

1 A bill to be entitled
2 An act relating to instructional materials; amending
3 s. 1006.283, F.S.; requiring district school boards to
4 establish in rule a process by which certain persons
5 may recommend instructional materials for
6 consideration by district instructional materials
7 reviewers; amending s. 1006.30, F.S.; requiring a
8 specified affidavit to include a statement that
9 instructional materials recommended for adoption meet
10 certain requirements; amending s. 1006.31, F.S.;
11 requiring district instructional materials to meet or
12 exceed the Next Generation Sunshine State Standards;
13 requiring public access to and opportunity to comment
14 on instructional materials recommended for adoption;
15 requiring certain comments to be provided to the State
16 Board of Education; authorizing members of the public
17 to recommend instructional materials for
18 consideration; requiring the Department of Education
19 to contact certain publishers; conforming a cross-
20 reference; amending s. 1006.34, F.S.; requiring
21 specified virtual presentations to be posted on the
22 Department of Education's website; providing that the
23 state board, rather than the Commissioner of
24 Education, adopt instructional materials by a certain
25 date; requiring public comment at certain state board

26 meetings; exempting instructional materials from
 27 certain public review procedures; authorizing district
 28 school board members to initiate certain public review
 29 procedures before instructional materials are adopted
 30 under certain conditions; conforming a provision;
 31 amending s. 1006.40, F.S.; requiring instructional
 32 materials purchased using a specific allocation
 33 include certain professional development and ancillary
 34 materials; conforming a provision; providing an
 35 effective date.

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37 Be It Enacted by the Legislature of the State of Florida:

38

39 Section 1. Paragraph (b) of subsection (2) of section
 40 1006.283, Florida Statutes, is amended to read:

41 1006.283 District school board instructional materials
 42 review process.—

43 (2)

44 (b) District school board rules must also:

45 1. Identify, by subject area, a review cycle for
 46 instructional materials.

47 2. Specify the qualifications for an instructional
 48 materials reviewer and the process for selecting reviewers; list
 49 a reviewer's duties and responsibilities, including compliance
 50 with the requirements of s. 1006.31; and provide that all

51 instructional materials recommended by a reviewer be accompanied
52 by the reviewer's statement that the materials align with the
53 state standards pursuant to s. 1003.41 and the requirements of
54 s. 1006.31.

55 3. State the requirements for an affidavit to be made by
56 each district instructional materials reviewer which
57 substantially meet the requirements of s. 1006.30.

58 4. Comply with s. 1006.32, relating to prohibited acts.

59 5. Establish a process that certifies the accuracy of
60 instructional materials.

61 6. Incorporate applicable requirements of s. 1006.31,
62 which relates to the duties of instructional materials
63 reviewers.

64 7. Incorporate applicable requirements of s. 1006.38,
65 relating to the duties, responsibilities, and requirements of
66 publishers of instructional materials.

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

69 a. A process to allow student editions of recommended
70 instructional materials to be accessed and viewed online by the
71 public at least 20 calendar days before the school board hearing
72 and public meeting as specified in this subparagraph. This
73 process must include reasonable safeguards against the
74 unauthorized use, reproduction, and distribution of
75 instructional materials considered for adoption.

76 | b. An open, noticed school board hearing to receive public
77 | comment on the recommended instructional materials.

78 | c. An open, noticed public meeting to approve an annual
79 | instructional materials plan to identify any instructional
80 | materials that will be purchased through the district school
81 | board instructional materials review process pursuant to this
82 | section. This public meeting must be held on a different date
83 | than the school board hearing.

84 | d. Notice requirements for the school board hearing and
85 | the public meeting that must specifically state which
86 | instructional materials are being reviewed and the manner in
87 | which the instructional materials can be accessed for public
88 | review. The hearing must allow the parent of a public school
89 | student or a resident of the county to proffer evidence that a
90 | recommended instructional material does not meet the criteria
91 | provided in s. 1006.31(2), taking into consideration course
92 | expectations based on the district's comprehensive plan for
93 | student progression under s. 1008.25(2) and course descriptions
94 | in the course code directory.

95 | 9. Establish the process by which the district school
96 | board shall receive public comment on, and review, the
97 | recommended instructional materials.

98 | 10. Establish the process by which instructional materials
99 | will be purchased, including advertising, bidding, and
100 | purchasing requirements.

101 11. Establish the process by which the school district
102 will notify parents of their ability to access their children's
103 instructional materials through the district's local
104 instructional improvement system and by which the school
105 district will encourage parents to access the system. This
106 notification must be displayed prominently on the school
107 district's website and provided annually in written format to
108 all parents of enrolled students.

109 12. Establish the process by which parents and residents
110 of the county, as defined in s. 1006.28(1)(b), can recommend
111 instructional materials for consideration by district
112 instructional materials reviewers. The district school board
113 shall contact the publisher of any instructional material
114 recommended for consideration and provide the publisher with the
115 opportunity to submit a bid for evaluation in accordance with
116 this section.

117 Section 2. Subsection (7) is added to section 1006.30,
118 Florida Statutes, to read:

119 1006.30 Affidavit of state instructional materials
120 reviewers.—Before transacting any business, each state
121 instructional materials reviewer shall make an affidavit, to be
122 filed with the department, that:

123 (7) To the best of the reviewer's knowledge, any
124 instructional materials recommended for adoption are, at a
125 minimum, aligned to the Next Generation Sunshine State Standards

126 under s. 1003.41 and meet all of the requirements under ss.
127 1006.31(2) and 1006.34(2)(c).

128 Section 3. Subsection (2) of section 1006.31, Florida
129 Statutes, is amended, and subsection (4) is added to that
130 section, to read:

131 1006.31 Duties of the Department of Education and school
132 district instructional materials reviewer.—The duties of the
133 instructional materials reviewer are:

134 (2) EVALUATION OF INSTRUCTIONAL MATERIALS.—To use the
135 selection criteria listed in s. 1006.34(2)(c) ~~s. 1006.34(2)(b)~~
136 and recommend for adoption only those instructional materials
137 that are, at a minimum, aligned with the Next Generation
138 Sunshine State Standards provided for in s. 1003.41. However,
139 such instructional materials may be more rigorous than the Next
140 Generation Sunshine State Standards. Instructional materials
141 recommended by each reviewer shall be, to the satisfaction of
142 each reviewer, accurate, objective, balanced, noninflammatory,
143 current, free of pornography and material prohibited under s.
144 847.012, and suited to student needs and their ability to
145 comprehend the material presented. Reviewers shall consider for
146 recommendation materials developed for academically talented
147 students, such as students enrolled in advanced placement
148 courses. When recommending instructional materials, each
149 reviewer shall:

150 (a) Include only instructional materials that accurately

151 | portray the ethnic, socioeconomic, cultural, religious,
152 | physical, and racial diversity of our society, including men and
153 | women in professional, career, and executive roles, and the role
154 | and contributions of the entrepreneur and labor in the total
155 | development of this state and the United States.

156 | (b) Include only materials that accurately portray,
157 | whenever appropriate, humankind's place in ecological systems,
158 | including the necessity for the protection of our environment
159 | and conservation of our natural resources and the effects on the
160 | human system of the use of tobacco, alcohol, controlled
161 | substances, and other dangerous substances.

162 | (c) Include materials that encourage thrift, fire
163 | prevention, and humane treatment of people and animals.

164 | (d) Require, when appropriate to the comprehension of
165 | students, that materials for social science, history, or civics
166 | classes contain the Declaration of Independence and the
167 | Constitution of the United States. A reviewer may not recommend
168 | any instructional materials that contain any matter reflecting
169 | unfairly upon persons because of their race, color, creed,
170 | national origin, ancestry, gender, religion, disability,
171 | socioeconomic status, or occupation.

172 | (4) PUBLIC ACCESS AND INPUT.—Members of the public must be
173 | provided access to, and the opportunity to submit comments on,
174 | instructional materials recommended for adoption by state
175 | instructional materials reviewers. Any submitted comment related

176 to a specific recommended instructional material must be
 177 provided to the State Board of Education as part of its
 178 consideration of the instructional material pursuant to s.
 179 1006.34(2)(a). Members of the public must also be permitted to
 180 recommend instructional materials for consideration by state
 181 instructional materials reviewers. The Department of Education
 182 shall contact the publisher of any instructional material
 183 recommended for consideration and provide the publisher with the
 184 opportunity to submit a bid for evaluation in accordance with
 185 this section and s. 1006.34.

186 Section 4. Subsections (1) through (3) of section 1006.34,
 187 Florida Statutes, are amended to read:

188 1006.34 Powers and duties of the commissioner, ~~and the~~
 189 ~~department,~~ and State Board of Education in selecting and
 190 adopting instructional materials.—

191 (1) PROCEDURES FOR EVALUATING INSTRUCTIONAL MATERIALS.—The
 192 State Board of Education shall adopt rules prescribing the
 193 procedures by which the department shall evaluate instructional
 194 materials submitted by publishers and manufacturers in each
 195 adoption. ~~The included in these procedures must provide shall be~~
 196 ~~provisions affording~~ each publisher or manufacturer or his or
 197 her representative with an opportunity to provide a virtual
 198 presentation to state instructional materials reviewers on the
 199 merits of each instructional material submitted in each
 200 adoption. Any virtual presentation provided by a bidding

201 publisher or manufacturer must be posted on the department's
202 website for public access until the evaluation period closes.

203 (2) SELECTION AND ADOPTION OF INSTRUCTIONAL MATERIALS.—

204 (a) The department shall notify all publishers and
205 manufacturers of instructional materials who have submitted bids
206 that within 3 weeks after the deadline for receiving bids, at a
207 designated time and place, it will open the bids submitted and
208 deposited with it. At the time and place designated, the bids
209 shall be opened, read, and tabulated in the presence of the
210 bidders or their representatives. No one may revise his or her
211 bid after the bids have been filed. When all bids have been
212 carefully reviewed ~~considered~~, the commissioner shall prepare
213 for consideration and adoption by the State Board of Education
214 ~~the, from the~~ list of suitable, usable, and desirable
215 instructional materials reported by the state instructional
216 materials reviewers, ~~select and adopt instructional materials~~
217 for each grade and subject field in the curriculum of public
218 elementary, middle, and high schools in which adoptions are made
219 and in the subject areas designated in the advertisement. The
220 state board must adopt instructional materials at a regularly
221 scheduled meeting no later than July 1 of the year before the
222 adoption period is scheduled to begin pursuant to s. 1006.36.
223 The state board shall allow public comment on instructional
224 materials at any meeting in which an adoption is considered. The
225 adoption shall continue for the period specified in the

226 advertisement, beginning on the ensuing April 1. The adoption
227 shall not prevent the extension of a contract as provided in
228 subsection (3). The state board ~~commissioner~~ shall always
229 reserve the right to reject any and all bids. The commissioner
230 may ask for new sealed bids from publishers or manufacturers
231 whose instructional materials were recommended by the state
232 instructional materials reviewers as suitable, usable, and
233 desirable; specify the dates for filing such bids and the date
234 on which they shall be opened; and proceed in all matters
235 regarding the opening of bids and the awarding of contracts for
236 adopted instructional materials as required by this part. In all
237 cases, bids shall be accompanied by a cash deposit or certified
238 check of from \$500 to \$2,500, as the department may direct. The
239 state board ~~department~~, in adopting instructional materials,
240 shall give due consideration both to the prices bid for
241 furnishing instructional materials and to the report and
242 recommendations of the state instructional materials reviewers.
243 When consideration ~~the commissioner has finished with the report~~
244 of the state instructional materials reviewers' report is
245 finished ~~reviewers~~, the report shall be filed and preserved with
246 the department and shall be available at all times for public
247 inspection.

248 (b) Instructional materials are not subject to public
249 review procedures under s. 1006.40(4)(b) if the materials are
250 found by the State Board of Education to fully meet or be more

251 rigorous than the Next Generation Sunshine State Standards under
252 s. 1003.41 and comply with the adoption criteria and standards
253 of s. 1006.31(2) and paragraph (c). However, a district school
254 board member may initiate the public review procedures before
255 the instructional materials are adopted by the district school
256 board if he or she has evidence that the instructional materials
257 do not meet the criteria and standards provided in this
258 paragraph.

259 (c) ~~(b)~~ In the selection of instructional materials,
260 library media, and other reading material used in the public
261 school system, the standards used to determine the propriety of
262 the material shall include:

263 1. The age of the students who normally could be expected
264 to have access to the material.

265 2. The educational purpose to be served by the material.
266 Priority shall be given to the selection of materials that align
267 with the Next Generation Sunshine State Standards as provided
268 for in s. 1003.41 and include the instructional objectives
269 contained within the curriculum frameworks for career and
270 technical education and adult and adult general education
271 adopted by rule of the State Board of Education under s.
272 1004.92.

273 3. The degree to which the material would be supplemented
274 and explained by mature classroom instruction as part of a
275 normal classroom instructional program.

276 4. The consideration of the broad racial, ethnic,
277 socioeconomic, and cultural diversity of the students of this
278 state.

279
280 Any instructional material containing pornography or otherwise
281 prohibited by s. 847.012 may not be used or made available
282 within any public school.

283 (3) CONTRACT WITH PUBLISHERS OR MANUFACTURERS; BOND.—As
284 soon as practicable after the State Board of Education
285 ~~commissioner~~ has adopted any instructional materials and all
286 bidders that have secured the adoption of any instructional
287 materials have been notified thereof by registered letter, the
288 department shall prepare a contract in proper form with every
289 bidder awarded the adoption of any instructional materials. Each
290 contract shall be executed by the commissioner, one copy to be
291 kept by the contractor and one copy to be filed with the
292 department. After giving due consideration to comments by the
293 district school boards, the commissioner, with the agreement of
294 the publisher, may extend or shorten a contract period for a
295 period not to exceed 2 years; and the terms of any such contract
296 shall remain the same as in the original contract. Any publisher
297 or manufacturer to whom any contract is let under this part must
298 give bond in such amount as the department requires, payable to
299 the state, conditioned for the faithful, honest, and exact
300 performance of the contract. The bond must provide for the

301 payment of reasonable attorney's fees in case of recovery in any
302 suit thereon. The surety on the bond must be a guaranty or
303 surety company lawfully authorized to do business in the state;
304 however, the bond shall not be exhausted by a single recovery
305 but may be sued upon from time to time until the full amount
306 thereof is recovered, and the department may at any time, after
307 giving 30 days' notice, require additional security or
308 additional bond. The form of any bond or bonds or contract or
309 contracts under this part shall be prepared and approved by the
310 department. At the discretion of the department, a publisher or
311 manufacturer to whom any contract is let under this part may be
312 allowed a cash deposit in lieu of a bond, conditioned for the
313 faithful, honest, and exact performance of the contract. The
314 cash deposit, payable to the department, shall be placed in the
315 Textbook Bid Trust Fund. The department may recover damages on
316 the cash deposit given by the contractor for failure to furnish
317 instructional materials, the sum recovered to inure to the
318 General Revenue Fund.

319 Section 5. Paragraph (a) of subsection (3) and paragraph
320 (b) of subsection (4) of section 1006.40, Florida Statutes, are
321 amended to read:

322 1006.40 Use of instructional materials allocation;
323 instructional materials, library books, and reference books;
324 repair of books.—

325 (3) (a) Except for a school district or a consortium of

326 school districts that implements an instructional materials
327 program pursuant to s. 1006.283, each district school board
328 shall use the annual allocation only for the purchase of
329 instructional materials that align with state standards, ~~and~~ are
330 included on the state-adopted list, except as otherwise
331 authorized in paragraphs (b) and (c), and include professional
332 development and ancillary materials to support high-quality
333 accurate instruction.

334 (4) Each district school board is responsible for the
335 content of all materials used in a classroom or otherwise made
336 available to students. Each district school board shall adopt
337 rules, and each district school superintendent shall implement
338 procedures, that:

339 (b) Except as provided in s. 1006.34(2)(b), provide a
340 process for public review of, public comment on, and the
341 adoption of instructional materials that satisfies the
342 requirements of s. 1006.283(2)(b)8., 9., and 11.

343 Section 6. This act shall take effect July 1, 2018.