

April 5, 2017

Chair Michael Bileca
Vice Chair Robert Cortes
Ranking Member Shevrin Jones
House Education Committee
313 House Office Building
402 South Monroe Street
Tallahassee, FL 32399

By electronic mail: michael.bileca@myfloridahouse.gov,
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Re: H.B. 989

Dear Rep. Bileca, Rep. Cortes, and Rep. Jones,

As a coalition of organizations with considerable experience defending challenged books in the public school system, we write to raise our concerns about H.B. 989: Instructional Materials for K-12 Public Education. The bill threatens to undermine the quality of education in Florida by potentially inviting and facilitating wasteful, expensive, and viewpoint-based challenges to curricular materials and by permitting local school boards to deviate from state-approved curricula in favor of subjectively defined “equivalent” or “better” standards. We hope you will keep our considerations in mind when reviewing this bill and urge you to vote against it.

1. The Bill Will Facilitate Challenges that Undermine the Quality of Education

H.B. 989 invites viewpoint-based challenges to curricular and media materials, as it permits any resident of a county to challenge the use of curricular and media materials. There are many avenues by which residents may express concerns about the education system, but only parents who have a direct interest in the content of the educational program should be permitted to file formal challenges. The current provision invites local activist who do not even have children attending schools to disrupt the operation of the schools with complaints designed to advance their political agendas.

The potential for abuse is increased by the vagueness and inherent subjectivity of the bill’s language, which calls on school officials to use “non-inflammatory, objective, and balanced” materials, which opens the door to all manner of complaints based on personal viewpoints rather than educational criteria.

Countless canonical works of literature have been challenged in schools across the country on such subjective grounds. Indeed, parents have sought the removal of novels

Joan E. Bertin
Executive Director

NCAC PARTICIPATING ORGANIZATIONS

Actors' Equity Association
American Association of School Administrators
American Association of University Professors
American Association of University Women
American Booksellers for Free Expression
American Civil Liberties Union
American Ethical Union
American Federation of Teachers
American Jewish Committee
American Library Association
American Literary Translators Association
American Orthopsychiatric Association
American Society of Journalists & Authors
Americans United for Separation of Church & State
Association of American Publishers
Authors Guild
Catholics for Choice
Children's Literature Association
College Art Association
Comic Book Legal Defense Fund
The Creative Coalition
Directors Guild of America
The Dramatists Guild of America
Dramatists Legal Defense Fund
Educational Book & Media Association
First Amendment Lawyers Association
Free Speech Coalition
International Literacy Association
Lambda Legal
Modern Language Association
National Center for Science Education
National Communication Association
National Council for the Social Studies
National Council of the Churches
National Council of Jewish Women
National Council of Teachers of English
National Education Association
National Youth Rights Association
The Newspaper Guild/CWA
PEN American Center
People For the American Way
Planned Parenthood Federation of America
Project Censored
SAG-AFTRA
Sexuality Information & Education Council of the U.S.
Society of Children's Book Writers & Illustrators
Student Press Law Center
Union for Reform Judaism
Union of Democratic Intellectuals
Unitarian Universalist Association
United Church of Christ
Office of Communication
United Methodist Church,
United Methodist Communications
Women's American ORT
Woodhull Sexual Freedom Alliance
Writers Guild of America, East
Writers Guild of America, West

and textbooks that they believe contain “inflammatory” themes such as sex, drug use, foul language, witchcraft, racial slurs and violence; or “biased” content that is “anti-

American”, “anti-Christian” or “pro-Islam.” These challenges not only deprive students of access to thought-provoking and educationally valuable books but also negatively impact the curriculum, as teachers and librarians remove educationally valuable materials in order to avoid the burden of responding to challenges.

Determining whether a book is “objective” or “balanced” is more complicated than may appear on the surface. For example, science textbooks should not be “balanced,” if that term is taken to mean that it should present all ideas on a given topic, because not every theory is equally valid or supported by scientific evidence. For example, although some individuals continue to believe the Earth is flat, this view is not taught alongside accurate geological models. H.B. 989, however, would allow those individuals to challenge textbooks that correctly describe Earth on the basis that the textbook is not “balanced.”

It is for this reason that the National Center for Science Education and Florida Citizens for Science oppose the bill, on the ground that that it will undermine the quality of science education by inviting challenges to widely accepted educational materials, in turn imposing significant burdens on school officials to respond to such challenges. Indeed, Florida Citizens for Science argues that the bill creates “a potential back door for inserting creationism and climate change doubts into the classroom.”

Scientists and science educators should determine together what should be taught in science class. Doing otherwise would undermine science education in the state and disadvantage its students as they compete for college admission and jobs.

2. The Bill Encourages Schools to Deviate From State Standards

We are also concerned that H.B. 989 allows schools to adopt instructional materials that are consistent with “standards that are equivalent to or better than the applicable state standards.” Because the bill provides no metric for assessing whether local standards are “equivalent to or better than,” it may enable local policymakers to undermine the quality of education.

Course content and curricular materials should be selected by professional educators and specialists in relevant disciplines. These experts play a critical role by identifying the essential knowledge and skills necessary for students to progress academically and function as informed citizens and by selecting curricular materials representing the consensus of experts in the field. Permitting local deviation from applicable state standards, depending on individual preferences and ideological pressures in different communities, would result in inconsistency in the substance and quality of education in the state. All students in Florida would be tainted by the failure to adhere to consistent criteria that meet widely accepted educational standards.

Sincerely,



Joan Bertin, Executive Director
National Coalition Against Censorship



Brandon Haight, Communications Director
Board Member
Florida Citizens for Science



Charles Brownstein, Executive Director
Comic Book Legal Defense Fund



Millie Davis, Director
Intellectual Freedom Center
National Council of Teachers of English



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