

By Senator Farmer

34-00317-18

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1                   A bill to be entitled  
2       An act relating to education; amending s. 1002.22,  
3       F.S.; requiring the annual notice of student and  
4       parent rights regarding education records to include  
5       information on opting out of disclosing a student's  
6       directory information; amending s. 1003.44, F.S.;  
7       requiring each district school board to adopt rules  
8       prohibiting the distribution or communication of  
9       political materials that do not meet specified  
10      requirements; providing an effective date.

11  
12 Be It Enacted by the Legislature of the State of Florida:

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14       Section 1. Paragraph (e) of subsection (2) of section  
15      1002.22, Florida Statutes, is amended to read:

16       1002.22 Education records and reports of K-12 students;  
17      rights of parents and students; notification; penalty.—

18       (2) RIGHTS OF STUDENTS AND PARENTS.—The rights of students  
19      and their parents with respect to education records created,  
20      maintained, or used by public educational institutions and  
21      agencies shall be protected in accordance with the Family  
22      Educational Rights and Privacy Act (FERPA), 20 U.S.C. s. 1232g,  
23      the implementing regulations issued pursuant thereto, and this  
24      section. In order to maintain the eligibility of public  
25      educational institutions and agencies to receive federal funds  
26      and participate in federal programs, the State Board of  
27      Education shall comply with the FERPA after the board has  
28      evaluated and determined that the FERPA is consistent with the  
29      following principles:

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30 (e) Students and their parents shall receive annual notice  
31 of their rights with respect to education records. The annual  
32 notice must include information that informs the students and  
33 their parents of their right to opt out of having the student's  
34 directory information, as defined in 20 U.S.C. s.  
35 1232g(a) (5) (A), disclosed.

36 Section 2. Section 1003.44, Florida Statutes, is amended to  
37 read:

38 1003.44 Patriotic programs; political materials; rules.—

39 (1) Each district school board may adopt rules to require,  
40 in all of the schools of the district, programs of a patriotic  
41 nature to encourage greater respect for the government of the  
42 United States and its national anthem and flag, subject always  
43 to other existing pertinent laws of the United States or of the  
44 state. When the national anthem is played, students and all  
45 civilians shall stand at attention, men removing the headdress,  
46 except when such headdress is worn for religious purposes. The  
47 pledge of allegiance to the flag, "I pledge allegiance to the  
48 flag of the United States of America and to the republic for  
49 which it stands, one nation under God, indivisible, with liberty  
50 and justice for all," shall be rendered by students standing  
51 with the right hand over the heart. The pledge of allegiance to  
52 the flag shall be recited at the beginning of the day in each  
53 public elementary, middle, and high school in the state. Each  
54 student shall be informed by a written notice published in the  
55 student handbook or a similar publication pursuant to s.  
56 1006.07(2) that the student has the right not to participate in  
57 reciting the pledge. Upon written request by his or her parent,  
58 the student must be excused from reciting the pledge, including

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59 standing and placing the right hand over his or her heart. When  
60 the pledge is given, unexcused students must show full respect  
61 to the flag by standing at attention, men removing the  
62 headdress, except when such headdress is worn for religious  
63 purposes, as provided by Pub. L. ch. 77-435, s. 7, approved June  
64 22, 1942, 56 Stat. 377, as amended by Pub. L. ch. 77-806, 56  
65 Stat. 1074, approved December 22, 1942.

66 (2) (a) Each district school board may allow any teacher or  
67 administrator to read, or to post in a public school building or  
68 classroom or at any school-related event, any excerpt or portion  
69 of any of the following historic material:

70 1. The national motto;

71 2. The national anthem;

72 3. The pledge of allegiance;

73 4. The Constitution of the State of Florida, including the  
74 Preamble;

75 5. The Constitution of the United States, including the  
76 Preamble;

77 6. The Bill of Rights;

78 7. The Declaration of Independence;

79 8. The Mayflower Compact;

80 9. The Emancipation Proclamation;

81 10. The writings, speeches, documents, and proclamations of  
82 the presidents of the United States, the signers of the  
83 Constitution of the United States and the Declaration of  
84 Independence, and civil rights leaders; and

85 11. Decisions of the United States Supreme Court.

86 (b) ~~However,~~ Any material that is read, posted, or taught  
87 pursuant to this subsection ~~provision~~ may be presented only from

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88 a historical perspective and in a nonproselytizing manner. When  
89 less than an entire document is used, the excerpt or portion  
90 must include as much material as is reasonably necessary to  
91 reflect the sentiment of the entire document and avoid  
92 expressing statements out of the context in which they were  
93 originally made. If the material refers to laws or judicial  
94 decisions that have been superseded, the material must be  
95 accompanied by a statement indicating that such law or decision  
96 is no longer the law of the land. ~~Ne~~ Material may not ~~shall~~ be  
97 selected to advance a particular religious, political, or  
98 sectarian purpose. The department shall distribute a copy of  
99 this section to each district school board, whereupon each  
100 district school superintendent shall distribute a copy to all  
101 teachers and administrators.

102 (3) All public schools in the state are encouraged to  
103 coordinate, at all grade levels, instruction related to our  
104 nation's founding fathers with "American Founders' Month"  
105 pursuant to s. 683.1455.

106 (4) Each district school board shall adopt rules to  
107 prohibit all public schools within its district from  
108 distributing political materials to or engaging in political  
109 communication with students, parents, or staff which is meant to  
110 advance a political purpose and does not meet the historical and  
111 educational requirements of subsection (2).

112 Section 3. This act shall take effect July 1, 2018.