

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 parents or other persons who pay
9 certain taxes to object to the use of specific
10 instructional materials based on specified criteria;
11 requiring such process to include a right to appeal a
12 school district decision; specifying the appeal
13 process; deleting a provision relating to the finality
14 of the school board's decision under certain
15 circumstances; revising the standards for
16 instructional materials to include standards that are
17 equivalent to or better than applicable state
18 standards; requiring that district school boards
19 provide parents or other persons who pay certain taxes
20 full access to materials in school libraries; amending
21 s. 1006.283, F.S.; revising the requirement that the
22 district school superintendent certify that all
23 instructional materials used by the district for core
24 courses meet certain standards; revising the
25 requirements for school boards that adopt rules for

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

41 |
42 | Be It Enacted by the Legislature of the State of Florida:

43 |
44 | Section 1. Present subsections (1), (2), and (3) of
45 | section 1006.28, Florida Statutes, are redesignated as
46 | subsections (2), (3), and (4), respectively, a new subsection
47 | (1) is added to that section, and present subsection (1) and
48 | paragraph (a) of present subsection (2) are amended, to read:

49 | 1006.28 Duties of district school board, district school
50 | superintendent; and school principal regarding K-12

51 instructional materials.—

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

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

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

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

72 Instructional materials:

73 1. Must be designated for student use;

74 2. May contain or be accompanied by teaching guides and
75 study helps; and

76 3. Must include all textbooks, workbooks, and student
77 materials and supplements necessary for a student to fully
78 participate in coursework.

79 (2)~~(1)~~ DISTRICT SCHOOL BOARD.—The district school board
80 has the constitutional duty and responsibility to select and
81 provide adequate instructional materials for all students in
82 accordance with the requirements of this part. ~~The term~~
83 ~~"adequate instructional materials" means a sufficient number of~~
84 ~~student or site licenses or sets of materials that are available~~
85 ~~in bound, unbound, kit, or package form and may consist of~~
86 ~~hardbacked or softbacked textbooks, electronic content,~~
87 ~~consumables, learning laboratories, manipulatives, electronic~~
88 ~~media, and computer courseware or software that serve as the~~
89 ~~basis for instruction for each student in the core subject areas~~
90 ~~of mathematics, language arts, social studies, science, reading,~~
91 ~~and literature.~~ The district school board also has the following
92 specific duties and responsibilities:

93 (a) *Courses of study; adoption.*—Adopt courses of study,
94 including instructional materials, for use in the schools of the
95 district.

96 1. Each district school board is responsible for the
97 content of all instructional materials used in a classroom,
98 whether adopted and purchased, leased, licensed, or acquired
99 from the state-adopted instructional materials list or, adopted
100 and purchased, leased, licensed, or acquired for use by the

101 district through a district instructional materials program
102 under s. 1006.283, or otherwise purchased or made available in
103 the classroom. Regardless of whether the instructional materials
104 used by a district are purchased, leased, licensed, or acquired
105 from the state-adopted instructional materials list or
106 purchased, leased, licensed, or acquired for use by the district
107 through a district instructional materials program under s.
108 1006.283, each district school board shall ensure that all
109 instructional materials used in the classroom meet the following
110 criteria:

- 111 a. Be research-based and proven to be effective in
112 supporting student learning;
- 113 b. Provide a noninflammatory, objective, and balanced
114 viewpoint on issues;
- 115 c. Be appropriate to the students' ages and varying levels
116 of learning;
- 117 d. Be accurate and factual;
- 118 e. Be of acceptable technical quality; and
- 119 f. Be free of pornography or content otherwise prohibited
120 pursuant to s. 847.012(3).

121

122 A district may not determine that instructional materials used
123 in the classroom meet the criteria specified in this
124 subparagraph on the basis that such materials were purchased,
125 leased, licensed, or acquired from the state-adopted

126 instructional materials list or purchased, leased, licensed, or
127 acquired for use by the district through a district
128 instructional materials program under s. 1006.283.

129 2. Each district school board shall ~~must~~ adopt a policy
130 regarding the right of a parent or any other person who pays ad
131 valorem property taxes or sales taxes in the state ~~parent's~~
132 ~~objection to~~ object to the ~~his or her child's~~ use of a specific
133 instructional material based on the criteria specified in
134 subparagraph 1. Such policy must, ~~which~~ clearly describe
135 ~~describes~~ a process to handle all objections and provide
136 resolutions, which shall be applied and enforced on a
137 districtwide basis, that eliminate the use of instructional
138 materials that do not meet the criteria specified in
139 subparagraph 1. in all schools within the district. The process
140 must also include a right to timely appeal any district decision
141 to the district school board ~~provides for resolution.~~

142 3. Each district school board shall ~~must~~ establish a
143 process by which the parent of a public school student or any
144 other person who pays ad valorem property taxes or sales taxes
145 in the state may contest the district school board's adoption of
146 a specific instructional material directly to the school board
147 based on the instructional materials requirements under this
148 section and the requirements of a district instructional
149 materials program under s. 1006.283 or the requirements of
150 instructional materials purchased, leased, licensed, acquired,

151 or used from the list of state-adopted materials, as applicable.
152 The parent or any other person who pays ad valorem property
153 taxes or sales taxes in the state shall ~~must~~ file a petition, on
154 a form provided by the school board, within 30 calendar days
155 after the adoption of the material by the school board. The
156 school board shall ~~must~~ make the form available to the public
157 and publish the form on the school district's website. The form
158 shall ~~must~~ be signed by the parent or person who pays ad valorem
159 property taxes or sales taxes in the state, include the required
160 contact information, and state the objection to the
161 instructional material. Within 30 days after the 30-day period
162 has expired, the school board shall ~~must~~ conduct at least one
163 open public hearing on all petitions timely received and provide
164 the petitioner written notification of the date and time of the
165 hearing at least 7 days before the hearing. The school board
166 shall make all contested instructional materials ~~contested must~~
167 ~~be made~~ accessible online to the public at least 7 days before a
168 public hearing. ~~The school board's decision after convening a~~
169 ~~hearing is final and not subject to further petition or review.~~

170 (b) *Instructional materials.*—Provide for proper
171 requisitioning, distribution, accounting, storage, care, and use
172 of all instructional materials and furnish such other
173 instructional materials as may be needed. Instructional
174 materials used must be consistent with the district goals and
175 objectives and the course descriptions established in rule of

176 the State Board of Education, ~~as well as~~ with the applicable
177 Next Generation Sunshine State Standards provided for in s.
178 1003.41, with standards that are equivalent to or better than
179 the applicable state standards, or with courses offered in the
180 district pursuant to s. 1003.4282(1).

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

184 (d) *School library media services; establishment and*
185 *maintenance.*—Establish and maintain a program of school library
186 media services for all public schools in the district, including
187 school library media centers, or school library media centers
188 open to the public, and, in addition such traveling or
189 circulating libraries as may be needed for the proper operation
190 of the district school system. Parents and other persons who pay
191 ad valorem property taxes or sales taxes in the state shall be
192 given full access to materials in school libraries.

193 ~~(3)(2)~~ DISTRICT SCHOOL SUPERINTENDENT.—

194 (a) The district school superintendent has the duty to
195 recommend such plans for improving, providing, distributing,
196 accounting for, and caring for instructional materials and other
197 instructional aids as will result in general improvement of the
198 district school system, as prescribed in this part, in
199 accordance with adopted district school board rules prescribing
200 the duties and responsibilities of the district school

201 superintendent regarding the requisition, purchase, lease,
202 license, receipt, storage, distribution, use, conservation,
203 records, and reports of, and management practices and property
204 accountability concerning, instructional materials, and
205 providing for an evaluation of any instructional materials to be
206 requisitioned that have not been used previously in the
207 district's schools. The district school superintendent shall
208 ~~must~~ keep adequate records and accounts for all financial
209 transactions for funds collected pursuant to subsection (4) ~~(3)~~.

210 Section 2. Subsections (1), (2), and (4) of section
211 1006.283, Florida Statutes, are amended to read:

212 1006.283 District school board instructional materials
213 review process.—

214 (1) A district school board or consortium of school
215 districts may implement an instructional materials program that
216 includes the review, recommendation, adoption, use, lease,
217 license, acquisition, and purchase or other use of instructional
218 materials pursuant to the requirements of this section. The
219 district school superintendent shall certify to the department
220 by March 31 of each year that all instructional materials for
221 core courses used by the district are aligned with applicable
222 state standards, aligned with standards that are equivalent to
223 or better than the applicable state standards, or aligned with
224 courses offered in the district pursuant to s. 1003.4282(1). A
225 list of the core instructional materials that will be used,

226 | leased, licensed, acquired, or purchased for use by the school
 227 | district shall be included in the certification.

228 | (2) (a) If a district school board chooses to implement its
 229 | own instructional materials program, the school board shall
 230 | adopt rules implementing the district's instructional materials
 231 | program which must include its processes, criteria, and
 232 | requirements for the following:

233 | 1. Selection of reviewers, at least one-third ~~one or more~~
 234 | of whom must be parents with children in public schools and are
 235 | not employees of the school district.

236 | 2. Review of instructional materials.

237 | 3. Selection of instructional materials, including a
 238 | thorough review of curriculum content.

239 | 4. Reviewer recommendations.

240 | 5. District school board adoption.

241 | 6. Purchase, lease, license, or other use of instructional
 242 | materials.

243 | 7. Use of an instructional materials review committee, the
 244 | meetings of which shall be open to the public pursuant to the
 245 | requirements in s. 286.011, and that is selected by and reports
 246 | directly to the district school board.

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

248 | 1. Identify, by subject area, a review cycle for
 249 | instructional materials.

250 | 2. Specify the qualifications for an instructional

251 materials reviewer and the process for selecting reviewers; list
252 a reviewer's duties and responsibilities, including compliance
253 with the requirements of s. 1006.31; and provide that all
254 instructional materials recommended by a reviewer be accompanied
255 by the reviewer's statement that the materials align with the
256 state standards pursuant to s. 1003.41, align with standards
257 that are equivalent to or better than the applicable state
258 standards, or otherwise align with courses offered in the
259 district pursuant to s. 1003.4282(1) and the requirements of s.
260 ~~1006.31.~~

261 3. State the requirements for an affidavit to be made by
262 each district instructional materials reviewer which
263 substantially meet the requirements of s. 1006.30.

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

265 5. Establish a process that certifies the accuracy of
266 instructional materials.

267 6. Incorporate applicable requirements of s. 1006.31,
268 which relates to the duties of instructional materials
269 reviewers.

270 7. Incorporate applicable requirements of s. 1006.38,
271 relating to the duties, responsibilities, and requirements of
272 publishers of instructional materials.

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

275 a. A process to allow student and teacher editions of

276 recommended instructional materials to be accessed and viewed
277 online by the public at least 20 calendar days before the school
278 board hearing and public meeting as specified in this
279 subparagraph. This process must include reasonable safeguards
280 against the unauthorized use, reproduction, and distribution of
281 instructional materials considered for adoption.

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

284 c. An open, noticed public meeting to approve an annual
285 instructional materials plan to identify any instructional
286 materials that will be purchased, leased, licensed, acquired, or
287 used by the district through the district school board
288 instructional materials review process pursuant to this section.
289 The district school board shall hold this public meeting ~~must be~~
290 ~~held~~ on a different date than the school board hearing.

291 d. Notice requirements for the school board hearing and
292 the public meeting that shall ~~must~~ specifically state which
293 instructional materials are being reviewed and the manner in
294 which the instructional materials can be accessed for public
295 review.

296 9. Establish the process by which the district school
297 board shall receive public comment on, and review, the
298 recommended instructional materials.

299 10. Establish the process by which instructional materials
300 are ~~will be~~ purchased, leased, licensed, acquired, or used,

301 including advertising, bidding, and purchasing requirements.

302 11. Establish the process by which the school district
303 notifies ~~will notify~~ parents and other persons who pay ad
304 valorem property taxes or sales taxes in the state of their
305 ability to access ~~their children's~~ instructional materials
306 through the district's local instructional improvement system
307 and by which the school district will encourage parents and
308 other persons who pay ad valorem property taxes or sales taxes
309 in the state to access the system. This notification shall ~~must~~
310 be displayed prominently on the school district's website and
311 provided annually in written format to all parents of enrolled
312 students.

313 (4) Instructional materials that have been reviewed by the
314 district instructional materials reviewers and approved shall be
315 ~~must have been~~ determined to align with all applicable state
316 standards pursuant to s. 1003.41, align with standards that are
317 equivalent to or better than the applicable state standards, or
318 otherwise align with courses offered in the district pursuant to
319 s. 1003.4282(1) and the requirements in s. 1006.31. The district
320 school superintendent shall annually certify to the department
321 that all instructional materials for core courses used by the
322 district are aligned with all applicable state standards, are
323 aligned with standards that are equivalent to or better than the
324 applicable state standards, or are aligned with courses offered
325 in the district pursuant to s. 1003.4282(1) and have been

326 reviewed, selected, and adopted by the district school board in
327 accordance with ~~the school board hearing and public meeting~~
328 ~~requirements of~~ this section.

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

331 1006.31 Duties of the Department of Education and school
332 district instructional materials reviewer.—The duties of the
333 instructional materials reviewer are:

334 (2) EVALUATION OF INSTRUCTIONAL MATERIALS.—To use the
335 selection criteria listed in s. 1006.34(2)(b) for instructional
336 materials reviewers under a state approval process or to use the
337 selection criteria listed in s. 1006.28(2)(a)1. for
338 instructional materials reviewers under a district approval
339 process under s. 1006.283 and recommend for adoption only those
340 instructional materials that are aligned with the Next
341 Generation Sunshine State Standards provided for in s. 1003.41,
342 that are aligned with standards that are equivalent to or better
343 than applicable state standards, or that are aligned with
344 courses offered in the district pursuant to s. 1003.4282(1).

345 Instructional materials recommended by each reviewer shall be,
346 to the satisfaction of each reviewer, accurate, objective,
347 balanced, noninflammatory, ~~current,~~ and suited to student needs
348 and their ability to comprehend the material presented.

349 Reviewers shall consider for recommendation materials developed
350 for academically talented students, such as students enrolled in

351 advanced placement courses. When recommending instructional
352 materials, each reviewer shall:

353 (a) Include only instructional materials that accurately
354 portray the ethnic, socioeconomic, cultural, religious,
355 physical, and racial diversity of our society, including men and
356 women in professional, career, and executive roles, and the role
357 and contributions of the entrepreneur and labor in the total
358 development of this state and the United States.

359 (b) Include only materials that accurately portray,
360 whenever appropriate, humankind's place in ecological systems,
361 including the necessity for the protection of our environment
362 and conservation of our natural resources and the effects on the
363 human system of the use of tobacco, alcohol, controlled
364 substances, and other dangerous substances.

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

367 (d) Require, when appropriate to the comprehension of
368 students, that materials for social science, history, or civics
369 classes contain the Declaration of Independence and the
370 Constitution of the United States. A reviewer may not recommend
371 any instructional materials that contain any matter reflecting
372 unfairly upon persons because of their race, color, creed,
373 national origin, ancestry, gender, religion, disability,
374 socioeconomic status, or occupation.

375 Section 4. Subsections (3), (5), and (8) of section

376 1006.40, Florida Statutes, are amended to read:

377 1006.40 Use of instructional materials allocation;
378 instructional materials, library books, and reference books;
379 repair of books.—

380 (3) (a) Beginning with the 2017-2018 ~~2015-2016~~ fiscal year
381 and except as otherwise authorized in paragraphs (b) and (c),
382 each district school board shall use at least 50 percent of the
383 annual allocation for the purchase, lease, license, acquisition,
384 or use of ~~digital or electronic~~ instructional materials that
385 meet the requirements of s. 1006.31, and that are consistent
386 with district goals and objectives and the course descriptions
387 adopted in rule by the State Board of Education, align with
388 state standards provided in s. 1003.41, align with standards
389 that are equivalent to or better than applicable state
390 standards, or align with courses offered in the district
391 pursuant to s. 1003.4282(1) ~~included on the state-adopted list,~~
392 ~~except as otherwise authorized in paragraphs (b) and (c).~~

393 (b) All ~~Up to 50 percent~~ of the annual allocation may be
394 used for the purchase, lease, license, acquisition, or use of
395 instructional materials, including library and reference books
396 and nonprint materials, not included on the state-adopted list
397 and for the repair and renovation of textbooks and library books
398 if a district school board implements an instructional materials
399 program pursuant to s. 1006.283.

400 (c) If a district school board does not implement an

401 instructional materials program pursuant to s. 1006.283, it
402 ~~boards~~ may use 100 percent of that portion of the annual
403 allocation designated for the purchase, lease, license,
404 acquisition, or use of instructional materials for kindergarten,
405 and 75 percent of that portion of the annual allocation
406 designated for the purchase, lease, license, acquisition, or use
407 of instructional materials for first grade, to purchase
408 materials not on the state-adopted list.

409 (5) Each district school board is responsible for the
410 content of all instructional materials used in a classroom,
411 whether purchased, leased, licensed, acquired, or used from the
412 state-adopted instructional materials list or purchased, leased,
413 licensed, acquired, or used by the district through a district
414 instructional materials program under s. 1006.283 ~~an adoption~~
415 ~~process or otherwise purchased or made available in the~~
416 ~~classroom~~. Each district school board shall adopt rules, and
417 each district school superintendent shall implement procedures,
418 which that:

419 (a) Maximize student use of the district-approved
420 instructional materials, whether purchased, leased, licensed,
421 acquired, or used from the state-adopted instructional materials
422 list or purchased, leased, licensed, acquired, or used by the
423 district through a district instructional materials program
424 under s. 1006.283.

425 (b) If purchased, leased, licensed, acquired, or used from

426 the state-adopted instructional materials list, provide a
427 process for public review of, public comment on, and the
428 adoption of instructional materials which that satisfies the
429 requirements of s. 1006.283(2)(b)8., 9., and 11; or, if
430 purchased, leased, licensed, acquired, or used by the district
431 through a district instructional materials program, implement a
432 program that fully complies with s. 1006.283.

433 (8) Subsections ~~(3)~~, (4), and (6) do not apply to a
434 district school board or a consortium of school districts which
435 ~~that~~ implements an instructional materials program pursuant to
436 s. 1006.283 except that, ~~by the 2015-2016 fiscal year,~~ each
437 district school board shall use at least 50 percent of the
438 annual instructional materials allocation for the purchase,
439 lease, license, acquisition, or use of digital or electronic
440 instructional materials that are aligned align with state
441 standards adopted by the State Board of Education pursuant to s.
442 1003.41, aligned with standards that are equivalent to or better
443 than applicable state standards, or aligned with courses offered
444 in the district pursuant to s. 1003.4282(1).

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

447 1002.20 K-12 student and parent rights.—Parents of public
448 school students shall ~~must~~ receive accurate and timely
449 information regarding their child's academic progress and shall
450 ~~must~~ be informed of ways they can help their child to succeed in

451 school. K-12 students and their parents are afforded numerous
452 statutory rights including, but not limited to, the following:

453 (19) INSTRUCTIONAL MATERIALS.—

454 (b) *Curricular objectives.*—The parent of each public
455 school student has the right to receive effective communication
456 from the school principal as to the manner in which
457 instructional materials are used to implement the school's
458 curricular objectives, in accordance with s. 1006.28(4)(a) ~~the~~
459 ~~provisions of s. 1006.28(3)(a).~~

460 (c) *Sale of instructional materials.*—Upon request of the
461 parent of a public school student, the school principal shall
462 ~~must~~ sell to the parent any instructional materials used in the
463 school, in accordance with s. 1006.28(4)(c) ~~the provisions of s.~~
464 ~~1006.28(3)(c).~~

465 Section 6. Section 1006.42, Florida Statutes, is amended
466 to read:

467 1006.42 Responsibility of students and parents for
468 instructional materials.—All instructional materials purchased,
469 leased, licensed, acquired, or used by the district ~~under the~~
470 ~~provisions of~~ this part are the property of the district school
471 board. When distributed to the students, these instructional
472 materials are on loan to the students while they are pursuing
473 their courses of study and are to be returned at the direction
474 of the school principal or the teacher in charge. Each parent of
475 a student to whom or for whom instructional materials have been

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476 | issued, is liable for any loss or destruction of, or unnecessary
477 | damage to, the instructional materials or for failure of the
478 | student to return the instructional materials when directed by
479 | the school principal or the teacher in charge, and shall pay for
480 | such loss, destruction, or unnecessary damage as provided under
481 | s. 1006.28(4) ~~s. 1006.28(3)~~.

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