

1 A bill to be entitled

2 An act relating to instructional materials; amending
3 s. 1006.28, F.S.; revising provisions relating to a
4 district school board's responsibilities relating to
5 instructional materials; requiring a school district
6 to maintain certain information on its website;
7 allowing a resident of a county to challenge the use
8 or adoption of instructional materials; revising the
9 requirements relating to the district school board
10 process for objecting to or appealing the use or
11 adoption of instructional materials; requiring a
12 school district to discontinue use of materials under
13 certain circumstances; requiring compliance with
14 certain procedural safeguards for a challenge to the
15 adoption of instructional materials; requiring a
16 school district to provide access to school library
17 materials upon written request; amending s. 1006.283,
18 F.S.; revising the requirements for an instructional
19 materials adoption public hearing; amending s.
20 1006.31, F.S.; revising the requirements for
21 evaluation of instructional materials to conform to
22 changes made by the act; amending s. 1006.40, F.S.;
23 revising provisions relating to the use of the
24 instructional materials allocation to conform to
25 changes made by the act; providing an effective date.

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

Section 1. Subsection (1) of section 1006.28, Florida Statutes, is amended to read:

1006.28 Duties of district school board, district school superintendent; and school principal regarding K-12 instructional materials.—

(1) DISTRICT SCHOOL BOARD.—The district school board has the constitutional duty and responsibility to select and provide adequate instructional materials for all students in accordance with the requirements of this part. The term "instructional materials" has the same meaning as provided in s. 1006.29(2).

The term "adequate instructional materials" means a sufficient number of student or site licenses or sets of materials that are available in bound, unbound, kit, or package form and may consist of hardbacked or softbacked textbooks, electronic content, consumables, learning laboratories, manipulatives, electronic media, and computer courseware or software that serve as the basis for instruction for each student in the core subject areas of mathematics, language arts, social studies, science, reading, and literature. The district school board has the following specific duties and responsibilities:

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

51 district.

52 1. Each district school board is responsible for the
53 content of all instructional materials and any other materials
54 used in a classroom, made available in a school library, or
55 included on a reading list, whether adopted and purchased from
56 the state-adopted instructional materials list, adopted and
57 purchased through a district instructional materials program
58 under s. 1006.283, or otherwise purchased or made available ~~in~~
59 ~~the classroom.~~ Each district school board shall maintain on its
60 website a current list of instructional materials, by grade
61 level, purchased by the district.

62 2. Each district school board must adopt a policy
63 regarding an a parent's objection by a parent or a resident of
64 the county to the his or her child's use of a specific
65 instructional material, which clearly describes a process to
66 handle all objections and provides for resolution. The process
67 must provide the parent or resident the opportunity to proffer
68 evidence to the district school board that:

69 a. An instructional material does not meet the criteria of
70 s. 1006.31(2) or s. 1006.40(3)(d) if it was selected for use in
71 a course or otherwise made available to students in the school
72 district but was not subject to the public notice, review,
73 comment, and hearing procedures under s. 1006.283(2)(b)8., 9.,
74 and 11.

75 b. Any material used in a classroom, made available in a

76 school library, or included on a reading list contains content
77 that is pornographic or prohibited under s. 847.012, is not
78 suited to student needs and their ability to comprehend the
79 material presented, or is inappropriate for the grade level and
80 age group for which the material is used.

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82 If the district school board finds that an instructional
83 material does not meet the criteria under sub-subparagraph a. or
84 that any other material contains prohibited content under sub-
85 subparagraph b., the school district shall discontinue use of
86 the material for any grade level or age group for which such use
87 is inappropriate or unsuitable.

88 3. Each district school board must establish a process by
89 which the parent of a public school student or a resident of the
90 county may contest the district school board's adoption of a
91 specific instructional material. The parent or resident must
92 file a petition, on a form provided by the school board, within
93 30 calendar days after the adoption of the material by the
94 school board. The school board must make the form available to
95 the public and publish the form on the school district's
96 website. The form must be signed by the parent or resident,
97 include the required contact information, and state the
98 objection to the instructional material based on the criteria of
99 s. 1006.31(2) or s. 1006.40(3)(d). Within 30 days after the 30-
100 day period has expired, the school board must, for all petitions

101 timely received, conduct at least one open public hearing
102 providing as a minimum the procedural safeguards of ss. 120.569
103 and 120.57, making appropriate provision for the appointment of
104 unbiased and qualified hearing officers. A hearing officer may
105 not be an employee, agent, or contractor of the school district
106 ~~on all petitions timely received and provide the petitioner~~
107 ~~written notification of the date and time of the hearing at~~
108 ~~least 7 days before the hearing. All instructional materials~~
109 ~~contested must be made accessible online to the public at least~~
110 ~~7 days before a public hearing.~~

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

114 (b) *Instructional materials.*—Provide for proper
115 requisitioning, distribution, accounting, storage, care, and use
116 of all instructional materials and furnish such other
117 instructional materials as may be needed. Instructional
118 materials used must be consistent with the district goals and
119 objectives and the course descriptions established in rule of
120 the State Board of Education, as well as with the applicable
121 Next Generation Sunshine State Standards provided for in s.
122 1003.41.

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

126 (d) *School library media services; establishment and*
127 *maintenance.*—Establish and maintain a program of school library
128 media services for all public schools in the district, including
129 school library media centers, or school library media centers
130 open to the public, and, in addition such traveling or
131 circulating libraries as may be needed for the proper operation
132 of the district school system. Upon written request, a school
133 district shall provide access to any instructional material or
134 book specified in the request that is maintained in a district
135 school system library and is available for review.

136 Section 2. Paragraph (b) of subsection (2) of Section
137 1006.283, Florida Statutes, is amended to read:

138 1006.283 District school board instructional materials
139 review process.—

140 (2)

141 (b) District school board rules must also:

142 1. Identify, by subject area, a review cycle for
143 instructional materials.

144 2. Specify the qualifications for an instructional
145 materials reviewer and the process for selecting reviewers; list
146 a reviewer's duties and responsibilities, including compliance
147 with the requirements of s. 1006.31; and provide that all
148 instructional materials recommended by a reviewer be accompanied
149 by the reviewer's statement that the materials align with the
150 state standards pursuant to s. 1003.41 and the requirements of

151 s. 1006.31.

152 3. State the requirements for an affidavit to be made by
153 each district instructional materials reviewer which
154 substantially meet the requirements of s. 1006.30.

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

156 5. Establish a process that certifies the accuracy of
157 instructional materials.

158 6. Incorporate applicable requirements of s. 1006.31,
159 which relates to the duties of instructional materials
160 reviewers.

161 7. Incorporate applicable requirements of s. 1006.38,
162 relating to the duties, responsibilities, and requirements of
163 publishers of instructional materials.

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

166 a. A process to allow student editions of recommended
167 instructional materials to be accessed and viewed online by the
168 public at least 20 calendar days before the school board hearing
169 and public meeting as specified in this subparagraph. This
170 process must include reasonable safeguards against the
171 unauthorized use, reproduction, and distribution of
172 instructional materials considered for adoption.

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

175 c. An open, noticed public meeting to approve an annual

176 instructional materials plan to identify any instructional
177 materials that will be purchased through the district school
178 board instructional materials review process pursuant to this
179 section. This public meeting must be held on a different date
180 than the school board hearing.

181 d. Notice requirements for the school board hearing and
182 the public meeting that must specifically state which
183 instructional materials are being reviewed and the manner in
184 which the instructional materials can be accessed for public
185 review. The hearing must allow the parent of a public school
186 student or a resident of the county to proffer evidence that a
187 recommended instructional material does not meet the criteria
188 provided in s. 1006.31(2), taking into consideration course
189 expectations based on the district's comprehensive plan for
190 student progression under s. 1008.25(2) and course descriptions
191 in the course code directory.

192 9. Establish the process by which the district school
193 board shall receive public comment on, and review, the
194 recommended instructional materials.

195 10. Establish the process by which instructional materials
196 will be purchased, including advertising, bidding, and
197 purchasing requirements.

198 11. Establish the process by which the school district
199 will notify parents of their ability to access their children's
200 instructional materials through the district's local

201 instructional improvement system and by which the school
202 district will encourage parents to access the system. This
203 notification must be displayed prominently on the school
204 district's website and provided annually in written format to
205 all parents of enrolled students.

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

208 1006.31 Duties of the Department of Education and school
209 district instructional materials reviewer.—The duties of the
210 instructional materials reviewer are:

211 (2) EVALUATION OF INSTRUCTIONAL MATERIALS.—To use the
212 selection criteria listed in s. 1006.34(2)(b) and recommend for
213 adoption only those instructional materials aligned with the
214 Next Generation Sunshine State Standards provided for in s.
215 1003.41. Instructional materials recommended by each reviewer
216 shall be, to the satisfaction of each reviewer, accurate,
217 objective, balanced, noninflammatory, current, free of
218 pornography and material prohibited under s. 847.012, and suited
219 to student needs and their ability to comprehend the material
220 presented. Reviewers shall consider for recommendation materials
221 developed for academically talented students, such as students
222 enrolled in advanced placement courses. When recommending
223 instructional materials, each reviewer shall:

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

226 | physical, and racial diversity of our society, including men and
227 | women in professional, career, and executive roles, and the role
228 | and contributions of the entrepreneur and labor in the total
229 | development of this state and the United States.

230 | (b) Include only materials that accurately portray,
231 | whenever appropriate, humankind's place in ecological systems,
232 | including the necessity for the protection of our environment
233 | and conservation of our natural resources and the effects on the
234 | human system of the use of tobacco, alcohol, controlled
235 | substances, and other dangerous substances.

236 | (c) Include materials that encourage thrift, fire
237 | prevention, and humane treatment of people and animals.

238 | (d) Require, when appropriate to the comprehension of
239 | students, that materials for social science, history, or civics
240 | classes contain the Declaration of Independence and the
241 | Constitution of the United States. A reviewer may not recommend
242 | any instructional materials that contain any matter reflecting
243 | unfairly upon persons because of their race, color, creed,
244 | national origin, ancestry, gender, religion, disability,
245 | socioeconomic status, or occupation.

246 | Section 4. Subsections (3) through (8) of section 1006.40,
247 | Florida Statutes, are amended to read:

248 | 1006.40 Use of instructional materials allocation;
249 | instructional materials, library books, and reference books;
250 | repair of books.—

251 (3) (a) Except for a school district or a consortium of
252 school districts that implements an instructional materials
253 program pursuant to s. 1006.283 ~~Beginning with the 2015-2016~~
254 ~~fiscal year~~, each district school board shall use ~~at least 50~~
255 ~~percent of~~ the annual allocation only for the purchase of
256 ~~digital or electronic~~ instructional materials that align with
257 state standards and are included on the state-adopted list,
258 except as otherwise authorized in paragraphs (b) and (c).

259 (b) Up to 50 percent of the annual allocation may be used
260 for:

261 1. The purchase of instructional materials, including
262 library and reference books and nonprint materials, not included
263 on the state-adopted list and for the repair and renovation of
264 textbooks and library books.

265 2. The purchase of other materials having intellectual
266 content which assist in the instruction of a subject or course.
267 These materials may be available in bound, unbound, kit, or
268 package form and may consist of hardbacked or softbacked
269 textbooks, novels, electronic content, consumables, learning
270 laboratories, manipulatives, electronic media, computer
271 courseware or software, and other commonly accepted
272 instructional tools as prescribed by district school board rule.

273 3. The repair and renovation of textbooks and library
274 books and replacements for items which were part of previously
275 purchased instructional materials.

276 (c) District school boards may use 100 percent of that
277 portion of the annual allocation designated for the purchase of
278 instructional materials for kindergarten, and 75 percent of that
279 portion of the annual allocation designated for the purchase of
280 instructional materials for first grade, to purchase materials
281 not on the state-adopted list.

282 (d) Any materials purchased pursuant to this section must
283 be:

284 1. Free of pornography and material prohibited under s.
285 847.012.

286 2. Suited to student needs and their ability to comprehend
287 the material presented.

288 3. Appropriate for the grade level and age group for which
289 the materials are used or made available.

290 ~~(4) The funds described in subsection (3) which district~~
291 ~~school boards may use to purchase materials not on the state-~~
292 ~~adopted list shall be used for the purchase of instructional~~
293 ~~materials or other items having intellectual content which~~
294 ~~assist in the instruction of a subject or course. These items~~
295 ~~may be available in bound, unbound, kit, or package form and may~~
296 ~~consist of hardbacked or softbacked textbooks, electronic~~
297 ~~content, replacements for items which were part of previously~~
298 ~~purchased instructional materials, consumables, learning~~
299 ~~laboratories, manipulatives, electronic media, computer~~
300 ~~courseware or software, and other commonly accepted~~

301 ~~instructional tools as prescribed by district school board rule.~~

302 (4)~~(5)~~ Each district school board is responsible for the
303 content of all ~~instructional~~ materials used in a classroom or
304 otherwise made available to students, whether purchased through
305 an adoption process or otherwise purchased or made available in
306 the classroom. Each district school board shall adopt rules, and
307 each district school superintendent shall implement procedures,
308 that:

309 (a) Maximize student use of the district-approved
310 instructional materials.

311 (b) Provide a process for public review of, public comment
312 on, and the adoption of instructional materials that satisfies
313 the requirements of s. 1006.283(2)(b)8., 9., and 11.

314 (5)~~(6)~~ District school boards may issue purchase orders
315 subsequent to February 1 in an aggregate amount which does not
316 exceed 20 percent of the current year's allocation, and
317 subsequent to April 1 in an aggregate amount which does not
318 exceed 90 percent of the current year's allocation, for the
319 purpose of expediting the delivery of instructional materials
320 which are to be paid for from the ensuing year's allocation.
321 This subsection does not apply to a district school board or a
322 consortium of school districts that implements an instructional
323 materials program pursuant to s. 1006.283.

324 (6)~~(7)~~ In any year in which the total instructional
325 materials allocation for a school district has not been expended

326 or obligated prior to June 30, the district school board shall
327 carry forward the unobligated amount and shall add it to the
328 next year's allocation.

329 ~~(7)-(8) Subsections (3), (4), and (6) do not apply to A~~
330 district school board or a consortium of school districts that
331 implements an instructional materials program pursuant to s.
332 1006.283 may use the annual allocation to purchase instructional
333 materials not on the state-adopted list. However, except that,
334 ~~by the 2015-2016 fiscal year, each district school board shall~~
335 ~~use at least 50 percent of the annual instructional materials~~
336 ~~allocation for the purchase of digital or electronic~~
337 instructional materials purchased pursuant to this section which
338 are not included on the state-adopted list must meet the
339 criteria of s. 1006.31(2), that align with state standards
340 adopted by the State Board of Education pursuant to s. 1003.41,
341 and be consistent with course expectations based on the
342 district's comprehensive plan for student progression and course
343 descriptions adopted in state board rule.

344 Section 5. This act shall take effect July 1, 2017.