



# Rule Workshop: 6A-14.092 Textbook Affordability

**Florida Department of Education, Division of Florida Colleges**

August 17, 2021



FLORIDA DEPARTMENT OF  
**EDUCATION**  
fldoe.org

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# Webinar Logistics

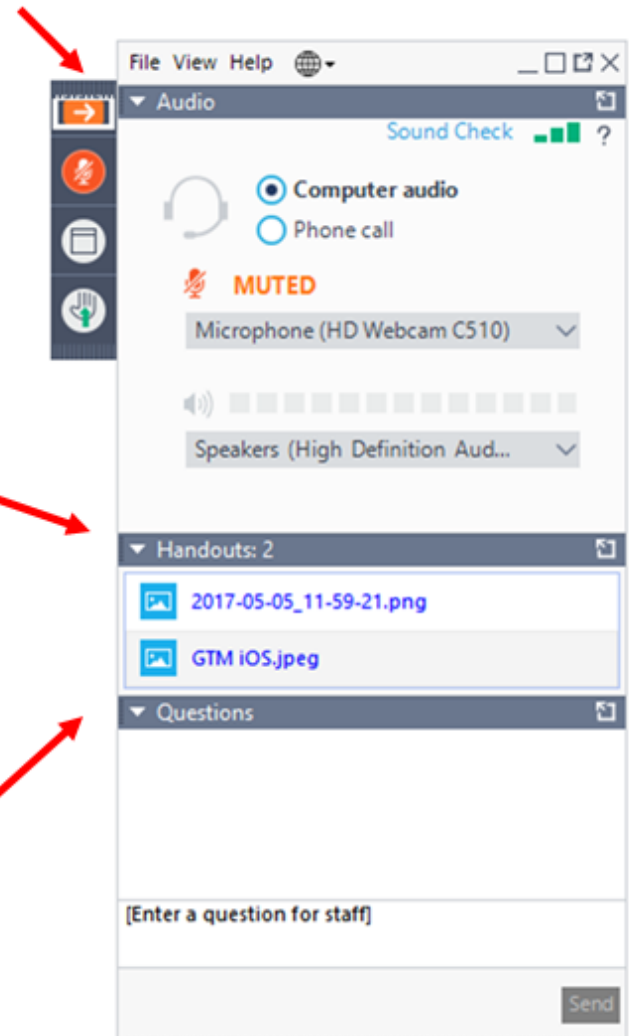
Participants will be on mute for the duration of the webinar.

Material from today's webinar:

In the handouts area you will find a copy of today's presentation.

How to submit questions:

To submit questions during the webinar, please utilize the Questions function. During the Q&A portion of the webinar, questions will be addressed.



# Agenda

- Historical Overview
- Current Requirements
- Proposed Rule
- Next Steps
- Q&A
- Public Comment



# Historical Overview

## 6A-14.092 Textbook Affordability

# Timeline

- 2008 – [Section \(s.\) 1004.085](#), Florida Statutes (F.S.), established requirements regarding the textbook and instructional materials adoption process at public colleges and universities in Florida.
- 2009 – The State Board of Education (SBE) approved [Rule 6A-14.092](#), Florida Administrative Code (F.A.C.), to implement the statute.
- 2016 – An update to the law went into effect requiring colleges to expand efforts to reduce the cost of textbooks and instructional materials.
- 2017-19 – Auditor General’s (AG) operational audit findings around Textbook Affordability.
- 2019 – Division of Florida Colleges (Division) requested a consulting engagement with the FLDOE Inspector General (IG) and convened a statewide Textbook Affordability Workgroup to address the [IG’s recommendations](#).
- Fall 2020 – The Division presented Workgroup recommendations to Council of Instructional Affairs (CIA), Council of Student Affairs (CSA), Council on Workforce Education (CWE), and Council of Business Affairs (COBA).
- August 2021 – The Division initiated formal [rule development](#).



# Current Requirements

## 6A-14.092 Textbook Affordability



# Current Rule

## **6A-14.092 Textbook Affordability.**

Pursuant to Section 1004.085, F.S., institutions within the Florida College System through the Chief Academic Officer or designee(s) shall:

(1) Adopt textbooks and instructional materials no later than seventy-five (75) days prior to the first day of classes for 95% of sections. No later than seventy-five (75) days prior to the first day of classes, colleges shall share a list of adopted textbooks and instructional materials with bookstores to allow sufficient lead time to bookstores to work with publishers so as to confirm availability of the requested materials and to ensure maximum availability of used books. Where courses are added after this seventy-five (75) day deadline, textbooks for such courses shall be adopted as soon as is feasible to ensure sufficient lead time.

(2) Ensure that pursuant to Section 1004.085(6), F.S., for those classes added after the forty-five (45) day notification deadline, institutions shall post textbook information on their websites immediately as such information becomes available.

(3) Select textbooks and instructional materials through cost-benefit analyses that enable students to obtain the highest-quality product at the lowest available price, by considering, in addition to those items listed in Section 1004.085(7)(g), F.S.:

(a) The length of time that textbooks and instructional materials remain in use, prioritizing textbooks and instructional materials that will remain in use for a minimum of three (3) years.

(b) Coursewide adoption, specifically for high enrollment general education courses.

(4) Identify a process to ensure publishers provide a description of the content revisions made between the current edition and a proposed new edition of required textbook and instructional materials.

(5) The board of trustees of each Florida College System institution shall report by September 30 of each year to the Chancellor of the Florida College System, in a format determined by the Chancellor, the following:

(a) The textbook and instructional materials selection process for general education courses with a wide cost variance and high-enrollment courses; course sections with no cost shall not be included in the examination of cost variance between different sections of the same course.

(b) Specific initiatives of the institution designed to reduce the costs of textbooks and instructional materials;

(c) Policies implemented regarding the posting of textbook and instructional materials for at least 95% of all courses and course sections forty-five (45) days before the first day of class;

(d) The number of courses and course sections that were not able to meet the textbook and instructional materials posting deadline for the previous academic year.

*Rulemaking Authority 1004.085(7) FS. Law Implemented 1004.085 FS. History--New 2-25-09, Amended 10-17-17.*



## Proposed Rule

- Remove rule language (75-day)
- Add provisions to align with (s.) 1004.085(5), F.S.
- Provide reasonable exceptions (45-Day)
- Clarify reporting requirements
- Other technical changes



# Proposed Rule Amendment

## 6A-14.092 Textbook Affordability.

Pursuant to Section 1004.085, F.S., institutions within the Florida College System through the Chief Academic Officer or designee(s) shall:

~~(1) Adopt textbooks and instructional materials no later than seventy-five (75) days prior to the first day of classes for 95% of sections. No later than seventy-five (75) days prior to the first day of classes, colleges shall share a list of adopted textbooks and instructional materials with bookstores to allow sufficient lead time to bookstores to work with publishers so as to confirm availability of the requested materials and to ensure maximum availability of used books. Where courses are added after this seventy-five (75) day deadline, textbooks for such courses shall be adopted as soon as is feasible to ensure sufficient lead time. Monitor and confirm compliance with Section 1004.085(5), F.S., which requires that required and recommended textbooks and instructional materials are published at least forty-five (45) days before the first day of class for each term for at least 95 percent of all scheduled course sections. Sections where no textbook is required or no-cost open educational resources are used are subject to the forty-five (45) day notification requirement. Exceptions to this requirement are as follows:~~

- ~~(a) The originally adopted textbook or instructional material is no longer available;~~
- ~~(b) A faculty member is hired or assigned to teach the course section after the forty-five (45) day notification deadline;~~
- ~~(c) The course section is added after the forty-five (45) day notification deadline;~~
- ~~(d) The instructional modality of the course section changes after the forty-five (45) day notification deadline;~~
- ~~(e) The course is continuing education workforce; and~~
- ~~(f) Other exceptions which are reviewed on a case-by-case basis and subject to approval by the Chief Academic Officer or designee(s).~~

# Proposed Rule Amendment (continued)

(2) Ensure that pursuant to Section 1004.085(6), F.S., for those classes added after the forty-five (45) day notification deadline, ~~institutions shall post~~ textbook information is posted on their websites immediately as such information becomes available.

(3) Select textbooks and instructional materials through cost-benefit analyses that enable students to obtain the highest-quality product at the lowest available price, by considering, in addition to those items listed in Section 1004.085(7)(g), F.S.:

(a) The length of time that textbooks and instructional materials remain in use, prioritizing textbooks and instructional materials that will remain in use for a minimum of three (3) years.

(b) Course-wide adoption, specifically for ~~high-enrollment~~ general education courses.

(4) Identify a process to ensure publishers provide a description of the content revisions made between the current edition and a proposed new edition of required textbook and instructional materials.

(5) ~~The board of trustees of each Florida College System institution shall report~~ Report by September 30 of each year to the Chancellor of the Florida College System, in a format determined by the Chancellor, the following:

(a) The textbook and instructional materials selection process for ~~general education courses with a wide cost variance and high-enrollment courses; course sections with no cost shall not be included in the examination of cost variance between different sections of the same course.~~

(b) Specific initiatives of the institution designed to reduce the costs of textbooks and instructional materials;

(c) Policies implemented regarding the posting of textbook and instructional materials for at least 95% of all courses and course sections forty-five (45) days before the first day of class;

(d) The number of courses and course sections that were not able to meet the textbook and instructional materials posting deadline for the previous academic year, identifying those related to exceptions provided under subsection (2); and

(e) Any additional information requested by the Chancellor.

*Rulemaking Authority 1004.085(7) FS. Law Implemented 1004.085 FS. History—New 2-25-09, Amended 10-17-17.*

## Next Steps

- October 2021 – DFC to provide update to FCS Councils.
- October 2021 – SBE consideration of rule revision (anticipated).
- Summer 2022 – FDOE disseminates new template for textbook affordability reporting.



## Q&A



# Public Comment

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