A bill to be entitled
An act relating to instructional materials; amending
s. 1002.20, F.S.; requiring parental notification
under specific circumstances; amending s. 1006.28,
F.S.; revising the requirements for a school district
policy relating to an objection to the use of a
specified instructional material; providing school
district notification requirements; requiring a report
by the commissioner of education on district
instructional materials review process; providing an
effective date.

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

Section 1. Paragraph (d) of subsection (3) of section
1002.20, Florida Statutes, is 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:
(3) HEALTH ISSUES.—
(d) Reproductive health and disease education.—A public
school student whose parent makes written request to the school
principal shall be exempted from the teaching of reproductive health or any disease, including HIV/AIDS, in accordance with the provisions of s. 1003.42(3). A school principal must communicate to parents about the content of reproductive health instructional materials at least 10 days in advance of a student viewing such materials.

Section 2. Subsection (2) and paragraph (a) section 1006.28, Florida Statutes, are amended to read:

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

(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 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 and any other materials used in a classroom, made available in a school library, or included on a reading list, whether adopted and purchased from the state-adopted instructional materials list, adopted and
purchased through a district instructional materials program under s. 1006.283, or otherwise purchased or made available. Each district school board shall maintain on its website a current list of instructional materials, by grade level, purchased by the district. Such list must contain, at a minimum, the title, author, and ISBN number, if available, for all instructional materials.

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

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

   b. Any material used in a classroom, made available in a school library, or included on a reading list contains content that is pornographic or prohibited under s. 847.012, is not suited to student needs and their ability to comprehend the material presented, or is inappropriate for the grade level and
age group for which the material is used.
If the district school board finds that an instructional
material does not meet the criteria under sub-subparagraph a. or
that any other material contains prohibited content under sub-
subparagraph b., the school district shall discontinue use of
the material for any grade level or age group for which such use
is inappropriate or unsuitable.

3. Each district school board must establish a process by
which the parent of a public school student or a resident of the
county may contest the district school board's adoption of a
specific instructional material. The parent or resident 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 must make the form available to
the public and publish the form on the school district's
website. The form must be signed by the parent or resident,
include the required contact information, and state the
objection to the instructional material based on the criteria of
s. 1006.31(2) or s. 1006.40(3)(d). Within 30 days after the 30-
day period has expired, the school board must, for all petitions
timely received, conduct at least one open public hearing before
an unbiased and qualified hearing officer. The hearing officer
may not be an employee or agent of the school district. The
hearing is not subject to the provisions of chapter 120;
however, The hearing must provide sufficient procedural
protections to allow each petitioner an adequate and fair
opportunity to be heard and present evidence to the hearing
officer.

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

(c) Other instructional materials.—Provide such other
teaching accessories and aids as are needed for the school
district's educational program, including supplemental
instructional materials. Each school district shall create a
policy for the use of supplemental instructional materials in
the classroom in compliance with s. 1006.31(2) and any other
state laws relating to instructional materials.

Section 3. The Commissioner of Education shall review the
process districts use to evaluate materials that are not
included on the state-adopted list as required in s. 1006.283,
F.S. The commissioner shall provide a report to the Governor,
President of the Senate and Speaker of the House of
Representatives by December 31, 2020. The report shall include
statistics regarding how many materials have been removed by
school districts as a result of the review process in s.
1006.283, F.S., and identify instructional materials with
confirmed, factual errors and any corrective measures taken
pursuant to s. 1006.35, F.S. The report shall include
recommendations on ways the public can review materials not on
the state-adopted list, including library materials, books included on summer reading lists, and books available for purchase at book fairs.

Section 4. This act shall take effect July 1, 2019.