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1                   A bill to be entitled  
2           An act relating to instructional materials for K-12  
3           public education; amending s. 1006.28, F.S.; providing  
4           that the district school board has the constitutional  
5           duty and responsibility to select and provide adequate  
6           instructional materials for all students; providing  
7           that the district school board is responsible for the  
8           content of all instructional materials; requiring a  
9           policy for parental objection of instructional  
10          materials and a process by which a parent may contest  
11          the district school board's adoption of a specific  
12          instructional material; amending s. 1006.283, F.S.;  
13          providing requirements for a district instructional  
14          materials program and district school board rules  
15          relating thereto; including criteria for the review,  
16          recommendation, and adoption of instructional  
17          materials and the process by which a school district  
18          will notify parents of their ability to access their  
19          children's instructional materials; providing for  
20          inspection of purchased instructional materials;  
21          amending s. 1006.29, F.S.; authorizing the Department  
22          of Education to assess and collect fees from  
23          publishers; providing for the payment of a stipend to  
24          instructional materials reviewers; amending s.  
25          1006.31, F.S.; providing duties for instructional  
26          materials reviewers; amending s. 1006.40, F.S.;  
27          deleting provisions regarding the adoption of certain  
28          instructional materials for mathematics; authorizing  
29          each district school board to use all of the

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30 instructional materials annual allocation for the  
31 purchase of digital or electronic instructional  
32 materials that meet certain requirements; providing  
33 that each district school board is responsible for the  
34 content of all instructional materials used in a  
35 classroom; requiring district school boards to provide  
36 a process for public review of, and comment on,  
37 instructional materials; providing that the act does  
38 not limit or remove the responsibility of each school  
39 district to include certain instruction in its  
40 curriculum; providing an effective date.

41  
42 Be It Enacted by the Legislature of the State of Florida:

43  
44 Section 1. Subsection (1) of section 1006.28, Florida  
45 Statutes, is amended to read:

46 1006.28 Duties of district school board, district school  
47 superintendent; and school principal regarding K-12  
48 instructional materials.—

49 (1) DISTRICT SCHOOL BOARD.—The district school board has  
50 the constitutional duty and responsibility to select and provide  
51 adequate instructional materials for all students in accordance  
52 with the requirements of this part. The term “adequate  
53 instructional materials” means a sufficient number of student or  
54 site licenses or sets of materials that are available in bound,  
55 unbound, kit, or package form and may consist of hardbacked or  
56 softbacked textbooks, electronic content, consumables, learning  
57 laboratories, manipulatives, electronic media, and computer  
58 courseware or software that serve as the basis for instruction

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59 for each student in the core courses of mathematics, language  
60 arts, social studies, science, reading, and literature. The  
61 district school board has the following specific duties and  
62 responsibilities:

63 (a) *Courses of study; adoption.*—Adopt courses of study,  
64 including instructional materials, for use in the schools of the  
65 district.

66 1. Each district school board is responsible for the  
67 content of all instructional materials used in a classroom,  
68 whether adopted and purchased from the state-adopted  
69 instructional materials list, adopted and purchased through a  
70 district instructional materials program under s. 1006.283, or  
71 otherwise purchased or made available in the classroom.

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

76 3. Each district school board must establish a process by  
77 which the parent of a public school student may contest the  
78 district school board's adoption of a specific instructional  
79 material. The parent must file a petition, on a form provided by  
80 the school board, within 30 calendar days after the adoption of  
81 the material by the school board. The school board must make the  
82 form available to the public and publish the form on the school  
83 district's website. The form must be signed by the parent,  
84 include the required contact information, and state the  
85 objection to the instructional material. Within 30 days after  
86 the 30-day period has expired, the school board must conduct at  
87 least one open public hearing on all petitions timely received

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88 and provide the petitioner written notification of the date and  
89 time of the hearing at least 7 days before the hearing. All  
90 instructional materials contested must be made accessible online  
91 to the public at least 7 days before a public hearing. The  
92 school board's decision after convening a hearing is final and  
93 not subject to further petition or review.

94 (b) *Instructional materials.*—Provide for proper  
95 requisitioning, distribution, accounting, storage, care, and use  
96 of all instructional materials and furnish such other  
97 instructional materials as may be needed. The district school  
98 board shall ensure that instructional materials used in the  
99 district are consistent with the district goals and objectives  
100 and the course descriptions established in rule of the State  
101 Board of Education, as well as with the state ~~and district~~  
102 ~~performance~~ standards provided for in s. 1003.41 ~~1001.03(1)~~.

103 (c) *Other instructional materials.*—Provide such other  
104 teaching accessories and aids as are needed for the school  
105 district's educational program.

106 (d) *School library media services; establishment and*  
107 *maintenance.*—Establish and maintain a program of school library  
108 media services for all public schools in the district, including  
109 school library media centers, or school library media centers  
110 open to the public, and, in addition such traveling or  
111 circulating libraries as may be needed for the proper operation  
112 of the district school system.

113 Section 2. Section 1006.283, Florida Statutes, is amended  
114 to read:

115 1006.283 District school board instructional materials  
116 review process.—

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117 (1) A district school board or consortium of school  
118 districts may implement an instructional materials program that  
119 includes the review, recommendation approval, adoption, and  
120 purchase of instructional materials. ~~Beginning in the 2013-2014~~  
121 ~~school year,~~ The district school superintendent shall certify to  
122 the department by March 31 of each year that all instructional  
123 materials for core courses used by the district are aligned with  
124 applicable state standards. ~~Included in the certification shall~~  
125 ~~be~~ A list of the core instructional materials that will be used  
126 or purchased for use by the school district shall be included in  
127 the certification.

128 (2) (a) If a district ~~The~~ school board chooses to implement  
129 its own instructional materials program, the school board shall  
130 adopt rules implementing the district's instructional materials  
131 program which must include its processes, criteria, and  
132 requirements for the following, ~~but need not be limited to:~~

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

135 2. Review of instructional materials.

136 3. Selection of instructional materials, including a  
137 thorough review of curriculum content.

138 4. Reviewer recommendations.

139 5. District school board adoption.

140 6. Purchase of instructional materials.

141 (b) District school board rules must also:

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

143 1. (b) Identify, by subject area, ~~Identification of~~ a review  
144 cycle for instructional materials.

145 2. (c) Specify the ~~duties and~~ qualifications for an ~~of the~~

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146 instructional materials reviewer and the process for selecting  
147 reviewers; list a reviewer's duties and responsibilities,  
148 including compliance with the requirements of s. 1006.31; and  
149 provide that all instructional materials recommended by a  
150 reviewer be accompanied by the reviewer's statement that the  
151 materials align with the state standards pursuant to s. 1003.41  
152 and the requirements of s. 1006.31.

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

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

158 5.(f) Establish a process that certifies the accuracy of  
159 instructional materials.

160 6.(g) Incorporate ~~The incorporation of~~ applicable  
161 requirements of s. 1006.31, which relates to the duties of  
162 instructional materials reviewers.

163 7.(h) Incorporate ~~The incorporation of~~ applicable  
164 requirements of s. 1006.38, relating to the duties,  
165 responsibilities, and requirements of publishers of  
166 instructional materials.

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

169 a. A process to allow student editions of recommended  
170 instructional materials to be accessed and viewed online by the  
171 public at least 20 calendar days before the school board hearing  
172 and public meeting as specified in this subparagraph. This  
173 process must include reasonable safeguards against the  
174 unauthorized use, reproduction, and distribution of

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175 instructional materials considered for adoption.

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

178 c. An open, noticed public meeting to approve an annual  
179 instructional materials plan to identify any instructional  
180 materials that will be purchased through the district school  
181 board instructional materials review process pursuant to this  
182 section. This public meeting must be held on a different date  
183 than the school board hearing.

184 d. Notice requirements for the school board hearing and the  
185 public meeting that must specifically state which instructional  
186 materials are being reviewed and the manner in which the  
187 instructional materials can be accessed for public review.

188 9. Establish the process by which the district school board  
189 shall receive public comment on, and review, the recommended  
190 instructional materials.

191 10.~~(i)~~ Establish the process by which instructional  
192 materials will be purchased, including advertising, bidding, and  
193 purchasing requirements.

194 11. Establish the process by which the school district will  
195 notify parents of their ability to access their children's  
196 instructional materials through the district's local  
197 instructional improvement system and by which the school  
198 district will encourage parents to access the system. This  
199 notification must be displayed prominently on the school  
200 district's website and provided annually in written format to  
201 all parents of enrolled students.

202 (3) (a) The school board may assess and collect fees from  
203 publishers participating in the instructional materials approval

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204 process. The amount assessed and collected must be posted on the  
205 school district's website and reported to the department. The  
206 fees may not exceed the actual cost of the review process, and  
207 the fees may not exceed \$3,500 per submission by a publisher.  
208 Any fees collected for this process shall be allocated for the  
209 support of the review process and maintained in a separate line  
210 item for auditing purposes.

211 (b) The fees shall be used to cover the actual cost of  
212 substitute teachers for each workday that a member of a school  
213 district's instructional staff is absent from his or her  
214 assigned duties for the purpose of rendering service as an  
215 instructional materials reviewer. In addition, each reviewer may  
216 be paid a stipend and is entitled to reimbursement for travel  
217 expenses and per diem in accordance with s. 112.061 for actual  
218 service in meetings.

219 (4) Instructional materials that have been reviewed by the  
220 district instructional materials reviewers and approved must  
221 have been determined to align with all applicable state  
222 standards pursuant to s. 1003.41 and the requirements in s.  
223 1006.31. The district school superintendent shall annually  
224 certify to the department that all instructional materials for  
225 core courses used by the district are aligned with all  
226 applicable state standards and have been reviewed, selected, and  
227 adopted by the district school board in accordance with the  
228 school board hearing and public meeting requirements of this  
229 section.

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



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

236 (6) A publisher shall reduce automatically the price of the  
237 instructional materials to the district school board to the  
238 extent that reductions in price are made elsewhere in the United  
239 States.

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

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

245 1006.29 State instructional materials reviewers.—

246 (1)

247 (d) The department may assess and collect fees from  
248 publishers participating in the instructional materials approval  
249 process. The amount assessed and collected must be posted on the  
250 department's website. The fees may not exceed the actual cost of  
251 the review process and may not exceed \$1,000 per submission by a  
252 publisher. Fees collected for this process shall be deposited  
253 into the department's Operating Trust Fund so that each  
254 instructional materials reviewer under paragraph (b) may be paid  
255 a stipend.

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

258 1006.31 Duties of the Department of Education and school  
259 district instructional materials reviewer.—The duties of the  
260 instructional materials reviewer are:

261 (2) EVALUATION OF INSTRUCTIONAL MATERIALS.— To use ~~evaluate~~

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262 ~~carefully all instructional materials submitted, in order to~~  
263 ~~ascertain which instructional materials, if any, submitted for~~  
264 ~~consideration~~ implement the selection criteria listed in s.  
265 1006.34(2)(b) developed by the department and recommend for  
266 adoption only those instructional materials aligned with the  
267 state these curricular objectives included within applicable  
268 performance standards provided for in s. 1003.41 1001.03(1).  
269 Instructional materials recommended by each reviewer shall be,  
270 to the satisfaction of each reviewer, accurate, objective,  
271 balanced, noninflammatory, current, and suited to student needs  
272 and their ability to comprehend the material presented.

273 Reviewers shall consider for recommendation materials developed  
274 for academically talented students, such as students enrolled in  
275 advanced placement courses. When recommending instructional  
276 materials, each reviewer shall:

277 (a) ~~When recommending instructional materials for use in~~  
278 ~~the schools, each reviewer shall~~ Include only instructional  
279 materials that accurately portray the ethnic, socioeconomic,  
280 cultural, religious, physical, and racial diversity of our  
281 society, including men and women in professional, career, and  
282 executive roles, and the role and contributions of the  
283 entrepreneur and labor in the total development of this state  
284 and the United States.

285 (b) ~~When recommending instructional materials for use in~~  
286 ~~the schools, each reviewer shall~~ Include only materials that  
287 accurately portray, whenever appropriate, humankind's place in  
288 ecological systems, including the necessity for the protection  
289 of our environment and conservation of our natural resources and  
290 the effects on the human system of the use of tobacco, alcohol,

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291 controlled substances, and other dangerous substances.

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

297 (d) ~~When recommending instructional materials for use in~~  
298 ~~the schools, each reviewer shall~~ Require, when appropriate to  
299 the comprehension of students, that materials for social  
300 science, history, or civics classes contain the Declaration of  
301 Independence and the Constitution of the United States. A  
302 reviewer may not recommend any instructional materials that ~~for~~  
303 ~~use in the schools which~~ contain any matter reflecting unfairly  
304 upon persons because of their race, color, creed, national  
305 origin, ancestry, gender, religion, disability, socioeconomic  
306 status, or occupation.

307 (e) ~~Any instructional material recommended by each reviewer~~  
308 ~~for use in the schools shall be, to the satisfaction of each~~  
309 ~~reviewer, accurate, objective, and current and suited to the~~  
310 ~~needs and comprehension of students at their respective grade~~  
311 ~~levels. Reviewers shall consider for adoption materials~~  
312 ~~developed for academically talented students such as those~~  
313 ~~enrolled in advanced placement courses.~~

314 Section 5. Subsection (2), paragraph (a) of subsection (3),  
315 and subsection (5) of section 1006.40, Florida Statutes, are  
316 amended to read:

317 1006.40 Use of instructional materials allocation;  
318 instructional materials, library books, and reference books;  
319 repair of books.-

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320 (2) Each district school board must purchase current  
321 instructional materials to provide each student in kindergarten  
322 through grade 12 with a major tool of instruction in core  
323 courses of the subject areas of mathematics, language arts,  
324 science, social studies, reading, and literature ~~for~~  
325 ~~kindergarten through grade 12~~. Such purchase must be made within  
326 the first 3 years after the effective date of the adoption  
327 cycle. ~~For the 2012-2013 mathematics adoption, a district using~~  
328 ~~a comprehensive mathematics instructional materials program~~  
329 ~~adopted in the 2009-2010 adoption shall be deemed in compliance~~  
330 ~~with this subsection if it provides each student with such~~  
331 ~~additional state-adopted materials as may be necessary to align~~  
332 ~~the previously adopted comprehensive program to common core~~  
333 ~~standards and the other criteria of the 2012-2013 mathematics~~  
334 ~~adoption.~~

335 (3) (a) Beginning in ~~By~~ the 2014-2015 ~~2015-2016~~ fiscal year,  
336 each district school board shall use at least 50 percent of the  
337 annual allocation, and may use all of the allocation, for the  
338 purchase of digital or electronic instructional materials that  
339 are consistent with district goals and objectives and the course  
340 descriptions adopted in rule by the State Board of Education,  
341 align with the state standards provided for in s. 1003.41, and  
342 meet the requirements in s. 1006.31 ~~align with state standards~~  
343 ~~included on the state-adopted list, except as otherwise~~  
344 ~~authorized in paragraphs (b) and (c).~~ This section does not  
345 apply to a district school board or a consortium of school  
346 districts which implements an instructional materials program  
347 pursuant to s. 1006.283, except that by the 2015-2016 fiscal  
348 year, each district school board shall use at least 50 percent

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349 of the annual allocation for the purchase of digital or  
350 electronic instructional materials that align with state  
351 standards.

352 (5) Each district school board is responsible for the  
353 content of all instructional materials used in a classroom,  
354 whether purchased through an adoption process or otherwise  
355 purchased or made available in the classroom. Each district  
356 school board shall adopt rules, and each district school  
357 superintendent shall implement procedures, that:

358 (a) Maximize student ~~will assure the maximum use by the~~  
359 ~~students~~ of the district-approved ~~authorized~~ instructional  
360 materials.

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

364 Section 6. This act does not limit or remove the  
365 responsibility of each school district to include in its  
366 curriculum the required instruction specified in s. 1003.42,  
367 Florida Statutes, including, but not limited to, the following:  
368 the history of the United States; the history of the Holocaust;  
369 the history of African Americans; the study of Hispanic  
370 contributions to the United States; the study of women's  
371 contributions to the United States; the nature and importance of  
372 free enterprise to the United States economy; patriotism; the  
373 events surrounding the terrorist attacks occurring on September  
374 11, 2001, and the impact of those events on the nation; the  
375 elementary principles of agriculture; and kindness to animals.

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