

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/HB 855 Instructional Materials
SPONSOR(S): PreK-12 Quality Subcommittee, Hill and others
TIED BILLS: None **IDEN./SIM. BILLS:** SB 1454

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) PreK-12 Quality Subcommittee	11 Y, 2 N, As CS	D'Souza	Guy
2) PreK-12 Appropriations Subcommittee			
3) Education Committee			

SUMMARY ANALYSIS

Each school board must maintain on its website a list of all instructional materials purchased by the district. The bill requires the list to include the title, author, and ISBN number for all instructional materials listed on each school board's website.

In accordance with a school board's duty to select and provide adequate instructional materials for all students under section 1006.28, Florida Statutes, the bill requires school districts to provide supplemental instructional materials and create a policy for the use of such materials in the classroom.

Currently, a parent may exempt their student from reproductive health and disease instruction. The bill requires a school principal to notify parents of students about the content of reproductive health instructional materials at least 10 days in advance of student exposure to such materials.

The bill requires the Florida Commissioner of Education to review school district processes for evaluating instructional materials that are not included on the state-adopted list and submit a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives by December 31, 2020.

The bill provides an effective date of July 1, 2019.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

K-12 Student and Parent Rights

Parents of public school students are required by law to receive accurate and timely information regarding their child's academic progress and must be informed of ways they can help their child succeed in school. K-12 students and their parents are afforded numerous statutory rights¹ including reproductive health and disease education.²

A public school student whose parent makes a written request to the school principal must be exempted from reproductive health and disease instruction, including HIV/AIDS.³

Instructional Materials

Each district school board has the constitutional duty and responsibility to select and provide adequate instructional materials to each student for core courses in mathematics, language arts, science, social studies, reading, and literature for kindergarten through grade 12.⁴ School districts may purchase instructional materials from a list of state-reviewed and adopted instructional materials or establish their own review and adoption program.⁵

"Instructional materials" are items having intellectual content that by design serve as a major tool for assisting in the instruction of a subject or course. These items may be 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.⁶

Each district school board is responsible for the content of all instructional materials and any other materials used in the classroom, made available in a school library, or included on a reading list. This includes instructional materials that have been adopted and purchased from the state-adopted instructional materials list, a district instructional materials program, or otherwise purchased or made available to students.⁷ Each district school board must maintain on its website a current list of instructional materials, purchased by the district, separated by grade level.⁸

¹ Section 1002.20, F.S.

² Section 1002.20(3)(d), F.S.

³ *Id.*

⁴ See s. 1006.40(2) and (4), F.S. "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 courses of mathematics, language arts, social studies, science, reading, and literature." Section 1006.28(1), F.S.

⁵ See ss. 1006.283 and 1006.40, F.S.

⁶ See ss. 1006.28(1) and 1006.29(2), F.S.

⁷ Section 1006.28(2)(a)1., F.S.

⁸ *Id.*

Effect of Proposed Changes

K-12 Student and Parent Rights

The bill requires a school principal to notify parents of students about the content of reproductive health instructional materials at least 10 days in advance of student exposure to such materials.

Instructional Materials

The bill requires that the list of current instructional materials each school board provides on its website to include, at a minimum, the title, author, and ISBN number if available, for all instructional materials.

In accordance with a school board's duty to select and provide adequate instructional materials for all students under section 1006.28, Florida Statutes, the bill requires school districts to provide supplemental instructional materials and create a policy for the use of such materials in the classroom.

The bill requires the Florida Commissioner of Education (Commissioner) to conduct a review of the school district processes for evaluating materials that are not included on the state-adopted list⁹. The Commissioner must provide a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives by December 31, 2020. The report must include:

- statistics regarding how many materials have been removed by school districts as a result of the review process in s. 1006.283, F.S.;
- identification of instructional materials with confirmed, factual errors and any corrective measures taken; and
- recommendations on how the public can review materials not on the state-adopted list, including library materials, books included on summer readings lists, and books available for purchase at book fairs.

B. SECTION DIRECTORY:

Section 1. Amends s. 1002.20, F.S., requiring parental notification under specific circumstances.

Section 2. Amends s. 1006.28, F.S., revising the requirements for a school district policy relating to an objection to the use of a specified instructional material; and providing school district notification requirements.

Section 3. Requiring a report by the Commissioner of Education on district instructional materials review process.

Section 4. Provides an effective date of July 1, 2019.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

⁹ Florida Department of Education, *Instructional Materials*, <http://www.fldoe.org/academics/standards/instructional-materials/> (last visited March 25, 2019).

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

There may be a cost to school districts associated with notifying parents about the content of reproductive health instructional materials. School districts are currently authorized to use their instructional materials allocation to purchase supplemental instructional materials.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

None.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

None.