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MEMORANDUM

TO: School District Superintendents

FROM: Pam Stewart

DATE: September 6, 2013

SUBJECT: Florida Instructional Materials Changes Resulting from Senate Bill 1388

Contact Information

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DPS: 2013-110

The Florida Legislature passed and Governor Rick Scott signed, Senate Bill 1388, regarding instructional materials. This memorandum outlines the changes to the Florida instructional materials adoption process and purchase requirements that were included in this legislation. These changes became effective July 1, 2013.

District school board instructional materials review process

Section 1006.283, Florida Statutes (F.S.), was created to allow individual school districts or consortiums of districts to implement an instructional materials review program. Per statute, a district school board implementing an instructional materials review program must adopt rules for the program which include, but are not limited to:

- Its review and purchase process;
- Identification of a review cycle for instructional materials;
- The duties and qualifications of the instructional materials reviewers;

- The requirements for an affidavit made by a district instructional materials reviewer which substantially includes the requirements of s. 1006.30, F.S.;
- Compliance with s. 1006.32, F.S., relating to prohibited acts;
- A process that certifies the accuracy of instructional materials;
- The incorporation of applicable requirements of s.1006.31, F.S., which relates to the duties of instructional materials reviewers;
- The incorporation of applicable requirements of s. 1006.38, F.S., relating to the duties, responsibilities and requirements of publishers of instructional materials; and
- The process by which instructional materials will be purchased, including advertising, bidding and purchasing requirements.

Furthermore, a school district that implements an instructional materials review program may assess and collect fees from participating publishers. The amount assessed and collected must be posted on the school district's website and reported to the department. These fees may not exceed \$3,500 per submission by a publisher and must be allocated for the support of the review process. School districts may only use revenues generated by these fees to support the instructional materials review process, including the payment of stipends for reviewers, reimbursement of travel expenses and per diem incurred by reviewers, and costs relating to employing substitute teachers to fill in for instructional personnel serving as reviewers. These fees must be maintained in a separate line item for auditing purposes.

School districts that implement an instructional materials review program are exempt from several instructional materials purchasing requirements specified in s.1006.37, F.S. and s. 1006.40, F.S. These districts are not required to:

- Provide each student with a major tool of instruction in the core courses of mathematics, language arts, science, social studies, reading and literature;
- Requisition materials through the publisher's depository;
- Purchase materials within three years of an adoption; or
- Use at least 50 percent of their instructional materials allocation to purchase state-adopted instructional materials.

However, all school districts, including those that implement an instructional materials review process, are required to use at least 50 percent of their instructional materials funds to purchase digital or electronic instructional materials beginning in the 2015-2016 fiscal year.

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Beginning in the 2013-2014 school year, school districts that implement an instructional materials program must have their superintendent annually certify, by March 31, that all instructional materials for core courses used in the district are aligned with applicable state standards. Included in this certification must be a list of all core materials that will be used or purchased by the district.

Duties, responsibilities and requirements of instructional materials publishers and manufacturers

Publishers and manufacturers who submit material for review are required to meet several duties, responsibilities and requirements as outlined in S.1006.38, F.S. The legislation expands the current responsibilities of instructional materials publishers and manufacturers to apply to both state and district approval processes. The legislation also requires that publishers, manufacturers or their representatives provide evidence that instructional materials include specific references to statewide standards in the teacher's manual and incorporate such standards into chapter tests and assessments.

Publishers or manufacturers are currently required to maintain an inventory of purchased materials in the publisher's depository that is sufficient to fill and receive orders in core subject areas for the first two years of the adoption cycle. The legislation changes this requirement to the first three years of the adoption cycle, which conforms to other changes made in the bill, providing districts an additional year to purchase materials after their adoption.

To view the text of the new law, visit <http://laws.flrules.org/2013/237>.

Please direct any questions regarding changes to the state instructional materials adoption process and the related statutes to David Sikes, director of instructional materials, at David.Sikes@fldoe.org or 850-245-0808.

PS/ds

cc: School District Assistant Superintendents for Instruction
School District Instructional Materials Administrators