

By the Committee on Education; and Senator Montford

581-03372-13

20131388c1

1                   A bill to be entitled  
2           An act relating to instructional materials; creating  
3           s. 1006.283, F.S.; authorizing a district school board  
4           to review, adopt, and purchase instructional  
5           materials; requiring the district superintendent to  
6           notify the Department of Education if the district  
7           school board decides review, adopt and purchase  
8           instructional materials and to certify to the  
9           department that core instructional materials align  
10          with applicable state standards; requiring the  
11          district school board to adopt rules; authorizing the  
12          district school board to set and collect fees from a  
13          publisher that participates in the instructional  
14          materials review process; providing a limit on fees;  
15          providing pricing requirements for instructional  
16          materials; requiring each district school board to  
17          submit an annual report to the Governor, the  
18          Legislature, and the State Board of Education by a  
19          specified date; amending s. 1006.29, F.S.; requiring  
20          the Commissioner of Education to appoint state  
21          instructional materials reviewers, rather than state  
22          or national experts, to review instructional  
23          materials; providing requirements, composition,  
24          appointments, and terms for state instructional  
25          materials reviewers; authorizing the commissioner to  
26          remove a reviewer for cause; providing for public  
27          disclosure of names and mailing addresses of appointed  
28          state instructional materials reviewers; requiring a  
29          district school board to be reimbursed for the cost of

581-03372-13

20131388c1

30 hiring a substitute teacher for each work day that a  
31 member of its instructional staff is absent while  
32 rendering service as a reviewer; authorizing a stipend  
33 for service as a reviewer; requiring entitlement of  
34 payment for per diem and reimbursement for travel  
35 expenses for service as a reviewer; providing that  
36 payments for substitute teachers and reviewers be made  
37 from the Textbook Bid Trust Fund; requiring the  
38 Department of Education to post certain instructional  
39 materials on its website; authorizing the department  
40 to contract with a nonprofit organization or  
41 association to administer the review process; amending  
42 ss. 1006.37 and 1006.40, F.S.; conforming provisions  
43 to changes made by the act; providing an effective  
44 date.

45  
46 Be It Enacted by the Legislature of the State of Florida:

47  
48 Section 1. Section 1006.283, Florida Statutes, is created  
49 to read:

50 1006.283 District school board instructional materials  
51 program.—

52 (1) A district school board may determine whether it will  
53 be responsible for reviewing, adopting, and purchasing  
54 instructional materials submitted by a publisher. If such a  
55 determination is made by the district school board, the district  
56 school superintendent shall notify the department upon such  
57 determination and describe the process by which materials will  
58 be reviewed and adopted. The district school superintendent

581-03372-13

20131388c1

59 shall annually certify to the department that all core  
60 instructional materials are aligned with the applicable state  
61 standards.

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

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

66 (b) Identification of a term of adoption for instructional  
67 materials.

68 (c) The duties and qualifications of the instructional  
69 materials reviewers.

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

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

74 (f) A process that certifies the accuracy of instructional  
75 materials.

76 (g) The incorporation of applicable requirements of s.  
77 1006.38 relating to the duties, responsibilities, and  
78 requirements of publishers of instructional materials.

79 (h) The process by which instructional materials will be  
80 purchased, including advertising, bidding, and purchasing  
81 requirements.

82 (3) The district school board may set and collect fees from  
83 publishers that participate in the instructional materials  
84 approval process. The amount assessed and collected must be  
85 reported to the district school board. The fees may not exceed  
86 the fees that are assessed by the state for materials submitted  
87 for review and shall be allocated in a separate account or

581-03372-13

20131388c1

88 district budget line item for auditing purposes.

89 (4) A publisher that offers instructional materials to a  
90 district school board must provide the materials at a price  
91 that, including all costs of electronic transmission, does not  
92 exceed the lowest price at which the publisher offers such  
93 instructional materials for approval or sale to any other state  
94 or school district in this or any other state.

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

98 (6) Each district school board shall submit to the  
99 Governor, the President of the Senate, the Speaker of the House  
100 of Representatives, and the State Board of Education an annual  
101 report regarding the district instructional review, adoption,  
102 and purchasing program and the impact on the quality and  
103 availability of instructional materials, and the cost  
104 effectiveness of the program. The district school board shall  
105 submit the report on January 1 following the first fiscal year  
106 of implementation of the program and each year thereafter.

107 Section 2. Section 1006.29, Florida Statutes, is amended to  
108 read:

109 1006.29 State instructional materials reviewers.-

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

114 (2) ~~(1)~~(a) The commissioner shall determine annually the  
115 areas in which instructional materials shall be submitted for  
116 approval ~~adoption~~, taking into consideration the desires of the

581-03372-13

20131388c1

117 district school boards. ~~The commissioner shall also determine~~  
118 ~~the number of titles to be adopted in each area.~~

119 (b) By April 15 of each school year, the commissioner shall  
120 appoint state instructional materials reviewers for ~~three state~~  
121 ~~or national experts in~~ the content areas submitted for approval  
122 ~~adoption~~ to review the instructional materials and evaluate the  
123 content for alignment with the applicable ~~Next Generation~~  
124 ~~Sunshine~~ state standards. These reviewers shall be designated as  
125 state instructional materials reviewers and shall evaluate  
126 ~~review~~ the materials for the level of instructional support and  
127 the accuracy and appropriateness of the progression of  
128 introduced content. Instructional materials must ~~shall~~ be made  
129 electronically available to the reviewers. ~~The initial review of~~  
130 ~~the materials shall be made by only two of the three reviewers.~~  
131 ~~If the two reviewers reach different results, the third reviewer~~  
132 ~~shall break the tie. The reviewers shall independently make~~  
133 ~~recommendations to the commissioner regarding materials that~~  
134 ~~should be placed on the list of adopted materials through an~~  
135 ~~electronic feedback review system.~~

136 (c) Reviewers who are not appointed as laypersons must be  
137 actively engaged in teaching, or in the supervision of teaching,  
138 in the public elementary, middle, or high schools in the major  
139 fields and levels in which instructional materials are used in  
140 the public schools. Each reviewer must receive training pursuant  
141 to subsection (6) in competencies related to the evaluation and  
142 selection of instructional materials ~~The commissioner shall~~  
143 ~~request each district school superintendent to nominate one~~  
144 ~~classroom teacher or district-level content supervisor to review~~  
145 ~~two or three of the submissions recommended by the state~~

581-03372-13

20131388c1

146 ~~instructional materials reviewers. School districts shall ensure~~  
147 ~~that these district reviewers are provided with the support and~~  
148 ~~time necessary to accomplish a thorough review of the~~  
149 ~~instructional materials. District reviewers shall independently~~  
150 ~~rate the recommended submissions on the instructional usability~~  
151 ~~of the resources.~~

152 (d) The commissioner shall appoint up to five reviewers for  
153 each content area submitted for approval pursuant to paragraph  
154 (a). At least 50 percent of the reviewers must be classroom  
155 teachers who are certified in an area directly related to the  
156 academic area or level considered for approval. One reviewer  
157 must be a layperson, and one must be a supervisor of teachers.  
158 The reviewers must have the capacity or expertise to address the  
159 broad racial, ethnic, socioeconomic, and cultural diversity of  
160 the state's student population.

161 (3) (a) All appointments shall be as prescribed in this  
162 section. A reviewer may not serve more than two consecutive  
163 terms, and appointments are for 18-month terms. The commissioner  
164 may remove a reviewer for cause, and any vacancies shall be  
165 filled in the manner of the original appointment for only the  
166 time remaining in the unexpired term. An employee of the  
167 department may be appointed as an additional ex officio  
168 reviewer.

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

171 (c) A district school board shall be reimbursed for the  
172 actual cost of hiring a substitute teacher for each workday that  
173 a member of its instructional staff is absent from his or her  
174 assigned duties for the purpose of rendering service as a state

581-03372-13

20131388c1

175 instructional materials reviewer. Each reviewer may be paid a  
176 stipend and is entitled to reimbursement for travel expenses and  
177 per diem in accordance with s. 112.061 for actual service in  
178 meetings of reviewers which are called by the commissioner.  
179 Payment of such substitute teachers, the stipend, applicable  
180 travel expenses, and per diem shall be made from the Textbook  
181 Bid Trust Fund on warrants to be drawn by the Chief Financial  
182 Officer upon requisition approved by the commissioner.

183 (4)~~(2)~~ For purposes of the review process, instructional  
184 materials state adoption, the term "instructional materials"  
185 means items having intellectual content that by design serve as  
186 a major tool for assisting in the instruction of a subject or  
187 course. These items may be made available in bound, unbound,  
188 kit, or package form and may consist of hardbacked or softbacked  
189 textbooks, electronic content, consumables, learning  
190 laboratories, manipulatives, electronic media, and computer  
191 courseware or software. A publisher or manufacturer providing  
192 instructional materials as a single bundle shall also make the  
193 instructional materials available as separate and unbundled  
194 items, each priced individually. A publisher may also offer  
195 sections of state-adopted instructional materials in digital or  
196 electronic versions at reduced rates to districts, schools, and  
197 teachers.

198 (5)~~(3)~~ Beginning in the 2015-2016 academic year, all  
199 adopted instructional materials for students in kindergarten  
200 through grade 12 must be provided in an electronic or digital  
201 format. For purposes of this section, the term:

202 (a) "Electronic format" means text-based or image-based  
203 content in a form that is produced on, published by, and

581-03372-13

20131388c1

204 readable on computers or other digital devices and is an  
205 electronic version of a printed book, whether or not any printed  
206 equivalent exists.

207 (b) "Digital format" means text-based or image-based  
208 content in a form that provides the student with various  
209 interactive functions; that can be searched, tagged,  
210 distributed, and used for individualized and group learning;  
211 that includes multimedia content such as video clips,  
212 animations, and virtual reality; and that has the ability to be  
213 accessed at any time and anywhere.

214

215 The terms do not include electronic or computer hardware even if  
216 such hardware is bundled with software or other electronic  
217 media, nor does it include equipment or supplies.

218 (6)~~(4)~~ The department shall develop a training program for  
219 persons selected as state instructional materials reviewers and  
220 school district reviewers. The program shall be structured to  
221 assist reviewers in developing the skills necessary to make  
222 valid, culturally sensitive, and objective decisions regarding  
223 the content and rigor of instructional materials. All persons  
224 serving as instructional materials reviewers must complete the  
225 training program prior to beginning the review and selection  
226 process.

227 (7) The department shall post on its website a list of  
228 department-approved instructional materials, district-approved  
229 instructional materials as applicable, and instructional  
230 materials approved by other states which align with applicable  
231 state standards.

232 (8) The department may contract with a nonprofit



581-03372-13

20131388c1

233 organization or association to administer the review process.

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

236 1006.37 Requisition of instructional materials from  
237 publisher's depository.—

238 (1) The district school superintendent shall requisition  
239 adopted instructional materials from the depository of the  
240 publisher with whom a contract has been made. However, the  
241 superintendent shall requisition current instructional materials  
242 to provide each student with a textbook or other materials as a  
243 ~~major~~ tool of instruction in core courses of the subject areas  
244 specified in s. 1006.40(2). These materials must be  
245 requisitioned within the first 2 years of the adoption cycle,  
246 except for instructional materials related to growth of student  
247 membership or instructional materials maintenance needs. The  
248 superintendent may requisition instructional materials in the  
249 core subject areas specified in s. 1006.40(2) that are related  
250 to growth of student membership or instructional materials  
251 maintenance needs during the 3rd, 4th, 5th, and 6th years of the  
252 original contract period.

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

255 1006.40 Use of instructional materials allocation;  
256 instructional materials, library books, and reference books;  
257 repair of books.—

258 (2) Each district school board shall ~~must~~ purchase current  
259 instructional materials to provide each student with a ~~major~~  
260 tool of instruction in core courses of the subject areas of  
261 mathematics, language arts, science, social studies, reading,

581-03372-13

20131388c1

262 and literature for kindergarten through grade 12. Such purchase  
263 must be made within the first 2 years after the effective date  
264 of the adoption cycle. For the 2012-2013 mathematics adoption, a  
265 district using a comprehensive mathematics instructional  
266 materials program adopted in the 2009-2010 adoption shall be  
267 deemed in compliance with this subsection if it provides each  
268 student with such additional state-adopted materials as may be  
269 necessary to align the previously adopted comprehensive program  
270 to common core standards and the other criteria of the 2012-2013  
271 mathematics adoption.

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