

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Education

BILL: SB 1210

INTRODUCER: Senator Lee and others

SUBJECT: Instructional Materials for K-12 Public Education

DATE: March 24, 2017

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Benvenisty</u>	<u>Graf</u>	<u>ED</u>	<u>Pre-meeting</u>
2.	_____	_____	<u>AP</u>	_____

I. Summary:

SB 1210 revises provisions relating to the definition and acquisition of instructional materials. Specifically, the bill:

- Defines the term “instructional materials” to mean systematically arranged content in text, digital, braille and large print, or audio format which may be used within the state curriculum framework for courses of study by a student in a public school.
- Requires a district school board to adopt a policy regarding the right of a parent or person who pays ad valorem property or sales tax in Florida to object to the use of an instructional material based on specified criteria.
- Revises the review process for district school boards that implement their own instructional materials review program.
- Requires district school boards to grant parents and people who pay ad valorem property or sales tax in Florida access to library media services and materials, pursuant to the district policies on campus access and security.
- Authorizes district school boards to lease, license, or otherwise obtain instructional materials.
- Revises the requirement for the district school superintendent to certify to the Florida Department of Education that the instructional materials for core courses are aligned with state standards to also include, as an option, alignment of such materials with standards equivalent to or better than the state standards.
- Revises requirements related to the instructional materials allocation.

The bill takes effect upon becoming law.

II. Present Situation:

The district school board has the constitutional duty and responsibility to select and provide adequate instructional materials for all students in accordance with Florida law.¹

¹ Section 1006.28(1)

District School Board Responsibility

A school district must provide adequate instructional materials for its students, ensure the materials are consistent with the district's educational goals, and ensure the materials meet the objectives and the curriculum frameworks adopted by the State Board of Education (SBE).² Florida law defines "adequate instructional materials" to mean a sufficient number of student or site licenses or sets of materials that are available in bound, unbound, lot, or package form and may consist of hardbacked or softbacked books, electronic content, consumables, learning laboratories, manipulatives, electronic media, and computer courseware or software that serve as a basis for instruction for each student in the core subject areas³.⁴

Each district school board is responsible for the content of all instructional materials used in a classroom, whether adopted or purchased from the state-adopted instructional materials list, adopted or purchased through a district instructional materials project, or otherwise purchased or made available in the classroom.⁵

Each district school board must establish a process, as specified in law, by which the parent of a public school student may contest the district school board's adoption of specific instructional material.⁶ This process is specified in law.⁷ The decision of the district school board, after convening a public hearing on the issue, is final.⁸

The district school board is authorized to implement an instructional materials program that includes the review, recommendation, adoption, and purchase of materials.⁹ If a district school board chooses to implement its own instructional materials program, the school board must adopt rules implementing the program which include its processes, criteria, and requirements for:¹⁰

- Selection of reviewers, one or more of whom must be parents with children in public schools.
- Review of instructional materials, including a thorough review of curriculum content.
- Reviewer recommendations.
- District school board adoption.
- Purchase of materials.

Additionally, the district school superintendent must certify to the DOE on an annual basis that all instructional materials for core courses used by the district are aligned with applicable state standards.¹¹

² Section 1006.28(1) and 1001.03(1), F.S.

³ The core subject areas include mathematics, language arts, social studies, science, reading, and literature. Section 1006.28(1)

⁴ *Id.*

⁵ *Id.* at (1)(a)(1).

⁶ *Id.*

⁷ *Id.* at (1)(a)3.

⁸ *Id.*

⁹ Section 1006.283(1).

¹⁰ *Id.* at (2).

¹¹ *Id.* at (1).

State Instructional Materials Reviewers and Content

The Commissioner must determine annually the areas in which instructional materials must be submitted for adoption and the number of titles in each area.¹² The Commissioner must appoint three state or national experts in the content areas submitted for adoption to review the instructional materials.¹³

Reviewers must evaluate all materials submitted by publishers in each adoption to determine if the material aligns with the applicable state standards, developed criteria, and any applicable performance standards.¹⁴

In addition to the standards, materials should also reflect appropriate diversity, include the Constitution and the Declaration of Independence in the social studies content area, and ensure that materials do not reflect unfairly upon people because of their race, color, creed, national origin, ancestry, gender, or occupation.¹⁵ Reviewers must report to the DOE the materials being recommended that meet the guidelines for adoption.¹⁶

Instructional Materials Allocation

The Commissioner of Education must annually certify to each district school superintendent the estimated allocated of state funds for instructional materials. The district is required to purchase current instructional materials in the core areas to provide students with current tools of instruction.¹⁷ This purchase must be made within the first two years of the effective date of the adoption cycle.¹⁸ Up to fifty percent of the allocation may be used to purchase non-adopted materials.¹⁹

III. Effect of Proposed Changes:

SB 1210 revises provisions relating to the definition and acquisition of instructional materials. Specifically, the bill:

- Defines the term “instructional materials” to mean systematically arranged content in text, digital, braille and large print, or audio format which may be used within the state curriculum framework for courses of study by a student in a public school.
- Requires a district school board to adopt a policy regarding the right of a parent or person who pays ad valorem property or sales tax in Florida to object to the use of an instructional material based on specified criteria.
- Revises the review process for district school boards that implement their own instructional materials review program.

¹² Section 1006.29(1)(a), F.S.

¹³ *Id.* at (b).

¹⁴ Section 1006.31(2)(e), F.S.

¹⁵ *Id.* at (2)(d), F.S.

¹⁶ *Id.* at (3).

¹⁷ Section 1006.40(2), F.S.

¹⁸ *Id.*

¹⁹ *Id.* at (3)(b).

- Requires district school boards to grant parents and people who pay ad valorem property or sales tax in Florida access to library media services and materials, pursuant to the district policies on campus access and security.
- Authorizes district school boards to lease, license, or otherwise obtain instructional materials.
- Revises the requirement for the district school superintendent to certify to the Florida Department of Education that the instructional materials for core courses are aligned with state standards to also include, as an option, alignment of such materials with standards equivalent to or better than the state standards.
- Revises requirements related to the instructional materials allocation.

Instructional Materials Definition

The bill expands upon the current statutory term of “adequate instructional materials” to include the term “instructional materials.” The bill defines “instructional materials” to mean systematically arranged content in text, digital, braille, and large print, or audio format which may be used within the state curriculum framework for courses of study by a student in a public school. The term includes textbooks, workbooks and worksheets, handouts, computer software, online or Internet resources, CDs or DVDs, and multiple forms of communication and electronic media. Instructional materials may be used by a student or teacher as principal resources of study to cover any portion of the course.

The bill further clarifies that instructional materials must be designated for student use, may contain or be accompanied by teaching guides and study helps, and must include all textbooks, workbooks, and student materials and supplements necessary for a student to fully participate in coursework. Such materials must meet additional criteria as specified in the bill to be used in the classroom.

The bill authorizes instructional materials to be leased, licensed, or obtained by other means other than purchase. Such instructional materials must comply with standards that are equivalent to or better than the applicable state standards.

Local Instructional Material Review

The bill requires a district school board to adopt a policy regarding the right of a parent or person who pays ad valorem property or sales tax in Florida to object to the use of an instructional material. This process must include a right to timely appeal any district decision to the district school board. Accordingly, the bill provides for public input in the use and adoption of instructional material at the local level.

The bill modifies the district school board instructional materials review process authorized pursuant to law to require an instructional materials review committee that reports to the school board and is subject to public meeting requirements in s. 286.011, F.S. As such, meetings of an instructional materials review committee are open to the public to the same extent as a district school board meeting.

State Instructional Materials Review

The bill requires state instructional reviewers under the state approval process to use the selection criteria enumerated in this bill or recommend materials that are aligned with the Next Generation Sunshine State Standard, or aligned to equivalent to or standards better than the state standards. Consequently, the instructional materials and related standards may vary by district. The impact of instruction delivered using such materials on student performance on statewide standardized assessments, which are aligned to the Florida Standards, is unknown.

Instructional Materials Allocation

The bill authorizes a district school board to use all of the annual instructional materials allocation for materials not included on the state adopted list for the repair and renovation of textbooks and library books if the district school board implements an instructional materials program.

The bill takes effect upon becoming law.

IV. Constitutional Issues**A. Municipality/County Mandates Restrictions:**

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The instructional materials allocation is funded as a categorical appropriation through the Florida Educational Finance Program (FEFP).²⁰ The legislature appropriated \$228,792,422 in the 2016-2017 General Appropriations Act.²¹

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 1006.28, 1006.283, 1006.31, 1006.40, 1002.20, and 1006.42.

IX. Additional Information:**A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

²⁰ Section 1, ch. 2016-66, L.O.F.

²¹ *Id.*