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Proposed Committee Substitute by the Committee on Education

A bill to be entitled

An act relating to district school boards; amending s. 145.19, F.S.; conforming provisions to changes made by the act; amending s. 1001.395, F.S.; revising the salaries of district school board members; amending s. 1006.28, F.S.; deleting a requirement that district school boards maintain a current list of instructional materials on their websites; requiring meetings of committees convened to rank, eliminate, or select instructional materials to be noticed and open to the public; requiring such committees to include parents of district students and other members of the community; requiring certain individuals involved in selecting library materials to complete a specified training program; requiring certain materials to be selected only by employees who meet specified criteria; requiring district school boards to adopt procedures for developing library media center collections; providing requirements for such procedures; requiring elementary schools, district school boards, and the Department of Education to post in certain formats on their websites specified information relating to instructional materials and other materials; providing district school board requirements relating to public participation regarding selection, approval, adoption, or removal of certain materials; providing that school principals are responsible for overseeing compliance with



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29 specified procedures relating to library media center
30 materials; amending s. 1006.29, F.S.; revising
31 requirements for the department relating to the
32 development of training programs for the selection of
33 materials used in schools and library media centers;
34 amending s. 1006.40, F.S.; revising district school
35 board requirements for the selection and adoption of
36 certain materials; providing an effective date.

37

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

39

40 Section 1. Subsection (2) of section 145.19, Florida
41 Statutes, is amended to read:

42 145.19 Annual percentage increases based on increase for
43 state career service employees; limitation.—

44 (2) Each fiscal year, the salaries of all officials listed
45 in this chapter, ~~s. 1001.395~~, and s. 1001.47 shall be adjusted.
46 The adjusted salary rate shall be the product, rounded to the
47 nearest dollar, of the salary rate granted by the appropriate
48 section of this chapter, ~~s. 1001.395~~, or s. 1001.47 multiplied
49 first by the initial factor, then by the cumulative annual
50 factor, and finally by the annual factor. The Department of
51 Management Services shall certify the annual factor and the
52 cumulative annual factors. Any special qualification salary
53 received under this chapter, s. 1001.47, or the annual
54 performance salary incentive available to elected
55 superintendents under s. 1001.47 shall be added to such adjusted
56 salary rate. The special qualification salary shall be \$2,000,
57 but shall not exceed \$2,000.



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58 Section 2. Section 1001.395, Florida Statutes, is amended
59 to read:

60 1001.395 District school board members; compensation.—

61 (1) Each member of the district school board shall receive
62 a ~~base salary equal to the annual salary of a member of the~~
63 ~~Legislature identified in s. 11.13(1)(a)2., as determined~~
64 ~~pursuant to the General Appropriations Act or legislation~~
65 ~~implementing the General Appropriations Act, the amounts~~
66 ~~indicated in this section, based on the population of the county~~
67 ~~the district school board member serves. In addition,~~
68 ~~compensation shall be made for population increments over the~~
69 ~~minimum for each population group, which shall be determined by~~
70 ~~multiplying the population in excess of the minimum for the~~
71 ~~group times the group rate. The product of such calculation~~
72 ~~shall be added to the base salary to determine the adjusted base~~
73 ~~salary. The adjusted base salaries of district school board~~
74 ~~members shall be increased annually as provided for in s.~~
75 ~~145.19.~~

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Pop.	County Pop. Range		Base	Group Rate
Group	Minimum	Maximum	Salary	Group Rate
I	0	9,999	\$5,000	\$0.08330
II	10,000	49,999	5,833	0.020830
III	50,000	99,999	6,666	0.016680

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81	IV	100,000	199,999	7,500	0.008330
82	V	200,000	399,999	8,333	0.004165
83	VI	400,000	999,999	9,166	0.001390
84	VII	1,000,000		10,000	0.000000

85
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87 (2) Notwithstanding the provisions of this section ~~or s.~~
88 ~~145.19~~, district school board members may reduce their salary
89 rate on a voluntary basis.

90 (3) Notwithstanding the provisions of this section ~~and s.~~
91 ~~145.19~~, the salary of each district school board member shall be
92 the amount calculated pursuant to subsection (1) or the
93 district's beginning salary for teachers who hold baccalaureate
94 degrees, whichever is less.

95 Section 3. Paragraphs (a) and (d) of subsection (2) and
96 subsection (4) of section 1006.28, Florida Statutes, are
97 amended, and paragraph (e) is added to subsection (2) of that
98 section, to read:

99 1006.28 Duties of district school board, district school
100 superintendent; and school principal regarding K-12
101 instructional materials.—

102 (2) DISTRICT SCHOOL BOARD.—The district school board has
103 the constitutional duty and responsibility to select and provide
104 adequate instructional materials for all students in accordance
105 with the requirements of this part. The district school board



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106 also has the following specific duties and responsibilities:

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

110 1. Each district school board is responsible for the
111 content of all instructional materials and any other materials
112 used in a classroom, made available in a school library, or
113 included on a reading list, whether adopted and purchased from
114 the state-adopted instructional materials list, adopted and
115 purchased through a district instructional materials program
116 under s. 1006.283, or otherwise purchased or made available.
117 ~~Each district school board shall maintain on its website a~~
118 ~~current list of instructional materials, by grade level,~~
119 ~~purchased by the district.~~

120 2. Each district school board must adopt a policy regarding
121 an objection by a parent or a resident of the county to the use
122 of a specific ~~instructional~~ material, which clearly describes a
123 process to handle all objections and provides for resolution.
124 The process must provide the parent or resident the opportunity
125 to proffer evidence to the district school board that:

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

132 b. Any material used in a classroom, made available in a
133 school library, or included on a reading list contains content
134 that is pornographic or prohibited under s. 847.012, is not



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135 suited to student needs and their ability to comprehend the
136 material presented, or is inappropriate for the grade level and
137 age group for which the material is used.

138
139 If the district school board finds that an instructional
140 material does not meet the criteria under sub-subparagraph a. or
141 that any other material contains prohibited content under sub-
142 subparagraph b., the school district shall discontinue use of
143 the material for any grade level or age group for which such use
144 is inappropriate or unsuitable.

145 3. Each district school board must establish a process by
146 which the parent of a public school student or a resident of the
147 county may contest the district school board's adoption of a
148 specific instructional material. The parent or resident must
149 file a petition, on a form provided by the school board, within
150 30 calendar days after the adoption of the instructional
151 material by the school board. The school board must make the
152 form available to the public and publish the form on the school
153 district's website. The form must be signed by the parent or
154 resident, include the required contact information, and state
155 the objection to the instructional material based on the
156 criteria of s. 1006.31(2) or s. 1006.40(3)(d). Within 30 days
157 after the 30-day period has expired, the school board must, for
158 all petitions timely received, conduct at least one open public
159 hearing before an unbiased and qualified hearing officer. The
160 hearing officer may not be an employee or agent of the school
161 district. The hearing is not subject to the provisions of
162 chapter 120; however, the hearing must provide sufficient
163 procedural protections to allow each petitioner an adequate and



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164 fair opportunity to be heard and present evidence to the hearing
165 officer.

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

169 4. Meetings of committees convened for the purpose of
170 ranking, eliminating, or selecting instructional materials for
171 recommendation to the district school board must be noticed and
172 open to the public in accordance with s. 286.011. Any committees
173 convened for such purposes must include parents of school
174 district students and other members of the community.

175 (d) *School library media services; establishment and*
176 *maintenance.*—Establish and maintain a program of school library
177 media services for all public schools in the district, including
178 school library media centers, or school library media centers
179 open to the public, and, in addition such traveling or
180 circulating libraries as may be needed for the proper operation
181 of the district school system. ~~Each school district shall~~
182 ~~provide training to~~ School librarians, ~~and~~ media specialists,
183 ~~and other personnel involved in the selection of school district~~
184 ~~library materials must complete a training program developed~~
185 ~~pursuant to s. 1006.29(5) before reviewing and selecting~~
186 ~~regarding the prohibition against distributing harmful materials~~
187 ~~to minors under s. 847.012 and applicable case law, and best~~
188 ~~practices for providing students access to age-appropriate~~
189 materials and library resources. Upon written request, a school
190 district shall provide access to any material or book specified
191 in the request that is maintained in a district school system
192 library and is available for review.



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193 1. Each book made available to students through a school
194 district library media center or required as part of a booklist
195 used in a classroom must be selected by a school district
196 employee who holds a valid educational media specialist
197 certificate, regardless of whether the book is purchased,
198 donated, or otherwise made available to students.

199 2. Each district school board shall adopt procedures for
200 developing library media center collections and post the
201 procedures on the website for each school within the district.
202 The procedures must:

203 a. Require that book selections meet the criteria in s.
204 1006.40(3)(d).

205 b. Require consultation of reputable, professionally
206 recognized reviewing sources and school community stakeholders
207 for each selection.

208 c. Provide for library media center collections based on
209 reader interest, support of state academic standards and aligned
210 curriculum, and the academic needs of students and faculty.

211 d. Provide for the regular removal or discontinuance of
212 books based on, at a minimum, physical condition, rate of recent
213 circulation, alignment to state academic standards and relevancy
214 to curriculum, out-of-date content, and required removal
215 pursuant to subparagraph (a)2.

216 3. Each elementary school must publish on its website, in a
217 searchable format prescribed by the department, a list of all
218 materials maintained in the school library media center or
219 required as part of a booklist used in a classroom.

220 (e) *Public participation.*—Publish on its website, in a
221 searchable format prescribed by the department, a list of all



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222 instructional materials, including those used to provide
223 instruction required by s. 1003.42. Each district school board
224 must:

225 1. Provide access to all materials, excluding teacher
226 editions, for public inspection and allow the public to copy,
227 scan, duplicate, or photograph portions of original materials
228 within the limits of fair use under the copyright laws of the
229 United States pursuant to Title 17 of the United States Code,
230 Pub. L. No. 94-653, 17 U.S.C. ss. 101 et seq. Access must be
231 provided at least 30 days before any official action on such
232 materials.

233 2. Select, approve, adopt, or purchase all materials as a
234 separate line item on the agenda and must provide a reasonable
235 opportunity for public comment. The use of materials described
236 in this paragraph may not be selected, approved, or adopted as
237 part of a consent agenda.

238 3. Annually, beginning June 30, 2022, submit to the
239 Commissioner of Education a report that identifies:

240 a. Each material for which the school district received an
241 objection pursuant to subparagraph (a)2. for the school year and
242 the specific objections thereto.

243 b. Each material removed or discontinued as a result of an
244 objection.

245 c. The grade level and course for which a removed or
246 discontinued material was used, as applicable.

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248 The department shall publish and regularly update a list of
249 materials removed or discontinued as a result of an objection
250 and disseminate the list to school districts for consideration



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251 in their selection procedures.

252 (4) SCHOOL PRINCIPAL.—The school principal has the
253 following duties for the management and care of ~~instructional~~
254 materials at the school:

255 (a) *Proper use of instructional materials.*—The principal
256 shall assure that instructional materials are used to provide
257 instruction to students enrolled at the grade level or levels
258 for which the materials are designed, pursuant to adopted
259 district school board rule. The school principal shall
260 communicate to parents the manner in which instructional
261 materials are used to implement the curricular objectives of the
262 school.

263 (b) *Money collected for lost or damaged instructional*
264 *materials; enforcement.*—The school principal shall collect from
265 each student or the student's parent the purchase price of any
266 instructional material the student has lost, destroyed, or
267 unnecessarily damaged and to report and transmit the money
268 collected to the district school superintendent. The failure to
269 collect such sum upon reasonable effort by the school principal
270 may result in the suspension of the student from participation
271 in extracurricular activities or satisfaction of the debt by the
272 student through community service activities at the school site
273 as determined by the school principal, pursuant to policies
274 adopted by district school board rule.

275 (c) *Sale of instructional materials.*—The school principal,
276 upon request of the parent of a student in the school, shall
277 sell to the parent any instructional materials used in the
278 school. All such sales shall be made pursuant to rule adopted by
279 the district school board, and the principal shall annually



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280 provide information to parents that they may purchase
281 instructional materials and how to purchase the materials.

282 (d) *Disposition of funds.*—All money collected from the
283 sale, exchange, loss, or damage of instructional materials shall
284 be transmitted to the district school superintendent to be
285 deposited in the district school board fund and added to the
286 district appropriation for instructional materials.

287 (e) *Accounting for instructional materials.*—Principals
288 shall see that all instructional materials are fully and
289 properly accounted for as prescribed by adopted rules of the
290 district school board.

291 (f) Selection of library media center materials.—School
292 principals are responsible for overseeing compliance with school
293 district procedures for selecting school library media center
294 materials.

295 Section 4. Subsections (2) and (5) of section 1006.29,
296 Florida Statutes, are amended to read:

297 1006.29 State instructional materials reviewers.—

298 (2) For purposes of this part ~~state adoption~~, the term
299 “instructional materials” means items having intellectual
300 content that by design serve as a major tool for assisting in
301 the instruction of a subject or course. These items may be
302 available in bound, unbound, kit, or package form and may
303 consist of hardbacked or softbacked textbooks, electronic
304 content, consumables, learning laboratories, manipulatives,
305 electronic media, and computer courseware or software. A
306 publisher or manufacturer providing instructional materials as a
307 single bundle shall also make the instructional materials
308 available as separate and unbundled items, each priced



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309 individually. A publisher may also offer sections of state-
310 adopted instructional materials in digital or electronic
311 versions at reduced rates to districts, schools, and teachers.

312 (5) The department shall develop ~~a~~ training programs
313 ~~program~~ for persons selected as state instructional materials
314 reviewers and school district reviewers of instructional
315 materials, including those used to provide instruction required
316 by s. 1003.42, and any materials maintained in the district
317 school library media centers or included on a reading list. The
318 programs ~~program~~ shall be structured to assist reviewers in
319 complying with the requirements of s. 1006.31(2) ~~developing the~~
320 ~~skills necessary to make valid, culturally sensitive, and~~
321 ~~objective decisions regarding the content and rigor of~~
322 ~~instructional materials.~~ All persons serving as instructional
323 ~~materials~~ reviewers must complete a ~~the~~ training program before
324 ~~prior to~~ beginning the review and selection process.

325 Section 5. Paragraph (b) of subsection (4) of section
326 1006.40, Florida Statutes, is amended to read:

327 1006.40 Use of instructional materials allocation;
328 instructional materials, library books, and reference books;
329 repair of books.—

330 (4) Each district school board is responsible for the
331 content of all materials used in a classroom or otherwise made
332 available to students. Each district school board shall adopt
333 rules, and each district school superintendent shall implement
334 procedures, that:

335 (b) Provide a process for public review of, public comment
336 on, and the adoption of ~~instructional~~ materials, including those
337 ~~instructional materials~~ used to provide instruction required by



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338 s. 1003.42 ~~teach reproductive health or any disease, including~~
339 ~~HIV/AIDS, under ss. 1003.42(3) and 1003.46,~~ which satisfies the
340 requirements of s. 1006.283(2)(b)8., 9., and 11.

341 Section 6. This act shall take effect July 1, 2022.