ~~their children's~~ instructional materials through the
309 district's local instructional improvement system and by which
310 the school district will encourage parents and any other person
311 who pays ad valorem property or sales tax in Florida to access
312 the system. This notification shall ~~must~~ be displayed
313 prominently on the school district's website and provided
314 annually in written format to all parents of enrolled students.

315 (4) Instructional materials that have been reviewed by the
316 district instructional materials reviewers and approved shall be
317 ~~must have been~~ determined to align with all applicable state
318 standards pursuant to s. 1003.41, align with standards that are
319 equivalent to or better than the applicable state standards, or

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320 otherwise align with courses offered in the district pursuant to
321 s. 1003.4282(1) and the requirements in s. 1006.31. The district
322 school superintendent shall annually certify to the department
323 that all instructional materials for core courses used by the
324 district are aligned with all applicable state standards, are
325 aligned with standards that are equivalent to or better than the
326 applicable state standards, or are aligned with courses offered
327 in the district pursuant to s. 1003.4282(1) and have been
328 reviewed, selected, and adopted by the district school board in
329 accordance with ~~the school board hearing and public meeting~~
330 ~~requirements~~ of this section.

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

333 1006.31 Duties of the Department of Education and school
334 district instructional materials reviewer.—The duties of the
335 instructional materials reviewer are:

336 (2) EVALUATION OF INSTRUCTIONAL MATERIALS.—To use the
337 selection criteria listed in s. 1006.34(2)(b) for instructional
338 materials reviewers under a state approval process or to use the
339 selection criteria listed in s. 1006.28(2)(a)1. for
340 instructional materials reviewers under a district approval
341 process under s. 1006.283 and recommend for adoption only those
342 instructional materials that are aligned with the Next
343 Generation Sunshine State Standards provided for in s. 1003.41,
344 that are aligned with standards that are equivalent to or better
345 than applicable state standards, or that are aligned with
346 courses offered in the district pursuant to s. 1003.4282(1).
347 Instructional materials recommended by each reviewer shall be,
348 to the satisfaction of each reviewer, accurate, objective,

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349 balanced, noninflammatory, ~~current~~, and suited to student needs
350 and their ability to comprehend the material presented.
351 Reviewers shall consider for recommendation materials developed
352 for academically talented students, such as students enrolled in
353 advanced placement courses. When recommending instructional
354 materials, each reviewer shall:

355 (a) Include only instructional materials that accurately
356 portray the ethnic, socioeconomic, cultural, religious,
357 physical, and racial diversity of our society, including men and
358 women in professional, career, and executive roles, and the role
359 and contributions of the entrepreneur and labor in the total
360 development of this state and the United States.

361 (b) Include only materials that accurately portray,
362 whenever appropriate, humankind's place in ecological systems,
363 including the necessity for the protection of our environment
364 and conservation of our natural resources and the effects on the
365 human system of the use of tobacco, alcohol, controlled
366 substances, and other dangerous substances.

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

369 (d) Require, when appropriate to the comprehension of
370 students, that materials for social science, history, or civics
371 classes contain the Declaration of Independence and the
372 Constitution of the United States. A reviewer may not recommend
373 any instructional materials that contain any matter reflecting
374 unfairly upon persons because of their race, color, creed,
375 national origin, ancestry, gender, religion, disability,
376 socioeconomic status, or occupation.

377 Section 4. Subsections (3), (5), and (8) of section

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378 1006.40, Florida Statutes, are amended to read:

379 1006.40 Use of instructional materials allocation;
380 instructional materials, library books, and reference books;
381 repair of books.-

382 (3) (a) Beginning with the 2017-2018 ~~2015-2016~~ fiscal year
383 and except as otherwise authorized in paragraphs (b) and (c),
384 each district school board shall use at least 50 percent of the
385 annual allocation for the purchase, lease, license, obtaining,
386 or use of digital or electronic instructional materials that
387 meet the requirements of s. 1006.31, and that are consistent
388 with district goals and objectives and the course descriptions
389 adopted in rule by the State Board of Education, align with
390 state standards provided in s. 1003.41, align with standards
391 that are equivalent to or better than applicable state
392 standards, or align with courses offered in the district
393 pursuant to s. 1003.4282(1) included on the state-adopted list,
394 ~~except as otherwise authorized in paragraphs (b) and (c).~~

395 (b) All ~~Up to 50 percent~~ of the annual allocation may be
396 used for the purchase, lease, license, obtaining, or use of
397 instructional materials, including library and reference books
398 and nonprint materials, not included on the state-adopted list
399 and for the repair and renovation of textbooks and library books
400 if a district school board implements an instructional materials
401 program pursuant to s. 1006.283.

402 (c) If a district school board does not implement an
403 instructional materials program pursuant to s. 1006.283, it
404 ~~boards~~ may use 100 percent of that portion of the annual
405 allocation designated for the purchase, lease, license,
406 obtaining, or use of instructional materials for kindergarten,

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407 and 75 percent of that portion of the annual allocation
408 designated for the purchase, lease, license, obtaining, or use
409 of instructional materials for first grade, to purchase, lease,
410 license, obtain, or use materials not on the state-adopted list.

411 (5) Each district school board is responsible for the
412 content of all instructional materials used in a classroom,
413 whether purchased, leased, licensed, obtained, or used from the
414 state-adopted instructional materials list or through a district
415 instructional materials program under s. 1006.283 ~~an adoption~~
416 ~~process or otherwise purchased or made available in the~~
417 ~~classroom~~. Each district school board shall adopt rules, and
418 each district school superintendent shall implement procedures,
419 which that:

420 (a) Maximize student use of the district-approved
421 instructional materials, whether purchased, leased, licensed,
422 obtained, or used from the state-adopted instructional materials
423 list or purchased, leased, licensed, obtained, or used through a
424 district instructional materials program under s. 1006.283.

425 (b) If purchased, leased, licensed, obtained, or used from
426 the state-adopted instructional materials list, provide a
427 process for public review of, public comment on, and the
428 adoption of instructional materials which that satisfies the
429 requirements of s. 1006.283(2)(b)8., 9., and 11.; or, if
430 purchased, leased, licensed, obtained, or used through a
431 district instructional materials program, implement a program
432 that fully complies with s. 1006.283.

433 (8) Subsections ~~(3)~~, (4), and (6) do not apply to a
434 district school board or a consortium of school districts which
435 ~~that~~ implements an instructional materials program pursuant to

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436 s. 1006.283 except that, ~~by the 2015-2016 fiscal year,~~ each
437 district school board shall use at least 50 percent of the
438 annual instructional materials allocation for the purchase,
439 lease, license, obtaining, or use of ~~digital or electronic~~
440 instructional materials that are aligned ~~align~~ with state
441 standards adopted by the State Board of Education pursuant to s.
442 1003.41, aligned with standards that are equivalent to or better
443 than applicable state standards, or aligned with courses offered
444 in the district pursuant to s. 1003.4282(1).

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

447 1002.20 K-12 student and parent rights.—Parents of public
448 school students must receive accurate and timely information
449 regarding their child's academic progress and shall ~~must~~ be
450 informed of ways they can help their child to succeed in school.
451 K-12 students and their parents are afforded numerous statutory
452 rights including, but not limited to, the following:

453 (19) INSTRUCTIONAL MATERIALS.—

454 (b) *Curricular objectives.*—The parent of each public school
455 student has the right to receive effective communication from
456 the school principal as to the manner in which instructional
457 materials are used to implement the school's curricular
458 objectives, in accordance with s. 1006.28(4)(a) ~~the provisions~~
459 ~~of s. 1006.28(3)(a).~~

460 (c) *Sale of instructional materials.*—Upon request of the
461 parent of a public school student, the school principal shall
462 ~~must~~ sell to the parent any instructional materials used in the
463 school, in accordance with s. 1006.28(4)(c) ~~the provisions of s.~~
464 ~~1006.28(3)(c).~~

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465 Section 6. Section 1006.42, Florida Statutes, is amended to
466 read:

467 1006.42 Responsibility of students and parents for
468 instructional materials.—All instructional materials purchased,
469 leased, licensed, obtained, or used under ~~the provisions of this~~
470 part are the property of the district school board. When
471 distributed to the students, these instructional materials are
472 on loan to the students while they are pursuing their courses of
473 study and are to be returned at the direction of the school
474 principal or the teacher in charge. Each parent of a student to
475 whom or for whom instructional materials have been issued, is
476 liable for any loss or destruction of, or unnecessary damage to,
477 the instructional materials or for failure of the student to
478 return the instructional materials when directed by the school
479 principal or the teacher in charge, and shall pay for such loss,
480 destruction, or unnecessary damage as provided under s.
481 1006.28(4) ~~s. 1006.28(3)~~.

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