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A bill to be entitled An act relating to education; providing a short title; amending s. 1000.05, F.S.; deleting provisions relating to prohibited training or instruction in specified concepts which constitutes discrimination on the basis of race, color, national origin, or sex; repealing s. 1000.071, F.S., relating to personal titles and pronouns; amending s. 1001.42, F.S.; prohibiting school districts from adopting a procedure that compels or authorizes school personnel to share certain information with a parent under certain circumstances; deleting a provision authorizing school districts to adopt procedures that permit school personnel to withhold certain information from a parent under certain circumstances; deleting a prohibition against classroom instruction on sexual orientation and gender identity in specified grades; deleting an exception; deleting a provision requiring student support services to adhere to specified guidelines; amending s. 1001.706, F.S.; deleting a requirement for the Board of Governors to include in its review of state university missions a directive to each university regarding its programs for curricula that violate certain provisions; amending s. 1001.92, F.S.; deleting provisions relating to a state

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university losing its eligibility for performance funding if a certain violation is substantiated; amending s. 1003.42, F.S.; requiring instruction in LGBTQ history in public schools; conforming a crossreference; amending s. 1004.06, F.S.; authorizing and encouraging Florida College System institutions, state universities, and direct-support organizations to develop programs based on diversity, equity, and inclusion principles; authorizing the expenditure of state or federal funds to promote such programs; deleting a prohibition against Florida College System institutions, state universities, and direct-support organizations expending funds on programs or activities that advocate for diversity, equity, and inclusion or that promote or engage in political or social activism; deleting obsolete language; amending s. 1006.28, F.S.; providing that certain provisions relating to district school board duties and materials made available in schools do not apply to classroom libraries; revising requirements for resolving objections to instructional materials; deleting a requirement that any instructional material that is subject to an objection be removed within 5 school days; deleting a requirement that a school board discontinue use of an instructional material if

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certain conditions are met; providing that school libraries may provide materials and information presenting all points of view; providing that materials may not be proscribed or removed due to partisan or doctrinal disapproval; amending s. 1007.25, F.S.; deleting certain prohibitions for general education courses; providing an effective date.

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

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This act may be cited as the "Freedom to Learn Section 1. <u>Ac</u>t."

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Section 2. Subsection (4) of section 1000.05, Florida Statutes, is amended to read:

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1000.05 Discrimination against students and employees in the Florida K-20 public education system prohibited; equality of access required.-

(4) (a) It shall constitute discrimination race, color, national origin, or sex under this section to subject any student or employee to training or instruction that espouses, promotes, advances, inculcates, or compels such student or employee to believe any of the following concepts:

Members of one race, color, national origin, or sex are morally superior to members of another race, color, national

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origin, or sex.

2. A person, by virtue of his or her race, color, national origin, or sex, is inherently racist, sexist, or oppressive, whether consciously or unconsciously.

- 3. A person's moral character or status as either privileged or oppressed is necessarily determined by his or her race, color, national origin, or sex.
- 4. Members of one race, color, national origin, or sex cannot and should not attempt to treat others without respect to race, color, national origin, or sex.
- 5. A person, by virtue of his or her race, color, national origin, or sex, bears responsibility for, or should be discriminated against or receive adverse treatment because of, actions committed in the past by other members of the same race, color, national origin, or sex.
- 6. A person, by virtue of his or her race, color, national origin, or sex, should be discriminated against or receive adverse treatment to achieve diversity, equity, or inclusion.
- 7. A person, by virtue of his or her race, color, sex, or national origin, bears personal responsibility for and must feel guilt, anguish, or other forms of psychological distress because of actions, in which the person played no part, committed in the past by other members of the same race, color, national origin, or sex.
  - 8. Such virtues as merit, excellence, hard work, fairness,

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neutrality, objectivity, and racial colorblindness are racist or sexist, or were created by members of a particular race, color, national origin, or sex to oppress members of another race, color, national origin, or sex.

- (b) Paragraph (a) may not be construed to prohibit discussion of the concepts listed therein as part of a larger course of training or instruction, provided such training or instruction is given in an objective manner without endorsement of the concepts.
- Section 3. <u>Section 1000.071, Florida Statutes, is</u> repealed.
- Section 4. Paragraph (c) of subsection (8) of section 1001.42, Florida Statutes, is amended to read:
- 1001.42 Powers and duties of district school board.—The district school board, acting as a board, shall exercise all powers and perform all duties listed below:
  - (8) STUDENT WELFARE.

(c)1. In accordance with the rights of parents enumerated in ss. 1002.20 and 1014.04, adopt procedures for notifying a student's parent if there is a change in the student's services or monitoring related to the student's mental, emotional, or physical health or well-being and the school's ability to provide a safe and supportive learning environment for the student. The procedures must reinforce the fundamental right of parents to make decisions regarding the upbringing and control

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of their children by requiring school district personnel to encourage a student to discuss issues relating to his or her well-being with his or her parent or to facilitate discussion of the issue with the parent. The procedures may not prohibit parents from accessing any of their student's education and health records created, maintained, or used by the school district, as required by s. 1002.22(2).

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2. A school district may not adopt procedures or student support forms that prohibit school district personnel from notifying a parent about his or her student's mental, emotional, or physical health or well-being, or a change in related services or monitoring, or that encourage or have the effect of encouraging a student to withhold from a parent such information. School district personnel may not discourage or prohibit parental notification of and involvement in critical decisions affecting a student's mental, emotional, or physical health or well-being. A school district may not adopt a procedure that compels or authorizes school personnel to provide such information to a parent if a reasonably prudent person would believe that disclosure would result in harm to the student, including, but not limited to, This subparagraph does not prohibit a school district from adopting procedures that permit school personnel to withhold such information from a parent if a reasonably prudent person would believe that disclosure would result in abuse, abandonment, or neglect, as

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those terms are defined in s. 39.01.

- 3. Classroom instruction by school personnel or third parties on sexual orientation or gender identity may not occur in prekindergarten through grade 8, except when required by ss. 1003.42(2)(n)3. and 1003.46. If such instruction is provided in grades 9 through 12, the instruction must be age-appropriate or developmentally appropriate for students in accordance with state standards. This subparagraph applies to charter schools.
- 4. Student support services training developed or provided by a school district to school district personnel must adhere to student services guidelines, standards, and frameworks established by the Department of Education.
- 5. At the beginning of the school year, each school district shall notify parents of each health care service offered at their student's school and the option to withhold consent or decline any specific service in accordance with s. 1014.06. Parental consent to a health care service does not waive the parent's right to access his or her student's educational or health records or to be notified about a change in his or her student's services or monitoring as provided by this paragraph.
- 4.6. Before administering a student well-being questionnaire or health screening form to a student in kindergarten through grade 3, the school district must provide the questionnaire or health screening form to the parent and

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176 obtain the permission of the parent.

- 5.7. Each school district shall adopt procedures for a parent to notify the principal, or his or her designee, regarding concerns under this paragraph at his or her student's school and the process for resolving those concerns within 7 calendar days after notification by the parent.
- a. At a minimum, the procedures must require that within 30 days after notification by the parent that the concern remains unresolved, the school district must either resolve the concern or provide a statement of the reasons for not resolving the concern.
- b. If a concern is not resolved by the school district, a parent may:
- (I) Request the Commissioner of Education to appoint a special magistrate who is a member of The Florida Bar in good standing and who has at least 5 years' experience in administrative law. The special magistrate shall determine facts relating to the dispute over the school district procedure or practice, consider information provided by the school district, and render a recommended decision for resolution to the State Board of Education within 30 days after receipt of the request by the parent. The State Board of Education must approve or reject the recommended decision at its next regularly scheduled meeting that is more than 7 calendar days and no more than 30 days after the date the recommended decision is transmitted. The

costs of the special magistrate shall be borne by the school district. The State Board of Education shall adopt rules, including forms, necessary to implement this subparagraph.

- (II) Bring an action against the school district to obtain a declaratory judgment that the school district procedure or practice violates this paragraph and seek injunctive relief. A court may award damages and shall award reasonable attorney fees and court costs to a parent who receives declaratory or injunctive relief.
- c. Each school district shall adopt and post on its website policies to notify parents of the procedures required under this subparagraph.
- d. Nothing contained in this subparagraph shall be construed to abridge or alter rights of action or remedies in equity already existing under the common law or general law.
- Section 5. Paragraph (a) of subsection (5) of section 1001.706, Florida Statutes, is amended to read:
  - 1001.706 Powers and duties of the Board of Governors.-
  - (5) POWERS AND DUTIES RELATING TO ACCOUNTABILITY. -
- (a) The Legislature intends that the Board of Governors shall align the missions of each constituent university with the academic success of its students; the existing and emerging economic development needs of the state; the national reputation of its faculty and its academic and research programs; the quantity of externally generated research, patents, and

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licenses; and the strategic and accountability plans required in paragraphs (b) and (c). The Board of Governors shall periodically review the mission of each constituent university and make updates or revisions as needed. Upon completion of a review of the mission, the board shall review existing academic programs for alignment with the mission. The board shall include in its review a directive to each constituent university regarding its programs for any curriculum that violates s. 1000.05 or that is based on theories that systemic racism, sexism, oppression, and privilege are inherent in the institutions of the United States and were created to maintain social, political, and economic inequities. The mission alignment and strategic plan must consider peer institutions at the constituent universities. The mission alignment and strategic plan must acknowledge that universities that have a national and international impact have the greatest capacity to promote the state's economic development through: new discoveries, patents, licenses, and technologies that generate state businesses of global importance; research achievements through external grants and contracts that are comparable to nationally recognized and ranked universities; the creation of a resource rich academic environment that attracts high-technology business and venture capital to the state; and this generation's finest minds focusing on solving the state's economic, social, environmental, and legal problems in the areas of life sciences,

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water, sustainability, energy, and health care. A nationally recognized and ranked university that has a global perspective and impact must be afforded the opportunity to enable and protect the university's competitiveness on the global stage in fair competition with other institutions of other states in the highest Carnegie Classification.

Section 6. Subsection (5) of section 1001.92, Florida Statutes, is amended to read:

1001.92 State University System Performance-Based Incentive.—

(5) Notwithstanding any other provision of this section, if any institution is found to have a substantiated violation of s. 1000.05(4)(a), the institution shall be ineligible to receive performance funding during the next fiscal year following the year in which the violation is substantiated. Substantiated findings are those as determined by a court of law, a standing committee of the Legislature, or the Board of Governors.

Section 7. Paragraph (g) of subsection (2) of section 1003.42, Florida Statutes, is amended, and paragraph (v) is added to that subsection, to read:

1003.42 Required instruction. -

(2) Members of the instructional staff of the public schools, subject to the rules of the State Board of Education and the district school board, shall teach efficiently and faithfully, using the books and materials required that meet the

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highest standards for professionalism and historical accuracy, following the prescribed courses of study, and employing approved methods of instruction, the following:

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The history of the Holocaust (1933-1945), the systematic, planned annihilation of European Jews and other groups by Nazi Germany, a watershed event in the history of humanity, to be taught in a manner that leads to an investigation of human behavior, an understanding of the ramifications of prejudice, racism, and stereotyping, and an examination of what it means to be a responsible and respectful person, for the purposes of encouraging tolerance of diversity in a pluralistic society and for nurturing and protecting democratic values and institutions, including the policy, definition, and historical and current examples of anti-Semitism, as described in s. 1000.05(7) s. 1000.05(8), and the prevention of anti-Semitism. Each school district must annually certify and provide evidence to the department, in a manner prescribed by the department, that the requirements of this paragraph are met. The department shall prepare and offer standards and curriculum for the instruction required by this paragraph and may seek input from the Commissioner of Education's Task Force on Holocaust Education or from any state or nationally recognized Holocaust educational organizations. The department may contract with any state or nationally recognized Holocaust educational organizations to develop

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training for instructional personnel and grade-appropriate classroom resources to support the developed curriculum.

- 2. The second week in November shall be designated as "Holocaust Education Week" in this state in recognition that November is the anniversary of Kristallnacht, widely recognized as a precipitating event that led to the Holocaust.
- (v) The study of LGBTQ history in Florida and the LGBTQ community's contributions to the United States, which may include important United States Supreme Court cases, such as Obergefell v. Hodges and Windsor v. United States; the Florida Legislative Investigation Committee; and the tragedy at Pulse Nightclub.

The State Board of Education is encouraged to adopt standards and pursue assessment of the requirements of this subsection. Instructional programming that incorporates the values of the recipients of the Congressional Medal of Honor and that is offered as part of a social studies, English Language Arts, or other schoolwide character building and veteran awareness initiative meets the requirements of paragraph (u).

Section 8. Subsection (4) of section 1004.06, Florida Statutes, is renumbered as subsection (3), and subsections (2) and (3) of that section are amended to read:

- 1004.06 Prohibited expenditures.—
- (2) A Florida College System institution, state

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university, Florida College System institution direct-support organization, or state university direct-support organization may, and is encouraged to, develop programs and campus activities anchored in the principles of diversity, equity, and inclusion. Programs and courses may not expend any state or federal funds to promote, support, or maintain any such programs or campus activities that:

(a) Violate s. 1000.05; or

(b) Advocate for diversity, equity, and inclusion, or promote or engage in political or social activism, as defined by rules of the State Board of Education and regulations of the Board of Governors.

Student fees to support student-led organizations are permitted notwithstanding any speech or expressive activity by such organizations which would otherwise violate this subsection, provided that the public funds must be allocated to student-led organizations pursuant to written policies or regulations of each Florida College System institution or state university, as applicable. Use of institution facilities by student-led organizations is permitted notwithstanding any speech or expressive activity by such organizations which would otherwise violate this subsection, provided that such use must be granted to student-led organizations pursuant to written policies or regulations of each Florida College System institution or state

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university, as applicable.

- (3) Subsection (2) does not prohibit programs, campus activities, or functions required for compliance with general or federal laws or regulations; for obtaining or retaining institutional or discipline-specific accreditation with the approval of either the State Board of Education or the Board of Governors; or for access programs for military veterans, Pell Grant recipients, first generation college students, nontraditional students, "2+2" transfer students from the Florida College System, students from low-income families, or students with unique abilities.
- Section 9. Paragraphs (a) and (d) of subsection (2) of 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

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content of all instructional materials and any other materials used in a classroom, made available in a school or classroom 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.

- 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 material, which clearly describes a process to handle all objections and provides for resolution. The objection form, as prescribed by State Board of Education rule, and the district school board's process must be easy to read and understand and be easily accessible on the homepage of the school district's website. The objection form must also identify the school district point of contact and contact information for the submission of an objection. 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.

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Any material used in a classroom, made available in a school or classroom library, or included on a reading list contains content which: (I) Is pornographic or prohibited under s. 847.012; Depicts or describes sexual conduct as defined in s. (II)847.001(19), unless such material is for a course required by s. 1003.46, s. 1003.42(2) (n) 1.g., or s. 1003.42(2) (n) 3., or identified by State Board of Education rule; (III) Is not suited to student needs and their ability to comprehend the material presented; or (III) (IV) Is inappropriate for the grade level and age group for which the material is used. Any material that is subject to an objection on the basis of sub-sub-subparagraph b. (I) or sub-subparagraph b. (II) must be removed within 5 school days of receipt of the objection and remain unavailable to students of that school until the objection is resolved. Parents shall have the right to read passages from any material that is subject to an objection. If the school board denies a parent the right to read passages due to content that meets the requirements under sub-subsubparagraph b. (I), the school district shall discontinue the use of the material. If the district school board finds that any material meets the requirements under sub-subparagraph a. or

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that any other material contains prohibited content under sub-

sub-subparagraph b.(I), the school district shall discontinue use of the material. If the district school board finds that any other material contains prohibited content under sub-sub-subparagraphs b.(II)-(IV), the school district shall discontinue use of the material for any grade level or age group for which such use is inappropriate or unsuitable.

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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

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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 students who will have access to such materials.
- 5. Meetings of committees convened for the purpose of resolving an objection by a parent or resident to specific materials must be noticed and open to the public in accordance with s. 286.011. Any committees convened for such purposes must include parents of students who will have access to such materials.
- 6. If a parent disagrees with the determination made by the district school board on the objection to the use of a specific material, a parent may request the Commissioner of Education to appoint a special magistrate who is a member of The Florida Bar in good standing and who has at least 5 years' experience in administrative law. The special magistrate shall determine facts relating to the school district's determination, consider information provided by the parent and the school district, and render a recommended decision for resolution to the State Board of Education within 30 days after receipt of the

request by the parent. The State Board of Education must approve or reject the recommended decision at its next regularly scheduled meeting that is more than 7 calendar days and no more than 30 days after the date the recommended decision is transmitted. The costs of the special magistrate shall be borne by the school district. The State Board of Education shall adopt rules, including forms, necessary to implement this subparagraph.

- (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, school librarians, 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 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

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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.

  School libraries may provide materials and information

  presenting all points of view on current and historical issues.

  Materials may not be proscribed or removed because of partisan or doctrinal disapproval. The procedures must:
- a. Require that book selections meet the criteria in s. 1006.40(3)(d).
- b. Require consultation of reputable, professionally recognized reviewing periodicals and school community stakeholders.
- c. Provide for library media center collections, including classroom libraries, 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.

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

- 4. Each district school board shall adopt and publish on its website the process for a parent to limit his or her student's access to materials in the school or classroom library.
- Section 10. Paragraph (c) of subsection (3) of section 1007.25, Florida Statutes, is amended to read:
- 1007.25 General education courses; common prerequisites; other degree requirements.—
- (3) The chair of the State Board of Education and the chair of the Board of Governors, or their designees, shall jointly appoint faculty committees to review and recommend to the Articulation Coordinating Committee for approval by the State Board of Education and the Board of Governors statewide general education core course options for inclusion in the statewide course numbering system established under s. 1007.24. Faculty committees shall, by July 1, 2024, and by July 1 every 4 years thereafter, review and submit recommendations to the Articulation Coordinating Committee and the commissioner for the removal, alignment, realignment, or addition of general education core courses that satisfy the requirements of this

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subsection.

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(c) General education core courses may not distort significant historical events or include a curriculum that teaches identity politics, violates s. 1000.05, or is based on theories that systemic racism, sexism, oppression, and privilege are inherent in the institutions of the United States and were created to maintain social, political, and economic inequities.

Section 11. This act shall take effect July 1, 2024.

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