



POLICY 8.122

5-B I recommend that the Board approve development of the proposed **revised** Policy 8.122, entitled “Textbooks and Related Instructional Materials.”

[Contact: Meezie Pierce, PX 45114.]

Development

CONSENT ITEM

- The proposed revision modifies current policy provisions concerning District Materials Adoption Committees and their organizational makeup.
- It also sets forth the materials selection and adoption procedures.
- The revision updates the requisition and allocation practices for instructional materials in compliance with Florida Statutes.
- Lines 27 to 28 address the 2009 Legislative changes to Fla. Stat. §1006.40(2) in Senate Bill 6A.
- These changes will replace Directive 8.123.

POLICY 8.122

TEXTBOOKS AND RELATED INSTRUCTIONAL MATERIALS

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3 1. **Adequate Instructional Materials.**-- The School Board will provide adequate
4 textbooks and other instructional materials in accordance with State law and State
5 Board of Educational Rules. Instructional materials, as defined by Fla. Stat. §
6 1006.29(4), are "items having intellectual content that by design serve as a major
7 tool for assisting in the instruction of a subject or course. These items may be
8 available in bound, unbound, kit, or package form and may consist of hard backed
9 or soft backed textbooks, consumables, learning laboratories, manipulatives,
10 electronic media, and computer courseware or software. The term does not include
11 electronic or computer hardware even if such hardware is bundled with software or
12 other electronic media, nor does it include equipment or supplies."

13 a. As stated in Fla. Stat. § 1006.28(1), "The term 'adequate instructional
14 materials' means a sufficient number of textbooks or sets of materials serving
15 as the basis for instruction for each student in the **core** courses of
16 mathematics, language arts, social studies, science, reading, and literature,
17 except for instruction for which the school advisory council approves the use of
18 a program that does not include a textbook as a major tool of instruction."

19 b. Pursuant to Fla. Stat. § 1006.37 (1), the Superintendent or designee shall
20 requisition State adopted instructional materials from the depository of the
21 publisher with whom a State contract has been made. The Superintendent or
22 designee shall "requisition current instructional materials to provide each
23 student with a textbook or other materials as a major tool of instruction in **core**
24 courses of the subject areas specified in [Fla. Stat.] §1006.40(2). These
25 materials must be requisitioned within the first 2 years of the adoption cycle,
26 except for materials related to growth of student membership or instructional
27 materials maintenance needs", but this requirement may be waived as
28 provided by State law.

29 ~~The Superintendent or Board may determine when to waive the requirement of~~
30 ~~providing a textbook and/or other instructional material to each student in non-~~
31 ~~core courses. In cases where the Superintendent makes the determination to~~
32 ~~waive the requirement, the Board shall be informed at the next Board meeting.~~

33 c. Any decision by a school to use class sets or not to issue textbooks or other
34 instructional materials that are provided by the District on a one-per-student
35 basis shall be communicated to parents and area superintendents. In all
36 instances, ~~District curricular staff and school staff shall ensure that students~~
37 ~~have adequate materials for both in-class study and homework arrangements~~
38 assignments.

39 d. Instructional materials used in non-core courses may be purchased as class
40 sets if the materials are intended to be used as reference materials for in-class
41 use.

42 2. **Allocation.**-- The annual allocation and expenditure of State funds for textbooks
43 and the annual purchase of State adopted or non-State adopted materials shall be
44 in accordance with Chapter 1006, Part I.F, Florida Statutes, and applicable State
45 Board of Education Rules.

46 a. Use of State Instructional Materials Allocation.-- Absent a waiver from the
47 DOE or any applicable exemption under charter district status, only up to fifty
48 percent (50%) of the State allocation for textbooks may be used for the
49 purchase of instructional materials (including library and reference books and
50 non-print materials) not on the State-adopted list and for repair and renovation
51 of textbooks and library books, pursuant to Fla. Stat. § 1006.40(3)(b).

52 b. As stated in Fla. Stat. § 1006.40(3)(c), the District may use up to 100 percent
53 of that portion of the annual allocation designated for the purchase of
54 instructional materials for kindergarten, and 75 percent of that portion
55 designated for the purchase of instructional materials for first grade, to
56 purchase materials not on the State-adopted list. Any portion of State
57 allocated funds for textbooks not expended for textbooks or not otherwise
58 designated by legislative authority for library/media materials shall may be
59 expended on library and reference books and for the repair and renovation of
60 textbooks and library books. ~~However, of the amount not otherwise earmarked~~
61 ~~for library/media materials or for book repair, expenditures may be made for~~
62 ~~non-state adopted materials with the approval of the Superintendent or~~
63 ~~designee, pursuant to established procedures issued annually by bulletin.~~

64 ~~Pursuant to procedures issued by bulletin annually, school centers and other~~
65 ~~appropriate textbook users may requisition textbooks and ancillary~~
66 ~~instructional materials prior to June 30 in accordance with prevailing statutory~~
67 ~~law and State Board rules. Any request from a school center for use of the~~
68 ~~state or local District allocation must be in accordance with state law and this~~
69 ~~Policy.~~

70 c. Pursuant to Fla. Stat. §1006.40 (7), in any year in which the total instructional
71 materials allocation for the District, including the portion designated for library
72 media materials and science laboratory supplies, has not been expended or
73 obligated prior to June 30, the School Board shall carry forward the
74 unobligated amount and shall add it to the next year's allocation.

75 d. Pursuant to Fla. Stat. §1006.40 (6), the District may issue purchase orders for
76 instructional materials needed for the next school year subsequent to February
77 1 in an aggregate amount which does not exceed 20 percent of the current

78 year's allocation, and subsequent to April 1 in an aggregate amount which
79 does not exceed 90 percent of the current year's allocation, for the purpose of
80 expediting the delivery of materials to be paid for from the ensuing year's
81 allocation.

82 e. A portion of the State instructional materials allocation will be distributed by the
83 Accounting Services Department to charter schools based on each school's
84 unweighted FTE count. The allocation is to be used for the purchase of
85 instructional materials and library materials that each charter school selects to
86 best meet the curricular needs of its students and teachers.

87 3. **Selection, Adoption and Continued Use of Instructional Materials.--**
88 Instructional Materials selected for specific courses and grade levels as part of the
89 District's curriculum shall have been reviewed by a School or District Instructional
90 Materials Committee and approved by appropriate instructional personnel.
91 Committees shall reflect prevailing appropriate state guidelines.—The Board
92 believes that the selection of instructional materials is within its jurisdiction in
93 accordance with Fla. Stat. §1006.28 and pursuant to relevant statutes and
94 constitutional law. The Superintendent, through his/her designee, is required to
95 provide for an evaluation of any instructional materials to be requisitioned that have
96 not been used previously in the District's schools. The procedures outlined in this
97 policy shall be used to evaluate and recommend instructional materials that are to
98 be considered for District adoption, subject to administrative review as stated in this
99 policy.

100 a. Composition of District Instructional Materials Adoption Committees

101 i. The District will create instructional materials adoption committees based
102 on subjects being reviewed annually. Committees must have a minimum
103 of three members, but may have as many additional members as the
104 Superintendent or designee appoints. District committees will generally,
105 except as stated below, consist of six to twelve members. A member of a
106 State adoption committee may not serve on the District committee.
107 Teacher members must be certified in and teaching in the subject area
108 being reviewed.

109 ii. Elementary core subject adoption committees will be comprised of up to
110 24 voting members. Secondary adoption committees will be comprised of
111 between three and twelve members. At least two-thirds of each District
112 committee must be composed of teachers who are currently teaching and
113 are certified to teach in the area(s) or subject(s) and appropriate grade
114 levels being reviewed. District or area subject specialists or resource
115 teachers and lay members make up the remaining third of the voting
116 committee membership.

- 117 iii. Community representation on District adoption committees is
118 encouraged. Lay citizens are Palm Beach County residents who are not
119 professionally connected with education, such as professional or
120 educational consultants. Lay citizens selected to serve on adoption
121 committees may be any resident of Palm Beach County, or adult student
122 or parent of a child attending public school in Palm Beach County or
123 School Advisory Council members.
- 124 iv. Area and/or District curricular staff members who have taught in the
125 subject area being reviewed may serve as facilitators on District adoption
126 committees to provide subject matter expertise and communicate the
127 district's curricular vision and goals to committee members. They may
128 assist in the review process and the correlation of publisher submissions
129 with course and subject instructional objectives. Representatives from
130 the Exceptional Student Education Department, the Multicultural
131 Education Department, and the Educational Technology Department, or
132 other appropriate District departments may also serve as facilitators on
133 District adoption committees.
- 134 v. Teacher, specialist and lay citizen committee members will be appointed
135 from nominations submitted by principals and/or District curricular staff.
136 Nominations must be submitted on a completed School District of Palm
137 Beach County form entitled "Teacher or Layperson Nomination for
138 Instructional Materials Adoption Committee" (PBSD 2181). A copy of the
139 form is available on the District's Records Management Department's
140 web page currently located at
141 <http://www.palmbeach.k12.fl.us/Records/PDF/2181.pdf> and in the
142 District's Instructional Materials Department. The form is incorporated
143 herein by reference as part of this policy.
- 144 vi. The membership of each committee should reflect the broad racial,
145 ethnic, socioeconomic and cultural diversity of the District including a
146 balanced representation from the various geographic regions and be
147 representative of students of diverse learning styles and ability levels.
148 School representation will be rotated with each adoption.
- 149 b. District Adoption Procedures:
- 150 i. The District adoption cycle for instructional materials shall coincide with
151 the State cycle except where a separate District adoption is deemed
152 necessary. Adopted materials shall be used during the adoption cycle
153 until physically unsuitable, or until replaced with newly-adopted materials,
154 or until the course is no longer offered.
- 155 ii. The District review will focus on evaluating materials that are submitted

156 by publishers for State adoption or other materials available at the time
157 from appropriate publishers with a goal of recommending the most
158 suitable materials for District adoption in Palm Beach County.

159 iii. In the selection of instructional materials to be used in the District, the
160 standards used to determine the propriety of the materials shall include:
161 age appropriateness, educational purpose to be served by the materials,
162 degree to which the materials encompass the State and District school
163 board performance standards provided for in Fla. Stat. § 1001.03(1), the
164 inclusion of instructional objectives contained within the curriculum
165 frameworks by the State Board of Education, the degree to which the
166 materials would be supplemented and explained by mature classroom
167 instruction, and a consideration of the broad racial, ethnic,
168 socioeconomic, and cultural diversity of the students of the District. No
169 book or materials that contain hard-core pornography or are otherwise
170 prohibited by Fla. Stat. §§ 847.012 and/or 847.0133 shall be
171 recommended for use in District schools.

172 iv. For District-wide adoptions in core subject areas, some teachers who
173 teach that subject at the appropriate grade level and who are not on the
174 District committee will be afforded opportunities to voluntarily review
175 samples of the top two or three rated publishers' programs and give input
176 to the District committee unless only one (1) submission is deemed
177 acceptable by the District committee. Teachers' comments from the
178 review opportunities will be presented to the District committee and will be
179 weighed by the committee as a factor in its final decision-making process.

180 v. District committees will be convened for the initial review of publisher's
181 submissions during the summer months whenever possible.
182 Reconvening committees will meet for one to two days during the fall to
183 make final recommendations to administration.

184 vi. Each member of any District instructional materials adoption committee
185 must sign an affidavit declaring no conflict of interest before transacting
186 the business of the committee. A copy of the form for the affidavit (PBSD
187 2290) may be found on the District's Division of Curriculum, Department
188 of Instructional Material's web page currently at:
189 <http://www.palmbeach.k12.fl.us/instructionalmaterialsdept/adoptions.htm>
190 (under Affidavit) ,and on the District's Records Management
191 Department's web page currently at:
192 <http://www.palmbeach.k12.fl.us/Records/PDF/2290.pdf>, and is
193 incorporated herein by reference as part of this policy.

194 vii. Members of any District instructional materials adoption committee will
195 receive instructions that they are prohibited from accepting gifts, money,

196 emoluments, or other valuables which shall directly or indirectly influence
197 the adoption or purchase of any instructional materials. These
198 prohibitions apply to committee members. Committee members shall
199 conduct themselves in the best interest of students in support of the
200 district's mission statement.

201 viii. Each District adoption committee member will receive instruction and
202 training in the evaluation techniques to be used, characteristics of
203 effective instructional materials and the skills necessary to make valid,
204 culturally sensitive, and objective decisions regarding the content and
205 rigor of instructional materials. In addition to conducting Topic
206 Comparisons, Horizontal Traces, and Vertical Traces where appropriate,
207 the review process will include scrutiny of each program's correlation to
208 the Sunshine State Standards or subsequent Standards adopted by the
209 State Board of Education and the assessments that are based on the
210 standards.

211 ix. District committee meetings will be open to the public. Public notification
212 of adoption committee meeting dates and times will provided to the Public
213 Affairs Office.

214 x. The District prohibits the publishers, manufacturers, or representatives of
215 instructional materials submitted for District adoption from communicating
216 directly with voting members during the process of the review and during
217 the time teachers are reviewing materials. All contact must be made
218 through the District instructional materials specialist. Publishers should
219 not be denied answers to questions and should be advised of the
220 procedures and all related information. If a committee elects to have
221 publisher presentations, every publisher submitting materials for
222 consideration in that specific subject area will be provided an equal
223 opportunity to present in the same amount of time provided to any and all
224 other publishers. Committee members are prohibited from discussing
225 matters relating to the instructional materials submitted for adoption with
226 agents or representatives of a publisher either directly or indirectly except
227 during committee meetings where presentations are made. Publishers
228 are expected to abide by the *Notification to Publishers or Manufacturers*
229 of *Instructional Materials* for guidelines governing District adoptions. A
230 copy of the *Notice* is available on the District's Division of Curriculum,
231 Department of Instructional Material's web page currently at:
232 <http://www.palmbeach.k12.fl.us/instructionalmaterialsdept/documents/NO>
233 [TIFICATION%20TO%20PUBLISHERS.pdf](http://www.palmbeach.k12.fl.us/instructionalmaterialsdept/documents/NOTIFICATION%20TO%20PUBLISHERS.pdf) and the Notice is attached
234 herein by reference as part of this policy.

235 xi. Materials submitted for possible adoption will be evaluated fairly by
236 committee members using pre-established criteria and the same

237 evaluation instrument. Publishers will be given written notification of any
238 special conditions for participation in the District's adoption process as
239 determined by Curriculum Division staff.

240 xii. Interim reviews may be conducted as necessary and are arranged by the
241 District instructional materials specialist.

242 xiii. For committees meeting outside of teacher contract hours, teachers shall
243 be paid at the appropriate hourly rate. For committees meetings during
244 teacher contract hours, the District will provide funding for substitute
245 teachers. Lay members will serve on a volunteer basis.

246 xiv. The Committees may make recommendations for District adoption. All
247 committee recommendations must be reviewed by appropriate District
248 administrative staff who will review the appropriateness of the materials to
249 ensure that they meet District curricular objectives. Subsequent to District
250 administrative review and approval, the final District committee
251 recommendations, along with any citizen comments, will be forwarded by
252 the Assistant Superintendent for Curriculum to the Superintendent for
253 review and approval based on findings of the appropriateness of the
254 materials. If approved by the Superintendent, the recommendations are
255 submitted to the School Board for final approval and adoption.

256 xv. Any request from a school center to use textbooks or other related
257 instructional materials as part of the curriculum and which are not District
258 adopted, per se, must be approved by the Superintendent or designee
259 based on the appropriateness of the materials to meet District curricular
260 objectives. Any request for funding of such materials must be approved
261 by the Superintendent or designee. ~~Specific procedures and authorization~~
262 ~~will be issued annually.~~

263 c. **Inventories.**-- Annual textbook inventories of District-adopted instructional
264 materials shall be issued to schools and appropriate departments which
265 posted on the District's web page currently located at:
266 <http://www.palmbeach.k12.fl.us/online-reporting>. The online inventory report
267 shall serve as:

268 i. the official District adoption listing of materials used in the District's
269 curriculum;

270 ii. the inventory/summary of all curricular instructional materials for which a
271 school center/department is responsible; and

272 iii. a guide for determining the following school year's needs as provided by
273 instructions/procedures issued annually.

274 4. **Disposal.**-- The District ~~Textbook Depository~~ Instructional Materials Department
275 shall arrange for the ~~exchange of books among the various Districts in accordance~~
276 ~~with state law or rule and shall maintain a public lending or "give-away" program for~~
277 disposal of obsolete or physically unsuitable materials or those no longer on State
278 contract, as stated in Fla. Stat. § 1006.41, and no longer on the District's local
279 adoption list or otherwise still officially in use in the District, as follows:

280 a. Giving or lending the materials to other public education programs within the
281 District or State, to Charter schools in the District or State, to the teachers to
282 use in developing supplementary teaching materials, to students or others
283 (including the general public or foreign countries), or to any charitable
284 organization, governmental agency, home education students, private school,
285 or State; or

286 b. Selling the materials to used book dealers, recycling plants, pulp mills, or other
287 persons, firms, or corporations upon such terms as are most economically
288 advantageous to the District School Board.

289 c. Pursuant to Fla. Stat. § 1006.41(3), all monies received by reason of sale,
290 exchange or other disposition of instructional materials shall be deposited in
291 the District school fund and added to the District appropriation for instructional
292 materials.

293 d. In the event that any instructional materials cannot be disposed of as provided
294 in subsections (a) or (b), the materials may be destroyed, using any
295 reasonable and safe method.

296 5. This policy will be periodically revised as necessary to keep it current with the State
297 law and rules which it supplements, although appropriate staff should be familiar
298 with Fla. Stat. Ch. 1006, Part I.F, as this Policy is not intended to reproduce all the
299 details set forth in the law. The Superintendent may also issue bulletins ~~to inform~~
300 ~~personnel of detailed internal procedures and new developments from the DOE~~
301 ~~related to the subject of this Policy.~~ consistent with the standards of this policy.

302 STATUTORY AUTHORITY: Fla. Stat. §§ 1001.32(2); 1001.41(2); 1001.42 (22)
303 LAWS IMPLEMENTED: Fla. Stat. §§ 1001.32(2); 1006.28; 1006.29; 1006.37; 1006.40;
304 1006.41
305 HISTORY: 12/9/86; 11/17/99; 3/24/03; ___/___2009

Legal Signoff:

The Legal Department has reviewed proposed Policy 8.122 and finds it legally sufficient for development by the Board.

Attorney

Date

SCHOOL DISTRICT OF PALM BEACH COUNTY, FLORIDA

Notification to Publishers or Manufacturers of Instructional Materials

The following standards govern district instructional materials adoptions in Palm Beach District Schools:

1. Publishers or manufacturers of instructional materials who have submitted, or plan to submit within 18 months, instructional materials within a specific content area for consideration in the adoption process in the State of Florida or Palm Beach District Schools, **may not**:
 - a. directly contact any teacher(s), including department heads, in regard to their materials until after the School District of Palm Beach County makes its own official district adoption. (NOTE: The adoption becomes official only after it has been voted on by The School Board of Palm Beach County, Florida.);
 - b. host dinners, retreats or parties of any kind for any teacher(s) or administrator(s) in Palm Beach District Schools to showcase their materials being considered for adoption, other than showcases that are required by the District and scheduled to take place on School District property with the option of refreshments being arranged through the Palm Beach District Schools Food Service Department, and limited to a cost of no more than \$5.00 per person;
 - c. offer gifts, gift certificates or other enticements (such as "freebies") to any teacher(s) or administrator(s) (or their schools) who attend an event such as is described in **b.** above.

(The provisions in section 1 a., b., and c. would not prohibit teachers or administrators from participating in meetings of professional organizations where vendors may be a sponsor.)

2. All communication with schools, whether written or oral, regarding an adoption in Palm Beach District Schools must be handled through the Assistant Superintendent for Curriculum, or designee.
3. Blanket sampling of schools prior to district adoption of materials is prohibited. Arrangements for distribution to schools of evaluation copies of materials recommended for teacher review and voting must be handled through the Assistant Superintendent for Curriculum and Learning Support or designee.
4. Pilot programs of materials being considered for adoption during or outside the 18 months prior to their official adoption date of April 1st of the adoption year, are prohibited unless written authority is given by the Superintendent of Schools.
5. No member of the Palm Beach School District Instructional Materials Adoption Committees may discuss matters relating to instructional materials submitted for adoption with any agent of a publisher or manufacturer of instructional materials, either directly or indirectly, except during the period when the committee shall have been called into session for the purpose of evaluating instructional materials submitted for adoption OR in a public presentation showcasing the materials as described in number 1.b. above. Such discussions shall be limited to official meetings of the committee or in a public presentation (on Palm Beach District Schools' property) showcasing the materials as described in number 1.b. above.

6. During the process of selection of any instructional materials, teachers and administrators in the district shall be governed by the law concerning ethics applicable to their position, including but not limited to the "Code of Ethics for Public Employees - Instructional Materials" within Florida Statutes Section 112.313.

No further notification will be sent to publishers; however, any agent of a publisher or manufacturer of instructional materials found in violation of these rules for the adoption process in Palm Beach District Schools may have their materials immediately disqualified from further consideration, absent extenuating circumstances.



THE SCHOOL DISTRICT OF PALM BEACH COUNTY
**Teacher or Layperson Nomination for
 Instructional Materials Adoption Committee**

The purpose of this form is to provide a school principal/designee the opportunity to nominate a teacher or layperson to the District Instructional Materials Adoption Committee. This recommendation form is to be completed by the principal/designee (named below). Fax completed recommendation to 684-5107 (PX 45107) or email to William Purtell, Instructional Materials Coordinator at purtellb@palmbeach.k12.fl.us.

School Type (check one only) High School Middle School Elementary

| | |
|--------|--------------------|
| SCHOOL | PRINCIPAL/DESIGNEE |
|--------|--------------------|

Nominee Type (check one only) Teacher Layperson

| | | |
|--|---|--|
| NAME | DAYTIME TELEPHONE () - () - | HOME TELEPHONE () - () - |
| ADDRESS (street, city, zip code) | | |
| ADOPTION SUBJECT (EX: Foreign Language, Math, Science, etc.) | E-MAIL ADDRESS | |

TEACHER EXPERIENCE AND QUALIFICATIONS (teacher nominees only)

If you are nominating a teacher to serve for more than one course/grade level because he/she has experience teaching multiple courses under consideration, rank them in order of preference with 1 being the highest.

| Preference # | Course/Grade Level | Preference # | Course/Grade Level |
|--------------|--------------------|--------------|--------------------|
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |

Number of years of teaching experience _____

Courses/grade levels taught _____

Past/Current teaching assignment _____

Related Professional Qualifications (if any): _____

Other qualifications _____

LAYPERSON EXPERIENCE AND QUALIFICATIONS (layperson nominees only)

Is the layperson available for all required dates? Yes No

Which of the following categories applies to this layperson? (check all that apply)

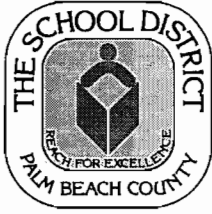
- SAC Member Parent PTA Business Partner Volunteer

Has this layperson ever worked for the School District of Palm Beach County? Yes No

Does this layperson write, publish, or sell educational materials, or are they related to anyone who works for a publishing company? Yes No

Has this person ever had an opportunity to represent the general public during a materials adoption? Yes No

Comments _____



THE SCHOOL DISTRICT OF PALM BEACH COUNTY

Instructional Materials Committee Member Affidavit

SCHOOL _____

SUBJECT AREA COMMITTEE _____

MEMBER'S CLASSIFICATION (Check Appropriate Box)

Classroom Teacher Supervisor of Teachers School Board Member Lay Citizen

I hereby swear or affirm:

- that I will faithfully discharge the duties imposed upon me as a member of the District Instructional Materials Committee;
- that I have no interest and that, while a member of the Committee, I will assume no interest as author, as associate author, as publisher, or as representative of a publisher or manufacturer of any instructional materials;
- that I am in no way connected with the distribution of such materials;
- that I am not pecuniarily interested and that, while a member of the Committee, I will assume no pecuniary interest directly or indirectly in the business or profits of any person, firm, or corporation engaged in manufacturing, publishing or selling instructional materials designed for use in classroom teaching;
- that I will not accept any emolument or promise of future reward of any kind from any publisher or manufacturer of instructional materials, his agent, or anyone interested in or intending to bias my judgment in any way in the selection of instructional materials to be adopted.

Under penalties of perjury, I declare that I have read the foregoing affidavit and that the facts stated in it are true.

Signature of Member

Date

Member's Printed Name