

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Gaetz offered the following:

2

3 **Amendment (with title amendment)**

4 Remove everything after the enacting clause and insert:

5 Section 1. Subsection (1) of section 1006.28, Florida

6 Statutes, is amended to read:

7 1006.28 Duties of district school board, district school

8 superintendent; and school principal regarding K-12

9 instructional materials.—

10 (1) DISTRICT SCHOOL BOARD.—The district school board has

11 the constitutional duty and responsibility to select and provide

12 adequate instructional materials for all students in accordance

13 with the requirements of this part. The term "adequate

14 instructional materials" means a sufficient number of student or

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15 site licenses or sets of materials that are available in bound,
16 unbound, kit, or package form and may consist of hardbacked or
17 softbacked textbooks, electronic content, consumables, learning
18 laboratories, manipulatives, electronic media, and computer
19 courseware or software that serve as the basis for instruction
20 for each student in the core courses of mathematics, language
21 arts, social studies, science, reading, and literature. The
22 district school board has the following specific duties and
23 responsibilities:

24 (a) Courses of study; adoption.—Adopt courses of study,
25 including instructional materials, for use in the schools of the
26 district.

27 1. Each district school board is responsible for the
28 content of all instructional materials used in a classroom,
29 whether adopted and purchased from the state-adopted
30 instructional materials list, adopted and purchased through a
31 district instructional materials program under s. 1006.283, or
32 otherwise purchased or made available in the classroom.

33 2. Each district school board must adopt a policy
34 regarding a parent's objection to his or her child's use of a
35 specific instructional material, which clearly describes a
36 process to handle all objections and provides for resolution.

37 3. Each district school board must establish a process by
38 which the parent of a public school student may contest the
39 district school board's adoption of a specific instructional
40 material. The parent must file a petition, on a form provided by

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41 the school board, within 30 calendar days after the adoption of
42 the material by the school board. The school board must make the
43 form available to the public and publish the form on the school
44 district's website. The form must be signed by the parent,
45 include the required contact information, and state the
46 objection to the instructional material. Within 30 days after
47 the 30-day period has expired, the school board must conduct at
48 least one open public hearing on all petitions timely received
49 and provide the petitioner written notification of the date and
50 time of the hearing at least 7 days before the hearing. All
51 instructional materials contested must be made accessible online
52 to the public at least 7 days before a public hearing. The
53 school board's decision after convening a hearing is final and
54 not subject to further petition or review.

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

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

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

74 Section 2. Section 1006.283, Florida Statutes, is amended
75 to read:

76 1006.283 District school board instructional materials
77 review process.—

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

89 (2) (a) If a district ~~The~~ school board chooses to implement
90 its own instructional materials program, the school board shall
91 adopt rules implementing the district's instructional materials

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92 program which must include its processes, criteria, and
93 requirements for the following, but need not be limited to:

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

96 2. Review of instructional materials.

97 3. Selection of instructional materials, including a
98 thorough review of curriculum content.

99 4. Reviewer recommendations.

100 5. District school board adoption.

101 6. Purchase of instructional materials.

102 (b) District school board rules must also:

103 ~~(a) Its review and purchase process.~~

104 1.(b) Identify, by subject area, Identification of a
105 review cycle for instructional materials.

106 2.(c) Specify the duties and qualifications for an of the
107 instructional materials reviewer and the process for selecting
108 reviewers; list a reviewer's duties and responsibilities,
109 including compliance with the requirements of s. 1006.31; and
110 provide that all instructional materials recommended by a
111 reviewer be accompanied by the reviewer's statement that the
112 materials align with the state standards pursuant to s. 1003.41
113 and the requirements of s. 1006.31.

114 3.(d) State the requirements for an affidavit to be made
115 by each a district instructional materials reviewer which
116 substantially meet includes the requirements of s. 1006.30.

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117 4.(e) Comply ~~Compliance~~ with s. 1006.32, relating to
118 prohibited acts.

119 5.(f) Establish a process that certifies the accuracy of
120 instructional materials.

121 6.(g) Incorporate ~~The incorporation of~~ applicable
122 requirements of s. 1006.31, which relates to the duties of
123 instructional materials reviewers.

124 7.(h) Incorporate ~~The incorporation of~~ applicable
125 requirements of s. 1006.38, relating to the duties,
126 responsibilities, and requirements of publishers of
127 instructional materials.

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

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

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

139 c. An open, noticed public meeting to approve an annual
140 instructional materials plan to identify any instructional
141 materials that will be purchased through the district school
142 board instructional materials review process pursuant to this

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143 section. This public meeting must be held on a different date
144 than the school board hearing.

145 d. Notice requirements for the school board hearing and
146 the public meeting that must specifically state which
147 instructional materials are being reviewed and the manner in
148 which the instructional materials can be accessed for public
149 review.

150 9. Establish the process by which the district school
151 board shall receive public comment on, and review, the
152 recommended instructional materials.

153 10.~~(i)~~ Establish the process by which instructional
154 materials will be purchased, including advertising, bidding, and
155 purchasing requirements.

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

164 (3) (a) The school board may assess and collect fees from
165 publishers participating in the instructional materials approval
166 process. The amount assessed and collected must be posted on the
167 school district's website and reported to the department. The
168 fees may not exceed the actual cost of the review process, and

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169 the fees may not exceed \$3,500 per submission by a publisher.
170 Any fees collected for this process shall be allocated for the
171 support of the review process and maintained in a separate line
172 item for auditing purposes.

173 (b) The fees shall be used to cover the actual cost of
174 substitute teachers for each workday that a member of a school
175 district's instructional staff is absent from his or her
176 assigned duties for the purpose of rendering service as an
177 instructional materials reviewer. In addition, each reviewer may
178 be paid a stipend and is entitled to reimbursement for travel
179 expenses and per diem in accordance with s. 112.061 for actual
180 service in meetings.

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

192 (5) A publisher that offers instructional materials to a
193 district school board must provide such materials at a price
194 that, including all costs of electronic transmission, does not

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195 exceed the lowest price at which the publisher offers such
196 instructional materials for approval or sale to any state or
197 school district in the United States.

198 (6) A publisher shall reduce automatically the price of
199 the instructional materials to the district school board to the
200 extent that reductions in price are made elsewhere in the United
201 States.

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

205 Section 3. Paragraph (d) is added to subsection (1) of
206 section 1006.29, Florida Statutes, to read:

207 1006.29 State instructional materials reviewers.—

208 (1)

209 (d) The department may assess and collect fees from
210 publishers participating in the instructional materials approval
211 process. The amount assessed and collected must be posted on the
212 department's website. The fees may not exceed the actual cost of
213 the review process and may not exceed \$1,000 per submission by a
214 publisher. Fees collected for this process shall be deposited
215 into the department's Operating Trust Fund so that each
216 instructional materials reviewer under paragraph (b) may be paid
217 a stipend.

218 Section 4. Subsection (2) of section 1006.31, Florida
219 Statutes, is amended to read:

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220 1006.31 Duties of the Department of Education and school
221 district instructional materials reviewer.—The duties of the
222 instructional materials reviewer are:

223 (2) EVALUATION OF INSTRUCTIONAL MATERIALS.— To use
224 ~~evaluate carefully all instructional materials submitted, in~~
225 ~~order to ascertain which instructional materials, if any,~~
226 ~~submitted for consideration implement~~ the selection criteria
227 listed in s. 1006.34(2)(b) developed by the department and
228 recommend for adoption only those instructional materials
229 aligned with the state those curricular objectives included
230 within applicable performance standards provided for in s.
231 1003.41 1001.03(1). Instructional materials recommended by each
232 reviewer shall be, to the satisfaction of each reviewer,
233 accurate, objective, balanced, noninflammatory, current, and
234 suited to student needs and their ability to comprehend the
235 material presented. Reviewers shall consider for recommendation
236 materials developed for academically talented students, such as
237 students enrolled in advanced placement courses. When
238 recommending instructional materials, each reviewer shall:

239 (a) ~~When recommending instructional materials for use in~~
240 ~~the schools, each reviewer shall~~ Include only instructional
241 materials that accurately portray the ethnic, socioeconomic,
242 cultural, religious, physical, and racial diversity of our
243 society, including men and women in professional, career, and
244 executive roles, and the role and contributions of the

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245 entrepreneur and labor in the total development of this state
246 and the United States.

247 ~~(b) When recommending instructional materials for use in~~
248 ~~the schools, each reviewer shall~~ Include only materials that
249 accurately portray, whenever appropriate, humankind's place in
250 ecological systems, including the necessity for the protection
251 of our environment and conservation of our natural resources and
252 the effects on the human system of the use of tobacco, alcohol,
253 controlled substances, and other dangerous substances.

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

259 ~~(d) When recommending instructional materials for use in~~
260 ~~the schools, each reviewer shall~~ Require, when appropriate to
261 the comprehension of students, that materials for social
262 science, history, or civics classes contain the Declaration of
263 Independence and the Constitution of the United States. A
264 reviewer may not recommend any instructional materials that ~~for~~
265 ~~use in the schools which~~ contain any matter reflecting unfairly
266 upon persons because of their race, color, creed, national
267 origin, ancestry, gender, religion, disability, socioeconomic
268 status, or occupation.

269 ~~(e) Any instructional material recommended by each~~
270 ~~reviewer for use in the schools shall be, to the satisfaction of~~

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271 ~~each reviewer, accurate, objective, and current and suited to~~
272 ~~the needs and comprehension of students at their respective~~
273 ~~grade levels. Reviewers shall consider for adoption materials~~
274 ~~developed for academically talented students such as those~~
275 ~~enrolled in advanced placement courses.~~

276 Section 5. Subsection (2), paragraph (a) of subsection
277 (3), and subsection (5) of section 1006.40, Florida Statutes,
278 are amended to read:

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

282 (2) Each district school board must purchase current
283 instructional materials to provide each student in kindergarten
284 through grade 12 with a major tool of instruction in core
285 courses of the subject areas of mathematics, language arts,
286 science, social studies, reading, and literature ~~for~~
287 ~~kindergarten through grade 12~~. Such purchase must be made within
288 the first 3 years after the effective date of the adoption
289 cycle. ~~For the 2012-2013 mathematics adoption, a district using~~
290 ~~a comprehensive mathematics instructional materials program~~
291 ~~adopted in the 2009-2010 adoption shall be deemed in compliance~~
292 ~~with this subsection if it provides each student with such~~
293 ~~additional state-adopted materials as may be necessary to align~~
294 ~~the previously adopted comprehensive program to common core~~
295 ~~standards and the other criteria of the 2012-2013 mathematics~~
296 ~~adoption.~~

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

314 (5) Each district school board is responsible for the
315 content of all instructional materials used in a classroom,
316 whether purchased through an adoption process or otherwise
317 purchased or made available in the classroom. Each district
318 school board shall adopt rules, and each district school
319 superintendent shall implement procedures, that:

320 (a) Maximize student ~~will assure the maximum use by the~~
321 ~~students~~ of the district-approved ~~authorized~~ instructional
322 materials.

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323 (b) Provide a process for public review of, public comment
324 on, and the adoption of instructional materials that satisfies
325 the requirements of s. 1006.283(2)(b)8., 9., and 11.

326 Section 6. This act does not limit or remove the
327 responsibility of each school district to include in its
328 curriculum the required instruction specified in s. 1003.42,
329 Florida Statutes, including, but not limited to, the following:
330 the history of the United States; the history of the Holocaust;
331 the history of African Americans; the study of Hispanic
332 contributions to the United States; the study of women's
333 contributions to the United States; the nature and importance of
334 free enterprise to the United States economy; patriotism; the
335 events surrounding the terrorist attacks occurring on September
336 11, 2001, and the impact of those events on the nation; the
337 elementary principles of agriculture; and kindness to animals.

338 Section 7. This act shall take effect July 1, 2014.

339

340 -----

341 **T I T L E A M E N D M E N T**

342 Remove everything before the enacting clause and insert:

343 A bill to be entitled

344 An act relating to instructional materials for K-12
345 public education; amending s. 1006.28, F.S.; providing
346 that the district school board has the constitutional
347 duty and responsibility to select and provide adequate
348 instructional materials for all students; providing

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349 that the district school board is responsible for the
350 content of all instructional materials; requiring a
351 policy for parental objection of instructional
352 materials and a process by which a parent may contest
353 the district school board's adoption of a specific
354 instructional material; amending s. 1006.283, F.S.;
355 providing requirements for a district instructional
356 materials program and district school board rules
357 relating thereto; including criteria for the review,
358 recommendation, and adoption of instructional
359 materials and the process by which a school district
360 will notify parents of their ability to access their
361 children's instructional materials; providing for
362 inspection of purchased instructional materials;
363 amending s. 1006.29, F.S.; authorizing the Department
364 of Education to assess and collect fees from
365 publishers; providing for the payment of a stipend to
366 instructional materials reviewers; amending s.
367 1006.31, F.S.; providing duties for instructional
368 materials reviewers; amending s. 1006.40, F.S.;
369 deleting provisions regarding the adoption of certain
370 instructional materials for mathematics; authorizing
371 each district school board to use all of the
372 instructional materials annual allocation for the
373 purchase of digital or electronic instructional
374 materials that meet certain requirements; providing

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375 | that each district school board is responsible for the
376 | content of all instructional materials used in a
377 | classroom; requiring district school boards to provide
378 | a process for public review of, and comment on,
379 | instructional materials; providing that the act does
380 | not limit or remove the responsibility of each school
381 | district to include certain instruction in its
382 | curriculum; providing an effective date.

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