

CHAPTER 2022-21

Committee Substitute for House Bill No. 1467

An act relating to K-12 education; amending s. 1001.35, F.S.; establishing term limits for school board members; amending s. 1006.28, F.S.; deleting a requirement that district school boards maintain a specified list on their websites; requiring certain meetings relating to instructional materials to be noticed and open to the public; providing requirements for the membership of committees related to instructional materials; requiring certain individuals involved in selecting library materials to complete a specified training by a certain date; requiring certain materials to be selected by employees who meet specified criteria; requiring district school boards to adopt procedures for developing library media center collections; providing requirements for such procedures; requiring elementary schools, district school boards, and the Department of Education to post on their websites specified information relating to instructional materials and other materials in certain formats; providing district school board requirements; providing that school principals are responsible for over-seeing compliance with specified procedures relating to library media center materials; amending s. 1006.29, F.S.; requiring the department to develop a training program for the selection of materials used in schools and library media centers by a certain date; amending s. 1006.40, F.S.; revising district school board requirements for the selection and adoption of certain materials; amending s. 1011.67, F.S.; requiring that the certification by district school superintendents to the Commissioner of Education identifies instructional materials that are the subject of an objection and provides specified information related to the objection; providing an effective date.

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

Section 1. Section 1001.35, Florida Statutes, is amended to read:

1001.35 Term of office.—District school board members shall be elected at the general election in November for terms of 4 years except that a person may not appear on the ballot for reelection to the office of school board member if, by the end of his or her current term of office, the person will have served, or but for resignation would have served, in that office for 12 consecutive years. Service of a term of office which commenced before November 8, 2022, will not be counted toward the limitation imposed by this section.

Section 2. Paragraphs (a) and (d) of subsection (2) and subsection (4) of section 1006.28, Florida Statutes, are amended, and paragraph (e) is added to subsection (2) of that section, 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.~~

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 instructional 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.

4. Meetings of committees convened for the purpose of ranking, eliminating, or selecting instructional materials for recommendation to the district school board must be noticed and open to the public in accordance with s. 286.011. Any committees convened for such purposes must include parents of district students.

(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. Beginning January 1, 2023, Each school district shall provide training to school librarians, and media specialists, and other personnel involved in the selection of school district library materials must complete the training program developed pursuant to s. 1006.29(6) before reviewing and selecting regarding the prohibition against distributing harmful materials to minors under s. 847.012 and applicable case law, and best practices for providing students access to age-appropriate materials and library resources. Upon written request, a school district shall provide access to any material or book specified in the request that is maintained in a district school system library and is available for review.

1. Each book made available to students through a school district library media center or included in a recommended or assigned school or grade-level reading list must be selected by a school district employee who holds a valid educational media specialist certificate, regardless of whether the book is purchased, donated, or otherwise made available to students.

2. Each district school board shall adopt procedures for developing library media center collections and post the procedures on the website for each school within the district. The procedures must:

- a. Require that book selections meet the criteria in s. 1006.40(3)(d).
- b. Require consultation of reputable, professionally recognized review-
ing periodicals and school community stakeholders.

c. Provide for library media center collections based on reader interest, support of state academic standards and aligned curriculum, and the academic needs of students and faculty.

d. Provide for the regular removal or discontinuance of books based on, at a minimum, physical condition, rate of recent circulation, alignment to state academic standards and relevancy to curriculum, out-of-date content, and required removal pursuant to subparagraph (a)2.

3. Each elementary school must publish on its website, in a searchable format prescribed by the department, a list of all materials maintained in the school library media center or required as part of a school or grade-level reading list.

(e) *Public participation.*—Publish on its website, in a searchable format prescribed by the department, a list of all instructional materials, including those used to provide instruction required by s. 1003.42. Each district school board must:

1. Provide access to all materials, excluding teacher editions, in accordance with s. 1006.283(2)(b)8.a. before the district school board takes any official action on such materials. This process must include reasonable safeguards against the unauthorized use, reproduction, and distribution of instructional materials considered for adoption.

2. Select, approve, adopt, or purchase all materials as a separate line item on the agenda and must provide a reasonable opportunity for public comment. The use of materials described in this paragraph may not be selected, approved, or adopted as part of a consent agenda.

3. Annually, beginning June 30, 2023, submit to the Commissioner of Education a report that identifies:

a. Each material for which the school district received an objection pursuant to subparagraph (a)2. for the school year and the specific objections thereto.

b. Each material that was removed or discontinued as a result of an objection.

c. The grade level and course for which a removed or discontinued material was used, as applicable.

The department shall publish and regularly update a list of materials that were removed or discontinued as a result of an objection and disseminate the list to school districts for consideration in their selection procedures.

(4) SCHOOL PRINCIPAL.—The school principal has the following duties for the management and care of instructional materials at the school:

(a) *Proper use of instructional materials.*—The principal shall assure that instructional materials are used to provide instruction to students enrolled at the grade level or levels for which the materials are designed, pursuant to adopted district school board rule. The school principal shall communicate to parents the manner in which instructional materials are used to implement the curricular objectives of the school.

(b) *Money collected for lost or damaged instructional materials; enforcement.*—The school principal shall collect from each student or the student’s parent the purchase price of any instructional material the student has lost, destroyed, or unnecessarily damaged and to report and transmit the money collected to the district school superintendent. The failure to collect such sum upon reasonable effort by the school principal may result in the suspension of the student from participation in extracurricular activities or satisfaction of the debt by the student through community service activities at the school site as determined by the school principal, pursuant to policies adopted by district school board rule.

(c) *Sale of instructional materials.*—The school principal, upon request of the parent of a student in the school, shall sell to the parent any instructional materials used in the school. All such sales shall be made pursuant to rule adopted by the district school board, and the principal shall annually provide information to parents that they may purchase instructional materials and how to purchase the materials.

(d) *Disposition of funds.*—All money collected from the sale, exchange, loss, or damage of instructional materials shall be transmitted to the district school superintendent to be deposited in the district school board fund and added to the district appropriation for instructional materials.

(e) *Accounting for instructional materials.*—Principals shall see that all instructional materials are fully and properly accounted for as prescribed by adopted rules of the district school board.

(f) Selection of library media center materials.—School principals are responsible for overseeing compliance with school district procedures for selecting school library media center materials at the school to which they are assigned.

Section 3. Subsection (2) of section 1006.29, Florida Statutes, is amended, and subsection (6) is added to that section, to read:

1006.29 State instructional materials reviewers.—

(2) For purposes of ~~this part state adoption~~, the term “instructional materials” means items having intellectual content that by design serve as a major tool for assisting in the instruction of a subject or course. These items may be 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. A publisher or manufacturer providing instructional materials as a single bundle shall also make the instructional materials available as separate and unbundled items, each priced individually. A publisher may also offer sections of state-adopted instructional materials in digital or electronic versions at reduced rates to districts, schools, and teachers.

(6) The department shall develop an online training program for school librarians, media specialists, and other personnel involved in the selection and maintenance of library media and collections or materials maintained on a reading list. This training must assist reviewers in complying with the requirements of s. 1006.31(2). The department shall make this training available no later than January 1, 2023. No later than July 1, 2023, and annually thereafter, each superintendent must certify to the department that all school librarians and media specialists employed by the district have completed the online training program.

Section 4. Paragraph (b) of subsection (4) of section 1006.40, Florida Statutes, is amended to read:

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

(4) Each district school board is responsible for the content of all materials used in a classroom or otherwise made available to students. Each district school board shall adopt rules, and each district school superintendent shall implement procedures, that:

(b) Provide a process for public review of, public comment on, and the adoption of instructional materials, including ~~those instructional materials used to provide instruction required by s. 1003.42 teach reproductive health or any disease, including HIV/AIDS, under ss. 1003.42(3) and 1003.46,~~ which satisfies the requirements of s. 1006.283(2)(b)8., 9., and 11.

Section 5. Subsection (2) of section 1011.67, Florida Statutes, is amended to read:

1011.67 Funds for instructional materials.—

(2) Annually by July 1 and before the release of instructional materials funds, each district school superintendent shall certify to the Commissioner of Education that the district school board has approved a comprehensive staff development plan that supports fidelity of implementation of instructional materials programs, including verification that training was provided; that the materials are being implemented as designed; and, beginning July 1, 2021, for core reading materials and reading intervention materials used in kindergarten through grade 5, that the materials meet the requirements of s. 1001.215(8). Such instructional materials, as evaluated and identified pursuant to s. 1001.215(4), may be purchased by the school district with funds under this section without undergoing the adoption

procedures under s. 1006.40(4)(b). The certification must identify any material that received an objection pursuant to s. 1006.28 for the school year and the specific objections thereto, each material that was removed or discontinued as a result of an objection, and the grade level and course for which a removed or discontinued material was used, as applicable. This subsection does not preclude school districts from purchasing or using other materials to supplement reading instruction and provide additional skills practice.

Section 6. This act shall take effect July 1, 2022.

Approved by the Governor March 25, 2022.

Filed in Office Secretary of State March 25, 2022.