

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Education

BILL: SB 1388

INTRODUCER: Senator Montford

SUBJECT: Instructional Materials for K-12 Public Education

DATE: March 29, 2013

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Hand	Klebacha	ED	Pre-meeting
2.			AED	
3.			AP	
4.				
5.				
6.				

I. Summary:

SB 1388 increases flexibility for a school district while ensuring that instructional materials continue to align with state standards. The bill accomplishes its purpose by:

- Eliminating the statewide adoption of instructional materials by the Department of Education (DOE);
- Removing the requirement that a school district spend at least 50% of its annual instructional materials allocation off the state adopted materials list;
- Eliminating the requirement that school districts purchase instructional materials from the publisher's book depository;
- Eliminating the requirement that instructional materials be purchased within the first two years of an adoption cycle;
- Maintaining the ability for DOE to review materials submitted by school districts, or directly by publishers to ensure content aligns with applicable state standards;
- Allowing DOE or school districts to charge publishers for reviewing instructional materials submitted by publishers; and
- Allowing DOE to compensate instructional materials reviewers.

The bill takes effect July 1, 2013.

This bill substantially amends sections 1006.28, 1006.29, 1006.30, 1006.31, 1006.32, 1006.34, 1006.35, 1006.36, 1006.38, 1006.40, 1001.10, 1003.55, 1003.621, 1011.62 and repeals sections 1006.282, 1006.33, 1006.37, 1010.82 of the Florida Statutes.

II. Present Situation:

School Districts

A school district must provide adequate instructional materials for its students, ensure the materials are consistent with the district's educational goals, and ensure the materials meet the objectives and the curriculum frameworks adopted by the State Board of Education (SBE).¹

The district is required to purchase current instructional materials in the core areas to provide students with current tools of instruction.² This purchase must be made within the first two years of the effective date of the adoption cycle.³ Up to fifty percent of the allocation may be used to purchase non-adopted materials.⁴

Superintendents must, at DOE's request, provide an experienced classroom teachers or district-level content supervisor with expertise in the content area to review submissions recommended for adoption by the state instructional materials reviewers.⁵

The Commissioner of Education

The Commissioner of Education establishes the number of items to be adopted by the state.⁶ The Commissioner appoints three state instructional materials reviewers to review instructional materials and evaluate the content for alignment with the applicable standards.⁷ An evaluation by the third reviewer will only be required for situations in which the first two reviewers disagree as to whether materials should be placed on the state-adopted materials list.⁸

The Commissioner has the authority to select and adopt instructional materials for each grade and subject area and to contract with publishers for the instructional materials adopted.⁹ The term of the adoption is five years.¹⁰

State Instructional Materials Reviewers and Content

Reviewers must evaluate all materials submitted by publishers in each adoption to determine if the material aligns with the applicable state standards, developed criteria, and any applicable performance standards.¹¹

¹ ss. 1006.28(1) and 1001.03(1), F.S.

² s. 1006.40(2), F.S.

³ *Id.*

⁴ s. 1006.40(3)(b), F.S.

⁵ s. 1006.29(1), F.S.

⁶ s. 1006.35(3), F.S.

⁷ s. 1006.29(1)(b), F.S.

⁸ s. 1006.29(3), F.S.

⁹ s. 1006.34(2), F.S.

¹⁰ s. 1006.36(1), F.S.

¹¹ s. 1006.31(2)(e), F.S.

In addition to the standards, materials should also reflect appropriate diversity, include the Constitution and the Declaration of Independence in the social studies content area, and ensure that materials do not reflect unfairly upon people because of their race, color, creed, national origin, ancestry, gender, or occupation.¹² Reviewers must report to the DOE the materials being recommended that meet the guidelines for adoption.¹³

Publishers

Publishers of instructional materials must, in part:

- Submit detailed specifications of the physical characteristics of the instructional materials;
- Provide evidence that the materials address the performance standards;
- Furnish the instructional materials at a price which matches the lowest price offered anywhere else in the United States;
- Guarantee that any instructional materials sold in Florida will be equal in quality to the instructional materials sold elsewhere in the United States and will be kept up-to-date; and
- Maintain or contract with a depository in the state and keep an inventory.¹⁴

III. Effect of Proposed Changes:

SB 1388 increases flexibility for a school district while ensuring that instructional materials continue to align with state standards.

The bill provides for review and approval of instructional materials by either DOE or school districts. School districts are authorized to evaluate instructional materials submitted by publishers or refer submitted materials to DOE for review.

If the school district chooses to review instructional materials, it must designate expert staff in the content area. Reviewers must review instructional materials for alignment to the applicable standards, level of instructional support, accuracy, appropriate sequencing of content. The reviewers would make recommendations to the school board regarding materials to be considered.

School districts may collect fees from publishers who submit instructional materials for review; however, fees may not be charged for materials already reviewed by DOE. The bill does not provide standards or guidelines for the fee DOE or districts would charge publishers. Districts must certify to DOE that all core instructional materials approved by the district are aligned with the applicable standards.

The bill requires DOE must review instructional materials submitted by publishers or referred to it by school districts. DOE would collect fees from publishers who submit instructional materials. The standards for such review are similar to those currently specified for state instructional materials reviewers.

¹² s. 1006.31(2)(d), F.S.

¹³ s. 1006.31(3), F.S.

¹⁴ s. 1006.38, F.S.

DOE must post on its website the list of all school district- and DOE-approved instructional materials and those approved by other states, as “aligned to applicable standards.”

The bill eliminates provisions such as:

- The requirement that purchases be made in the first two years of the adoption process;
- Authorization to exceed the 50 percent cap on purchases of instructional materials not on the state-adopted list for kindergarten and first grade;
- The requirement that superintendents notify DOE regarding state-adopted materials requisitioned by the district;
- Provisions requiring the commissioner to appoint three reviewers to review instructional materials for adoption;
- Provisions regarding publisher bids, contracting, deposits, bonds, depository, inventory, and author disclosure requirements; and
- The requirement that school districts requisition instructional materials from publisher depositories.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

The bill authorizes DOE and school district to charge a fee for reviewing submitted instructional materials. The amount of the fee is indeterminate.

C. Government Sector Impact:

Indeterminate.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.
