

1 A bill to be entitled

2 An act relating to instructional materials; amending  
3 s. 1002.20, F.S.; requiring a school principal to  
4 communicate information to parents relating to certain  
5 instructional materials within a specified timeframe;  
6 amending s. 1006.28, F.S.; providing requirements for  
7 each school district's list of instructional  
8 materials; requiring school districts to provide  
9 supplemental instructional materials for the school  
10 district's educational program; requiring school  
11 districts to create a specified policy relating to  
12 such materials; requiring the Commissioner of  
13 Education to review certain school district processes  
14 and provide a report to the Governor and Legislature  
15 by a specified date; providing requirements for such  
16 report; providing an effective date.

17  
18 Be It Enacted by the Legislature of the State of Florida:

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20 Section 1. Paragraph (d) of subsection (3) of section  
21 1002.20, Florida Statutes, is amended to read:

22 1002.20 K-12 student and parent rights.—Parents of public  
23 school students must receive accurate and timely information  
24 regarding their child's academic progress and must be informed  
25 of ways they can help their child to succeed in school. K-12

26 | students and their parents are afforded numerous statutory  
27 | rights including, but not limited to, the following:

28 |       (3) HEALTH ISSUES.—

29 |       (d) Reproductive health and disease education.—A public  
30 | school student whose parent makes written request to the school  
31 | principal shall be exempted from the teaching of reproductive  
32 | health or any disease, including HIV/AIDS, in accordance with  
33 | ~~the provisions of s. 1003.42(3).~~ A school principal must  
34 | communicate to parents about the content of reproductive health  
35 | instructional materials at least 10 days before students view  
36 | such materials.

37 |       Section 2. Paragraphs (a) and (c) of subsection (2) of  
38 | section 1006.28, Florida Statutes, are amended to read:

39 |       1006.28 Duties of district school board, district school  
40 | superintendent; and school principal regarding K-12  
41 | instructional materials.—

42 |       (2) DISTRICT SCHOOL BOARD.—The district school board has  
43 | the constitutional duty and responsibility to select and provide  
44 | adequate instructional materials for all students in accordance  
45 | with the requirements of this part. The district school board  
46 | also has the following specific duties and responsibilities:

47 |       (a) Courses of study; adoption.—Adopt courses of study,  
48 | including instructional materials, for use in the schools of the  
49 | district.

50 |       1. Each district school board is responsible for the

51 content of all instructional materials and any other materials  
52 used in a classroom, made available in a school library, or  
53 included on a reading list, whether adopted and purchased from  
54 the state-adopted instructional materials list, adopted and  
55 purchased through a district instructional materials program  
56 under s. 1006.283, or otherwise purchased or made available.  
57 Each district school board shall maintain on its website a  
58 current list of instructional materials, by grade level,  
59 purchased by the district. Such list must contain, at a minimum,  
60 the title, author, and ISBN number, if available, for all  
61 instructional materials.

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

81 |  
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 before  
102 an unbiased and qualified hearing officer. The hearing officer  
103 may not be an employee or agent of the school district. The  
104 hearing is not subject to the provisions of chapter 120;  
105 however, the hearing must provide sufficient procedural  
106 protections to allow each petitioner an adequate and fair  
107 opportunity to be heard and present evidence to the hearing  
108 officer.

109

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

112 (c) Other instructional materials.—Provide such other  
113 teaching accessories and aids as are needed for the school  
114 district's educational program, including supplemental  
115 instructional materials. Each school district shall create a  
116 policy for the use of supplemental instructional materials in  
117 the classroom in compliance with s. 1006.31(2) and any other  
118 state laws relating to instructional materials.

119 Section 3. The Commissioner of Education shall review the  
120 process school districts use to evaluate materials that are not  
121 included on the state-adopted list as required in s. 1006.283,  
122 Florida Statutes. The commissioner shall provide a report to the  
123 Governor, the President of the Senate, and the Speaker of the  
124 House of Representatives by December 31, 2020. The report shall  
125 include statistics regarding how many materials have been

126 | removed by school districts as a result of the review process in  
127 | s. 1006.283, Florida Statutes, and identify instructional  
128 | materials with confirmed, factual errors and any corrective  
129 | measures taken pursuant to s. 1006.35, Florida Statutes. The  
130 | report shall include recommendations on ways the public can  
131 | review materials that are not on the state-adopted list,  
132 | including library materials, books included on summer reading  
133 | lists, and books available for purchase at book fairs.

134 | Section 4. This act shall take effect July 1, 2019.