

1 A bill to be entitled
2 An act relating to K-12 education; amending s.
3 1001.35, F.S.; establishing term limits for school
4 board members; amending s. 1006.28, F.S.; deleting a
5 requirement that district school boards maintain a
6 specified list on their websites; requiring certain
7 meetings relating to instructional materials to be
8 noticed and open to the public; providing requirements
9 for the membership of committees related to
10 instructional materials; requiring certain individuals
11 involved in selecting library materials to complete a
12 specified training; requiring certain materials to be
13 selected by employees who meet specified criteria;
14 requiring district school boards to adopt procedures
15 for developing library media center collections;
16 providing requirements for such procedures; requiring
17 elementary schools, district school boards, and the
18 Department of Education to post on their websites
19 specified information relating to instructional
20 materials and other materials in certain formats;
21 providing district school board requirements;
22 providing school principals are responsible for
23 overseeing compliance with specified procedures
24 relating to library media center materials; amending
25 s. 1006.29, F.S.; revising requirements for the

26 department relating to the development of training
 27 programs for the selection of materials used in
 28 schools and library media centers; amending s.
 29 1006.40, F.S.; revising district school board
 30 requirements for the selection and adoption of certain
 31 materials; providing an effective date.

32

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

34

35 Section 1. Section 1001.35, Florida Statutes, is amended
 36 to read:

37 1001.35 Term of office.—District school board members
 38 shall be elected at the general election in November for terms
 39 of 4 years except that a person may not appear on the ballot for
 40 reelection to the office of school board member if, by the end
 41 of his or her current term of office, the person will have
 42 served, or but for resignation would have served, in that office
 43 for 8 consecutive years. Service of a term of office which
 44 commenced before November 8, 2022, will not be counted toward
 45 the limitation imposed by this section.

46 Section 2. Paragraphs (a) and (d) of subsection (2) and
 47 subsection (4) of section 1006.28, Florida Statutes, are
 48 amended, and paragraph (e) is added to subsection (2) of that
 49 section, to read:

50 1006.28 Duties of district school board, district school

51 superintendent; and school principal regarding K-12
52 instructional materials.—

53 (2) DISTRICT SCHOOL BOARD.—The district school board has
54 the constitutional duty and responsibility to select and provide
55 adequate instructional materials for all students in accordance
56 with the requirements of this part. The district school board
57 also has the following specific duties and responsibilities:

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

61 1. Each district school board is responsible for the
62 content of all instructional materials and any other materials
63 used in a classroom, made available in a school library, or
64 included on a reading list, whether adopted and purchased from
65 the state-adopted instructional materials list, adopted and
66 purchased through a district instructional materials program
67 under s. 1006.283, or otherwise purchased or made available.
68 ~~Each district school board shall maintain on its website a~~
69 ~~current list of instructional materials, by grade level,~~
70 ~~purchased by the district.~~

71 2. Each district school board must adopt a policy
72 regarding an objection by a parent or a resident of the county
73 to the use of a specific ~~instructional~~ material, which clearly
74 describes a process to handle all objections and provides for
75 resolution. The process must provide the parent or resident the

76 | opportunity to proffer evidence to the district school board
77 | that:

78 | a. An instructional material does not meet the criteria of
79 | s. 1006.31(2) or s. 1006.40(3)(d) if it was selected for use in
80 | a course or otherwise made available to students in the school
81 | district but was not subject to the public notice, review,
82 | comment, and hearing procedures under s. 1006.283(2)(b)8., 9.,
83 | and 11.

84 | b. Any material used in a classroom, made available in a
85 | school library, or included on a reading list contains content
86 | that is pornographic or prohibited under s. 847.012, is not
87 | suited to student needs and their ability to comprehend the
88 | material presented, or is inappropriate for the grade level and
89 | age group for which the material is used.

90 |
91 | If the district school board finds that an instructional
92 | material does not meet the criteria under sub-subparagraph a. or
93 | that any other material contains prohibited content under sub-
94 | subparagraph b., the school district shall discontinue use of
95 | the material for any grade level or age group for which such use
96 | is inappropriate or unsuitable.

97 | 3. Each district school board must establish a process by
98 | which the parent of a public school student or a resident of the
99 | county may contest the district school board's adoption of a
100 | specific instructional material. The parent or resident must

101 file a petition, on a form provided by the school board, within
102 30 calendar days after the adoption of the instructional
103 material by the school board. The school board must make the
104 form available to the public and publish the form on the school
105 district's website. The form must be signed by the parent or
106 resident, include the required contact information, and state
107 the objection to the instructional material based on the
108 criteria of s. 1006.31(2) or s. 1006.40(3)(d). Within 30 days
109 after the 30-day period has expired, the school board must, for
110 all petitions timely received, conduct at least one open public
111 hearing before an unbiased and qualified hearing officer. The
112 hearing officer may not be an employee or agent of the school
113 district. The hearing is not subject to the provisions of
114 chapter 120; however, the hearing must provide sufficient
115 procedural protections to allow each petitioner an adequate and
116 fair opportunity to be heard and present evidence to the hearing
117 officer. The school board's decision after convening a hearing
118 is final and not subject to further petition or review.

119 4. Meetings of committees convened for the purpose of
120 ranking, eliminating, or selecting instructional materials for
121 recommendation to the district school board must be noticed and
122 open to the public in accordance with s. 286.011. Any committees
123 convened for such purposes must include parents of district
124 students.

125 (d) School library media services; establishment and

126 maintenance.—Establish and maintain a program of school library
127 media services for all public schools in the district, including
128 school library media centers, or school library media centers
129 open to the public, and, in addition such traveling or
130 circulating libraries as may be needed for the proper operation
131 of the district school system. ~~Each school district shall~~
132 ~~provide training to~~ School librarians, and media specialists, and
133 and other personnel involved in the selection of school district
134 library materials must complete the training program developed
135 pursuant to s. 1006.29(5) before reviewing and selecting
136 ~~regarding the prohibition against distributing harmful materials~~
137 ~~to minors under s. 847.012 and applicable case law, and best~~
138 ~~practices for providing students access to~~ age-appropriate
139 materials and library resources. Upon written request, a school
140 district shall provide access to any material or book specified
141 in the request that is maintained in a district school system
142 library and is available for review.

143 1. Each book made available to students through a school
144 district library media center or included in a recommended or
145 assigned school or grade-level reading list must be selected by
146 a school district employee who holds a valid educational media
147 specialist certificate, regardless of whether the book is
148 purchased, donated, or otherwise made available to students.

149 2. Each district school board shall adopt procedures for
150 developing library media center collections and post the

151 procedures on the website for each school within the district.

152 The procedures must:

153 a. Require that book selections meet the criteria in s.
 154 1006.40 (3) (d).

155 b. Require consultation of reputable, professionally
 156 recognized reviewing periodicals and school community
 157 stakeholders.

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

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

166 3. Each elementary school must publish on its website, in
 167 a searchable format prescribed by the department, a list of all
 168 materials maintained in the school library media center or
 169 required as part of a school or grade-level reading list.

170 (e) Public participation.—Publish on its website, in a
 171 searchable format prescribed by the department, a list of all
 172 instructional materials, including those used to provide
 173 instruction required by s. 1003.42. Each district school board
 174 must:

175 1. Provide access to all materials, excluding teacher

176 editions, in accordance with s. 1006.283(2)(b)8.a. before the
177 district school board takes any official action on such
178 materials. This process must include reasonable safeguards
179 against the unauthorized use, reproduction, and distribution of
180 instructional materials considered for adoption.

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

186 3. Annually, beginning June 30, 2023, submit to the
187 Commissioner of Education a report that identifies:

188 a. Each material not purchased from the state-adopted list
189 for which the school district received an objection pursuant to
190 subparagraph (a)2. for the school year and the specific
191 objections thereto.

192 b. Each material that was removed or discontinued as a
193 result of an objection.

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

196
197 The department shall publish and regularly update a list of
198 materials that were removed or discontinued as a result of an
199 objection and disseminate the list to school districts for
200 consideration in their selection procedures.

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

204 (a) Proper use of instructional materials.—The principal
 205 shall assure that instructional materials are used to provide
 206 instruction to students enrolled at the grade level or levels
 207 for which the materials are designed, pursuant to adopted
 208 district school board rule. The school principal shall
 209 communicate to parents the manner in which instructional
 210 materials are used to implement the curricular objectives of the
 211 school.

212 (b) Money collected for lost or damaged instructional
 213 materials; enforcement.—The school principal shall collect from
 214 each student or the student's parent the purchase price of any
 215 instructional material the student has lost, destroyed, or
 216 unnecessarily damaged and to report and transmit the money
 217 collected to the district school superintendent. The failure to
 218 collect such sum upon reasonable effort by the school principal
 219 may result in the suspension of the student from participation
 220 in extracurricular activities or satisfaction of the debt by the
 221 student through community service activities at the school site
 222 as determined by the school principal, pursuant to policies
 223 adopted by district school board rule.

224 (c) Sale of instructional materials.—The school principal,
 225 upon request of the parent of a student in the school, shall

226 | sell to the parent any instructional materials used in the
227 | school. All such sales shall be made pursuant to rule adopted by
228 | the district school board, and the principal shall annually
229 | provide information to parents that they may purchase
230 | instructional materials and how to purchase the materials.

231 | (d) Disposition of funds.—All money collected from the
232 | sale, exchange, loss, or damage of instructional materials shall
233 | be transmitted to the district school superintendent to be
234 | deposited in the district school board fund and added to the
235 | district appropriation for instructional materials.

236 | (e) Accounting for instructional materials.—Principals
237 | shall see that all instructional materials are fully and
238 | properly accounted for as prescribed by adopted rules of the
239 | district school board.

240 | (f) Selection of library media center materials.—School
241 | principals are responsible for overseeing compliance with school
242 | district procedures for selecting school library media center
243 | materials.

244 | Section 3. Subsections (2) and (5) of section 1006.29,
245 | Florida Statutes, are amended to read:

246 | 1006.29 State instructional materials reviewers.—

247 | (2) For purposes of this part ~~state adoption~~, the term
248 | "instructional materials" means items having intellectual
249 | content that by design serve as a major tool for assisting in
250 | the instruction of a subject or course. These items may be

251 available in bound, unbound, kit, or package form and may
252 consist of hardbacked or softbacked textbooks, electronic
253 content, consumables, learning laboratories, manipulatives,
254 electronic media, and computer courseware or software. A
255 publisher or manufacturer providing instructional materials as a
256 single bundle shall also make the instructional materials
257 available as separate and unbundled items, each priced
258 individually. A publisher may also offer sections of state-
259 adopted instructional materials in digital or electronic
260 versions at reduced rates to districts, schools, and teachers.

261 (5) The department shall develop ~~a~~ training programs
262 ~~program~~ for persons selected as state instructional materials
263 reviewers and school district reviewers of instructional
264 materials, including those used to provide instruction required
265 by s. 1003.42, and any materials maintained in the district
266 school library media centers or included on a reading list. The
267 programs ~~program~~ shall be structured to assist reviewers in
268 complying with the requirements of s. 1006.31(2) ~~developing the~~
269 ~~skills necessary to make valid, culturally sensitive, and~~
270 ~~objective decisions regarding the content and rigor of~~
271 ~~instructional materials~~. All persons serving as ~~instructional~~
272 ~~materials~~ reviewers must complete a ~~the~~ training program before
273 ~~prior to~~ beginning the review and selection process.

274 Section 4. Paragraph (b) of subsection (4) of section
275 1006.40, Florida Statutes, is amended to read:

276 1006.40 Use of instructional materials allocation;
277 instructional materials, library books, and reference books;
278 repair of books.-

279 (4) Each district school board is responsible for the
280 content of all materials used in a classroom or otherwise made
281 available to students. Each district school board shall adopt
282 rules, and each district school superintendent shall implement
283 procedures, that:

284 (b) Provide a process for public review of, public comment
285 on, and the adoption of ~~instructional~~ materials, including those
286 ~~instructional materials~~ used to provide instruction required by
287 s. 1003.42 ~~teach reproductive health or any disease, including~~
288 ~~HIV/AIDS, under ss. 1003.42(3) and 1003.46,~~ which satisfies the
289 requirements of s. 1006.283(2)(b)8., 9., and 11.

290 Section 5. This act shall take effect July 1, 2022.