

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Education

BILL: PCS/SB 1300 (528322)

INTRODUCER: Education Committee

SUBJECT: District School Boards

DATE: January 24, 2022

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Palazesi	Bouck	ED	Pre-meeting
2.			GO	
3.			RC	

I. Summary:

PCS/SB 1300 modifies district school board member salaries to align to the salaries of members of the Florida Legislature. The bill also provides specific requirements for school districts in selecting instructional materials and materials used in school libraries and media centers.

Specifically, the bill requires:

- Certain school district instructional material review committee meetings be noticed and open to the public.
- School district personnel who are involved in reviewing and selecting certain instructional materials and library materials to complete training developed by the Department of Education (DOE) on selecting quality, age-appropriate books, prior to making selections.
- School districts to adopt and post procedures for developing library media center collections.
- Each elementary school to post on its website a list of all materials maintained in the school library or required in a classroom booklist.
- Material in a school library or classroom booklist to be selected by a certified educational media specialist.
- School districts to provide access to all materials for public inspection and to publish in a searchable format a list of all materials available to students on the school website.
- School districts to provide a public review process for the adoption of all materials and to select, approve, adopt, or purchase materials as a separate line item on a board meeting agenda and provide reasonable opportunity for public comment;
- School districts to annually submit to the Commissioner of Education a report identifying materials for which the school district received an objection, and the DOE to publish a list of removed or discontinued materials as a result of an objection.
- School principals to oversee compliance with school library media center materials selection procedures.

The bill is effective July 1, 2022.

II. Present Situation:

District School Board Members’ Salaries

Florida’s Constitution provides that each county constitutes a school district, and must include a school board composed of five or more members chosen by vote. School board duties include operating, controlling, and supervising all public schools in a school district and determining the rate of school district taxes.¹

Florida law provides for the base salary for each member of a district school board. The base salary is dependent upon the population of the county the district school board member serves. Seven population groups² are each assigned a base salary; then a group rate is established in law for each population group. The group rate is additional compensation for each additional person above the minimum population group.³ The below chart establishes the salary calculation to determine school board member’s salaries.⁴

Pop. Group	County Pop. Range		Base Salary	Group Rate
	Minimum	Maximum		
I	-0-	9,999	\$5,000	\$0.08330
II	10,000	49,999	5,833	0.020830
III	50,000	99,999	6,666	0.016680
IV	100,000	199,999	7,500	0.008330
V	200,000	399,999	8,333	0.004165
VI	400,000	999,999	9,166	0.001390
VII	1,000,000		10,000	0.000000

In the 2021-2022 fiscal year, elected school board member salaries ranged between \$26,965 (Liberty County) to \$47,189 (Broward, Hillsborough, Miami-Dade, Orange, and Palm Beach counties).⁵

In 2009, district school board members were authorized to voluntarily reduce their salary.⁶ In 2018, the Legislature aligned district school board member salaries with the beginning teacher salary or the amount calculated by statute, whichever is less.⁷

The district is also authorized to reimburse travel expenses for district school board members from the district school fund. Travel outside the district that exceeds \$500 requires approval by

¹ Art. IX, s. 4(a), Fla. Const.

² Section 145.021, F.S. Population means the population according to the latest annual determination of population of local governments produced by the Executive Office of the Governor.

³ Staff of the Florida Senate, *Legislative Bill Analysis for CS/CS/SB 514* (2016).

⁴ Section 1001.395(1), F.S.

⁵ Office of Economic and Demographic Research, *Salaries of Elected County Constitutional Officers and School District Officials for Fiscal Year 2021-22* (2021), at. 12-13, available at <http://edr.state.fl.us/Content/local-government/reports/finsal21.pdf>. The school board member salaries provided in the *Salaries of Elected County Constitutional Officers and School District Officials for Fiscal Year 2021-22* are based on the statutory calculation in s.1001.395, F.S. and s. 145.19, F.S.

⁶ Section 1, ch. 2009-3, L.O.F.

⁷ Section 5, ch. 2018-5, L.O.F.

the school board to confirm that the travel is for official business, and all travel outside of the state must include an itemized list detailing all anticipated expenses.⁸

Florida Senate and House of Representatives Members' Salaries

Florida law provides that the annual salary for members of the Senate and the House of Representatives are:⁹

- The President of the Senate and Speaker of the House of Representatives, \$25,000 each.
- All other members of the Senate and House of Representatives, \$18,000 each.

However, since July 1, 1986, the annual salaries of members of the Senate and House of Representatives are adjusted by the average percentage increase in the salaries of state career service employees for the fiscal year just concluded.¹⁰ In the 2021-2022 fiscal year, the legislature authorized the salaries for members to be set at the same level that was in effect in July 1, 2010, which is \$29,697 for each member of the Florida Senate and the House of Representatives.¹¹

Instructional Materials and Library Materials in Florida Public Schools

Instructional Materials Adoption

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 12.¹² “Adequate instructional materials” are defined by law as 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 students.¹³

State Instructional Materials Adoption

The Florida Department of Education (DOE) facilitates the statewide instructional materials adoption process through evaluation of materials submitted by publishers and manufacturers.¹⁴ Expert reviewers chosen by the DOE must objectively evaluate materials based on alignment to Florida’s state-adopted standards, accuracy, and appropriateness for age and grade level.¹⁵ Based on reviewer recommendations of materials that are “suitable, usable, and desirable,” the Commissioner of Education (commissioner) then selects and adopts instructional materials for

⁸ Section 1001.39, F.S.

⁹ Section 11.13,(1)(a)1.-2., F.S.

¹⁰ Section 11.13(2), F.S.

¹¹ Section 59, ch. 2021-37, L.O.F.

¹² Section 1006.40(2), F.S.

¹³ Section 1006.28(1), F.S. Digital and instructional materials, including software applications, must be provided by each school board, in consultation with the district school superintendent, to students with disabilities in prekindergarten through grade 12. Section 1003.4203(2), F.S.

¹⁴ Section 1006.34(1), F.S.

¹⁵ Section 1006.31, F.S.

each grade and subject under consideration.¹⁶ The DOE must provide training to instructional materials reviewers on competencies for making valid, culturally sensitive, and objective recommendations regarding the content and rigor of instructional materials prior to the beginning of the review and selection process.¹⁷

After adoption, the DOE must make the final report of instructional materials available at all times for public inspection. The DOE Office of Instructional Materials announces the adoption by publicly posting the list on its website, as well as emailing district instructional materials contacts with the newly approved materials.¹⁸

School District Instructional Materials Adoption

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. The district school superintendent must certify to the DOE by March 31 of each year that all instructional materials for core courses used by the district are aligned with applicable state standards.¹⁹ School districts receive an allocation of state funds each year for instructional materials, library books, and reference books.²⁰ Unless a school district has implemented its own instructional materials review process,²¹ at least 50 percent of the allocation of funds must be used to purchase instructional materials on the state-adopted list.²² The remaining 50 percent of the annual allocation may be used for the purchase of library and reference books, nonprint materials, and the repair and renovation of materials; however, such materials are not subject to the same school-district adoption procedures as instructional materials.²³ Each district school board is required to maintain a list of all purchased instructional materials, by grade level, on its website.²⁴

District school boards or a consortium of school districts who choose to implement an instructional materials program must adopt rules for the instructional materials program. The school district instructional materials review program must include processes criteria, and requirements for the following:²⁵

- Selection of reviewers, one or more of whom must be parents with children in public schools;
- Review of instructional materials;
- Selection of instructional materials, including a thorough review of curriculum content;

¹⁶ Section 1006.34(2)(a), F.S. Generally, the commissioner adopts instructional materials according to a 5-year rotating schedule. The commissioner may approve a shorter schedule if the content area requires more frequent revision. Section 1006.36(1), F.S.

¹⁷ Section 1006.29(5), F.S.

¹⁸ Florida Department of Education, Instructional Materials, *Archive*, <https://www.fldoe.org/academics/standards/instructional-materials/archive/> (last visited Jan. 18, 2022). The DOE website has all adopted instructional materials lists from 2005 to present.

¹⁹ Section 1006.283(1), F.S.

²⁰ Specific Appropriation 7 and 90, section 2, ch. 2021-36, L.O.F.

²¹ Section s. 1006.283, F.S.

²² Section 1006.34, F.S. All adopted materials are posted on the DOE Instructional Materials webpage. Florida Department of Education, *Instructional Materials*, <https://www.fldoe.org/academics/standards/instructional-materials/> (last visited January 20, 2022).

²³ Section 1006.40(3)(b), F.S.

²⁴ Section 1006.28(2)(a)(1), F.S.

²⁵ Section 1006.283(2)(a)1.-6., F.S.

- Reviewer recommendations;
- District school board adoption; and
- Purchase of instructional materials.

The process by which instructional materials are adopted by the district school board must include:²⁶

- 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;
- An open, noticed school board hearing to receive public comment on the recommended instructional materials;
- 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. This public meeting must be held on a different date than the school board hearing; and
- 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. The hearing must allow the parent of a public school student or a resident of the county to proffer evidence that a recommended instructional material.

School districts are also required to establish the processes by which the district school board must receive public comment on the recommended instructional materials and how parents can access their children's instructional materials through the district's local instructional improvement system.²⁷

In September 2021, the Second District Court of Appeal held that when a district school board delegates decision-making authority to an instructional materials review committee, any meeting in which the committee exercises the authority to rank, eliminate, and select materials for final approval by the school board must be noticed and open in accordance with the Sunshine Law.²⁸

Selection Processes of Library Media Materials

In addition to instructional materials, each district school board is responsible for the content of any other materials used in the classroom, made available in a school library, or included on a reading list, whether adopted and purchased from the state-adopted instructional materials list, adopted and purchased through a district instructional materials program, or otherwise purchased or made available.²⁹ The selection of instructional materials, library media, and other reading materials used in the public-school system must include consideration of the age of the students who normally could be expected to have access to the material, the educational purpose to be

²⁶ Section 1006.283(2)(b)8. a-d., F.S.

²⁷ Section 1006.283(2)(b) 9., 11., F.S

²⁸ *Florida Citizens Alliance, Inc. v. School Bd. of Collier Cnty.*, 328 So.3d 22 (Fla. 2d DCA 2021). Florida's Sunshine Law is established in s. 286.011, F.S.

²⁹ Section 1006.28(2)(a)1., F.S.

served by the material, the degree to which the material would be supplemented and explained by classroom programs, and the consideration of the diversity of the students in Florida.³⁰

Best practices for developing a school library collection include research on potential books and basing selections on the goals and objectives of the school and the students' personal interests and learning. Materials should be appropriate for the subject area and age, emotional development, ability level, learning styles, and development of the students for whom the materials are selected.³¹ Resources such as Association for Library Service to Children, Booklist, School Library Journal, Kirkus, and Young Adult Library Services Association are commonly recommended review sources for school librarians.³²

For the 2021-2022 fiscal year, the legislature allocated \$12,733,273 to school districts for the purchase of library media materials.³³ The library media categorical funds are intended for a specific purpose – the purchase of library media resources to be checked out by students and teachers through the school library. Specifically, library media materials include those items normally purchased under Instructional Media Resources.³⁴

Librarians/Media Specialists

Librarians/media specialists are defined as staff members responsible for evaluating, selecting, organizing, and managing media and technology resources, equipment, and related systems. They are also responsible for working with teachers and students to make resources available in instructional programs, media productions, and location and use of information resources.³⁵ Educators in Florida may become certified educational media specialists through the DOE certification process, but Florida schools are not required to employ a certified educational media specialist.

To become a certified educational media specialist in grades prekindergarten through 12, an individual must complete one of the following pathways:³⁶

- A bachelor's degree or higher with an undergraduate or graduate major in educational media or library science; or
- A bachelor's degree or higher with thirty semester hours in educational media or library science to include credit in management of library media programs, collection development, library media resources, reference sources and services, organization of collections, and design and production of educational media.

³⁰ Section 1006.34(2)(b), F.S.

³¹ American Library Association, Selection Criteria, *School Library Selection Criteria*, <https://www.ala.org/tools/challengesupport/selectionpolicytoolkit/criteria> (last visited Jan. 17, 2022).

³² *Id.*

³³ Specific Appropriation 7 and 90, section 2, ch. 2021-36, L.O.F.

³⁴ Florida Department of Education, Memo to School District Superintendents, *Specific Appropriations 7 and 90 – Library Media Allocation, 2021*, available at <https://info.fldoe.org/docushare/dsweb/Get/Document-9189/dps-2021-92.pdf>.

³⁵ Section 1012.01(2)(c), F.S.

³⁶ Rule 6A-4.0251, F.A.C.

Each school district must provide training to school librarians and media specialists regarding the prohibition against distributing harmful materials to minors, and best practices for providing students access to age-appropriate materials and library resources.³⁷

Objection to Materials

Each district school board is required to establish a process by which a parent or resident of the county may contest the district school board's adoption of a specific material.³⁸ Parents must file a petition, on a form provided by the district school board, within 30 calendar days after the adoption of the material. The school board is required to conduct at least one open public hearing before an unbiased and qualified hearing officer that is not an employee or agent of the school district. Following the hearing, the school board's decision is final and not subject to further petition or review.³⁹

Required Instruction

Florida law requires certain topics to be taught in kindergarten through grade 12 public schools annually to ensure coverage of all State Board of Education adopted standards in reading and language arts, mathematics, science, social studies, foreign languages, health and physical education, and the arts.⁴⁰ Instructional personnel must teach these topics efficiently and faithfully, utilizing materials that meet the highest standards for professionalism and historical accuracy.⁴¹

School districts must submit a report to the commissioner annually describing how instruction was provided during the previous school year, including specific courses in which instruction was delivered, a description of materials and resources utilized to deliver instruction, and the professional qualifications of the person delivering instruction for specified topics.⁴²

Required instruction topics are not correlated with the instructional materials adoption process at the DOE; therefore, instructional materials that are purchased by a school district to teach these topics may not go through a public adoption process as with instructional materials for core courses.⁴³ For example, the most recent state instructional materials adoption that included a call for health and physical education materials was in the 2015-2016 adoption; however, no

³⁷ Section 1006.28(2)(d), F.S.

³⁸ Section 1006.28(2)(a)3., F.S.

³⁹ *Id.*

⁴⁰ Section 1003.42(1), F.S.

⁴¹ Section 1003.42(2), F.S. Required instruction includes, for example, the history and content of the Declaration of Independence, the arguments in support of adopting our republican form of government, flag education, the history of the Holocaust, the history of African Americans, and kindness to animals.

⁴² Rule 6A-1.094124, F.A.C. The DOE provides the Required Instruction Portal website for districts to annually submit information on required topics. Florida Department of Education, *Florida Required Instruction Portal*, <https://www.flrequiredinstruction.org/> (last visited Jan. 18, 2022).

⁴³ Instructional materials adoption at the state level focuses on one or more related subject areas per year, on 5-year rotating basis. Florida Department of Education, Instructional Materials, *FLORIDA INSTRUCTIONAL MATERIALS ADOPTION SCHEDULE FOR ADOPTION YEARS 2020-2021 THROUGH 2023-2024 (2020)*, available at <https://www.fldoe.org/core/fileparse.php/5574/urlt/AdoptionCycle.pdf>. The DOE posts the instructional materials adoption cycle for 5 years. K-12 Mathematics is the subject area in the 2021-2022 year.

materials were adopted for health and physical education for kindergarten through grade 8.⁴⁴ The previous year's adoption, in 2014-2015, adopted three instructional materials for health and physical education courses in high school grade levels.⁴⁵

III. Effect of Proposed Changes:

PCS/SB 1300 modifies district school board member salaries, and modifies school district requirements for instructional materials, including instructional materials in school libraries and media centers to provide increased oversight over and public access to all materials used in instruction.

District School Board Member Salaries

The bill aligns school board member salaries with the salaries of members of the Florida Senate and Florida House of Representatives. The specified salaries in the bill may reduce the salary of school board members in 49 school districts, ranging from a salary reduction of \$186 (Wakulla) to \$17,492 (Broward, Hillsborough, Miami-Dade, Orange, and Palm Beach counties). The bill may increase the salary of 18 school districts, ranging from a salary increase of \$366 (Bradford) to \$2,732 (Liberty).⁴⁶

Public Participation in the Instructional Materials Review Process

The bill requires that district school boards that hold meetings of committees convened for the purpose of ranking, eliminating, or selecting instructional materials for recommendation to the district school board must be noticed and open to the public, and include parents of district students and other members of the community. Additionally, the bill requires school districts to publish on their website, in a searchable format prescribed by the Department of Education (DOE), a list of all instructional materials, include those used for specified required instruction. District school boards must also:

- Provide access to all materials, except teacher editions, for public inspection and allow the public to copy, scan, duplicate, or photograph portions of original materials within the limits

⁴⁴ Florida Department of Education, *Instructional Materials, 2015-2016 Florida Department of Education 6-12 Career and Technical Education, K-8 Physical and Health Education, K-12 Visual and Performing Arts, and K-12 World Languages: Chinese, German, Italian and Latin Adopted Instructional Materials* (July 12, 2016), available at <https://www.fldoe.org/core/fileparse.php/5574/urlt/2015-2016AdoptedIMUpdate.pdf>.

⁴⁵ Florida Department of Education, *Instructional Materials, 2014-2015 Florida Department of Education Adopted Instructional Materials* (Jan. 28, 2016), available at <https://www.fldoe.org/core/fileparse.php/5574/urlt/1415AIMDec2015.pdf>. Instructional materials used to teach reproductive health or any disease, including HIV/AIDS, its symptoms, development, and treatment, must be annually approved by a district school board in an open, noticed public meeting. Section 1003.42(1)(b), F.S.

⁴⁶ Senate staff analysis of Office of Economic and Demographic Research, *Salaries of Elected County Constitutional Officers and School District Officials for Fiscal Year 2021-22* (2021), at 12-13, available at <http://edr.state.fl.us/Content/local-government/reports/finsal21.pdf>. The school board member salaries provided in the *Salaries of Elected County Constitutional Officers and School District Officials for Fiscal Year 2021-22* are based on the statutory calculation in s.1001.395, F.S. and s. 145.19, F.S.

of “fair use” under Section 107 of the Copyright Act⁴⁷. Access must be provided at least 30 days prior to any official action on such materials;

- Select, approve, adopt or purchase materials as a separate line item on the agenda and must provide a reasonable opportunity for public comment;
- Submit to the Commissioner of Education, beginning June 30, 2022, an annual report that identifies:
 - Each material for which the school district received an objection for the school year and the specific objections;
 - Each material that was removed or discontinued as a result of an objection; and
 - The grade level and course for which a removed or discontinued material was used, as applicable.

The bill requires the DOE to publish and update a list of materials that were removed or discontinued by district school boards as a result of an objection and disseminate the list to school districts for consideration in their instructional materials selection.

Materials in School District Libraries and Media Centers

The bill requires school librarians, media specialists, and other personnel involved in the selection of school district library materials to complete the training program developed by the DOE, which must also include training on materials for required instruction and materials in school library media centers and class reading lists.

The bill also requires that each book made available to students through a school district library media center or required as part of a booklist used in a classroom must be selected by a school district employee who holds a valid educational media specialist certificate. All public elementary schools will be required to publish on its website a list of all materials maintained in the school library or required as part of a booklist used in a classroom.

District school boards are required in the bill to adopt and post on the website procedures for developing library media center collections. At a minimum, the procedures must:

- Require book selections to selections be free of pornography and prohibited materials harmful to minors, suited to student needs, and appropriate for the grade level and age group;
- Require consultation of reputable, professionally recognized sources and school community stakeholders for each selection;
- Provide for library media center collections based on reader interest, support of state academic standards and aligned curriculum, and the academic needs of students and faculty; and
- Provide for the regular removal or discontinuance of books based on, at a minimum, physical condition, rate of recent circulation, alignment to state academic standards and relevancy to curriculum, out-of-date content, and materials that were removed because of an objection by a parent or resident of the county.

⁴⁷ Section 107 of the Copyright Act provides the statutory framework for determining whether something is a fair use and identifies certain types of uses—such as criticism, comment, news reporting, teaching, scholarship, and research—as examples of activities that may qualify as fair use.

The bill provides that school principals are responsible for overseeing compliance with school library media center materials selection procedures.

The bill is effective July 1, 2022.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The fiscal impact to the state is indeterminate.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 145.19, 1001.395, 1006.28, 1006.29, and 1006.40.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.
