



867012

LEGISLATIVE ACTION

Senate

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House

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Floor: 4/F/2R

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05/02/2023 01:06 PM

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Senator Polsky moved the following:

Senate Amendment (with title amendment)

Delete lines 279 - 361

and insert:

regarding an objection by a parent ~~or a resident of the county~~
to the use of a specific material, which clearly describes a
process to handle all objections and provides for resolution.

The objection form, as prescribed by State Board of Education
rule, and the district school board's process must be easy to
read and understand and be easily accessible on the homepage of
the school district's website. The process must provide the



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12 parent ~~or resident~~ the opportunity to proffer evidence to the
13 district school board that:

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

20 b. Any material used in a classroom, made available in a
21 school or classroom library, or included on a reading list
22 contains content that:

23 (I) Is pornographic or prohibited under s. 847.012;

24 (II) Depicts or describes sexual conduct as defined in s.
25 847.001, unless such material is for a course required by s.
26 1003.46 or s. 1003.42(2)(n)1.g. or identified by State Board of
27 Education rule;

28 (III) Is not suited to student needs and their ability to
29 comprehend the material presented; or

30 (IV) Is inappropriate for the grade level and age group for
31 which the material is used.

32
33 Any material that is subject to an objection on the basis of
34 sub-sub-subparagraph b.(I) or sub-sub-subparagraph b.(II) must
35 be made unavailable to students until the objection is resolved.
36 Parents have the right to read aloud at public meetings passages
37 from material that is subject to an objection. If the district
38 school board finds that an instructional material does not meet
39 the criteria under sub-subparagraph a. or that any other
40 material contains prohibited content under sub-subparagraph b.,



41 the school district shall discontinue use of the material for
42 any grade level or age group for which such use is inappropriate
43 or unsuitable.

44 3. Each district school board must establish a process by
45 which the parent of a public school student ~~or a resident of the~~
46 ~~county~~ may contest the district school board's adoption of a
47 specific instructional material. The parent ~~or resident~~ must
48 file a petition, on a form provided by the school board, within
49 30 calendar days after the adoption of the instructional
50 material by the school board. The school board must make the
51 form available to the public and publish the form on the school
52 district's website. The form must be signed by the parent ~~or~~
53 ~~resident~~, include the required contact information, and state
54 the objection to the instructional material based on the
55 criteria of s. 1006.31(2) or s. 1006.40(3)(d). Within 30 days
56 after the 30-day period has expired, the school board must, for
57 all petitions timely received, conduct at least one open public
58 hearing before an unbiased and qualified hearing officer. The
59 hearing officer may not be an employee or agent of the school
60 district. The hearing is not subject to the provisions of
61 chapter 120; however, the hearing must provide sufficient
62 procedural protections to allow each petitioner an adequate and
63 fair opportunity to be heard and present evidence to the hearing
64 officer. The school board's decision after convening a hearing
65 is final and not subject to further petition or review.

66 4. Meetings of committees convened for the purpose of
67 ranking, eliminating, or selecting instructional materials for
68 recommendation to the district school board must be noticed and
69 open to the public in accordance with s. 286.011. Any committees



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70 convened for such purposes must include parents of ~~district~~
71 students who will have access to such materials.

72 5. Meetings of committees convened for the purpose of
73 resolving an objection by a parent to specific materials must be
74 noticed and open to the public in accordance with s. 286.011.
75 Any committees convened for such purpose must include parents of
76 students who will have access to such materials.

77 ===== T I T L E A M E N D M E N T =====

78 And the title is amended as follows:

79 Delete lines 32 - 37

80 and insert:

81 libraries; revising who may bring an objection to the
82 use of a specific material; requiring that a specified
83 objection form and district school board process meet
84 certain requirements; providing requirements for
85 materials used in a classroom library; revising the
86 criteria a parent must meet to object to certain
87 materials used in the classroom; requiring certain