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

A bill to be entitled
An act relating to instructional materials for K-12 public education; amending s. 1006.28, F.S.; revising the term “adequate instructional materials”; defining terms; requiring each district school board to adopt a process allowing parents or residents of the county to object to the use of specific instructional materials based on specified criteria; requiring the process to include a right to appeal a school district decision; specifying the appeal process; deleting a provision relating to the finality of the school board’s decision under certain circumstances; requiring that district school boards provide parents and residents of the county access to certain materials under certain circumstances; amending s. 1006.283, F.S.; revising the requirements for school boards that adopt rules for the implementation of the district’s instructional materials program; conforming provisions to changes made by the act; amending s. 1006.31, F.S.; revising the standards that an instructional materials reviewer shall use; amending s. 1006.40, F.S.; revising requirements for use of the instructional materials allocation; revising the types of instructional materials for which a district school board is responsible; revising applicability; amending ss. 1002.20 and 1006.42, F.S.; conforming cross-references; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:
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) DISTRICT SCHOOL BOARD.—The district school board has the constitutional duty and responsibility to select and provide
adequate instructional materials for all students in accordance with the requirements of this part. The term “adequate instructional materials” means 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 that serve as the basis for instruction for each student in the core subject areas of mathematics, language arts, social studies, science, reading, and literature. The district school board also has the following specific duties and responsibilities:

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

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

2. Each district school board shall adopt a policy regarding an objection by a parent or a resident of the county to the child’s use of a specific instructional material, which clearly describes a process to handle all objections and provides for resolution. The process must provide the parent or resident the opportunity to offer evidence to the district school board that:

   a. An instructional material does not meet the criteria of
s. 1006.31(2) if it was selected for use in a course or otherwise made available to students in the school district but was not subject to the public notice, review, comment, and hearing procedures under s. 1006.283(2)(b)8., 9., and 11.

3. Each district school board shall establish a process by which the parent of a public school student or a resident of the county may contest the district school board's adoption of a specific instructional material. The parent or resident must file a petition, on a form provided by the school board, within 30 calendar days after the adoption of the material by the school board. The school board must make the form available to the public and publish the form on the school district's website. The form must be signed by the parent or resident, include the required contact information, and state
the objection to the instructional material, based on the criteria of s. 1006.31(2). Within 30 days after the 30-day period has expired, the school board must, for all petitions timely received, conduct at least one open public hearing on all petitions timely received, providing at a minimum the procedural safeguards of ss. 120.569 and 120.57 making appropriate provision for appointment of unbiased and qualified hearing officers. A hearing officer may not be an employee, agent, or contractor of the school district and provide the petitioner written notification of the date and time of the hearing at least 7 days before the hearing. All instructional materials contested must be made accessible online to the public at least 7 days before a public hearing.

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

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

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

(d) School library media services; establishment and
maintenance.—Establish and maintain a program of school library media services for all public schools in the district, including school library media centers, or school library media centers open to the public, and, in addition such traveling or circulating libraries as may be needed for the proper operation of the district school system. Within 30 days after receiving a written request, a school district shall provide access to any instructional material or book specified in the request which is maintained in a district school system library and is available for review.

(3)(2) DISTRICT SCHOOL SUPERINTENDENT.—

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

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

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1006.283 District school board instructional materials review process.—

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

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

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

2. Review of instructional materials.

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

4. Reviewer recommendations.

5. District school board adoption.


7. Use of an instructional materials review committee that is subject to s. 286.011 and that is selected by and reports directly to the district school board.
(b) District school board rules shall also:

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

2. Specify the qualifications for an instructional materials reviewer and the process for selecting reviewers; list a reviewer’s duties and responsibilities, including compliance with the requirements of s. 1006.31; and provide that all instructional materials recommended by a reviewer be accompanied by the reviewer’s statement that the materials align with the state standards pursuant to s. 1003.41 and the requirements of s. 1006.31.

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

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

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

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

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

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

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

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

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

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

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

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

11. Establish the process by which the school district notifies parents and residents of the county of their ability to access their children’s instructional materials through the district’s local instructional improvement system and by which the school district will encourage parents and residents of the county to access the system. This notification must be displayed prominently on the school district’s website and provided annually in written format to all parents of
enrolled students.

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

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

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

(2) EVALUATION OF INSTRUCTIONAL MATERIALS.—To use the selection criteria listed in s. 1006.34(2)(b) for instructional materials reviewers under a state approval process or for instructional materials reviewers under a district approval process under s. 1006.283 and recommend for adoption only those instructional materials that are aligned with the Next Generation Sunshine State Standards provided for in s. 1003.41. Instructional materials recommended by each reviewer shall be, to the satisfaction of each reviewer, accurate, objective, balanced, noninflammatory, current, and suited to student needs and their ability to comprehend the material presented. Reviewers shall consider for recommendation materials developed
for academically talented students, such as students enrolled in
advanced placement courses. When recommending instructional
materials, each reviewer shall:

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

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

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

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

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

1006.40 Use of instructional materials allocation;
instructional materials, library books, and reference books;
repair of books.–

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

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

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

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

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

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

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

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

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

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

(8) Subsections (3), (4), and (6) do not apply to a district school board or a consortium of school districts which implements an instructional materials program pursuant to s. 1006.283 except that, by the 2015-2016 fiscal year, each district school board shall use at least 50 percent of the annual instructional materials allocation for the purchase of
digital or electronic instructional materials that are aligned with state standards adopted by the State Board of Education pursuant to s. 1003.41.

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

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

(19) INSTRUCTIONAL MATERIALS.—
(b) Curricular objectives.—The parent of each public school student has the right to receive effective communication from the school principal as to the manner in which instructional materials are used to implement the school’s curricular objectives, in accordance with s. 1006.28(4)(a) the provisions of s. 1006.28(3)(a).

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

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

1006.42 Responsibility of students and parents for instructional materials.—All instructional materials purchased under the provisions of this part are the property of the district school board. When distributed to the students, these
instructional materials are on loan to the students while they are pursuing their courses of study and are to be returned at the direction of the school principal or the teacher in charge. Each parent of a student to whom or for whom instructional materials have been issued, is liable for any loss or destruction of, or unnecessary damage to, the instructional materials or for failure of the student to return the instructional materials when directed by the school principal or the teacher in charge, and shall pay for such loss, destruction, or unnecessary damage as provided under s. 1006.28(4) or 1006.28(3).

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