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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/01/2013	.	
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The Committee on Education (Montford) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Section 1006.283, Florida Statutes, is created
to read:

1006.283 District school board instructional materials
program.—

(1) A district school board may determine whether it will
be responsible for reviewing, adopting, and purchasing
instructional materials submitted by a publisher. If such a
determination is made by the district school board, the district
school superintendent shall notify the department upon such



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14 determination and describe the process by which materials will
15 be reviewed and adopted. The district school superintendent
16 shall annually certify to the department that all core
17 instructional materials are aligned with the applicable state
18 standards.

19 (2) The district school board shall adopt rules
20 implementing the district's instructional materials program
21 which must include, but need not be limited to:

22 (a) Its review, adoption, and purchasing process.

23 (b) Identification of a term of adoption for instructional
24 materials.

25 (c) The duties and qualifications of the instructional
26 materials reviewers.

27 (d) The requirements for an affidavit made by a district
28 instructional materials reviewer, which substantially includes
29 the requirements of s. 1006.30.

30 (e) Compliance with s. 1006.32 relating to prohibited acts.

31 (f) A process that certifies the accuracy of instructional
32 materials.

33 (g) The incorporation of applicable requirements of s.
34 1006.38 relating to the duties, responsibilities, and
35 requirements of publishers of instructional materials.

36 (h) The process by which instructional materials will be
37 purchased, including advertising, bidding, and purchasing
38 requirements.

39 (3) The district school board may set and collect fees from
40 publishers that participate in the instructional materials
41 approval process. The amount assessed and collected must be
42 reported to the district school board. The fees may not exceed



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43 the fees that are assessed by the state for materials submitted
44 for review and shall be allocated in a separate account or
45 district budget line item for auditing purposes.

46 (4) A publisher that offers instructional materials to a
47 district school board must provide the materials at a price
48 that, including all costs of electronic transmission, does not
49 exceed the lowest price at which the publisher offers such
50 instructional materials for approval or sale to any other state
51 or school district in this or any other state.

52 (5) A publisher shall automatically reduce the price of
53 instructional materials to the district school board to the
54 extent that reductions are made elsewhere in the United States.

55 (6) Each district school board shall submit to the
56 Governor, the President of the Senate, the Speaker of the House
57 of Representatives, and the State Board of Education an annual
58 report regarding the district instructional review, adoption,
59 and purchasing program and the impact on the quality and
60 availability of instructional materials, and the cost
61 effectiveness of the program. The district school board shall
62 submit the report on January 1 following the first fiscal year
63 of implementation of the program and each year thereafter.

64 Section 2. Section 1006.29, Florida Statutes, is amended to
65 read:

66 1006.29 State instructional materials reviewers.—

67 (1) For purposes of this section, the term "instructional
68 materials" means items that have intellectual content and that,
69 by design, serve as a tool for assisting in the instruction of a
70 subject or course.

71 (2)~~(1)~~(a) The commissioner shall determine annually the



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72 areas in which instructional materials shall be submitted for
73 approval adoption, taking into consideration the desires of the
74 district school boards. ~~The commissioner shall also determine~~
75 ~~the number of titles to be adopted in each area.~~

76 (b) By April 15 of each school year, the commissioner shall
77 appoint state instructional materials reviewers for three state
78 ~~or national experts in~~ the content areas submitted for approval
79 ~~adoption~~ to review the instructional materials and evaluate the
80 content for alignment with the applicable ~~Next Generation~~
81 ~~Sunshine~~ state standards. These reviewers shall be designated as
82 state instructional materials reviewers and shall evaluate
83 ~~review~~ the materials for the level of instructional support and
84 the accuracy and appropriateness of the progression of
85 introduced content. Instructional materials must shall be made
86 electronically available to the reviewers. ~~The initial review of~~
87 ~~the materials shall be made by only two of the three reviewers.~~
88 ~~If the two reviewers reach different results, the third reviewer~~
89 ~~shall break the tie. The reviewers shall independently make~~
90 ~~recommendations to the commissioner regarding materials that~~
91 ~~should be placed on the list of adopted materials through an~~
92 ~~electronic feedback review system.~~

93 (c) Reviewers who are not appointed as laypersons must be
94 actively engaged in teaching, or in the supervision of teaching,
95 in the public elementary, middle, or high schools in the major
96 fields and levels in which instructional materials are used in
97 the public schools. Each reviewer must receive training pursuant
98 to subsection (6) in competencies related to the evaluation and
99 selection of instructional materials ~~The commissioner shall~~
100 ~~request each district school superintendent to nominate one~~



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101 ~~classroom teacher or district-level content supervisor to review~~
102 ~~two or three of the submissions recommended by the state~~
103 ~~instructional materials reviewers. School districts shall ensure~~
104 ~~that these district reviewers are provided with the support and~~
105 ~~time necessary to accomplish a thorough review of the~~
106 ~~instructional materials. District reviewers shall independently~~
107 ~~rate the recommended submissions on the instructional usability~~
108 ~~of the resources.~~

109 (d) The commissioner shall appoint up to five reviewers for
110 each content area submitted for approval pursuant to paragraph
111 (a). At least 50 percent of the reviewers must be classroom
112 teachers who are certified in an area directly related to the
113 academic area or level considered for approval. One reviewer
114 must be a layperson, and one must be a supervisor of teachers.
115 The reviewers must have the capacity or expertise to address the
116 broad racial, ethnic, socioeconomic, and cultural diversity of
117 the state's student population.

118 (3) (a) All appointments shall be as prescribed in this
119 section. A reviewer may not serve more than two consecutive
120 terms, and appointments are for 18-month terms. The commissioner
121 may remove a reviewer for cause, and any vacancies shall be
122 filled in the manner of the original appointment for only the
123 time remaining in the unexpired term. An employee of the
124 department may be appointed as an additional ex officio
125 reviewer.

126 (b) The reviewers' names and mailing addresses shall be
127 disclosed to the public when appointments are made.

128 (c) A district school board shall be reimbursed for the
129 actual cost of hiring a substitute teacher for each workday that



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130 a member of its instructional staff is absent from his or her
131 assigned duties for the purpose of rendering service as a state
132 instructional materials reviewer. Each reviewer may be paid a
133 stipend and is entitled to reimbursement for travel expenses and
134 per diem in accordance with s. 112.061 for actual service in
135 meetings of reviewers which are called by the commissioner.
136 Payment of such substitute teachers, the stipend, applicable
137 travel expenses, and per diem shall be made from the Textbook
138 Bid Trust Fund on warrants to be drawn by the Chief Financial
139 Officer upon requisition approved by the commissioner.

140 (4)(2) For purposes of the review process, instructional
141 materials state adoption, the term "instructional materials"
142 means items having intellectual content that by design serve as
143 a major tool for assisting in the instruction of a subject or
144 course. These items may be made available in bound, unbound,
145 kit, or package form and may consist of hardbacked or softbacked
146 textbooks, electronic content, consumables, learning
147 laboratories, manipulatives, electronic media, and computer
148 courseware or software. A publisher or manufacturer providing
149 instructional materials as a single bundle shall also make the
150 instructional materials available as separate and unbundled
151 items, each priced individually. A publisher may also offer
152 sections of state-adopted instructional materials in digital or
153 electronic versions at reduced rates to districts, schools, and
154 teachers.

155 (5)(3) Beginning in the 2015-2016 academic year, all
156 adopted instructional materials for students in kindergarten
157 through grade 12 must be provided in an electronic or digital
158 format. For purposes of this section, the term:



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159 (a) "Electronic format" means text-based or image-based
160 content in a form that is produced on, published by, and
161 readable on computers or other digital devices and is an
162 electronic version of a printed book, whether or not any printed
163 equivalent exists.

164 (b) "Digital format" means text-based or image-based
165 content in a form that provides the student with various
166 interactive functions; that can be searched, tagged,
167 distributed, and used for individualized and group learning;
168 that includes multimedia content such as video clips,
169 animations, and virtual reality; and that has the ability to be
170 accessed at any time and anywhere.

171
172 The terms do not include electronic or computer hardware even if
173 such hardware is bundled with software or other electronic
174 media, nor does it include equipment or supplies.

175 (6)~~(4)~~ The department shall develop a training program for
176 persons selected as state instructional materials reviewers and
177 school district reviewers. The program shall be structured to
178 assist reviewers in developing the skills necessary to make
179 valid, culturally sensitive, and objective decisions regarding
180 the content and rigor of instructional materials. All persons
181 serving as instructional materials reviewers must complete the
182 training program prior to beginning the review and selection
183 process.

184 (7) The department shall post on its website a list of
185 department-approved instructional materials, district-approved
186 instructional materials as applicable, and instructional
187 materials approved by other states which align with applicable



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188 state standards.

189 (8) The department may contract with a nonprofit
190 organization or association to administer the review process.

191 Section 3. Subsection (1) of section 1006.37, Florida
192 Statutes, is amended to read:

193 1006.37 Requisition of instructional materials from
194 publisher's depository.—

195 (1) The district school superintendent shall requisition
196 adopted instructional materials from the depository of the
197 publisher with whom a contract has been made. However, the
198 superintendent shall requisition current instructional materials
199 to provide each student with a textbook or other materials as a
200 ~~major~~ tool of instruction in core courses of the subject areas
201 specified in s. 1006.40(2). These materials must be
202 requisitioned within the first 2 years of the adoption cycle,
203 except for instructional materials related to growth of student
204 membership or instructional materials maintenance needs. The
205 superintendent may requisition instructional materials in the
206 core subject areas specified in s. 1006.40(2) that are related
207 to growth of student membership or instructional materials
208 maintenance needs during the 3rd, 4th, 5th, and 6th years of the
209 original contract period.

210 Section 4. Subsection (2) of section 1006.40, Florida
211 Statutes, is amended to read:

212 1006.40 Use of instructional materials allocation;
213 instructional materials, library books, and reference books;
214 repair of books.—

215 (2) Each district school board shall ~~must~~ purchase current
216 instructional materials to provide each student with a ~~major~~



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217 tool of instruction in core courses of the subject areas of
218 mathematics, language arts, science, social studies, reading,
219 and literature for kindergarten through grade 12. Such purchase
220 must be made within the first 2 years after the effective date
221 of the adoption cycle. For the 2012-2013 mathematics adoption, a
222 district using a comprehensive mathematics instructional
223 materials program adopted in the 2009-2010 adoption shall be
224 deemed in compliance with this subsection if it provides each
225 student with such additional state-adopted materials as may be
226 necessary to align the previously adopted comprehensive program
227 to common core standards and the other criteria of the 2012-2013
228 mathematics adoption.

229 Section 5. This act shall take effect July 1, 2013.

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231 ===== T I T L E A M E N D M E N T =====

232 And the title is amended as follows:

233 Delete everything before the enacting clause
234 and insert:

235 A bill to be entitled
236 An act relating to instructional materials; creating
237 s. 1006.283, F.S.; authorizing a district school board
238 to review, adopt, and purchase instructional
239 materials; requiring the district superintendent to
240 notify the Department of Education if the district
241 school board decides review, adopt and purchase
242 instructional materials and to certify to the
243 department that core instructional materials align
244 with applicable state standards; requiring the
245 district school board to adopt rules; authorizing the



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246 district school board to set and collect fees from a
247 publisher that participates in the instructional
248 materials review process; providing a limit on fees;
249 providing pricing requirements for instructional
250 materials; requiring each district school board to
251 submit an annual report to the Governor, the
252 Legislature, and the State Board of Education by a
253 specified date; amending s. 1006.29, F.S.; requiring
254 the Commissioner of Education to appoint state
255 instructional materials reviewers, rather than state
256 or national experts, to review instructional
257 materials; providing requirements, composition,
258 appointments, and terms for state instructional
259 materials reviewers; authorizing the commissioner to
260 remove a reviewer for cause; providing for public
261 disclosure of names and mailing addresses of appointed
262 state instructional materials reviewers; requiring a
263 district school board to be reimbursed for the cost of
264 hiring a substitute teacher for each work day that a
265 member of its instructional staff is absent while
266 rendering service as a reviewer; authorizing a stipend
267 for service as a reviewer; requiring entitlement of
268 payment for per diem and reimbursement for travel
269 expenses for service as a reviewer; providing that
270 payments for substitute teachers and reviewers be made
271 from the Textbook Bid Trust Fund; requiring the
272 Department of Education to post certain instructional
273 materials on its website; authorizing the department
274 to contract with a nonprofit organization or



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275 association to administer the review process; amending
276 ss. 1006.37 and 1006.40, F.S.; conforming provisions
277 to changes made by the act; providing an effective
278 date.