

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. Subsection (2) of section 1006.31, Florida  
206 Statutes, is amended to read:

207 1006.31 Duties of the Department of Education and school  
208 district instructional materials reviewer.—The duties of the  
209 instructional materials reviewer are:

210 (2) EVALUATION OF INSTRUCTIONAL MATERIALS.— To use  
211 ~~evaluate carefully all instructional materials submitted, in~~  
212 ~~order to ascertain which instructional materials, if any,~~  
213 ~~submitted for consideration implement~~ the selection criteria  
214 listed in s. 1006.34(2)(b) developed by the department and  
215 recommend for adoption only those instructional materials  
216 aligned with the state those curricular objectives included  
217 ~~within applicable performance~~ standards provided for in s.  
218 1003.41 1001.03(1). Instructional materials recommended by each  
219 reviewer shall be, to the satisfaction of each reviewer,  
220 accurate, objective, balanced, noninflammatory, current, and

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221 suited to student needs and their ability to comprehend the  
222 material presented. Reviewers shall consider for recommendation  
223 materials developed for academically talented students, such as  
224 students enrolled in advanced placement courses. When  
225 recommending instructional materials, each reviewer shall:

226 (a) ~~When recommending instructional materials for use in~~  
227 ~~the schools, each reviewer shall~~ Include only instructional  
228 materials that accurately portray the ethnic, socioeconomic,  
229 cultural, religious, physical, and racial diversity of our  
230 society, including men and women in professional, career, and  
231 executive roles, and the role and contributions of the  
232 entrepreneur and labor in the total development of this state  
233 and the United States.

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

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

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

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

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

266           1006.40 Use of instructional materials allocation;  
267 instructional materials, library books, and reference books;  
268 repair of books.—

269           (2) Each district school board must purchase current  
270 instructional materials to provide each student in kindergarten  
271 through grade 12 with a major tool of instruction in core

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272 courses of the subject areas of mathematics, language arts,  
273 science, social studies, reading, and literature ~~for~~  
274 ~~kindergarten through grade 12~~. Such purchase must be made within  
275 the first 3 years after the effective date of the adoption  
276 cycle. ~~For the 2012-2013 mathematics adoption, a district using~~  
277 ~~a comprehensive mathematics instructional materials program~~  
278 ~~adopted in the 2009-2010 adoption shall be deemed in compliance~~  
279 ~~with this subsection if it provides each student with such~~  
280 ~~additional state-adopted materials as may be necessary to align~~  
281 ~~the previously adopted comprehensive program to common core~~  
282 ~~standards and the other criteria of the 2012-2013 mathematics~~  
283 ~~adoption.~~

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

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298 percent of the annual allocation for the purchase of digital or  
299 electronic instructional materials that align with state  
300 standards.

301 (5) Each district school board is responsible for the  
302 content of all instructional materials used in a classroom,  
303 whether purchased through an adoption process or otherwise  
304 purchased or made available in the classroom. Each district  
305 school board shall adopt rules, and each district school  
306 superintendent shall implement procedures, that:

307 (a) Maximize student ~~will assure the maximum use by the~~  
308 ~~students~~ of the district-approved ~~authorized~~ instructional  
309 materials.

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

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

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

317 Remove everything before the enacting clause and insert:

318 A bill to be entitled

319 An act relating to instructional materials for K-12  
320 public education; amending s. 1006.28, F.S.; providing  
321 that the district school board has the constitutional  
322 duty and responsibility to select and provide adequate  
323 instructional materials for all students; providing

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324 that the district school board is responsible for the  
325 content of all instructional materials; requiring a  
326 policy for parental objection of instructional  
327 materials and a process by which a parent may contest  
328 the district school board's adoption of a specific  
329 instructional material; amending s. 1006.283, F.S.;  
330 providing requirements for a district instructional  
331 materials program and district school board rules  
332 relating thereto; including criteria for the review,  
333 recommendation, and adoption of instructional  
334 materials and the process by which a school district  
335 will notify parents of their ability to access their  
336 children's instructional materials; providing for  
337 inspection of purchased instructional materials;  
338 amending s. 1006.31, F.S.; providing duties for  
339 instructional materials reviewers; amending s.  
340 1006.40, F.S.; deleting provisions regarding the  
341 adoption of certain instructional materials for  
342 mathematics; authorizing each district school board to  
343 use all of the instructional materials annual  
344 allocation for the purchase of digital or electronic  
345 instructional materials that meet certain  
346 requirements; providing that each district school  
347 board is responsible for the content of all  
348 instructional materials used in a classroom; requiring  
349 district school boards to provide a process for public

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350 | review of, and comment on, instructional materials;  
351 | providing an effective date.

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