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1
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:

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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. ~~(e)~~ 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 those 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.