

1                                   A bill to be entitled  
 2           An act relating to instructional materials; amending  
 3           s. 1006.28, F.S.; revising provisions relating to a  
 4           district school board's responsibilities; requiring a  
 5           school district to maintain certain information on its  
 6           website; allowing a resident of a county to challenge  
 7           the use or adoption of instructional materials;  
 8           revising requirements for instructional materials  
 9           objection and appeal processes; requiring a school  
 10          district to discontinue use of materials in certain  
 11          circumstances; requiring compliance with certain  
 12          procedural safeguards for a challenge to the adoption  
 13          of an instructional material; requiring a school  
 14          district to provide access to school library materials  
 15          upon written request; amending s. 1006.283, F.S.;  
 16          revising requirements for an instructional materials  
 17          adoption public hearing; amending s. 1006.31, F.S.;  
 18          revising requirements for recommending an  
 19          instructional material; amending s. 1006.40, F.S.;  
 20          revising requirements for use of the instructional  
 21          materials allocation; making conforming changes;  
 22          providing an effective date.

23  
 24    Be It Enacted by the Legislature of the State of Florida:  
 25

26 Section 1. Subsection (1) of section 1006.28, Florida  
27 Statutes, is amended to read:

28 1006.28 Duties of district school board, district school  
29 superintendent; and school principal regarding K-12  
30 instructional materials.—

31 (1) DISTRICT SCHOOL BOARD.—The district school board has  
32 the constitutional duty and responsibility to select and provide  
33 adequate instructional materials for all students in accordance  
34 with the requirements of this part. The term "instructional  
35 material" has the meaning provided in s. 1006.29(2). The term  
36 "adequate instructional materials" means a sufficient number of  
37 student or site licenses or sets of materials that are available  
38 in bound, unbound, kit, or package form and may consist of  
39 hardbacked or softbacked textbooks, electronic content,  
40 consumables, learning laboratories, manipulatives, electronic  
41 media, and computer courseware or software that serve as the  
42 basis for instruction for each student in the core subject areas  
43 of mathematics, language arts, social studies, science, reading,  
44 and literature. The district school board has the following  
45 specific duties and responsibilities:

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

49 1. Each district school board is responsible for the  
50 content of all instructional materials and any other materials

51 | used in a classroom, made available in a school library, or  
52 | included on a reading list, whether adopted and purchased from  
53 | the state-adopted instructional materials list, adopted and  
54 | purchased through a district instructional materials program  
55 | under s. 1006.283, or otherwise purchased or made available ~~in~~  
56 | ~~the classroom.~~ Each district school board shall maintain on its  
57 | website a current list of instructional materials, by grade  
58 | level, purchased by the district.

59 | 2. Each district school board must adopt a policy  
60 | regarding a ~~parent's~~ objection by a parent or a resident of the  
61 | county to the his or her child's use of a specific instructional  
62 | material, which clearly describes a process to handle all  
63 | objections and provides for resolution. The process must provide  
64 | the parent or resident the opportunity to proffer evidence to  
65 | the district school board that:

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

72 | b. Any material used in a classroom, made available in a  
73 | school library, or included on a reading list contains content  
74 | that is pornographic or prohibited under s. 847.012, is not  
75 | suited to student needs and their ability to comprehend the

76 material presented, or is inappropriate for the grade level and  
77 age group for which the material is used.

78  
79 If the district school board finds that an instructional  
80 material does not meet the criteria under subparagraph a. or  
81 that any other material contains prohibited content under  
82 subparagraph b., the school district shall discontinue use of  
83 the material for any grade level or age group for which such use  
84 is inappropriate or unsuitable.

85 3. Each district school board must establish a process by  
86 which the parent of a public school student or a resident of the  
87 county may contest the district school board's adoption of a  
88 specific instructional material. The parent or resident must  
89 file a petition, on a form provided by the school board, within  
90 30 calendar days after the adoption of the material by the  
91 school board. The school board must make the form available to  
92 the public and publish the form on the school district's  
93 website. The form must be signed by the parent or resident,  
94 include the required contact information, and state the  
95 objection to the instructional material based on the criteria of  
96 1006.31(2) or 1006.40(3)(d). Within 30 days after the 30-day  
97 period has expired, the school board must, for all petitions  
98 timely received, conduct at least one open public hearing on all  
99 petitions timely received, providing at a minimum the procedural  
100 safeguards of ss. 120.569 and 120.57 making appropriate

101 provision for appointment of unbiased and qualified hearing  
 102 officers. A hearing officer may not be an employee, agent, or  
 103 contractor of the school district.

104 ~~and provide the petitioner written notification of the date~~  
 105 ~~and time of the hearing at least 7 days before the hearing. All~~  
 106 ~~instructional materials contested must be made accessible online~~  
 107 ~~to the public at least 7 days before a public hearing.~~

108  
 109 The school board's decision after convening a hearing is final  
 110 and not subject to further petition or review.

111 (b) Instructional materials.—Provide for proper  
 112 requisitioning, distribution, accounting, storage, care, and use  
 113 of all instructional materials and furnish such other  
 114 instructional materials as may be needed. Instructional  
 115 materials used must be consistent with the district goals and  
 116 objectives and the course descriptions established in rule of  
 117 the State Board of Education, as well as with the applicable  
 118 Next Generation Sunshine State Standards provided for in s.  
 119 1003.41.

120 (c) Other instructional materials.—Provide such other  
 121 teaching accessories and aids as are needed for the school  
 122 district's educational program.

123 (d) School library media services; establishment and  
 124 maintenance.—Establish and maintain a program of school library  
 125 media services for all public schools in the district, including

126 school library media centers, or school library media centers  
 127 open to the public, and, in addition such traveling or  
 128 circulating libraries as may be needed for the proper operation  
 129 of the district school system. Upon written request, a school  
 130 district shall provide access to any instructional material or  
 131 book specified in the request that is maintained in a district  
 132 school system library and is available for review.

133 Section 2. Paragraph (b) of subsection (2) of Section  
 134 1006.283, Florida Statutes, is amended to read:

135 1006.283 District school board instructional materials  
 136 review process.—

137 (2)

138 (b) District school board rules must also:

139 1. Identify, by subject area, a review cycle for  
 140 instructional materials.

141 2. Specify the qualifications for an instructional  
 142 materials reviewer and the process for selecting reviewers; list  
 143 a reviewer's duties and responsibilities, including compliance  
 144 with the requirements of s. 1006.31; and provide that all  
 145 instructional materials recommended by a reviewer be accompanied  
 146 by the reviewer's statement that the materials align with the  
 147 state standards pursuant to s. 1003.41 and the requirements of  
 148 s. 1006.31.

149 3. State the requirements for an affidavit to be made by  
 150 each district instructional materials reviewer which

151 substantially meet the requirements of s. 1006.30.

152 4. Comply with s. 1006.32, relating to prohibited acts.

153 5. Establish a process that certifies the accuracy of

154 instructional materials.

155 6. Incorporate applicable requirements of s. 1006.31,

156 which relates to the duties of instructional materials

157 reviewers.

158 7. Incorporate applicable requirements of s. 1006.38,

159 relating to the duties, responsibilities, and requirements of

160 publishers of instructional materials.

161 8. Establish the process by which instructional materials

162 are adopted by the district school board, which must include:

163 a. A process to allow student editions of recommended

164 instructional materials to be accessed and viewed online by the

165 public at least 20 calendar days before the school board hearing

166 and public meeting as specified in this subparagraph. This

167 process must include reasonable safeguards against the

168 unauthorized use, reproduction, and distribution of

169 instructional materials considered for adoption.

170 b. An open, noticed school board hearing to receive public

171 comment on the recommended instructional materials.

172 c. An open, noticed public meeting to approve an annual

173 instructional materials plan to identify any instructional

174 materials that will be purchased through the district school

175 board instructional materials review process pursuant to this

176 section. This public meeting must be held on a different date  
 177 than the school board hearing.

178 d. Notice requirements for the school board hearing and  
 179 the public meeting that must specifically state which  
 180 instructional materials are being reviewed and the manner in  
 181 which the instructional materials can be accessed for public  
 182 review. The hearing must allow the parent of a public school  
 183 student or a resident of the county to proffer evidence that a  
 184 recommended instructional material does not meet the criteria  
 185 provided in s. 1006.31(2), taking into consideration course  
 186 expectations based on the district's comprehensive plan for  
 187 student progression under s. 1008.25(2) and course descriptions  
 188 in the course code directory.

189 9. Establish the process by which the district school  
 190 board shall receive public comment on, and review, the  
 191 recommended instructional materials.

192 10. Establish the process by which instructional materials  
 193 will be purchased, including advertising, bidding, and  
 194 purchasing requirements.

195 11. Establish the process by which the school district  
 196 will notify parents of their ability to access their children's  
 197 instructional materials through the district's local  
 198 instructional improvement system and by which the school  
 199 district will encourage parents to access the system. This  
 200 notification must be displayed prominently on the school



201 district's website and provided annually in written format to  
 202 all parents of enrolled students.

203  
 204 Section 3. Subsection (2) of section 1006.31, Florida  
 205 Statutes, is amended to read:

206 1006.31 Duties of the Department of Education and school  
 207 district instructional materials reviewer.—The duties of the  
 208 instructional materials reviewer are:

209 (2) EVALUATION OF INSTRUCTIONAL MATERIALS.—To use the  
 210 selection criteria listed in s. 1006.34(2)(b) and recommend for  
 211 adoption only those instructional materials aligned with the  
 212 Next Generation Sunshine State Standards provided for in s.  
 213 1003.41. Instructional materials recommended by each reviewer  
 214 shall be, to the satisfaction of each reviewer, accurate,  
 215 objective, balanced, noninflammatory, current, free of  
 216 pornography and material prohibited under s. 847.012, and suited  
 217 to student needs and their ability to comprehend the material  
 218 presented. Reviewers shall consider for recommendation materials  
 219 developed for academically talented students, such as students  
 220 enrolled in advanced placement courses. When recommending  
 221 instructional materials, each reviewer shall:

222 (a) Include only instructional materials that accurately  
 223 portray the ethnic, socioeconomic, cultural, religious,  
 224 physical, and racial diversity of our society, including men and  
 225 women in professional, career, and executive roles, and the role

226 and contributions of the entrepreneur and labor in the total  
 227 development of this state and the United States.

228 (b) Include only materials that accurately portray,  
 229 whenever appropriate, humankind's place in ecological systems,  
 230 including the necessity for the protection of our environment  
 231 and conservation of our natural resources and the effects on the  
 232 human system of the use of tobacco, alcohol, controlled  
 233 substances, and other dangerous substances.

234 (c) Include materials that encourage thrift, fire  
 235 prevention, and humane treatment of people and animals.

236 (d) Require, when appropriate to the comprehension of  
 237 students, that materials for social science, history, or civics  
 238 classes contain the Declaration of Independence and the  
 239 Constitution of the United States. A reviewer may not recommend  
 240 any instructional materials that contain any matter reflecting  
 241 unfairly upon persons because of their race, color, creed,  
 242 national origin, ancestry, gender, religion, disability,  
 243 socioeconomic status, or occupation.

244 Section 4. Subsections (3) and (8) of section 1006.40,  
 245 Florida Statutes, are amended to read:

246 1006.40 Use of instructional materials allocation;  
 247 instructional materials, library books, and reference books;  
 248 repair of books.—

249 (3) (a) ~~Beginning with the 2015-2016 fiscal year,~~ Except  
 250 for a school district or a consortium of school districts that

251 implements an instructional materials program pursuant to s.  
252 1006.283, each district school board shall use ~~at least 50~~  
253 ~~percent of~~ the annual allocation only for the purchase of  
254 ~~digital or electronic~~ instructional materials that align with  
255 state standards and are included on the state-adopted list,  
256 except as otherwise authorized in paragraphs (b) and (c).

257 (b) Up to 50 percent of the annual allocation may be used  
258 for:

259 1. The purchase of ~~instructional materials, including~~  
260 library and reference books and nonprint materials, ~~not included~~  
261 ~~on the state-adopted list and for the repair and renovation of~~  
262 ~~textbooks and library books.~~

263 2. The purchase of other materials having intellectual  
264 content which assist in the instruction of a subject or course.  
265 These materials may be available in bound, unbound, kit, or  
266 package form and may consist of hardbacked or softbacked  
267 textbooks, novels, electronic content, consumables, learning  
268 laboratories, manipulatives, electronic media, computer  
269 courseware or software, and other commonly accepted  
270 instructional tools as prescribed by district school board rule.

271 3. The repair and renovation of textbooks and library  
272 books and replacements for items which were part of previously  
273 purchased instructional materials.

274 (c) District school boards may use 100 percent of that  
275 portion of the annual allocation designated for the purchase of

276 instructional materials for kindergarten, and 75 percent of that  
 277 portion of the annual allocation designated for the purchase of  
 278 instructional materials for first grade, to purchase materials  
 279 not on the state-adopted list.

280 (d) Any materials purchased pursuant to this section must  
 281 be:

282 1. Free of pornography and material prohibited under s.  
 283 847.012.

284 2. Suited to student needs and their ability to comprehend  
 285 the material presented.

286 3. Appropriate for the grade level and age group for which  
 287 the materials are used or made available.

288 ~~(4) The funds described in subsection (3) which district~~  
 289 ~~school boards may use to purchase materials not on the state-~~  
 290 ~~adopted list shall be used for the purchase of instructional~~  
 291 ~~materials or other items having intellectual content which~~  
 292 ~~assist in the instruction of a subject or course. These items~~  
 293 ~~may be available in bound, unbound, kit, or package form and may~~  
 294 ~~consist of hardbacked or softbacked textbooks, electronic~~  
 295 ~~content, replacements for items which were part of previously~~  
 296 ~~purchased instructional materials, consumables, learning~~  
 297 ~~laboratories, manipulatives, electronic media, computer~~  
 298 ~~courseware or software, and other commonly accepted~~  
 299 ~~instructional tools as prescribed by district school board rule.~~

300 (4)(5) Each district school board is responsible for the

301 content of all ~~instructional~~ materials used in a classroom or  
302 otherwise made available to students, ~~whether purchased through~~  
303 ~~an adoption process or otherwise purchased or made available in~~  
304 ~~the classroom.~~ Each district school board shall adopt rules, and  
305 each district school superintendent shall implement procedures,  
306 that:

307 (a) Maximize student use of the district-approved  
308 instructional materials.

309 (b) Provide a process for public review of, public comment  
310 on, and the adoption of instructional materials that satisfies  
311 the requirements of s. 1006.283(2)(b)8., 9., and 11.

312 (5)~~(6)~~ District school boards may issue purchase orders  
313 subsequent to February 1 in an aggregate amount which does not  
314 exceed 20 percent of the current year's allocation, and  
315 subsequent to April 1 in an aggregate amount which does not  
316 exceed 90 percent of the current year's allocation, for the  
317 purpose of expediting the delivery of instructional materials  
318 which are to be paid for from the ensuing year's allocation.  
319 This subsection does not apply to a district school board or a  
320 consortium of school districts that implements an instructional  
321 materials program pursuant to s. 1006.283.

322 (6)~~(7)~~ In any year in which the total instructional  
323 materials allocation for a school district has not been expended  
324 or obligated prior to June 30, the district school board shall  
325 carry forward the unobligated amount and shall add it to the

326 next year's allocation.

327 ~~(7)(8) Subsections (3), (4), and (6) do not apply to A~~  
 328 district school board or a consortium of school districts that  
 329 implements an instructional materials program pursuant to s.  
 330 1006.283 may use the annual allocation to purchase instructional  
 331 materials not on the state-adopted list. However, ~~except that,~~  
 332 by the 2015-2016 fiscal year, each district school board shall  
 333 use at least 50 percent of the annual instructional materials  
 334 allocation for the purchase of digital or electronic  
 335 instructional materials purchased pursuant to this section which  
 336 are not included on the state-adopted list must meet the  
 337 criteria of s. 1006.31(2), ~~that~~ align with state standards  
 338 adopted by the State Board of Education pursuant to s. 1003.41,  
 339 and be consistent with course expectations based on the  
 340 district's comprehensive plan for student progression and course  
 341 descriptions adopted in state board rule.

342 Section 5. This act shall take effect July 1, 2017.