



1                   A bill to be entitled  
2           An act relating to instructional materials; amending  
3           s. 1006.28, F.S.; providing definitions; revising  
4           provisions relating to a district school board's  
5           responsibilities relating to instructional materials;  
6           requiring a school district to maintain certain  
7           information on its website; allowing a resident of a  
8           county to challenge the use or adoption of  
9           instructional materials; revising the requirements  
10          relating to the district school board process for  
11          objecting to or appealing the use or adoption of  
12          instructional materials; requiring a school district  
13          to discontinue use of materials under certain  
14          circumstances; requiring sufficient procedural  
15          protections for a public hearing relating to a  
16          challenge to the adoption of instructional materials;  
17          requiring a school district to provide access to  
18          school library materials upon written request;  
19          conforming a cross-reference; amending s. 1006.283,  
20          F.S.; revising the requirements for an instructional  
21          materials adoption public hearing; amending s.  
22          1006.31, F.S.; revising the requirements for  
23          evaluation of instructional materials to conform to  
24          changes made by the act; amending s. 1006.40, F.S.;  
25          revising provisions relating to the use of the



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26 | instructional materials allocation to conform to  
27 | changes made by the act; amending ss. 1002.20 and  
28 | 1006.42, F.S.; conforming cross-references; providing  
29 | an effective date.

30

31 | Be It Enacted by the Legislature of the State of Florida:

32

33 | Section 1. Paragraphs (b) and (c) of subsection (19) of  
34 | section 1002.20, Florida Statutes, are amended to read:

35 | 1002.20 K-12 student and parent rights.—Parents of public  
36 | school students must receive accurate and timely information  
37 | regarding their child's academic progress and must be informed  
38 | of ways they can help their child to succeed in school. K-12  
39 | students and their parents are afforded numerous statutory  
40 | rights including, but not limited to, the following:

41 | (19) INSTRUCTIONAL MATERIALS.—

42 | (b) Curricular objectives.—The parent of each public  
43 | school student has the right to receive effective communication  
44 | from the school principal as to the manner in which  
45 | instructional materials are used to implement the school's  
46 | curricular objectives, in accordance with the provisions of s.  
47 | 1006.28(4)(a) ~~1006.28(3)(a)~~.

48 | (c) Sale of instructional materials.—Upon request of the  
49 | parent of a public school student, the school principal must  
50 | sell to the parent any instructional materials used in the



51 school, in accordance with the provisions of s. 1006.28(4)(c)  
52 ~~1006.28(3)(c)~~.

53 Section 2. Subsections (1), (2), and (3) of section  
54 1006.28, Florida Statutes, are renumbered as subsections (2),  
55 (3), and (4), respectively, present subsection (1) and paragraph  
56 (a) of subsection (2) are amended, and a new subsection (1) is  
57 added to that section, to read:

58 1006.28 Duties of district school board, district school  
59 superintendent; and school principal regarding K-12  
60 instructional materials.—

61 (1) DEFINITIONS.—

62 (a) As used in this section, the term:

63 1. "Adequate instructional materials" means a sufficient  
64 number of student or site licenses or sets of materials that are  
65 available in bound, unbound, kit, or package form and may  
66 consist of hardbacked or softbacked textbooks, electronic  
67 content, consumables, learning laboratories, manipulatives,  
68 electronic media, and computer courseware or software that serve  
69 as the basis for instruction for each student in the core  
70 subject areas of mathematics, language arts, social studies,  
71 science, reading, and literature.

72 2. "Instructional materials" has the same meaning as in s.  
73 1006.29(2).

74 (b) As used in this section and s. 1006.283, the term  
75 "resident" means a person who has maintained his or her



76 residence in this state for the preceding year, has purchased a  
77 home that is occupied by him or her as his or her residence, or  
78 has established a domicile in this state pursuant to s. 222.17.

79 (c) As used in this section and ss. 1006.283, 1006.32,  
80 1006.35, 1006.37, 1006.38, 1006.40, and 1006.42, the term  
81 "purchase" includes purchase, lease, license, and acquire.

82 (2)~~(1)~~ DISTRICT SCHOOL BOARD.—The district school board  
83 has the constitutional duty and responsibility to select and  
84 provide adequate instructional materials for all students in  
85 accordance with the requirements of this part. ~~The term~~  
86 ~~"adequate instructional materials" means a sufficient number of~~  
87 ~~student or site licenses or sets of materials that are available~~  
88 ~~in bound, unbound, kit, or package form and may consist of~~  
89 ~~hardbacked or softbacked textbooks, electronic content,~~  
90 ~~consumables, learning laboratories, manipulatives, electronic~~  
91 ~~media, and computer courseware or software that serve as the~~  
92 ~~basis for instruction for each student in the core subject areas~~  
93 ~~of mathematics, language arts, social studies, science, reading,~~  
94 ~~and literature.~~ The district school board also has the following  
95 specific duties and responsibilities:

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

99 1. Each district school board is responsible for the  
100 content of all instructional materials and any other materials



101 used in a classroom, made available in a school library, or  
102 included on a reading list, whether adopted and purchased from  
103 the state-adopted instructional materials list, adopted and  
104 purchased through a district instructional materials program  
105 under s. 1006.283, or otherwise purchased or made available ~~in~~  
106 ~~the classroom.~~ Each district school board shall maintain on its  
107 website a current list of instructional materials, by grade  
108 level, purchased by the district.

109 2. Each district school board must adopt a policy  
110 regarding an a parent's objection by a parent or a resident of  
111 the county to the his or her child's use of a specific  
112 instructional material, which clearly describes a process to  
113 handle all objections and provides for resolution. The process  
114 must provide the parent or resident the opportunity to proffer  
115 evidence to the district school board that:

116 a. An instructional material does not meet the criteria of  
117 s. 1006.31(2) or s. 1006.40(3)(d) if it was selected for use in  
118 a course or otherwise made available to students in the school  
119 district but was not subject to the public notice, review,  
120 comment, and hearing procedures under s. 1006.283(2)(b) 8., 9.,  
121 and 11.

122 b. Any material used in a classroom, made available in a  
123 school library, or included on a reading list contains content  
124 that is pornographic or prohibited under s. 847.012, is not  
125 suited to student needs and their ability to comprehend the



126 material presented, or is inappropriate for the grade level and  
127 age group for which the material is used.

128  
129 If the district school board finds that an instructional  
130 material does not meet the criteria under sub-subparagraph a. or  
131 that any other material contains prohibited content under sub-  
132 subparagraph b., the school district shall discontinue use of  
133 the material for any grade level or age group for which such use  
134 is inappropriate or unsuitable.

135       3. Each district school board must establish a process by  
136 which the parent of a public school student or a resident of the  
137 county may contest the district school board's adoption of a  
138 specific instructional material. The parent or resident must  
139 file a petition, on a form provided by the school board, within  
140 30 calendar days after the adoption of the material by the  
141 school board. The school board must make the form available to  
142 the public and publish the form on the school district's  
143 website. The form must be signed by the parent or resident,  
144 include the required contact information, and state the  
145 objection to the instructional material based on the criteria of  
146 s. 1006.31(2) or s. 1006.40(3)(d). Within 30 days after the 30-  
147 day period has expired, the school board must, for all petitions  
148 timely received, conduct at least one open public hearing before  
149 an unbiased and qualified hearing officer. The hearing officer  
150 may not be an employee or agent of the school district. The



151 hearing is not subject to the provisions of chapter 120;  
152 however, the hearing must provide sufficient procedural  
153 protections to allow each petitioner an adequate and fair  
154 opportunity to be heard and present evidence to the hearing  
155 officer ~~on all petitions timely received and provide the~~  
156 ~~petitioner written notification of the date and time of the~~  
157 ~~hearing at least 7 days before the hearing. All instructional~~  
158 ~~materials contested must be made accessible online to the public~~  
159 ~~at least 7 days before a public hearing.~~

160  
161 The school board's decision after convening a hearing is final  
162 and not subject to further petition or review.

163 (b) *Instructional materials.*—Provide for proper  
164 requisitioning, distribution, accounting, storage, care, and use  
165 of all instructional materials and furnish such other  
166 instructional materials as may be needed. Instructional  
167 materials used must be consistent with the district goals and  
168 objectives and the course descriptions established in rule of  
169 the State Board of Education, as well as with the applicable  
170 Next Generation Sunshine State Standards provided for in s.  
171 1003.41.

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

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



176 maintenance.—Establish and maintain a program of school library  
177 media services for all public schools in the district, including  
178 school library media centers, or school library media centers  
179 open to the public, and, in addition such traveling or  
180 circulating libraries as may be needed for the proper operation  
181 of the district school system. Upon written request, a school  
182 district shall provide access to any material or book specified  
183 in the request that is maintained in a district school system  
184 library and is available for review.

185 (3)~~(2)~~ DISTRICT SCHOOL SUPERINTENDENT.—

186 (a) The district school superintendent has the duty to  
187 recommend such plans for improving, providing, distributing,  
188 accounting for, and caring for instructional materials and other  
189 instructional aids as will result in general improvement of the  
190 district school system, as prescribed in this part, in  
191 accordance with adopted district school board rules prescribing  
192 the duties and responsibilities of the district school  
193 superintendent regarding the requisition, purchase, receipt,  
194 storage, distribution, use, conservation, records, and reports  
195 of, and management practices and property accountability  
196 concerning, instructional materials, and providing for an  
197 evaluation of any instructional materials to be requisitioned  
198 that have not been used previously in the district's schools.  
199 The district school superintendent must keep adequate records  
200 and accounts for all financial transactions for funds collected





201 pursuant to subsection (4) ~~(3)~~.

202 Section 3. Paragraph (b) of subsection (2) of section  
203 1006.283, Florida Statutes, is amended to read:

204 1006.283 District school board instructional materials  
205 review process.—

206 (2)

207 (b) District school board rules must also:

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

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

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

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

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

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



226 reviewers.

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

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

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

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

241 c. An open, noticed public meeting to approve an annual  
242 instructional materials plan to identify any instructional  
243 materials that will be purchased through the district school  
244 board instructional materials review process pursuant to this  
245 section. This public meeting must be held on a different date  
246 than the school board hearing.

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



251 review. The hearing must allow the parent of a public school  
252 student or a resident of the county to proffer evidence that a  
253 recommended instructional material does not meet the criteria  
254 provided in s. 1006.31(2), taking into consideration course  
255 expectations based on the district's comprehensive plan for  
256 student progression under s. 1008.25(2) and course descriptions  
257 in the course code directory.

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

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

264 11. Establish the process by which the school district  
265 will notify parents of their ability to access their children's  
266 instructional materials through the district's local  
267 instructional improvement system and by which the school  
268 district will encourage parents to access the system. This  
269 notification must be displayed prominently on the school  
270 district's website and provided annually in written format to  
271 all parents of enrolled students.

272 Section 4. Subsection (2) of section 1006.31, Florida  
273 Statutes, is amended to read:

274 1006.31 Duties of the Department of Education and school  
275 district instructional materials reviewer.—The duties of the



276 | instructional materials reviewer are:

277 |       (2) EVALUATION OF INSTRUCTIONAL MATERIALS.—To use the  
278 | selection criteria listed in s. 1006.34(2)(b) and recommend for  
279 | adoption only those instructional materials aligned with the  
280 | Next Generation Sunshine State Standards provided for in s.  
281 | 1003.41. Instructional materials recommended by each reviewer  
282 | shall be, to the satisfaction of each reviewer, accurate,  
283 | objective, balanced, noninflammatory, current, free of  
284 | pornography and material prohibited under s. 847.012, and suited  
285 | to student needs and their ability to comprehend the material  
286 | presented. Reviewers shall consider for recommendation materials  
287 | developed for academically talented students, such as students  
288 | enrolled in advanced placement courses. When recommending  
289 | instructional materials, each reviewer shall:

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

296 |       (b) Include only materials that accurately portray,  
297 | whenever appropriate, humankind's place in ecological systems,  
298 | including the necessity for the protection of our environment  
299 | and conservation of our natural resources and the effects on the  
300 | human system of the use of tobacco, alcohol, controlled



301 substances, and other dangerous substances.

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

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

312 Section 5. Subsections (3) through (8) of section 1006.40,  
313 Florida Statutes, are amended to read:

314 1006.40 Use of instructional materials allocation;  
315 instructional materials, library books, and reference books;  
316 repair of books.—

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

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



326 for:

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

331 2. The purchase of other materials having intellectual  
332 content which assist in the instruction of a subject or course.  
333 These materials may be available in bound, unbound, kit, or  
334 package form and may consist of hardbacked or softbacked  
335 textbooks, novels, electronic content, consumables, learning  
336 laboratories, manipulatives, electronic media, computer  
337 courseware or software, and other commonly accepted  
338 instructional tools as prescribed by district school board rule.

339 3. The repair and renovation of textbooks and library  
340 books and replacements for items which were part of previously  
341 purchased instructional materials.

342 (c) District school boards may use 100 percent of that  
343 portion of the annual allocation designated for the purchase of  
344 instructional materials for kindergarten, and 75 percent of that  
345 portion of the annual allocation designated for the purchase of  
346 instructional materials for first grade, to purchase materials  
347 not on the state-adopted list.

348 (d) Any materials purchased pursuant to this section must  
349 be:

350 1. Free of pornography and material prohibited under s.



351 847.012.

352 2. Suited to student needs and their ability to comprehend  
353 the material presented.

354 3. Appropriate for the grade level and age group for which  
355 the materials are used or made available.

356 ~~(4) The funds described in subsection (3) which district~~  
357 ~~school boards may use to purchase materials not on the state-~~  
358 ~~adopted list shall be used for the purchase of instructional~~  
359 ~~materials or other items having intellectual content which~~  
360 ~~assist in the instruction of a subject or course. These items~~  
361 ~~may be available in bound, unbound, kit, or package form and may~~  
362 ~~consist of hardbacked or softbacked textbooks, electronic~~  
363 ~~content, replacements for items which were part of previously~~  
364 ~~purchased instructional materials, consumables, learning~~  
365 ~~laboratories, manipulatives, electronic media, computer~~  
366 ~~courseware or software, and other commonly accepted~~  
367 ~~instructional tools as prescribed by district school board rule.~~

368 (4)(5) Each district school board is responsible for the  
369 content of all ~~instructional~~ materials used in a classroom or  
370 otherwise made available to students, whether purchased through  
371 ~~an adoption process or otherwise purchased or made available in~~  
372 ~~the classroom.~~ Each district school board shall adopt rules, and  
373 each district school superintendent shall implement procedures,  
374 that:

375 (a) Maximize student use of the district-approved



376 instructional materials.

377 (b) Provide a process for public review of, public comment  
378 on, and the adoption of instructional materials that satisfies  
379 the requirements of s. 1006.283(2)(b)8., 9., and 11.

380 (5)~~(6)~~ District school boards may issue purchase orders  
381 subsequent to February 1 in an aggregate amount which does not  
382 exceed 20 percent of the current year's allocation, and  
383 subsequent to April 1 in an aggregate amount which does not  
384 exceed 90 percent of the current year's allocation, for the  
385 purpose of expediting the delivery of instructional materials  
386 which are to be paid for from the ensuing year's allocation.  
387 This subsection does not apply to a district school board or a  
388 consortium of school districts that implements an instructional  
389 materials program pursuant to s. 1006.283.

390 (6)~~(7)~~ In any year in which the total instructional  
391 materials allocation for a school district has not been expended  
392 or obligated prior to June 30, the district school board shall  
393 carry forward the unobligated amount and shall add it to the  
394 next year's allocation.

395 (7)~~(8)~~ ~~Subsections (3), (4), and (6) do not apply to A~~  
396 ~~district school board or a consortium of school districts that~~  
397 ~~implements an instructional materials program pursuant to s.~~  
398 ~~1006.283 may use the annual allocation to purchase instructional~~  
399 ~~materials not on the state-adopted list. However, except that,~~  
400 ~~by the 2015-2016 fiscal year, each district school board shall~~





401 ~~use at least 50 percent of the annual instructional materials~~  
402 ~~allocation for the purchase of digital or electronic~~  
403 ~~instructional materials~~ purchased pursuant to this section which  
404 are not included on the state-adopted list must meet the  
405 criteria of s. 1006.31(2), ~~that~~ align with state standards  
406 adopted by the State Board of Education pursuant to s. 1003.41,  
407 and be consistent with course expectations based on the  
408 district's comprehensive plan for student progression and course  
409 descriptions adopted in state board rule.

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

412 1006.42 Responsibility of students and parents for  
413 instructional materials.—All instructional materials purchased  
414 under the provisions of this part are the property of the  
415 district school board. When distributed to the students, these  
416 instructional materials are on loan to the students while they  
417 are pursuing their courses of study and are to be returned at  
418 the direction of the school principal or the teacher in charge.  
419 Each parent of a student to whom or for whom instructional  
420 materials have been issued, is liable for any loss or  
421 destruction of, or unnecessary damage to, the instructional  
422 materials or for failure of the student to return the  
423 instructional materials when directed by the school principal or  
424 the teacher in charge, and shall pay for such loss, destruction,  
425 or unnecessary damage as provided under s. 1006.28(4)



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426 | ~~1006.28(3).~~

427 | Section 7. This act shall take effect July 1, 2017.