

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.

36

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.