

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

12

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

15 Section 1. Paragraph (d) of subsection (3) of section
16 1002.20, Florida Statutes, is amended to read:

17 1002.20 K-12 student and parent rights.—Parents of public
18 school students must receive accurate and timely information
19 regarding their child's academic progress and must be informed
20 of ways they can help their child to succeed in school. K-12
21 students and their parents are afforded numerous statutory
22 rights including, but not limited to, the following:

23 (3) HEALTH ISSUES.—

24 (d) Reproductive health and disease education.—A public
25 school student whose parent makes written request to the school

26 principal shall be exempted from the teaching of reproductive
 27 health or any disease, including HIV/AIDS, in accordance with
 28 the provisions of s. 1003.42(3). A school principal must
 29 communicate to parents about the content of reproductive health
 30 instructional materials at least 10 days in advance of a student
 31 viewing such materials.

32 Section 2. Subsection (2) and paragraph (a) section
 33 1006.28, Florida Statutes, are amended to read:

34 1006.28 Duties of district school board, district school
 35 superintendent; and school principal regarding K-12
 36 instructional materials.—

37 (2) DISTRICT SCHOOL BOARD.—The district school board
 38 has the constitutional duty and responsibility to select and
 39 provide adequate instructional materials for all students in
 40 accordance with the requirements of this part. The district
 41 school board also has the following specific duties and
 42 responsibilities:

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

46 1. Each district school board is responsible for the
 47 content of all instructional materials and any other materials
 48 used in a classroom, made available in a school library, or
 49 included on a reading list, whether adopted and purchased from
 50 the state-adopted instructional materials list, adopted and

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51 purchased through a district instructional materials program
52 under s. 1006.283, or otherwise purchased or made available.
53 Each district school board shall maintain on its website a
54 current list of instructional materials, by grade level,
55 purchased by the district. Such list must contain, at a minimum,
56 the title, author, and ISBN number, if available, for all
57 instructional materials.

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

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

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

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76 age group for which the material is used.
77 If the district school board finds that an instructional

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

83 3. Each district school board must establish a process by
84 which the parent of a public school student or a resident of the
85 county may contest the district school board's adoption of a
86 specific instructional material. The parent or resident must
87 file a petition, on a form provided by the school board, within
88 30 calendar days after the adoption of the material by the
89 school board. The school board must make the form available to
90 the public and publish the form on the school district's
91 website. The form must be signed by the parent or resident,
92 include the required contact information, and state the
93 objection to the instructional material based on the criteria of
94 s. 1006.31(2) or s. 1006.40(3)(d). Within 30 days after the 30-
95 day period has expired, the school board must, for all petitions
96 timely received, conduct at least one open public hearing before
97 an unbiased and qualified hearing officer. the hearing officer
98 may not be an employee or agent of the school district. The
99 hearing is not subject to the provisions of chapter 120;
100 however, The hearing must provide sufficient procedural

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101 protections to allow each petitioner an adequate and fair
102 opportunity to be heard and present evidence to the hearing
103 officer.

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

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

114 Section 3. The Commissioner of Education shall review the
115 process districts use to evaluate materials that are not
116 included on the state-adopted list as required in s. 1006.283,
117 F.S. The commissioner shall provide a report to the Governor,
118 President of the Senate and Speaker of the House of
119 Representatives by December 31, 2020. The report shall include
120 statistics regarding how many materials have been removed by
121 school districts as a result of the review process in s.
122 1006.283, F.S., and identify instructional materials with
123 confirmed, factual errors and any corrective measures taken
124 pursuant to s. 1006.35, F.S. The report shall include
125 recommendations on ways the public can review materials not on

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126 the state-adopted list, including library materials, books
127 included on summer reading lists, and books available for
128 purchase at book fairs.

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

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