

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u> </u>	(Y/N)
ADOPTED AS AMENDED	<u> </u>	(Y/N)
ADOPTED W/O OBJECTION	<u> </u>	(Y/N)
FAILED TO ADOPT	<u> </u>	(Y/N)
WITHDRAWN	<u> </u>	(Y/N)
OTHER	<u> </u>	

1 Committee/Subcommittee hearing bill: Education Appropriations
 2 Subcommittee
 3 Representative Gaetz offered the following:

Amendment (with title amendment)

6 Remove everything after the enacting clause and insert:

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

9 1006.28 Duties of district school board, district school
 10 superintendent; and school principal regarding K-12
 11 instructional materials.—

12 (1) DISTRICT SCHOOL BOARD.—The district school board has
 13 the constitutional duty and responsibility to select and provide
 14 adequate instructional materials for all students in accordance
 15 with the requirements of this part. The term "adequate
 16 instructional materials" means a sufficient number of student or
 17 site licenses or sets of materials that are available in bound,

Amendment No. 1

18 unbound, kit, or package form and may consist of hardbacked or
19 softbacked textbooks, electronic content, consumables, learning
20 laboratories, manipulatives, electronic media, and computer
21 courseware or software that serve as the basis for instruction
22 for each student in the core courses of mathematics, language
23 arts, social studies, science, reading, and literature. The
24 district school board has the following specific duties and
25 responsibilities:

26 (a) Courses of study; adoption.—Adopt courses of study,
27 including instructional materials, for use in the schools of the
28 district. Each district school board is responsible for the
29 content of all instructional materials used in a classroom,
30 whether purchased through an adoption process or otherwise
31 purchased or made available in the classroom.

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

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

550743 - h0921 Strike all Gaetz.docx

Published On: 3/31/2014 6:08:11 PM

Amendment No. 1

44 (d) School library media services; establishment and
45 maintenance.—Establish and maintain a program of school library
46 media services for all public schools in the district, including
47 school library media centers, or school library media centers
48 open to the public, and, in addition such traveling or
49 circulating libraries as may be needed for the proper operation
50 of the district school system.

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

53 1006.283 District school board instructional materials
54 review process.—

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

66 (2)(a) If a district ~~The~~ school board chooses to implement
67 its own instructional materials program, the school board shall
68 adopt rules implementing the district's instructional materials

Amendment No. 1

69 program which must include its processes, criteria, and
70 requirements for the following, ~~but need not be limited to:~~

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

73 2. Review of instructional materials.

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

76 4. Reviewer recommendations.

77 5. District school board adoption.

78 6. Purchase of instructional materials.

79 (b) District school board rules shall also:

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

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

83 2. ~~(c)~~ Specify the duties and qualifications for an of the
84 instructional materials reviewer and the process for selecting
85 reviewers; list a reviewer's duties and responsibilities,
86 including compliance with the requirements in s. 1006.31; and
87 provide that all instructional materials recommended by a
88 reviewer be accompanied by the reviewer's statement that the
89 materials align with the state standards pursuant to s. 1003.41
90 and the requirements in s. 1006.31.

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

Amendment No. 1

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

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

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

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

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

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

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

116 c. An open, noticed public meeting to approve an annual
117 instructional materials plan to identify any instructional
118 materials that will be purchased through the district school
119 board instructional materials review process pursuant to this

Amendment No. 1

120 section. This public meeting must be held on a different date
121 than the school board hearing.

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

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

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

133 11. Establish the process by which the school district
134 will notify parents of their ability to access their children's
135 textbooks and instructional materials through the district's
136 local instructional improvement system and by which the school
137 district will encourage parents to access the system. This
138 notification must be displayed prominently on the district
139 school board's website and provided annually in written format
140 to all parents of enrolled students.

141 (3) (a) The school board may assess and collect fees from
142 publishers participating in the instructional materials approval
143 process. The amount assessed and collected must be posted on the
144 school district's website and reported to the department. The
145 fees may not exceed the actual cost of the review process, and

Amendment No. 1

146 the fees may not exceed \$3,500 per submission by a publisher.
147 Any fees collected for this process shall be allocated for the
148 support of the review process and maintained in a separate line
149 item for auditing purposes.

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

158 (4) Instructional materials that have been reviewed by the
159 district instructional materials reviewers and approved must
160 have been determined to align with all applicable state
161 standards pursuant to s. 1003.41 and the requirements in s.
162 1006.31. The district school superintendent shall annually
163 certify to the department that all instructional materials for
164 core courses used by the district are aligned with all
165 applicable state standards and have been reviewed, selected, and
166 adopted by the district school board in accordance with the
167 school board hearing and public meeting requirements of this
168 section.

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

Amendment No. 1

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

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

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

182 Section 3. Subsection (2) of section 1006.31, Florida
183 Statutes, is amended to read:

184 1006.31 Duties of the Department of Education and school
185 district instructional materials reviewer.—The duties of the
186 instructional materials reviewer are:

187 (2) EVALUATION OF INSTRUCTIONAL MATERIALS.— To use
188 ~~evaluate carefully all instructional materials submitted, in~~
189 ~~order to ascertain which instructional materials, if any,~~
190 ~~submitted for consideration implement~~ the selection criteria
191 listed in s. 1006.34(2)(b) developed by the department and
192 recommend for adoption only those instructional materials
193 aligned with the state ~~those curricular objectives included~~
194 ~~within applicable performance~~ standards provided for in s.
195 1003.41 ~~1001.03(1)~~. Instructional materials recommended by each
196 reviewer shall be, to the satisfaction of each reviewer,
197 accurate, objective, balanced, noninflammatory, current, and

Amendment No. 1

198 suited to student needs and their ability to comprehend the
199 material presented. Reviewers shall consider for recommendation
200 materials developed for academically talented students such as
201 those enrolled in advanced placement courses. When recommending
202 instructional materials, each reviewer shall:

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

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

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

Amendment No. 1

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

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

240 Section 4. Subsection (2), paragraph (a) of subsection
241 (3), and subsection (5) of section 1006.40, Florida Statutes,
242 are amended to read:

243 1006.40 Use of instructional materials allocation;
244 instructional materials, library books, and reference books;
245 repair of books.—

246 (2) Each district school board must purchase current
247 instructional materials to provide each student in kindergarten
248 through grade 12 with a major tool of instruction in core

Amendment No. 1

249 courses of the subject areas of mathematics, language arts,
250 science, social studies, reading, and literature ~~for~~
251 ~~kindergarten through grade 12~~. Such purchase must be made within
252 the first 3 years after the effective date of the adoption
253 cycle. ~~For the 2012-2013 mathematics adoption, a district using~~
254 ~~a comprehensive mathematics instructional materials program~~
255 ~~adopted in the 2009-2010 adoption shall be deemed in compliance~~
256 ~~with this subsection if it provides each student with such~~
257 ~~additional state-adopted materials as may be necessary to align~~
258 ~~the previously adopted comprehensive program to common core~~
259 ~~standards and the other criteria of the 2012-2013 mathematics~~
260 ~~adoption.~~

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

Amendment No. 1

275 percent of the annual allocation for the purchase of digital or
276 electronic instructional materials that align with state
277 standards.

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

284 (a) Maximize the ~~will assure the maximum use by the~~
285 ~~students~~ of the district-approved ~~authorized~~ instructional
286 materials by the students.

287 (b) Provide a process for public review of, and comment
288 on, instructional materials before purchase which satisfies the
289 requirements of s. 1006.283(2).

290 Section 5. This act shall take effect July 1, 2014.

291

292

293

294

T I T L E A M E N D M E N T

295

296

297

298

299

300

Remove everything before the enacting clause and insert:
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

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 921 (2014)

Amendment No. 1

301 board is responsible for the content of all instructional
302 materials; amending s. 1006.283, F.S.; providing requirements
303 for a district instructional materials program and district
304 school board rules relating thereto; including criteria for the
305 review, recommendation, and adoption of instructional materials
306 and the process by which a school district will notify parents
307 of their ability to access their children's instructional
308 materials; providing for inspection of purchased instructional
309 materials; amending s. 1006.31, F.S.; providing duties for
310 instructional materials reviewers; amending s. 1006.40, F.S.;
311 deleting provisions regarding the adoption of certain
312 instructional materials for mathematics; authorizing each
313 district school board to use all of the instructional materials
314 annual allocation for the purchase of digital or electronic
315 instructional materials that meet certain requirements;
316 providing that each district school board is responsible for the
317 content of all instructional materials used in a classroom;
318 requiring district school boards to provide a process for public
319 review of, and comment on, instructional materials; providing an
320 effective date.

321

550743 - h0921 Strike all Gaetz.docx

Published On: 3/31/2014 6:08:11 PM