

## CHAPTER 2014-15

### Committee Substitute for Senate Bill No. 864

An act relating to instructional materials for K-12 public education; amending s. 1006.28, F.S.; providing that the district school board has the constitutional duty and responsibility to select and provide adequate instructional materials for all students; providing that the district school board is responsible for the content of all instructional materials; requiring a policy for parental objection of instructional materials and a process by which a parent may contest the district school board's adoption of a specific instructional material; amending s. 1006.283, F.S.; providing requirements for a district instructional materials program and district school board rules relating thereto; including criteria for the review, recommendation, and adoption of instructional materials and the process by which a school district will notify parents of their ability to access their children's instructional materials; providing for inspection of purchased instructional materials; amending s. 1006.29, F.S.; authorizing the Department of Education to assess and collect fees from publishers; providing for the payment of a stipend to instructional materials reviewers; amending s. 1006.31, F.S.; providing duties for instructional materials reviewers; amending s. 1006.40, F.S.; deleting provisions regarding the adoption of certain instructional materials for mathematics; authorizing each district school board to use all of the instructional materials annual allocation for the purchase of digital or electronic instructional materials that meet certain requirements; providing that each district school board is responsible for the content of all instructional materials used in a classroom; requiring district school boards to provide a process for public review of, and comment on, instructional materials; providing that the act does not limit or remove the responsibility of each school district to include certain instruction in its curriculum; providing an effective date.

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

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

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

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

mathematics, language arts, social studies, science, reading, and literature. The district school board has the following specific duties and responsibilities:

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

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

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

3. Each district school board must establish a process by which the parent of a public school student may contest the district school board's adoption of a specific instructional material. The parent must file a petition, on a form provided by the school board, within 30 calendar days after the adoption of the material by the school board. The school board must make the form available to the public and publish the form on the school district's website. The form must be signed by the parent, include the required contact information, and state the objection to the instructional material. Within 30 days after the 30-day period has expired, the school board must conduct at least one open public hearing on all petitions timely received and provide the petitioner written notification of the date and time of the hearing at least 7 days before the hearing. All instructional materials contested must be made accessible online to the public at least 7 days before a public hearing. The school board's decision after convening a hearing is final and not subject to further petition or review.

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

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

(d) *School library media services; establishment and maintenance.*—Establish and maintain a program of school library media services for all public schools in the district, including school library media centers, or school library media centers open to the public, and, in addition such traveling or

circulating libraries as may be needed for the proper operation of the district school system.

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

1006.283 District school board instructional materials review process.

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

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

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

2. Review of instructional materials.

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

4. Reviewer recommendations.

5. District school board adoption.

6. Purchase of instructional materials.

(b) District school board rules must also:

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

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

2.(c) Specify the duties and qualifications for an of the instructional materials reviewer and the process for selecting reviewers; list a reviewer’s duties and responsibilities, including compliance with the requirements of s. 1006.31; and provide that all instructional materials recommended by a reviewer be accompanied by the reviewer’s statement that the materials align with the state standards pursuant to s. 1003.41 and the requirements of s. 1006.31.

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

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

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

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

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

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

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

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

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

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

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

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

11. Establish the process by which the school district will notify parents of their ability to access their children's instructional materials through the district's local instructional improvement system and by which the school district will encourage parents to access the system. This notification must be

displayed prominently on the school district's website and provided annually in written format to all parents of enrolled students.

(3)(a) The school board may assess and collect fees from publishers participating in the instructional materials approval process. The amount assessed and collected must be posted on the school district's website and reported to the department. The fees may not exceed the actual cost of the review process, and the fees may not exceed \$3,500 per submission by a publisher. Any fees collected for this process shall be allocated for the support of the review process and maintained in a separate line item for auditing purposes.

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

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

(5) A publisher that offers instructional materials to a district school board must provide such materials at a price that, including all costs of electronic transmission, does not exceed the lowest price at which the publisher offers such instructional materials for approval or sale to any state or school district in the United States.

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

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

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

1006.29 State instructional materials reviewers.—

(1)

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

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

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

~~(2) EVALUATION OF INSTRUCTIONAL MATERIALS.— To use evaluate carefully all instructional materials submitted, in order to ascertain which instructional materials, if any, submitted for consideration implement the selection criteria listed in s. 1006.34(2)(b) developed by the department and recommend for adoption only those instructional materials aligned with the state those curricular objectives included within applicable performance standards provided for in s. 1003.41 1001.03(1). Instructional materials recommended by each reviewer shall be, to the satisfaction of each reviewer, accurate, objective, balanced, noninflammatory, current, and suited to student needs and their ability to comprehend the material presented. Reviewers shall consider for recommendation materials developed for academically talented students, such as students enrolled in advanced placement courses. When recommending instructional materials, each reviewer shall:~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Approved by the Governor May 12, 2014.

Filed in Office Secretary of State May 12, 2014.