

By the Committee on Education; and Senators Lee, Baxley, Steube,  
and Mayfield

581-03117-18

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1                                   A bill to be entitled  
2       An act relating to instructional materials; amending  
3       s. 1006.283, F.S.; requiring district school board  
4       rules to include a longer public review period for  
5       student editions of recommended instructional  
6       materials; requiring district school boards to  
7       establish by rule a process by which certain persons  
8       may recommend instructional materials for  
9       consideration by district instructional materials  
10      reviewers; requiring a district school board to  
11      provide notification to certain publishers; amending  
12      s. 1006.31, F.S.; requiring public access to and an  
13      opportunity to comment on instructional materials  
14      recommended for adoption; requiring certain comments  
15      to be provided to the Commissioner of Education;  
16      requiring specified virtual presentations to be posted  
17      on the Department of Education's website; authorizing  
18      members of the public to recommend instructional  
19      materials for consideration; requiring the Department  
20      of Education to provide notification to certain  
21      publishers; conforming a cross-reference; amending s.  
22      1006.34, F.S.; exempting certain instructional  
23      materials from certain public review procedures under  
24      certain circumstances; authorizing district school  
25      board members to initiate certain public review  
26      procedures before instructional materials are adopted  
27      under certain conditions; amending s. 1006.40, F.S.;  
28      conforming a provision to changes made by the act;  
29      providing an effective date.

581-03117-18

20181644c1

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

Section 1. Paragraph (b) of subsection (2) of section 1006.283, Florida Statutes, is amended to read:

1006.283 District school board instructional materials review process.—

(2)

(b) District school board rules must also:

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

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

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

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

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

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

7. Incorporate applicable requirements of s. 1006.38, relating to the duties, responsibilities, and requirements of

581-03117-18

20181644c1

59 publishers of instructional materials.

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

62 a. A process to allow student editions of recommended  
63 instructional materials to be accessed and viewed online by the  
64 public at least 45 ~~20~~ calendar days before the school board  
65 hearing and public meeting as specified in this subparagraph.  
66 This process must include reasonable safeguards against the  
67 unauthorized use, reproduction, and distribution of  
68 instructional materials considered for adoption.

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

71 c. An open, noticed public meeting to approve an annual  
72 instructional materials plan to identify any instructional  
73 materials that will be purchased through the district school  
74 board instructional materials review process pursuant to this  
75 section. This public meeting must be held on a different date  
76 than the school board hearing.

77 d. Notice requirements for the school board hearing and the  
78 public meeting that must specifically state which instructional  
79 materials are being reviewed and the manner in which the  
80 instructional materials can be accessed for public review. The  
81 hearing must allow the parent of a public school student or a  
82 resident of the county to proffer evidence that a recommended  
83 instructional material does not meet the criteria provided in s.  
84 1006.31(2), taking into consideration course expectations based  
85 on the district's comprehensive plan for student progression  
86 under s. 1008.25(2) and course descriptions in the course code  
87 directory.

581-03117-18

20181644c1

88           9. Establish the process by which the district school board  
89 shall receive public comment on, and review, the recommended  
90 instructional materials.

91           10. Establish the process by which instructional materials  
92 will be purchased, including advertising, bidding, and  
93 purchasing requirements.

94           11. Establish the process by which the school district will  
95 notify parents of their ability to access their children's  
96 instructional materials through the district's local  
97 instructional improvement system and by which the school  
98 district will encourage parents to access the system. This  
99 notification must be displayed prominently on the school  
100 district's website and provided annually in written format to  
101 all parents of enrolled students.

102           12. Establish the process by which parents and residents of  
103 the county, as defined in s. 1006.28(1)(b), may recommend  
104 instructional materials for consideration by district  
105 instructional materials reviewers. The district school board  
106 must notify the publisher of any instructional material that is  
107 recommended for consideration and provide the publisher with the  
108 Florida Instructional Materials Adoption Schedule for the  
109 current adoption cycle.

110           Section 2. Subsection (2) of section 1006.31, Florida  
111 Statutes, is amended, and subsection (4) is added to that  
112 section, to read:

113           1006.31 Duties of the Department of Education and school  
114 district instructional materials reviewer.—The duties of the  
115 instructional materials reviewer are:

116           (2) EVALUATION OF INSTRUCTIONAL MATERIALS.—To use the

581-03117-18

20181644c1

117 selection criteria listed in s. 1006.34(2)(c) ~~s. 1006.34(2)(b)~~  
118 and recommend for adoption only those instructional materials  
119 aligned with the Next Generation Sunshine State Standards  
120 provided for in s. 1003.41. Instructional materials recommended  
121 by each reviewer shall be, to the satisfaction of each reviewer,  
122 accurate, objective, balanced, noninflammatory, current, free of  
123 pornography and material prohibited under s. 847.012, and suited  
124 to student needs and their ability to comprehend the material  
125 presented. Reviewers shall consider for recommendation materials  
126 developed for academically talented students, such as students  
127 enrolled in advanced placement courses. When recommending  
128 instructional materials, each reviewer shall:

129 (a) Include only instructional materials that accurately  
130 portray the ethnic, socioeconomic, cultural, religious,  
131 physical, and racial diversity of our society, including men and  
132 women in professional, career, and executive roles, and the role  
133 and contributions of the entrepreneur and labor in the total  
134 development of this state and the United States.

135 (b) Include only materials that accurately portray,  
136 whenever appropriate, humankind's place in ecological systems,  
137 including the necessity for the protection of our environment  
138 and conservation of our natural resources and the effects on the  
139 human system of the use of tobacco, alcohol, controlled  
140 substances, and other dangerous substances.

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

143 (d) Require, when appropriate to the comprehension of  
144 students, that materials for social science, history, or civics  
145 classes contain the Declaration of Independence and the

581-03117-18

20181644c1

146 Constitution of the United States. A reviewer may not recommend  
147 any instructional materials that contain any matter reflecting  
148 unfairly upon persons because of their race, color, creed,  
149 national origin, ancestry, gender, religion, disability,  
150 socioeconomic status, or occupation.

151 (4) PUBLIC ACCESS AND INPUT.—Members of the public must be  
152 provided access to, and be given an opportunity to submit  
153 comments on, instructional materials recommended for adoption by  
154 state instructional materials reviewers. Any submitted comment  
155 related to a specific recommended instructional material must be  
156 provided to the commissioner as part of his or her consideration  
157 of the instructional material pursuant to s. 1006.34(2)(a). Any  
158 virtual presentation provided by a bidding instructional  
159 material publisher or manufacturer must be posted on the  
160 department's website for public access until the adoption period  
161 closes. Members of the public must also be allowed to recommend  
162 any instructional material for consideration by state  
163 instructional materials reviewers. The Department of Education  
164 must notify the publisher of any instructional material that is  
165 recommended for consideration and provide the publisher with the  
166 Florida Instructional Materials Adoption Schedule for the  
167 current adoption cycle.

168 Section 3. Present paragraph (b) of subsection (2) of  
169 section 1006.34, Florida Statutes, is redesignated as paragraph  
170 (c), and a new paragraph (b) is added to that subsection, to  
171 read:

172 1006.34 Powers and duties of the commissioner and the  
173 department in selecting and adopting instructional materials.—

174 (2) SELECTION AND ADOPTION OF INSTRUCTIONAL MATERIALS.—

581-03117-18

20181644c1

175 (b) Instructional materials are not subject to public  
176 review procedures under s. 1006.40(4)(b) if the materials are  
177 found by the commissioner to, at a minimum, meet the Next  
178 Generation Sunshine State Standards under s. 1003.41, are found  
179 to comply with the adoption criteria and standards of paragraph  
180 (c) and s. 1003.42, and are not prohibited by s. 847.012.  
181 However, a district school board member may initiate the public  
182 review procedures before the instructional materials are adopted  
183 by the commissioner if he or she has evidence that the  
184 instructional materials do not meet the criteria required by  
185 this paragraph.

186 Section 4. Paragraph (b) of subsection (4) of section  
187 1006.40, Florida Statutes, is amended to read:

188 1006.40 Use of instructional materials allocation;  
189 instructional materials, library books, and reference books;  
190 repair of books.—

191 (4) Each district school board is responsible for the  
192 content of all materials used in a classroom or otherwise made  
193 available to students. Each district school board shall adopt  
194 rules, and each district school superintendent shall implement  
195 procedures, that:

196 (b) Except as provided in s. 1006.34(2)(b), provide a  
197 process for public review of, public comment on, and the  
198 adoption of instructional materials that satisfies the  
199 requirements of s. 1006.283(2)(b)8., 9., and 11.

200 Section 5. This act shall take effect July 1, 2018.