

Dear (Your County) School Board Members:

[The 2017 enrolled CS/CS/HB 989 signed by Governor Scott](#) requires significant changes in district policy and practices in several areas. This letter highlights 2 of these areas and item 3 is my official request on behalf of all [YOUR County] residents:

**1)** Florida's Constitution Article 9.4(b) "The school board shall operate, control and supervise all free public education within the school district". Additionally, the 2017 Enrolled CS/CS/HB989 signed into law by Gov. Scott now directs school districts to **provide access** to all materials used in the classroom or made available for review in school libraries or included on a reading list..

Enrolled CS/CS/HB 989 Lines 96-108: *"(a) Courses of study; adoption.—Adopt courses of study, including instructional materials, for use in the schools of the district. 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 in the classroom."*

**Additionally,** Enrolled CS/CS/HB 989 , lines 109-127 paragraph 2 a and b clearly require each school district have a process **that makes accessible to residents all instructional materials and materials used in the classroom, made available in a school library or included on reading list**. *" 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 [this requires access] to the district school board that: a.) An instructional material does not meet the criteria of 117 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 127 age group for which the material is used."*

**Appropriate Action: Provide digital access to all residents of ( Your County) to "Any material used in a classroom, made available in a school library, or included on a reading list,"**

**2)** Every Florida School District **must proactively\* ensure it is complying with FS 847.012** and FS 1006.34(2). Excerpts below:

**FS 847.012** (3)A person may not knowingly sell, rent, or loan for monetary consideration to a minor:(a) Any picture, photograph, drawing, sculpture, motion picture film, videocassette, or similar visual representation or

image of a person or portion of the human body which depicts nudity or sexual conduct, sexual excitement, sexual battery, bestiality, or sadomasochistic abuse and which is harmful to minors; or(b) Any book, pamphlet, magazine, printed matter however reproduced, or sound recording that contains any matter defined in s. 847.001, explicit and detailed verbal descriptions or narrative accounts of sexual excitement, or sexual conduct and that is harmful to minors<sup>3</sup>), regardless of whether the material is intended for distribution to minors or is actually distributed to minors.(5) An adult may not knowingly distribute to a minor on school property, or post on school property, any material described in subsection (3). As used in this subsection, the term “school property” means the grounds or facility of any kindergarten, elementary school, middle school, junior high school, or secondary school, whether public or nonpublic. This subsection does not apply to the distribution or posting of school-approved instructional materials that by design serve as a major tool for assisting in the instruction of a subject or course by school officers, instructional personnel, administrative personnel, school volunteers, educational support employees, or managers as those terms are defined in s. 1012.01.

**FS 1006.34 (2)** any instructional material containing pornography or otherwise prohibited by s. **847.012** may not be used or made available within any public school.

In lines 116-122 of CS/CS/HB 989: “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., 121 and 11.”

In lines 122-134 of CS/CS/HB 989 “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. [Red highlighting added for focus]

**Appropriate Action:** These require every school district to assess each individual instructional material used in the classroom, available in the school library or included on a reading list to be evaluated for age inappropriate material and, if in violation of FS 847.012, it must be removed from student access.

**3)** Finally, in lines 181-184 of enrolled CS/CS/HB 989 “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.”

As a resident of and on behalf of the residents of (Your County), this is my written request to provide digital access for all residents of (Your County), County to “Any material used in a **classroom, made available in a school library, or included on a reading list**,”

**Appropriate Action: Provide digital access to all residents of (your county) County to “Any material used in a classroom, made available in a school library, or included on a reading list,”**

Every member of the [Your County] School board has the “constitutional duty and responsibility to select and provide adequate instructional materials for all students.” The intent of CS/CS/HB 989 was to create an inviting and transparent process for all residents to be able to access and review materials used in the classroom. You are required by Florida Statute and your Oath of Office to ensure these statutes are properly complied with in [ Your County]County.

Regards ;

(Your Name and your county Resident

CC. All FL House and Senate legislators in you county

IF you are comfortable you can add this logo but its your call

