

By the Committee on Education; and Senators Lee, Mayfield, Steube, Hutson, Artiles, and Bean

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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"; defining
5 terms; requiring each district school board to adopt a
6 process allowing parents or residents of the county to
7 object to the use of specific instructional materials
8 based on specified criteria; requiring the process to
9 include a right to appeal a school district decision;
10 specifying the appeal process; deleting a provision
11 relating to the finality of the school board's
12 decision under certain circumstances; requiring that
13 district school boards provide parents and residents
14 of the county access to certain materials under
15 certain circumstances; amending s. 1006.283, F.S.;
16 revising the requirements for school boards that adopt
17 rules for the implementation of the district's
18 instructional materials program; conforming provisions
19 to changes made by the act; amending s. 1006.31, F.S.;
20 revising the standards that an instructional materials
21 reviewer shall use; amending s. 1006.40, F.S.;
22 revising requirements for use of the instructional
23 materials allocation; revising the types of
24 instructional materials for which a district school
25 board is responsible; revising applicability; amending
26 ss. 1002.20 and 1006.42, F.S.; conforming cross-
27 references; providing an effective date.

28
29 Be It Enacted by the Legislature of the State of Florida:

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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 instructional materials.—

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

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

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

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

(2)~~(1)~~ DISTRICT SCHOOL BOARD.—The district school board has the constitutional duty and responsibility to select and provide

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59 adequate instructional materials for all students in accordance
60 with the requirements of this part. ~~The term "adequate~~
61 ~~instructional materials" means a sufficient number of student or~~
62 ~~site licenses or sets of materials that are available in bound,~~
63 ~~unbound, kit, or package form and may consist of hardbacked or~~
64 ~~softbacked textbooks, electronic content, consumables, learning~~
65 ~~laboratories, manipulatives, electronic media, and computer~~
66 ~~courseware or software that serve as the basis for instruction~~
67 ~~for each student in the core subject areas of mathematics,~~
68 ~~language arts, social studies, science, reading, and literature.~~
69 The district school board also has the following specific duties
70 and responsibilities:

71 (a) *Courses of study; adoption.*—Adopt courses of study,
72 including instructional materials, for use in the schools of the
73 district.

74 1. Each district school board is responsible for the
75 content of all instructional materials used in a classroom,
76 whether adopted and purchased from the state-adopted
77 instructional materials list or, adopted and purchased through a
78 district instructional materials program under s. 1006.283, ~~or~~
79 ~~otherwise purchased or made available in the classroom.~~

80 2. Each district school board shall ~~must~~ adopt a policy
81 regarding an objection by a parent or a resident of the county ~~a~~
82 ~~parent's objection to the~~ his or her child's use of a specific
83 instructional material, which clearly describes a process to
84 handle all objections and provides for resolution. The process
85 must provide the parent or resident the opportunity to offer
86 evidence to the district school board that:

87 a. An instructional material does not meet the criteria of

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88 s. 1006.31(2) if it was selected for use in a course or
89 otherwise made available to students in the school district but
90 was not subject to the public notice, review, comment, and
91 hearing procedures under s. 1006.283(2)(b)8., 9., and 11.

92 b. Any material used in a classroom, made available in a
93 school library, or included on a reading list contains content
94 that is pornographic or prohibited under s. 847.012, is not
95 suited to student needs and their ability to comprehend the
96 material presented, or is inappropriate for the grade level and
97 age group for which the material is used.

98
99 If the district school board finds that an instructional
100 material does not meet the criteria under sub-subparagraph a. or
101 that any other material contains prohibited content under sub-
102 subparagraph b., the school district shall discontinue use of
103 the material for any grade level or age group for which such use
104 is inappropriate or unsuitable. The process must also include a
105 right to timely appeal any district decision to the district
106 school board.

107 3. Each district school board shall ~~must~~ establish a
108 process by which the parent of a public school student or a
109 resident of the county may contest the district school board's
110 adoption of a specific instructional material. The parent or
111 resident must file a petition, on a form provided by the school
112 board, within 30 calendar days after the adoption of the
113 material by the school board. The school board must make the
114 form available to the public and publish the form on the school
115 district's website. The form must be signed by the parent or
116 resident, include the required contact information, and state

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117 the objection to the instructional material, based on the
118 criteria of s. 1006.31(2). Within 30 days after the 30-day
119 period has expired, the school board must, for all petitions
120 timely received, conduct at least one open public hearing on all
121 petitions timely received, providing at a minimum the procedural
122 safeguards of ss. 120.569 and 120.57 making appropriate
123 provision for appointment of unbiased and qualified hearing
124 officers. A hearing officer may not be an employee, agent, or
125 contractor of the school district and ~~provide the petitioner~~
126 ~~written notification of the date and time of the hearing at~~
127 ~~least 7 days before the hearing. all instructional materials~~
128 ~~contested must be made accessible online to the public at least~~
129 ~~7 days before a public hearing.~~

130
131 The school board's decision after convening a hearing is final
132 and not subject to further petition or review.

133 (b) *Instructional materials.*—Provide for proper
134 requisitioning, distribution, accounting, storage, care, and use
135 of all instructional materials and furnish such other
136 instructional materials as may be needed. Instructional
137 materials used must be consistent with the district goals and
138 objectives and the course descriptions established in rule of
139 the State Board of Education, ~~as well as~~ with the applicable
140 Next Generation Sunshine State Standards provided for in s.
141 1003.41.

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

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

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146 maintenance.—Establish and maintain a program of school library
147 media services for all public schools in the district, including
148 school library media centers, or school library media centers
149 open to the public, and, in addition such traveling or
150 circulating libraries as may be needed for the proper operation
151 of the district school system. Within 30 days after receiving a
152 written request, a school district shall provide access to any
153 instructional material or book specified in the request which is
154 maintained in a district school system library and is available
155 for review.

156 (3) ~~(2)~~ DISTRICT SCHOOL SUPERINTENDENT.—

157 (a) The district school superintendent has the duty to
158 recommend such plans for improving, providing, distributing,
159 accounting for, and caring for instructional materials and other
160 instructional aids as will result in general improvement of the
161 district school system, as prescribed in this part, in
162 accordance with adopted district school board rules prescribing
163 the duties and responsibilities of the district school
164 superintendent regarding the requisition, purchase, receipt,
165 storage, distribution, use, conservation, records, and reports
166 of, and management practices and property accountability
167 concerning, instructional materials, and providing for an
168 evaluation of any instructional materials to be requisitioned
169 that have not been used previously in the district's schools.
170 The district school superintendent shall ~~must~~ keep adequate
171 records and accounts for all financial transactions for funds
172 collected pursuant to subsection (4) ~~(3)~~.

173 Section 2. Subsections (1), (2), and (4) of section
174 1006.283, Florida Statutes, are amended to read:

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175 1006.283 District school board instructional materials
176 review process.—

177 (1) A district school board or consortium of school
178 districts may implement an instructional materials program that
179 includes the review, recommendation, adoption, and purchase of
180 instructional materials pursuant to the requirements of this
181 section. The district school superintendent shall certify to the
182 department by March 31 of each year that all instructional
183 materials for core courses used by the district are aligned with
184 applicable state standards. A list of the core instructional
185 materials that will be used or purchased for use by the school
186 district shall be included in the certification.

187 (2) (a) If a district school board chooses to implement its
188 own instructional materials program, the school board shall
189 adopt rules implementing the district's instructional materials
190 program which must include its processes, criteria, and
191 requirements for the following:

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

195 2. Review of instructional materials.

196 3. Selection of instructional materials, including a
197 thorough review of curriculum content.

198 4. Reviewer recommendations.

199 5. District school board adoption.

200 6. Purchase of instructional materials.

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

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- 204 (b) District school board rules shall ~~must~~ also:
- 205 1. Identify, by subject area, a review cycle for
- 206 instructional materials.
- 207 2. Specify the qualifications for an instructional
- 208 materials reviewer and the process for selecting reviewers; list
- 209 a reviewer's duties and responsibilities, including compliance
- 210 with the requirements of s. 1006.31; and provide that all
- 211 instructional materials recommended by a reviewer be accompanied
- 212 by the reviewer's statement that the materials align with the
- 213 state standards pursuant to s. 1003.41 ~~and the requirements of~~
- 214 ~~s. 1006.31~~.
- 215 3. State the requirements for an affidavit to be made by
- 216 each district instructional materials reviewer which
- 217 substantially meet the requirements of s. 1006.30.
- 218 4. Comply with s. 1006.32, relating to prohibited acts.
- 219 5. Establish a process that certifies the accuracy of
- 220 instructional materials.
- 221 6. Incorporate applicable requirements of s. 1006.31, which
- 222 relates to the duties of instructional materials reviewers.
- 223 7. Incorporate applicable requirements of s. 1006.38,
- 224 relating to the duties, responsibilities, and requirements of
- 225 publishers of instructional materials.
- 226 8. Establish the process by which instructional materials
- 227 are adopted by the district school board, which must include:
- 228 a. A process to allow student editions of recommended
- 229 instructional materials to be accessed and viewed online by the
- 230 public at least 20 calendar days before the school board hearing
- 231 and public meeting as specified in this subparagraph. This
- 232 process must include reasonable safeguards against the

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233 unauthorized use, reproduction, and distribution of
234 instructional materials considered for adoption.

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

237 c. An open, noticed public meeting to approve an annual
238 instructional materials plan to identify any instructional
239 materials that will be purchased through the district school
240 board instructional materials review process pursuant to this
241 section. The district school board shall hold this public
242 meeting ~~must be held~~ on a different date than the school board
243 hearing.

244 d. Notice requirements for the school board hearing and the
245 public meeting that must specifically state which instructional
246 materials are being reviewed and the manner in which the
247 instructional materials can be accessed for public review.

248 9. Establish the process by which the district school board
249 shall receive public comment on, and review, the recommended
250 instructional materials.

251 10. Establish the process by which instructional materials
252 are ~~will be~~ purchased, including advertising, bidding, and
253 purchasing requirements.

254 11. Establish the process by which the school district
255 notifies ~~will notify~~ parents and residents of the county of
256 their ability to access ~~their children's~~ instructional materials
257 through the district's local instructional improvement system
258 and by which the school district will encourage parents and
259 residents of the county to access the system. This notification
260 must be displayed prominently on the school district's website
261 and provided annually in written format to all parents of

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262 enrolled students.

263 (4) Instructional materials that have been reviewed by the
264 district instructional materials reviewers and approved shall be
265 ~~must have been~~ determined to align with all applicable state
266 standards pursuant to s. 1003.41 ~~and the requirements in s.~~
267 ~~1006.31~~. The district school superintendent shall annually
268 certify to the department that all instructional materials for
269 core courses used by the district are aligned with all
270 applicable state standards and have been reviewed, selected, and
271 adopted by the district school board in accordance with ~~the~~
272 ~~school board hearing and public meeting requirements of this~~
273 section.

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

276 1006.31 Duties of the Department of Education and school
277 district instructional materials reviewer.—The duties of the
278 instructional materials reviewer are:

279 (2) EVALUATION OF INSTRUCTIONAL MATERIALS.—To use the
280 selection criteria listed in s. 1006.34(2)(b) for instructional
281 materials reviewers under a state approval process or for
282 instructional materials reviewers under a district approval
283 process under s. 1006.283 and recommend for adoption only those
284 instructional materials that are aligned with the Next
285 Generation Sunshine State Standards provided for in s. 1003.41.
286 Instructional materials recommended by each reviewer shall be,
287 to the satisfaction of each reviewer, accurate, objective,
288 balanced, noninflammatory, ~~current~~, and suited to student needs
289 and their ability to comprehend the material presented.
290 Reviewers shall consider for recommendation materials developed

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291 for academically talented students, such as students enrolled in
292 advanced placement courses. When recommending instructional
293 materials, each reviewer shall:

294 (a) Include only instructional materials that accurately
295 portray the ethnic, socioeconomic, cultural, religious,
296 physical, and racial diversity of our society, including men and
297 women in professional, career, and executive roles, and the role
298 and contributions of the entrepreneur and labor in the total
299 development of this state and the United States.

300 (b) Include only materials that accurately portray,
301 whenever appropriate, humankind's place in ecological systems,
302 including the necessity for the protection of our environment
303 and conservation of our natural resources and the effects on the
304 human system of the use of tobacco, alcohol, controlled
305 substances, and other dangerous substances.

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

308 (d) Require, when appropriate to the comprehension of
309 students, that materials for social science, history, or civics
310 classes contain the Declaration of Independence and the
311 Constitution of the United States. A reviewer may not recommend
312 any instructional materials that contain any matter reflecting
313 unfairly upon persons because of their race, color, creed,
314 national origin, ancestry, gender, religion, disability,
315 socioeconomic status, or occupation.

316 Section 4. Subsections (3), (5), and (8) of section
317 1006.40, Florida Statutes, are amended to read:

318 1006.40 Use of instructional materials allocation;
319 instructional materials, library books, and reference books;

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320 repair of books.-

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

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

331 1. The purchase of instructional materials, including
332 library and reference books and nonprint materials; ~~not~~
333 ~~included on the state-adopted list and for the repair and~~
334 ~~renovation of textbooks and library books.~~

335 2. The purchase of materials that are not provided under
336 subparagraph 1. and that have intellectual content that assist
337 in the instruction of a subject or course. These materials may
338 be available in bound, unbound, kit, or package form and may
339 consist of hardbacked or softbacked textbooks, novels,
340 electronic content, consumables, learning laboratories,
341 manipulatives, electronic media, computer courseware or
342 software, and other commonly accepted instructional tools as
343 prescribed by district school board rule; and

344 3. The repair and renovation of textbooks and library books
345 and replacements for items that were part of previously
346 purchased instructional materials.

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

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349 instructional materials for kindergarten, and 75 percent of that
350 portion of the annual allocation designated for the purchase of
351 instructional materials for first grade, to purchase materials
352 not on the state-adopted list.

353 (5) Each district school board is responsible for the
354 content of all instructional materials used in a classroom,
355 whether purchased from the state-adopted instructional materials
356 list or through a district instructional materials program under
357 s. 1006.283 ~~an adoption process or otherwise purchased or made~~
358 ~~available in the classroom~~. Each district school board shall
359 adopt rules, and each district school superintendent shall
360 implement procedures, which ~~that~~:

361 (a) Maximize student use of the district-approved
362 instructional materials, whether purchased from the state-
363 adopted instructional materials list or purchased through a
364 district instructional materials program under s. 1006.283.

365 (b) If the instructional materials are purchased from the
366 state-adopted instructional materials list, provide a process
367 for public review of, public comment on, and the adoption of
368 instructional materials which ~~that~~ satisfies the requirements of
369 s. 1006.283(2)(b)8., 9., and 11.; or, if purchased through a
370 district instructional materials program, implement a program
371 that fully complies with s. 1006.283.

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

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

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

383 1002.20 K-12 student and parent rights.—Parents of public
384 school students must receive accurate and timely information
385 regarding their child's academic progress and must be informed
386 of ways they can help their child to succeed in school. K-12
387 students and their parents are afforded numerous statutory
388 rights including, but not limited to, the following:

389 (19) INSTRUCTIONAL MATERIALS.—

390 (b) *Curricular objectives*.—The parent of each public school
391 student has the right to receive effective communication from
392 the school principal as to the manner in which instructional
393 materials are used to implement the school's curricular
394 objectives, in accordance with s. 1006.28(4)(a) ~~the provisions~~
395 ~~of s. 1006.28(3)(a)~~.

396 (c) *Sale of instructional materials*.—Upon request of the
397 parent of a public school student, the school principal shall
398 ~~must~~ sell to the parent any instructional materials used in the
399 school, in accordance with s. 1006.28(4)(c) ~~the provisions of s.~~
400 ~~1006.28(3)(c)~~.

401 Section 6. Section 1006.42, Florida Statutes, is amended to
402 read:

403 1006.42 Responsibility of students and parents for
404 instructional materials.—All instructional materials purchased
405 under ~~the provisions of~~ this part are the property of the
406 district school board. When distributed to the students, these

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407 instructional materials are on loan to the students while they
408 are pursuing their courses of study and are to be returned at
409 the direction of the school principal or the teacher in charge.
410 Each parent of a student to whom or for whom instructional
411 materials have been issued, is liable for any loss or
412 destruction of, or unnecessary damage to, the instructional
413 materials or for failure of the student to return the
414 instructional materials when directed by the school principal or
415 the teacher in charge, and shall pay for such loss, destruction,
416 or unnecessary damage as provided under s. 1006.28(4) ~~s.~~
417 ~~1006.28(3)~~.

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