

1 A bill to be entitled

2 An act relating to instructional materials for K-12  
3 public education; amending s. 1006.28, F.S.; providing  
4 that the district school board has the constitutional  
5 duty and responsibility to select and provide adequate  
6 instructional materials for all students; providing  
7 that the district school board is responsible for the  
8 content of all instructional materials; amending s.  
9 1006.283, F.S.; providing requirements for a district  
10 instructional materials program and district school  
11 board rules relating thereto; including criteria for  
12 the review, recommendation, and adoption of  
13 instructional materials and the process by which a  
14 school district will notify parents of their ability  
15 to access their children's instructional materials;  
16 providing for inspection of purchased instructional  
17 materials; amending s. 1006.31, F.S.; providing duties  
18 for instructional materials reviewers; amending s.  
19 1006.40, F.S.; deleting provisions regarding the  
20 adoption of certain instructional materials for  
21 mathematics; authorizing each district school board to  
22 use all of the instructional materials annual  
23 allocation for the purchase of digital or electronic  
24 instructional materials that meet certain  
25 requirements; providing that each district school  
26 board is responsible for the content of all

27 | instructional materials used in a classroom; requiring  
28 | district school boards to provide a process for public  
29 | review of, and comment on, instructional materials;  
30 | providing an effective date.

31 |

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

33 |

34 | Section 1. Subsection (1) of section 1006.28, Florida  
35 | Statutes, is amended to read:

36 | 1006.28 Duties of district school board, district school  
37 | superintendent; and school principal regarding K-12  
38 | instructional materials.—

39 | (1) DISTRICT SCHOOL BOARD.—The district school board has  
40 | the constitutional duty and responsibility to select and provide  
41 | adequate instructional materials for all students in accordance  
42 | with the requirements of this part. The term "adequate  
43 | instructional materials" means a sufficient number of student or  
44 | site licenses or sets of materials that are available in bound,  
45 | unbound, kit, or package form and may consist of hardbacked or  
46 | softbacked textbooks, electronic content, consumables, learning  
47 | laboratories, manipulatives, electronic media, and computer  
48 | courseware or software that serve as the basis for instruction  
49 | for each student in the core courses of mathematics, language  
50 | arts, social studies, science, reading, and literature. The  
51 | district school board has the following specific duties and  
52 | responsibilities:

53 (a) Courses of study; adoption.—Adopt courses of study,  
54 including instructional materials, for use in the schools of the  
55 district. Each district school board is responsible for the  
56 content of all instructional materials used in a classroom,  
57 whether purchased through an adoption process or otherwise  
58 purchased or made available in the classroom.

59 (b) Instructional materials.—Provide for proper  
60 requisitioning, distribution, accounting, storage, care, and use  
61 of all instructional materials and furnish such other  
62 instructional materials as may be needed. The district school  
63 board shall ensure that instructional materials used in the  
64 district are consistent with the district goals and objectives  
65 and the course descriptions established in rule of the State  
66 Board of Education, as well as with the state ~~and district~~  
67 ~~performance~~ standards provided for in s. 1003.41 ~~1001.03(1)~~.

68 (c) Other instructional materials.—Provide such other  
69 teaching accessories and aids as are needed for the school  
70 district's educational program.

71 (d) School library media services; establishment and  
72 maintenance.—Establish and maintain a program of school library  
73 media services for all public schools in the district, including  
74 school library media centers, or school library media centers  
75 open to the public, and, in addition such traveling or  
76 circulating libraries as may be needed for the proper operation  
77 of the district school system.

78 Section 2. Section 1006.283, Florida Statutes, is amended  
 79 to read:

80 1006.283 District school board instructional materials  
 81 review process.—

82 (1) A district school board or consortium of school  
 83 districts may implement an instructional materials program that  
 84 includes the review, recommendation ~~approval~~, adoption, and  
 85 purchase of instructional materials. ~~Beginning in the 2013-2014~~  
 86 ~~school year,~~ The district school superintendent shall certify to  
 87 the department by March 31 of each year that all instructional  
 88 materials for core courses used by the district are aligned with  
 89 applicable state standards. ~~Included in the certification shall~~  
 90 ~~be~~ A list of the core instructional materials that will be used  
 91 or purchased for use by the school district shall be included in  
 92 the certification.

93 (2) (a) If a district ~~The~~ school board chooses to implement  
 94 its own instructional materials program, the school board shall  
 95 adopt rules implementing the district's instructional materials  
 96 program which must include its processes, criteria, and  
 97 requirements for the following, ~~but need not be limited to:~~

98 1. Selection of reviewers, one or more of whom must be  
 99 parents with children in public schools.

100 2. Review of instructional materials.

101 3. Selection of instructional materials, including a  
 102 thorough review of curriculum content.

103 4. Reviewer recommendations.

- 104        5. District school board adoption.
- 105        6. Purchase of instructional materials.
- 106        (b) District school board rules shall also:
- 107        ~~(a) Its review and purchase process.~~
- 108        1.(b) Identify, by subject area, Identification of a  
 109 review cycle for instructional materials.
- 110        2.(e) Specify the duties and qualifications for an of the  
 111 instructional materials reviewer and the process for selecting  
 112 reviewers; list a reviewer's duties and responsibilities,  
 113 including compliance with the requirements of s. 1006.31; and  
 114 provide that all instructional materials recommended by a  
 115 reviewer be accompanied by the reviewer's statement that the  
 116 materials align with the state standards pursuant to s. 1003.41  
 117 and the requirements of s. 1006.31.
- 118        3.(d) State the requirements for an affidavit to be made  
 119 by each a district instructional materials reviewer which  
 120 substantially meet ~~includes~~ the requirements of s. 1006.30.
- 121        4.(e) Comply Compliance with s. 1006.32, relating to  
 122 prohibited acts.
- 123        5.(f) Establish a process that certifies the accuracy of  
 124 instructional materials.
- 125        6.(g) Incorporate The incorporation of applicable  
 126 requirements of s. 1006.31, which relates to the duties of  
 127 instructional materials reviewers.
- 128        7.(h) Incorporate The incorporation of applicable  
 129 requirements of s. 1006.38, relating to the duties,

130 responsibilities, and requirements of publishers of  
131 instructional materials.

132 8. Establish the process by which instructional materials  
133 are adopted by the district school board, which must include:

134 a. A process to allow student editions of recommended  
135 instructional materials to be accessed and viewed online by the  
136 public at least 20 calendar days before the school board hearing  
137 and public meeting as specified in this subparagraph. This  
138 process must include reasonable safeguards against the  
139 unauthorized use, reproduction, and distribution of  
140 instructional materials considered for adoption.

141 b. An open, noticed school board hearing to receive public  
142 comment on the recommended instructional materials.

143 c. An open, noticed public meeting to approve an annual  
144 instructional materials plan to identify any instructional  
145 materials that will be purchased through the district school  
146 board instructional materials review process pursuant to this  
147 section. This public meeting must be held on a different date  
148 than the school board hearing.

149 d. Notice requirements for the school board hearing and  
150 the public meeting that must specifically state which  
151 instructional materials are being reviewed and the manner in  
152 which the instructional materials can be accessed for public  
153 review.

154        9. Establish the process by which the district school  
155 board shall receive public comment on, and review, the  
156 recommended instructional materials.

157        10.~~(i)~~ Establish the process by which instructional  
158 materials will be purchased, including advertising, bidding, and  
159 purchasing requirements.

160        11. Establish the process by which the school district  
161 will notify parents of their ability to access their children's  
162 textbooks and instructional materials through the district's  
163 local instructional improvement system and by which the school  
164 district will encourage parents to access the system. This  
165 notification must be displayed prominently on the district  
166 school board's website and provided annually in written format  
167 to all parents of enrolled students.

168        (3) (a) The school board may assess and collect fees from  
169 publishers participating in the instructional materials approval  
170 process. The amount assessed and collected must be posted on the  
171 school district's website and reported to the department. The  
172 fees may not exceed the actual cost of the review process, and  
173 the fees may not exceed \$3,500 per submission by a publisher.  
174 Any fees collected for this process shall be allocated for the  
175 support of the review process and maintained in a separate line  
176 item for auditing purposes.

177        (b) The fees shall be used to cover the actual cost of  
178 substitute teachers for each workday that a member of a school  
179 district's instructional staff is absent from his or her

180 assigned duties for the purpose of rendering service as an  
181 instructional materials reviewer. In addition, each reviewer may  
182 be paid a stipend and is entitled to reimbursement for travel  
183 expenses and per diem in accordance with s. 112.061 for actual  
184 service in meetings.

185 (4) Instructional materials that have been reviewed by the  
186 district instructional materials reviewers and approved must  
187 have been determined to align with all applicable state  
188 standards pursuant to s. 1003.41 and the requirements in s.  
189 1006.31. The district school superintendent shall annually  
190 certify to the department that all instructional materials for  
191 core courses used by the district are aligned with all  
192 applicable state standards and have been reviewed, selected, and  
193 adopted by the district school board in accordance with the  
194 school board hearing and public meeting requirements of this  
195 section.

196 (5) A publisher that offers instructional materials to a  
197 district school board must provide such materials at a price  
198 that, including all costs of electronic transmission, does not  
199 exceed the lowest price at which the publisher offers such  
200 instructional materials for approval or sale to any state or  
201 school district in the United States.

202 (6) A publisher shall reduce automatically the price of  
203 the instructional materials to the district school board to the  
204 extent that reductions in price are made elsewhere in the United  
205 States.



206        (7) The school district shall make available, upon request  
 207 for public inspection, sample copies of all instructional  
 208 materials that have been purchased by the district school board.

209        Section 3. Subsection (2) of section 1006.31, Florida  
 210 Statutes, is amended to read:

211        1006.31 Duties of the Department of Education and school  
 212 district instructional materials reviewer.—The duties of the  
 213 instructional materials reviewer are:

214        (2) EVALUATION OF INSTRUCTIONAL MATERIALS.— To use  
 215 ~~evaluate carefully all instructional materials submitted, in~~  
 216 ~~order to ascertain which instructional materials, if any,~~  
 217 ~~submitted for consideration implement~~ the selection criteria  
 218 listed in s. 1006.34(2)(b) developed by the department and  
 219 recommend for adoption only those instructional materials  
 220 aligned with the state those curricular objectives included  
 221 within applicable performance standards provided for in s.  
 222 1003.41 ~~1001.03(1)~~. Instructional materials recommended by each  
 223 reviewer shall be, to the satisfaction of each reviewer,  
 224 accurate, objective, balanced, noninflammatory, current, and  
 225 suited to student needs and their ability to comprehend the  
 226 material presented. Reviewers shall consider for recommendation  
 227 materials developed for academically talented students such as  
 228 those enrolled in advanced placement courses. When recommending  
 229 instructional materials, each reviewer shall:

230        (a) ~~When recommending instructional materials for use in~~  
 231 ~~the schools, each reviewer shall~~ Include only instructional

232 materials that accurately portray the ethnic, socioeconomic,  
233 cultural, religious, physical, and racial diversity of our  
234 society, including men and women in professional, career, and  
235 executive roles, and the role and contributions of the  
236 entrepreneur and labor in the total development of this state  
237 and the United States.

238 (b) ~~When recommending instructional materials for use in~~  
239 ~~the schools, each reviewer shall~~ Include only materials that  
240 accurately portray, whenever appropriate, humankind's place in  
241 ecological systems, including the necessity for the protection  
242 of our environment and conservation of our natural resources and  
243 the effects on the human system of the use of tobacco, alcohol,  
244 controlled substances, and other dangerous substances.

245 (c) Include ~~When recommending instructional materials for~~  
246 ~~use in the schools, each reviewer shall require such~~ materials  
247 that ~~as he or she deems necessary and proper to~~ encourage  
248 thrift, fire prevention, and humane treatment of people and  
249 animals.

250 (d) ~~When recommending instructional materials for use in~~  
251 ~~the schools, each reviewer shall~~ Require, when appropriate to  
252 the comprehension of students, that materials for social  
253 science, history, or civics classes contain the Declaration of  
254 Independence and the Constitution of the United States. A  
255 reviewer may not recommend any instructional materials that ~~for~~  
256 ~~use in the schools which~~ contain any matter reflecting unfairly  
257 upon persons because of their race, color, creed, national

258 origin, ancestry, gender, religion, disability, socioeconomic  
259 status, or occupation.

260 ~~(c) Any instructional material recommended by each~~  
261 ~~reviewer for use in the schools shall be, to the satisfaction of~~  
262 ~~each reviewer, accurate, objective, and current and suited to~~  
263 ~~the needs and comprehension of students at their respective~~  
264 ~~grade levels. Reviewers shall consider for adoption materials~~  
265 ~~developed for academically talented students such as those~~  
266 ~~enrolled in advanced placement courses.~~

267 Section 4. Subsection (2), paragraph (a) of subsection  
268 (3), and subsection (5) of section 1006.40, Florida Statutes,  
269 are amended to read:

270 1006.40 Use of instructional materials allocation;  
271 instructional materials, library books, and reference books;  
272 repair of books.—

273 (2) Each district school board must purchase current  
274 instructional materials to provide each student in kindergarten  
275 through grade 12 with a major tool of instruction in core  
276 courses of the subject areas of mathematics, language arts,  
277 science, social studies, reading, and literature ~~for~~  
278 ~~kindergarten through grade 12~~. Such purchase must be made within  
279 the first 3 years after the effective date of the adoption  
280 cycle. ~~For the 2012-2013 mathematics adoption, a district using~~  
281 ~~a comprehensive mathematics instructional materials program~~  
282 ~~adopted in the 2009-2010 adoption shall be deemed in compliance~~  
283 ~~with this subsection if it provides each student with such~~

284 ~~additional state-adopted materials as may be necessary to align~~  
285 ~~the previously adopted comprehensive program to common core~~  
286 ~~standards and the other criteria of the 2012-2013 mathematics~~  
287 ~~adoption.~~

288 (3) (a) Beginning in ~~By the~~ 2014-2015 ~~2015-2016~~ fiscal  
289 year, each district school board shall use at least 50 percent  
290 of the annual allocation, and may use all of the allocation, for  
291 the purchase of digital or electronic instructional materials  
292 that are consistent with district goals and objectives and the  
293 course descriptions adopted in rule by the State Board of  
294 Education, align with the state standards provided for in s.  
295 1003.41, and meet the requirements in s. 1006.31 ~~align with~~  
296 ~~state standards included on the state-adopted list, except as~~  
297 ~~otherwise authorized in paragraphs (b) and (c).~~ This section  
298 does not apply to a district school board or a consortium of  
299 school districts which implements an instructional materials  
300 program pursuant to s. 1006.283, except that by the 2015-2016  
301 fiscal year, each district school board shall use at least 50  
302 percent of the annual allocation for the purchase of digital or  
303 electronic instructional materials that align with state  
304 standards.

305 (5) Each district school board is responsible for the  
306 content of all instructional materials used in a classroom,  
307 whether purchased through an adoption process or otherwise  
308 purchased or made available in the classroom. Each district

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309 school board shall adopt rules, and each district school  
310 superintendent shall implement procedures, that:

311 (a) Maximize student ~~will assure the maximum use by the~~  
312 ~~students~~ of the district-approved ~~authorized~~ instructional  
313 materials.

314 (b) Provide a process for public review of, and comment  
315 on, instructional materials before purchase, which satisfies the  
316 requirements of s. 1006.283(2).

317 Section 5. This act shall take effect July 1, 2014.