



834124

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/27/2017	.	
	.	
	.	
	.	

The Committee on Education (Lee) recommended the following:

1 **Senate Amendment to Amendment (833208) (with title**
2 **amendment)**

3
4 Delete lines 54 - 263

5 and insert:

6 2. Each district school board shall ~~must~~ adopt a policy
7 regarding an objection by a parent or a resident of the county a
8 ~~parent's objection to the his or her child's~~ use of a specific
9 instructional material, which clearly describes a process to
10 handle all objections and provides for resolution. The process
11 must provide the parent or resident the opportunity to offer



834124

12 evidence to the district school board that:

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

18 b. Any material used in a classroom, made available in a
19 school library, or included on a reading list contains content
20 that is pornographic or prohibited under s. 847.012, is not
21 suited to student needs and their ability to comprehend the
22 material presented, or is inappropriate for the grade level and
23 age group for which the material is used.

24
25 If the district school board finds that an instructional
26 material does not meet the criteria under sub-subparagraph a. or
27 that any other material contains prohibited content under sub-
28 subparagraph b., the school district shall discontinue use of
29 the material for any grade level or age group for which such use
30 is inappropriate or unsuitable. The process much also include a
31 right to timely appeal any district decision to the district
32 school board.

33 3. Each district school board shall ~~must~~ establish a
34 process by which the parent of a public school student or a
35 resident of the county may contest the district school board's
36 adoption of a specific instructional material. The parent or
37 resident must file a petition, on a form provided by the school
38 board, within 30 calendar days after the adoption of the
39 material by the school board. The school board must make the
40 form available to the public and publish the form on the school



834124

41 district's website. The form must be signed by the parent or
42 resident, include the required contact information, and state
43 the objection to the instructional material, based on the
44 criteria of s. 1006.31(2). Within 30 days after the 30-day
45 period has expired, the school board must, for all petitions
46 timely received, conduct at least one open public hearing on all
47 petitions timely received, providing at a minimum the procedural
48 safeguards of ss. 120.569 and 120.57 making appropriate
49 provision for appointment of unbiased and qualified hearing
50 officers. A hearing officer may not be an employee, agent, or
51 contractor of the school district and provide the petitioner
52 written notification of the date and time of the hearing at
53 least 7 days before the hearing. all instructional materials
54 contested must be made accessible online to the public at least
55 7 days before a public hearing.

56
57 The school board's decision after convening a hearing is final
58 and not subject to further petition or review.

59 (b) *Instructional materials.*—Provide for proper
60 requisitioning, distribution, accounting, storage, care, and use
61 of all instructional materials and furnish such other
62 instructional materials as may be needed. Instructional
63 materials used must be consistent with the district goals and
64 objectives and the course descriptions established in rule of
65 the State Board of Education, ~~as well as~~ with the applicable
66 Next Generation Sunshine State Standards provided for in s.
67 1003.41.

68 (c) *Other instructional materials.*—Provide such other
69 teaching accessories and aids as are needed for the school



834124

70 district's educational program.

71 (d) *School library media services; establishment and*
72 *maintenance.*—Establish and maintain a program of school library
73 media services for all public schools in the district, including
74 school library media centers, or school library media centers
75 open to the public, and, in addition such traveling or
76 circulating libraries as may be needed for the proper operation
77 of the district school system. Upon a written request, a school
78 district shall provide access to any instructional material or
79 book specified in the request which is maintained in a district
80 school system library and is available for review.

81 (3) ~~(2)~~ DISTRICT SCHOOL SUPERINTENDENT.—

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

98 Section 2. Subsections (1), (2), and (4) of section



834124

99 1006.283, Florida Statutes, are amended to read:

100 1006.283 District school board instructional materials
101 review process.—

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

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

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

120 2. Review of instructional materials.

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

123 4. Reviewer recommendations.

124 5. District school board adoption.

125 6. Purchase of instructional materials.

126 7. Use of an instructional materials review committee that
127 is subject to s. 286.011 and that is selected by and reports



834124

128 directly to the district school board.

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

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

132 2. Specify the qualifications for an instructional
133 materials reviewer and the process for selecting reviewers; list
134 a reviewer's duties and responsibilities, including compliance
135 with the requirements of s. 1006.31; and provide that all
136 instructional materials recommended by a reviewer be accompanied
137 by the reviewer's statement that the materials align with the
138 state standards pursuant to s. 1003.41 ~~and the requirements of~~
139 ~~s. 1006.31.~~

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

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

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

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

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

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

153 a. A process to allow student editions of recommended
154 instructional materials to be accessed and viewed online by the
155 public at least 20 calendar days before the school board hearing
156 and public meeting as specified in this subparagraph. This



834124

157 process must include reasonable safeguards against the
158 unauthorized use, reproduction, and distribution of
159 instructional materials considered for adoption.

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

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

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

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

176 10. Establish the process by which instructional materials
177 are ~~will be~~ purchased, including advertising, bidding, and
178 purchasing requirements.

179 11. Establish the process by which the school district
180 notifies ~~will notify~~ parents and residents of the county of
181 their ability to access ~~their children's~~ instructional materials
182 through the district's local instructional improvement system
183 and by which the school district will encourage parents and
184 residents of the county to access the system. This notification
185 must be displayed prominently on the school district's website



834124

186 and provided annually in written format to all parents of
187 enrolled students.

188 (4) Instructional materials that have been reviewed by the
189 district instructional materials reviewers and approved shall be
190 ~~must have been~~ determined to align with all applicable state
191 standards pursuant to s. 1003.41 ~~and the requirements in s.~~
192 ~~1006.31~~. The district school superintendent shall annually
193 certify to the department that all instructional materials for
194 core courses used by the district are aligned with all
195 applicable state standards and have been reviewed, selected, and
196 adopted by the district school board in accordance with ~~the~~
197 ~~school board hearing and public meeting requirements of this~~
198 section.

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

201 1006.31 Duties of the Department of Education and school
202 district instructional materials reviewer.—The duties of the
203 instructional materials reviewer are:

204 (2) EVALUATION OF INSTRUCTIONAL MATERIALS.—To use the
205 selection criteria listed in s. 1006.34(2)(b) for instructional
206 materials reviewers under a state approval process or for
207

208 ===== T I T L E A M E N D M E N T =====

209 And the title is amended as follows:

210 Delete lines 410 - 411

211 and insert:

212 terms; requiring each district school