A bill to be entitled
An act relating to instructional materials for K-12 public education; amending s. 1006.28, F.S.; revising the term "adequate instructional materials" and defining the term "instructional materials"; requiring instructional materials to meet certain standards; requiring each district school board to adopt a process allowing a taxpayer to object to the use of specific instructional materials based on specified criteria; requiring the process to include a taxpayer's right to appeal a school district decision and a district school board decision; specifying the appeal process; providing for damages, injunctive relief, and attorney fees and costs; authorizing a parent or taxpayer to further appeal a decision of the district school board to the circuit court and to seek damages or injunctive relief; deleting a provision relating to the finality of the school board's decision under certain circumstances; revising the standards for instructional materials to include standards that are equivalent to or better than applicable state standards; requiring parents and taxpayers to have full access to certain services; amending s. 1006.283, F.S.; revising the requirement that the district school superintendent certify that all instructional materials used by the district for
core courses meet certain standards; revising the requirements for school boards that adopt rules for the implementation of the district's instructional materials program; conforming provisions to changes made by the act; amending s. 1006.31, F.S.; revising the standards that an instructional materials reviewer shall use to include instructional materials standards that are equivalent to or better than applicable state standards; amending s. 1006.40, F.S.; revising the use of a portion of the district school board annual allocation; revising the portion of the district school board annual allocation which may be used for instructional materials; revising the types of instructional materials for which a district school board is responsible; revising applicability; amending ss. 1002.20 and 1006.42, F.S.; conforming cross-references; providing an effective date.

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

Section 1. Present subsections (1), (2), and (3) of section 1006.28, Florida Statutes, are redesignated as subsection (2), (3), and (4), respectively, a new subsection (1) is added to that section, and present subsection (1) and paragraph (a) of present subsection (2) are amended, to read:

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

(1) DEFINITIONS.—As used in this section, the term:

(a) "Adequate instructional materials" means instructional materials that meet the requirements of this section and have a sufficient number of student or site licenses or sets of materials that are available in bound, unbound, kit, or package form and may consist of hardbacked or softbacked textbooks, electronic content, consumables, learning laboratories, manipulatives, electronic media, and computer courseware or software to serve as the basis for instruction for each student in the core subject areas of mathematics, language arts, social studies, science, reading, and literature.

(b) "Instructional materials" means systematically arranged content in text, digital, braille and large print, or audio format which may be used within the state curriculum framework for courses of study by a student in a public school. The term includes textbooks, workbooks and worksheets, handouts, computer software, online or Internet courses, CDs or DVDs, and multiple forms of communication and electronic media. Instructional materials may be used by a student or teacher as principal sources of study to cover any portion of the course. Instructional materials:

1. Must be designated for student use;
2. May contain or be accompanied by teaching guides and study helps; and
3. Must include all textbooks, workbooks, and student materials and supplements necessary for a student to fully participate in coursework.

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

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

1. Each district school board is responsible for the content of all instructional materials used in a classroom, whether adopted and purchased from the state-adopted instructional materials list or adopted and purchased through a district instructional materials program under s. 1006.283, or otherwise purchased or made available in the classroom. Each
district school board shall ensure that all instructional materials used in the classroom meet the following criteria:

a. Be of high quality, research-based, and proven to be effective in supporting student learning;

b. Provide a noninflammatory, objective, and balanced viewpoint on issues;

c. Be appropriate to the students’ ages and varying levels of learning;

d. Be accurate and factual; and

e. Be of acceptable technical quality.

2. Each district school board shall adopt a policy regarding a parent’s or taxpayer’s objection to the child’s use of a specific instructional material based on the criteria specified in subparagraph 1. This process clearly describes a process to handle all objections and provides for resolutions that shall be applied and enforced on a districtwide basis to eliminate the use of objectionable instructional materials in all schools within the district. The process must also include a right to timely appeal any district decision to the district school board and to seek damages, injunctive relief, and attorney fees and costs arising from or related to an appeal of a district school board decision, as provided under subparagraph 3.

3. Each district school board shall establish a process by which the parent of a public school student or the taxpayer may contest the district school board's adoption of a
specific instructional material directly to the school board based on the instructional materials requirements under this section and the requirements of a district instructional materials program under s. 1006.283 or the requirements of instructional materials purchased from the list of state-adopted materials, as applicable. The parent or taxpayer shall must file a petition, on a form provided by the school board, within 30 calendar days after the adoption of the material by the school board. The school board shall must make the form available to the public and publish the form on the school district's website. The form shall must be signed by the parent or taxpayer, include the required contact information, and state the objection to the instructional material. Within 30 days after the 30-day period has expired, the school board shall must conduct at least one open public hearing on all petitions timely received and provide the petitioner written notification of the date and time of the hearing at least 7 days before the hearing. The school board shall make all contested instructional materials contested must be made accessible online to the public at least 7 days before a public hearing. A parent or taxpayer may further appeal the decision of the district school board to the circuit court and seek damages or injunctive relief, or both. The circuit court has original and exclusive jurisdiction of all proceedings against a district school board by a parent or taxpayer brought under this section. In any circuit court proceeding brought under this section, the prevailing party is
entitled to reasonable attorney fees and costs. The school board's decision after convening a hearing is final and not subject to further petition or review.

(b) Instructional materials.—Provide for proper requisitioning, distribution, accounting, storage, care, and use of all instructional materials and furnish such other instructional materials as may be needed. Instructional materials used must be consistent with the district goals and objectives and the course descriptions established in rule of the State Board of Education, as well as with the applicable Next Generation Sunshine State Standards provided for in s. 1003.41, with standards that are equivalent to or better than the applicable state standards, or with courses offered in the district pursuant to s. 1003.4282(1).

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

(d) School library media services; establishment and maintenance.—Establish and maintain a program of school library media services for all public schools in the district, including school library media centers, or school library media centers open to the public, and, in addition such traveling or circulating libraries as may be needed for the proper operation of the district school system. Parents and taxpayers shall have full access to all school library media services.

(3) DISTRICT SCHOOL SUPERINTENDENT.—
(a) The district school superintendent has the duty to recommend such plans for improving, providing, distributing, accounting for, and caring for instructional materials and other instructional aids as will result in general improvement of the district school system, as prescribed in this part, in accordance with adopted district school board rules prescribing the duties and responsibilities of the district school superintendent regarding the requisition, purchase, receipt, storage, distribution, use, conservation, records, and reports of, and management practices and property accountability concerning, instructional materials, and providing for an evaluation of any instructional materials to be requisitioned that have not been used previously in the district's schools. The district school superintendent shall keep adequate records and accounts for all financial transactions for funds collected pursuant to subsection (4).

Section 2. Subsections (1), (2), and (4) of section 1006.283, Florida Statutes, are amended to read:

1006.283 District school board instructional materials review process.—

(1) A district school board or consortium of school districts may implement an instructional materials program that includes the review, recommendation, adoption, and purchase of instructional materials pursuant to the requirements of this section. The district school superintendent shall certify to the department by March 31 of each year that all instructional materials...
materials for core courses used by the district are aligned with applicable state standards, aligned with standards that are equivalent to or better than the applicable state standards, or aligned with courses offered in the district pursuant to s. 1003.4282(1). A list of the core instructional materials that will be used or purchased for use by the school district shall be included in the certification.

(2)(a) If a district school board chooses to implement its own instructional materials program, the school board shall adopt rules implementing the district's instructional materials program which must include its processes, criteria, and requirements for the following:

1. Selection of reviewers, at least one-third of whom shall one or more of whom must be parents with children in public schools.
2. Review of instructional materials.
3. Selection of instructional materials, including a thorough review of curriculum content.
4. Reviewer recommendations.
5. District school board adoption.
7. Use of an instructional materials review committee that is subject to s. 286.011 and that is selected by and reports directly to the district school board.

(b) District school board rules shall must also:
1. Identify, by subject area, a review cycle for
instructional materials.

2. Specify the qualifications for an instructional materials reviewer and the process for selecting reviewers; list a reviewer's duties and responsibilities, including compliance with the requirements of s. 1006.31; and provide that all instructional materials recommended by a reviewer be accompanied by the reviewer's statement that the materials align with the state standards pursuant to s. 1003.41, align with standards that are equivalent to or better than the applicable state standards, or otherwise align with courses offered in the district pursuant to s. 1003.4282(1) and the requirements of s. 1006.31.

3. State the requirements for an affidavit to be made by each district instructional materials reviewer which substantially meet the requirements of s. 1006.30.

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

5. Establish a process that certifies the accuracy of instructional materials.

6. Incorporate applicable requirements of s. 1006.31, which relates to the duties of instructional materials reviewers.

7. Incorporate applicable requirements of s. 1006.38, relating to the duties, responsibilities, and requirements of publishers of instructional materials.

8. Establish the process by which instructional materials are adopted by the district school board, which shall must
include:
  a. A process to allow student and teacher editions of recommended instructional materials to be accessed and viewed online by the public at least 20 calendar days before the school board hearing and public meeting as specified in this subparagraph. This process must include reasonable safeguards against the unauthorized use, reproduction, and distribution of instructional materials considered for adoption.
  b. An open, noticed school board hearing to receive public comment on the recommended instructional materials.
  c. An open, noticed public meeting to approve an annual instructional materials plan to identify any instructional materials that will be purchased through the district school board instructional materials review process pursuant to this section. The district school board shall hold this public meeting must be held on a different date than the school board hearing.
  d. Notice requirements for the school board hearing and the public meeting that shall must specifically state which instructional materials are being reviewed and the manner in which the instructional materials can be accessed for public review.
 9. Establish the process by which the district school board shall receive public comment on, and review, the recommended instructional materials.
 10. Establish the process by which instructional materials
will be purchased, including advertising, bidding, and purchasing requirements.

11. Establish the process by which the school district will notify parents and taxpayers of their ability to access their children's instructional materials through the district's local instructional improvement system and by which the school district will encourage parents and taxpayers to access the system. This notification shall be displayed prominently on the school district's website and provided annually in written format to all parents of enrolled students.

(4) Instructional materials that have been reviewed by the district instructional materials reviewers and approved shall be determined to align with all applicable state standards pursuant to s. 1003.41, align with standards that are equivalent to or better than the applicable state standards, or otherwise align with courses offered in the district pursuant to s. 1003.4282(1) and the requirements in s. 1006.31. The district school superintendent shall annually certify to the department that all instructional materials for core courses used by the district are aligned with all applicable state standards, are aligned with standards that are equivalent to or better than the applicable state standards, or are aligned with courses offered in the district pursuant to s. 1003.4282(1) and have been reviewed, selected, and adopted by the district school board in accordance with the school board hearing and public meeting requirements of this section.
Section 3. Subsection (2) of section 1006.31, Florida Statutes, is amended to read:

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

(2) EVALUATION OF INSTRUCTIONAL MATERIALS.—To use the selection criteria listed in s. 1006.34(2)(b) for instructional materials reviewers under a state approval process or to use the selection criteria listed in s. 1006.28(2)(a)1. for instructional materials reviewers under a district approval process under s. 1006.283 and recommend for adoption only those instructional materials that are aligned with the Next Generation Sunshine State Standards provided for in s. 1003.41, that are aligned with standards that are equivalent to or better than applicable state standards, or that are aligned with courses offered in the district pursuant to s. 1003.4282(1).

Instructional materials recommended by each reviewer shall be, to the satisfaction of each reviewer, accurate, objective, balanced, noninflammatory, current, and suited to student needs and their ability to comprehend the material presented. Reviewers shall consider for recommendation materials developed for academically talented students, such as students enrolled in advanced placement courses. When recommending instructional materials, each reviewer shall:

(a) Include only instructional materials that accurately portray the ethnic, socioeconomic, cultural, religious,
physical, and racial diversity of our society, including men and
women in professional, career, and executive roles, and the role
and contributions of the entrepreneur and labor in the total
development of this state and the United States.

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

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

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

Section 4. Subsections (3), (5), and (8) of section
1006.40, Florida Statutes, are amended to read:

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

(3)(a) Beginning with the 2016-2017 2015-2016 fiscal year
and except as otherwise authorized in paragraphs (b) and (c),
each district school board shall use at least 50 percent of the
annual allocation for the purchase of digital or electronic
instructional materials that meet the requirements of s.
1006.31, and that are consistent with district goals and
objectives and the course descriptions adopted in rule by the
State Board of Education, align with state standards provided in
s. 1003.41, align with standards that are equivalent to or
better than applicable state standards, or align with courses
offered in the district pursuant to s. 1003.4282(1) included on
the state-adopted list, except as otherwise authorized in
paragraphs (b) and (c).

(b) **All** up to 50 percent of the annual allocation may be
used for the purchase of instructional materials, including
library and reference books and nonprint materials, not included
on the state-adopted list and for the repair and renovation of
textbooks and library books if a district school board
implements an instructional materials program pursuant to s.
1006.283.

(c) If a district school board does not implement an
instructional materials program pursuant to s. 1006.283, it
boards may use 100 percent of that portion of the annual
allocation designated for the purchase of instructional
materials for kindergarten, and 75 percent of that portion of
the annual allocation designated for the purchase of
instructional materials for first grade, to purchase materials
not on the state-adopted list.

(5) Each district school board is responsible for the content of all instructional materials used in a classroom, whether purchased from the state-adopted instructional materials list or purchased through a district instructional materials program under s. 1006.283 an adoption process or otherwise purchased or made available in the classroom. Each district school board shall adopt rules, and each district school superintendent shall implement procedures, which that:

(a) Maximize student use of the district-approved instructional materials, whether purchased from the state-adopted instructional materials list or purchased through a district instructional materials program under s. 1006.283.

(b) If purchased from the state-adopted instructional materials list, provide a process for public review of, public comment on, and the adoption of instructional materials which that satisfies the requirements of s. 1006.283(2)(b)8., 9., and 11; or, if purchased through a district instructional materials program, implement a program that fully complies with s. 1006.283.

(8) Subsections (3), (4), and (6) do not apply to a district school board or a consortium of school districts which that implements an instructional materials program pursuant to s. 1006.283 except that, by the 2015-2016 fiscal year, each district school board shall use at least 50 percent of the annual instructional materials allocation for the purchase of
digital or electronic instructional materials that are aligned
with state standards adopted by the State Board of
Education pursuant to s. 1003.41, aligned with standards that
are equivalent to or better than applicable state standards, or
aligned with courses offered in the district pursuant to s.
1003.4282(1).

Section 5. Paragraphs (b) and (c) of subsection (19) of
section 1002.20, Florida Statutes, are amended to read:

1002.20 K-12 student and parent rights.—Parents of public
school students must receive accurate and timely information
regarding their child's academic progress and must be informed
of ways they can help their child to succeed in school. K-12
students and their parents are afforded numerous statutory
rights including, but not limited to, the following:

(19) INSTRUCTIONAL MATERIALS.—

(b) Curricular objectives.—The parent of each public
school student has the right to receive effective communication
from the school principal as to the manner in which
instructional materials are used to implement the school's
curricular objectives, in accordance with s. 1006.28(4)(a) the
provisions of s. 1006.28(3)(a).

(c) Sale of instructional materials.—Upon request of the
parent of a public school student, the school principal shall
must sell to the parent any instructional materials used in the
school, in accordance with s. 1006.28(4)(c) the provisions of s.
1006.28(3)(c).
Section 6. Section 1006.42, Florida Statutes, is amended to read:

1006.42 Responsibility of students and parents for instructional materials.—All instructional materials purchased under the provisions of this part are the property of the district school board. When distributed to the students, these instructional materials are on loan to the students while they are pursuing their courses of study and are to be returned at the direction of the school principal or the teacher in charge. Each parent of a student to whom or for whom instructional materials have been issued, is liable for any loss or destruction of, or unnecessary damage to, the instructional materials or for failure of the student to return the instructional materials when directed by the school principal or the teacher in charge, and shall pay for such loss, destruction, or unnecessary damage as provided under s. 1006.28(4) and 1006.28(3).

Section 7. This act shall take effect upon becoming a law.