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CS/HB 1467, Engrossed 2

2022 Legislature

1
2 An act relating to K-12 education; amending s.
3 1001.35, F.S.; establishing term limits for school
4 board members; amending s. 1006.28, F.S.; deleting a
5 requirement that district school boards maintain a
6 specified list on their websites; requiring certain
7 meetings relating to instructional materials to be
8 noticed and open to the public; providing requirements
9 for the membership of committees related to
10 instructional materials; requiring certain individuals
11 involved in selecting library materials to complete a
12 specified training by a certain date; requiring
13 certain materials to be selected by employees who meet
14 specified criteria; requiring district school boards
15 to adopt procedures for developing library media
16 center collections; providing requirements for such
17 procedures; requiring elementary schools, district
18 school boards, and the Department of Education to post
19 on their websites specified information relating to
20 instructional materials and other materials in certain
21 formats; providing district school board requirements;
22 providing that school principals are responsible for
23 overseeing compliance with specified procedures
24 relating to library media center materials; amending
25 s. 1006.29, F.S.; requiring the department to develop

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26 a training program for the selection of materials used
 27 in schools and library media centers by a certain
 28 date; amending s. 1006.40, F.S.; revising district
 29 school board requirements for the selection and
 30 adoption of certain materials; amending s. 1011.67,
 31 F.S.; requiring that the certification by district
 32 school superintendents to the Commissioner of
 33 Education identifies instructional materials that are
 34 the subject of an objection and provides specified
 35 information related to the objection; providing an
 36 effective date.

37

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

39

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

42 1001.35 Term of office.—District school board members
 43 shall be elected at the general election in November for terms
 44 of 4 years except that a person may not appear on the ballot for
 45 reelection to the office of school board member if, by the end
 46 of his or her current term of office, the person will have
 47 served, or but for resignation would have served, in that office
 48 for 12 consecutive years. Service of a term of office which
 49 commenced before November 8, 2022, will not be counted toward
 50 the limitation imposed by this section.

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51 Section 2. Paragraphs (a) and (d) of subsection (2) and
 52 subsection (4) of section 1006.28, Florida Statutes, are
 53 amended, and paragraph (e) is added to subsection (2) of that
 54 section, to read:

55 1006.28 Duties of district school board, district school
 56 superintendent; and school principal regarding K-12
 57 instructional materials.—

58 (2) DISTRICT SCHOOL BOARD.—The district school board has
 59 the constitutional duty and responsibility to select and provide
 60 adequate instructional materials for all students in accordance
 61 with the requirements of this part. The district school board
 62 also has the following specific duties and responsibilities:

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

66 1. Each district school board is responsible for the
 67 content of all instructional materials and any other materials
 68 used in a classroom, made available in a school library, or
 69 included on a reading list, whether adopted and purchased from
 70 the state-adopted instructional materials list, adopted and
 71 purchased through a district instructional materials program
 72 under s. 1006.283, or otherwise purchased or made available.

73 ~~Each district school board shall maintain on its website a~~
 74 ~~current list of instructional materials, by grade level,~~
 75 ~~purchased by the district.~~

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

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

89 b. Any material used in a classroom, made available in a
 90 school library, or included on a reading list contains content
 91 that is pornographic or prohibited under s. 847.012, is not
 92 suited to student needs and their ability to comprehend the
 93 material presented, or is inappropriate for the grade level and
 94 age group for which the material is used.

95
 96 If the district school board finds that an instructional
 97 material does not meet the criteria under sub-subparagraph a. or
 98 that any other material contains prohibited content under sub-
 99 subparagraph b., the school district shall discontinue use of
 100 the material for any grade level or age group for which such use

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101 is inappropriate or unsuitable.

102 3. Each district school board must establish a process by
 103 which the parent of a public school student or a resident of the
 104 county may contest the district school board's adoption of a
 105 specific instructional material. The parent or resident must
 106 file a petition, on a form provided by the school board, within
 107 30 calendar days after the adoption of the instructional
 108 material by the school board. The school board must make the
 109 form available to the public and publish the form on the school
 110 district's website. The form must be signed by the parent or
 111 resident, include the required contact information, and state
 112 the objection to the instructional material based on the
 113 criteria of s. 1006.31(2) or s. 1006.40(3)(d). Within 30 days
 114 after the 30-day period has expired, the school board must, for
 115 all petitions timely received, conduct at least one open public
 116 hearing before an unbiased and qualified hearing officer. The
 117 hearing officer may not be an employee or agent of the school
 118 district. The hearing is not subject to the provisions of
 119 chapter 120; however, the hearing must provide sufficient
 120 procedural protections to allow each petitioner an adequate and
 121 fair opportunity to be heard and present evidence to the hearing
 122 officer. The school board's decision after convening a hearing
 123 is final and not subject to further petition or review.

124 4. Meetings of committees convened for the purpose of
 125 ranking, eliminating, or selecting instructional materials for

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126 recommendation to the district school board must be noticed and
 127 open to the public in accordance with s. 286.011. Any committees
 128 convened for such purposes must include parents of district
 129 students.

130 (d) *School library media services; establishment and*
 131 *maintenance.*—Establish and maintain a program of school library
 132 media services for all public schools in the district, including
 133 school library media centers, or school library media centers
 134 open to the public, and, in addition such traveling or
 135 circulating libraries as may be needed for the proper operation
 136 of the district school system. Beginning January 1, 2023, Each
 137 school district shall provide training to school librarians, and
 138 media specialists, and other personnel involved in the selection
 139 of school district library materials must complete the training
 140 program developed pursuant to s. 1006.29(6) before reviewing and
 141 selecting ~~regarding the prohibition against distributing harmful~~
 142 ~~materials to minors under s. 847.012 and applicable case law,~~
 143 ~~and best practices for providing students access to age-~~
 144 appropriate materials and library resources. Upon written
 145 request, a school district shall provide access to any material
 146 or book specified in the request that is maintained in a
 147 district school system library and is available for review.

148 1. Each book made available to students through a school
 149 district library media center or included in a recommended or
 150 assigned school or grade-level reading list must be selected by

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151 a school district employee who holds a valid educational media
152 specialist certificate, regardless of whether the book is
153 purchased, donated, or otherwise made available to students.

154 2. Each district school board shall adopt procedures for
155 developing library media center collections and post the
156 procedures on the website for each school within the district.

157 The procedures must:

158 a. Require that book selections meet the criteria in s.
159 1006.40 (3) (d).

160 b. Require consultation of reputable, professionally
161 recognized reviewing periodicals and school community
162 stakeholders.

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

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

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

175 (e) Public participation.—Publish on its website, in a

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176 searchable format prescribed by the department, a list of all
 177 instructional materials, including those used to provide
 178 instruction required by s. 1003.42. Each district school board
 179 must:

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

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

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

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

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

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

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

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

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

216 (b) *Money collected for lost or damaged instructional*
 217 *materials; enforcement.*—The school principal shall collect from
 218 each student or the student's parent the purchase price of any
 219 instructional material the student has lost, destroyed, or
 220 unnecessarily damaged and to report and transmit the money
 221 collected to the district school superintendent. The failure to
 222 collect such sum upon reasonable effort by the school principal
 223 may result in the suspension of the student from participation
 224 in extracurricular activities or satisfaction of the debt by the
 225 student through community service activities at the school site

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226 as determined by the school principal, pursuant to policies
 227 adopted by district school board rule.

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

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

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

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

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

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251 1006.29 State instructional materials reviewers.—
 252 (2) For purposes of this part ~~state adoption~~, the term
 253 "instructional materials" means items having intellectual
 254 content that by design serve as a major tool for assisting in
 255 the instruction of a subject or course. These items may be
 256 available in bound, unbound, kit, or package form and may
 257 consist of hardbacked or softbacked textbooks, electronic
 258 content, consumables, learning laboratories, manipulatives,
 259 electronic media, and computer courseware or software. A
 260 publisher or manufacturer providing instructional materials as a
 261 single bundle shall also make the instructional materials
 262 available as separate and unbundled items, each priced
 263 individually. A publisher may also offer sections of state-
 264 adopted instructional materials in digital or electronic
 265 versions at reduced rates to districts, schools, and teachers.
 266 (6) The department shall develop an online training
 267 program for school librarians, media specialists, and other
 268 personnel involved in the selection and maintenance of library
 269 media and collections or materials maintained on a reading list.
 270 This training must assist reviewers in complying with the
 271 requirements of s. 1006.31(2). The department shall make this
 272 training available no later than January 1, 2023. No later than
 273 July 1, 2023, and annually thereafter, each superintendent must
 274 certify to the department that all school librarians and media
 275 specialists employed by the district have completed the online

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276 training program.

277 Section 4. Paragraph (b) of subsection (4) of section
278 1006.40, Florida Statutes, is amended to read:

279 1006.40 Use of instructional materials allocation;
280 instructional materials, library books, and reference books;
281 repair of books.—

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

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

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

295 1011.67 Funds for instructional materials.—

296 (2) Annually by July 1 and before the release of
297 instructional materials funds, each district school
298 superintendent shall certify to the Commissioner of Education
299 that the district school board has approved a comprehensive
300 staff development plan that supports fidelity of implementation

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301 of instructional materials programs, including verification that
 302 training was provided; that the materials are being implemented
 303 as designed; and, beginning July 1, 2021, for core reading
 304 materials and reading intervention materials used in
 305 kindergarten through grade 5, that the materials meet the
 306 requirements of s. 1001.215(8). Such instructional materials, as
 307 evaluated and identified pursuant to s. 1001.215(4), may be
 308 purchased by the school district with funds under this section
 309 without undergoing the adoption procedures under s.
 310 1006.40(4)(b). The certification must identify any material that
 311 received an objection pursuant to s. 1006.28 for the school year
 312 and the specific objections thereto, each material that was
 313 removed or discontinued as a result of an objection, and the
 314 grade level and course for which a removed or discontinued
 315 material was used, as applicable. This subsection does not
 316 preclude school districts from purchasing or using other
 317 materials to supplement reading instruction and provide
 318 additional skills practice.

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