

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" and  
5           defining the term "instructional materials"; requiring  
6           instructional materials to meet certain standards;  
7           requiring each district school board to adopt a  
8           process allowing a taxpayer to object to the use of  
9           specific instructional materials based on specified  
10          criteria; requiring the process to include a  
11          taxpayer's right to appeal a school district decision  
12          and a district school board decision; specifying the  
13          appeal process; providing for damages, injunctive  
14          relief, and attorney fees and costs; authorizing a  
15          parent or taxpayer to further appeal a decision of the  
16          district school board to the circuit court and to seek  
17          damages or injunctive relief; deleting a provision  
18          relating to the finality of the school board's  
19          decision under certain circumstances; revising the  
20          standards for instructional materials to include  
21          standards that are equivalent to or better than  
22          applicable state standards; requiring parents and  
23          taxpayers to have full access to certain services;  
24          amending s. 1006.283, F.S.; revising the requirement  
25          that the district school superintendent certify that  
26          all instructional materials used by the district for

27 core courses meet certain standards; revising the  
28 requirements for school boards that adopt rules for  
29 the implementation of the district's instructional  
30 materials program; conforming provisions to changes  
31 made by the act; amending s. 1006.31, F.S.; revising  
32 the standards that an instructional materials reviewer  
33 shall use to include instructional materials standards  
34 that are equivalent to or better than applicable state  
35 standards; amending s. 1006.40, F.S.; revising the use  
36 of a portion of the district school board annual  
37 allocation; revising the portion of the district  
38 school board annual allocation which may be used for  
39 instructional materials; revising the types of  
40 instructional materials for which a district school  
41 board is responsible; revising applicability; amending  
42 ss. 1002.20 and 1006.42, F.S.; conforming cross-  
43 references; providing an effective date.

44  
45 Be It Enacted by the Legislature of the State of Florida:

46  
47 Section 1. Present subsections (1), (2), and (3) of  
48 section 1006.28, Florida Statutes, are redesignated as  
49 subsection (2), (3), and (4), respectively, a new subsection (1)  
50 is added to that section, and present subsection (1) and  
51 paragraph (a) of present subsection (2) are amended, to read:

52 1006.28 Duties of district school board, district school

53 superintendent; and school principal regarding K-12  
54 instructional materials.—

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

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

66 (b) "Instructional materials" means systematically  
67 arranged content in text, digital, braille and large print, or  
68 audio format which may be used within the state curriculum  
69 framework for courses of study by a student in a public school.  
70 The term includes textbooks, workbooks and worksheets, handouts,  
71 computer software, online or Internet courses, CDs or DVDs, and  
72 multiple forms of communication and electronic media.

73 Instructional materials may be used by a student or teacher as  
74 principal sources of study to cover any portion of the course.

75 Instructional materials:

76 1. Must be designated for student use;

77 2. May contain or be accompanied by teaching guides and  
78 study helps; and

79           3. Must include all textbooks, workbooks, and student  
 80 materials and supplements necessary for a student to fully  
 81 participate in coursework.

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 used in a classroom,  
 101 whether adopted and purchased from the state-adopted  
 102 instructional materials list or, ~~adopted and purchased through a~~  
 103 ~~district instructional materials program under s. 1006.283, or~~  
 104 ~~otherwise purchased or made available in the classroom.~~ Each

105 district school board shall ensure that all instructional  
106 materials used in the classroom meet the following criteria:  
107 a. Be of high quality, research-based, and proven to be  
108 effective in supporting student learning;  
109 b. Provide a noninflammatory, objective, and balanced  
110 viewpoint on issues;  
111 c. Be appropriate to the students' ages and varying levels  
112 of learning;  
113 d. Be accurate and factual; and  
114 e. Be of acceptable technical quality.

115 2. Each district school board shall ~~must~~ adopt a policy  
116 regarding a parent's or taxpayer's objection to the ~~his or her~~  
117 ~~child's~~ use of a specific instructional material based on the  
118 criteria specified in subparagraph 1.7 which clearly describes a  
119 process to handle all objections and provides for resolutions  
120 that shall be applied and enforced on a districtwide basis to  
121 eliminate the use of objectionable instructional materials in  
122 all schools within the district. The process must also include a  
123 right to timely appeal any district decision to the district  
124 school board and to seek damages, injunctive relief, and  
125 attorney fees and costs arising from or related to an appeal of  
126 a district school board decision, as provided under subparagraph  
127 3 resolution.

128 3. Each district school board shall ~~must~~ establish a  
129 process by which the parent of a public school student or the  
130 taxpayer may contest the district school board's adoption of a

131 specific instructional material directly to the school board  
132 based on the instructional materials requirements under this  
133 section and the requirements of a district instructional  
134 materials program under s. 1006.283 or the requirements of  
135 instructional materials purchased from the list of state-adopted  
136 materials, as applicable. The parent or taxpayer shall ~~must~~ file  
137 a petition, on a form provided by the school board, within 30  
138 calendar days after the adoption of the material by the school  
139 board. The school board shall ~~must~~ make the form available to  
140 the public and publish the form on the school district's  
141 website. The form shall ~~must~~ be signed by the parent or  
142 taxpayer, include the required contact information, and state  
143 the objection to the instructional material. Within 30 days  
144 after the 30-day period has expired, the school board shall ~~must~~  
145 conduct at least one open public hearing on all petitions timely  
146 received and provide the petitioner written notification of the  
147 date and time of the hearing at least 7 days before the hearing.  
148 The school board shall make all contested instructional  
149 materials ~~contested must be made~~ accessible online to the public  
150 at least 7 days before a public hearing. A parent or taxpayer  
151 may further appeal the decision of the district school board to  
152 the circuit court and seek damages or injunctive relief, or  
153 both. The circuit court has original and exclusive jurisdiction  
154 of all proceedings against a district school board by a parent  
155 or taxpayer brought under this section. In any circuit court  
156 proceeding brought under this section, the prevailing party is

157 entitled to reasonable attorney fees and costs ~~The school~~  
158 ~~board's decision after convening a hearing is final and not~~  
159 ~~subject to further petition or review.~~

160 (b) Instructional materials.—Provide for proper  
161 requisitioning, distribution, accounting, storage, care, and use  
162 of all instructional materials and furnish such other  
163 instructional materials as may be needed. Instructional  
164 materials used must be consistent with the district goals and  
165 objectives and the course descriptions established in rule of  
166 the State Board of Education, ~~as well as~~ with the applicable  
167 Next Generation Sunshine State Standards provided for in s.  
168 1003.41, with standards that are equivalent to or better than  
169 the applicable state standards, or with courses offered in the  
170 district pursuant to s. 1003.4282(1).

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

174 (d) School library media services; establishment and  
175 maintenance.—Establish and maintain a program of school library  
176 media services for all public schools in the district, including  
177 school library media centers, or school library media centers  
178 open to the public, and, in addition such traveling or  
179 circulating libraries as may be needed for the proper operation  
180 of the district school system. Parents and taxpayers shall have  
181 full access to all school library media services.

182 (3)(2) DISTRICT SCHOOL SUPERINTENDENT.—

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

199 Section 2. Subsections (1), (2), and (4) of section  
 200 1006.283, Florida Statutes, are amended to read:

201 1006.283 District school board instructional materials  
 202 review process.—

203 (1) A district school board or consortium of school  
 204 districts may implement an instructional materials program that  
 205 includes the review, recommendation, adoption, and purchase of  
 206 instructional materials pursuant to the requirements of this  
 207 section. The district school superintendent shall certify to the  
 208 department by March 31 of each year that all instructional



209 materials for core courses used by the district are aligned with  
 210 applicable state standards, aligned with standards that are  
 211 equivalent to or better than the applicable state standards, or  
 212 aligned with courses offered in the district pursuant to s.  
 213 1003.4282(1). A list of the core instructional materials that  
 214 will be used or purchased for use by the school district shall  
 215 be included in the certification.

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

221 1. Selection of reviewers, at least one-third of whom  
 222 shall ~~one or more of whom must~~ be parents with children in  
 223 public schools.

224 2. Review of instructional materials.

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

227 4. Reviewer recommendations.

228 5. District school board adoption.

229 6. Purchase of instructional materials.

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

233 (b) District school board rules shall ~~must~~ also:

234 1. Identify, by subject area, a review cycle for

235 instructional materials.

236       2. Specify the qualifications for an instructional  
237 materials reviewer and the process for selecting reviewers; list  
238 a reviewer's duties and responsibilities, including compliance  
239 with the requirements of s. 1006.31; and provide that all  
240 instructional materials recommended by a reviewer be accompanied  
241 by the reviewer's statement that the materials align with the  
242 state standards pursuant to s. 1003.41, align with standards  
243 that are equivalent to or better than the applicable state  
244 standards, or otherwise align with courses offered in the  
245 district pursuant to s. 1003.4282(1) and the requirements of s.  
246 ~~1006.31.~~

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

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

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

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

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

259       8. Establish the process by which instructional materials  
260 are adopted by the district school board, which shall ~~must~~

261 include:

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

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

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

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

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

286 10. Establish the process by which instructional materials

287 will be purchased, including advertising, bidding, and  
288 purchasing requirements.

289 11. Establish the process by which the school district  
290 will notify parents and taxpayers of their ability to access  
291 ~~their children's~~ instructional materials through the district's  
292 local instructional improvement system and by which the school  
293 district will encourage parents and taxpayers to access the  
294 system. This notification shall ~~must~~ be displayed prominently on  
295 the school district's website and provided annually in written  
296 format to all parents of enrolled students.

297 (4) Instructional materials that have been reviewed by the  
298 district instructional materials reviewers and approved shall be  
299 ~~must have been~~ determined to align with all applicable state  
300 standards pursuant to s. 1003.41, align with standards that are  
301 equivalent to or better than the applicable state standards, or  
302 otherwise align with courses offered in the district pursuant to  
303 s. 1003.4282(1) and the requirements in s. 1006.31. The district  
304 school superintendent shall annually certify to the department  
305 that all instructional materials for core courses used by the  
306 district are aligned with all applicable state standards, are  
307 aligned with standards that are equivalent to or better than the  
308 applicable state standards, or are aligned with courses offered  
309 in the district pursuant to s. 1003.4282(1) and have been  
310 reviewed, selected, and adopted by the district school board in  
311 accordance with ~~the school board hearing and public meeting~~  
312 ~~requirements of~~ this section.

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

315 1006.31 Duties of the Department of Education and school  
316 district instructional materials reviewer.—The duties of the  
317 instructional materials reviewer are:

318 (2) EVALUATION OF INSTRUCTIONAL MATERIALS.—To use the  
319 selection criteria listed in s. 1006.34(2)(b) for instructional  
320 materials reviewers under a state approval process or to use the  
321 selection criteria listed in s. 1006.28(2)(a)1. for  
322 instructional materials reviewers under a district approval  
323 process under s. 1006.283 and recommend for adoption only those  
324 instructional materials that are aligned with the Next  
325 Generation Sunshine State Standards provided for in s. 1003.41,  
326 that are aligned with standards that are equivalent to or better  
327 than applicable state standards, or that are aligned with  
328 courses offered in the district pursuant to s. 1003.4282(1).

329 Instructional materials recommended by each reviewer shall be,  
330 to the satisfaction of each reviewer, accurate, objective,  
331 balanced, noninflammatory, ~~current~~, and suited to student needs  
332 and their ability to comprehend the material presented.

333 Reviewers shall consider for recommendation materials developed  
334 for academically talented students, such as students enrolled in  
335 advanced placement courses. When recommending instructional  
336 materials, each reviewer shall:

337 (a) Include only instructional materials that accurately  
338 portray the ethnic, socioeconomic, cultural, religious,

339 physical, and racial diversity of our society, including men and  
340 women in professional, career, and executive roles, and the role  
341 and contributions of the entrepreneur and labor in the total  
342 development of this state and the United States.

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

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

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

359 Section 4. Subsections (3), (5), and (8) of section  
360 1006.40, Florida Statutes, are amended to read:

361 1006.40 Use of instructional materials allocation;  
362 instructional materials, library books, and reference books;  
363 repair of books.—

364 (3) (a) Beginning with the 2016-2017 ~~2015-2016~~ fiscal year

365 and except as otherwise authorized in paragraphs (b) and (c),  
366 each district school board shall use at least 50 percent of the  
367 annual allocation for the purchase of ~~digital or electronic~~  
368 instructional materials that meet the requirements of s.  
369 1006.31, and that are consistent with district goals and  
370 objectives and the course descriptions adopted in rule by the  
371 State Board of Education, align with state standards provided in  
372 s. 1003.41, align with standards that are equivalent to or  
373 better than applicable state standards, or align with courses  
374 offered in the district pursuant to s. 1003.4282(1) ~~included on~~  
375 ~~the state-adopted list, except as otherwise authorized in~~  
376 ~~paragraphs (b) and (c).~~

377 (b) All Up to 50 percent of the annual allocation may be  
378 used for the purchase of instructional materials, including  
379 library and reference books and nonprint materials, not included  
380 on the state-adopted list and for the repair and renovation of  
381 textbooks and library books if a district school board  
382 implements an instructional materials program pursuant to s.  
383 1006.283.

384 (c) If a district school board does not implement an  
385 instructional materials program pursuant to s. 1006.283, it  
386 ~~boards~~ may use 100 percent of that portion of the annual  
387 allocation designated for the purchase of instructional  
388 materials for kindergarten, and 75 percent of that portion of  
389 the annual allocation designated for the purchase of  
390 instructional materials for first grade, to purchase materials

391 not on the state-adopted list.

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

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

404 (b) If purchased from the state-adopted instructional  
405 materials list, provide a process for public review of, public  
406 comment on, and the adoption of instructional materials which  
407 ~~that~~ satisfies the requirements of s. 1006.283(2)(b)8., 9., and  
408 11; or, if purchased through a district instructional materials  
409 program, implement a program that fully complies with s.  
410 1006.283.

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



417 ~~digital or electronic~~ instructional materials that are aligned  
418 ~~align~~ with state standards adopted by the State Board of  
419 Education pursuant to s. 1003.41, aligned with standards that  
420 are equivalent to or better than applicable state standards, or  
421 aligned with courses offered in the district pursuant to s.  
422 1003.4282(1).

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

425 1002.20 K-12 student and parent rights.—Parents of public  
426 school students must receive accurate and timely information  
427 regarding their child's academic progress and must be informed  
428 of ways they can help their child to succeed in school. K-12  
429 students and their parents are afforded numerous statutory  
430 rights including, but not limited to, the following:

431 (19) INSTRUCTIONAL MATERIALS.—

432 (b) Curricular objectives.—The parent of each public  
433 school student has the right to receive effective communication  
434 from the school principal as to the manner in which  
435 instructional materials are used to implement the school's  
436 curricular objectives, in accordance with s. 1006.28(4)(a) ~~the~~  
437 ~~provisions of s. 1006.28(3)(a).~~

438 (c) Sale of instructional materials.—Upon request of the  
439 parent of a public school student, the school principal shall  
440 ~~must~~ sell to the parent any instructional materials used in the  
441 school, in accordance with s. 1006.28(4)(c) ~~the provisions of s.~~  
442 ~~1006.28(3)(c).~~

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

445 1006.42 Responsibility of students and parents for  
446 instructional materials.—All instructional materials purchased  
447 under ~~the provisions of~~ this part are the property of the  
448 district school board. When distributed to the students, these  
449 instructional materials are on loan to the students while they  
450 are pursuing their courses of study and are to be returned at  
451 the direction of the school principal or the teacher in charge.  
452 Each parent of a student to whom or for whom instructional  
453 materials have been issued, is liable for any loss or  
454 destruction of, or unnecessary damage to, the instructional  
455 materials or for failure of the student to return the  
456 instructional materials when directed by the school principal or  
457 the teacher in charge, and shall pay for such loss, destruction,  
458 or unnecessary damage as provided under s. 1006.28(4) ~~s.~~  
459 ~~1006.28(3)~~.

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