

STATE BOARD OF EDUCATION

Consent Item

September 13, 2017

SUBJECT: Approval of Amendment to Rule 6A-14.092, Textbook Affordability

PROPOSED BOARD ACTION

For Approval

AUTHORITY FOR STATE BOARD ACTION

Section 1004.085, Florida Statutes

EXECUTIVE SUMMARY

The proposed rule amendment outlines the key elements to be included in Florida College System institution textbook affordability policy. This proposed rule amendment strikes the requirement for a statewide textbook affordability workgroup.

Supporting Documentation Included: Proposed Rule 6A-14.092, F.A.C.

Facilitator: Madeline Pumariega, Chancellor, Florida College System

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) ~~forty-five (45)~~ 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) ~~forty-five (45)~~ 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) ~~(3)~~, F.S., for those classes added after the forty-five (45) ~~thirty (30)~~ 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 s. 1004.085 (7)(g), F.S.: Collect and maintain, before textbook adoption is finalized, written or electronically transmitted certifications from course instructors attesting:

(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. That all textbooks and other instructional items ordered will be used, particularly each individual item sold as part of a bundled package; and,

(b) Coursewide adoption, specifically for high enrollment general education courses. The extent to which a new edition differs significantly and substantively from earlier versions, and the value of changing to a new edition.

(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. Provide assistance as requested by the statewide textbook affordability workgroup established by the Department of Education to recommend policies and strategies that address the availability of required textbooks to students otherwise unable to afford the cost. The workgroup shall consist of nine representatives from institutions within the Florida College System chosen based on variable student enrollment (small and large student populations), geographic location (north, central and south) and economic status of student body (high population receiving need-based financial aid).

~~A report shall be submitted by the workgroup to the State Board of Education by December 1, 2009, that identifies the policies.~~

(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) ~~(3), (4)~~ FS. Law Implemented 1004.085 FS. History—New 2-25-09, Amended

STATE BOARD OF EDUCATION
Consent Item
September 13, 2017

SUBJECT: Right of Repurchase and Release of Use Restriction; 407 SW 13th St., Gainesville, FL

PROPOSED BOARD ACTION

Decline contractual right of first refusal and release use restriction on subject property

AUTHORITY FOR STATE BOARD ACTION

Section 1001.02, Florida Statutes

EXECUTIVE SUMMARY

On October 23, 1963, the State Board of Education conveyed title to a parcel located in Gainesville, Florida, to Alpha Gamma Rho Chapter House Association, Inc. (hereinafter "Alpha Gamma Rho"). The parcel is described as follows:

Lots One, Two, Seven and Nine, in Block Nine, of University Heights Addition to the City of Gainesville, as per map thereof recorded in Plat Book "A", Page 99, of the Public Records of Alachua County, Florida, subject to reservations and restrictions as to use appearing of record in Deed Book 114, on Page 65, of the Public Records of Alachua County, Florida.

In making such conveyance, the State Board of Education retained a right to repurchase the land, should Alpha Gamma Rho ever decide to sell, for the same consideration and terms offered by any other person desirous of purchase. Alpha Gamma Rho presently seeks to sell the property, has contracted therefor, and has notified the Board accordingly.

Upon initial notice to the Board of its right to repurchase, the University of Florida expressed interest in acquiring the property. However, on August 21, 2017, counsel for the University confirmed that the University had elected not to pursue the acquisition.

In conveying title, the Board also established the following use restriction on the property:

(Said property to be used exclusively for housing, feeding and other activities in connection with its use as part of the chapter house facilities of the Alpha Gamma Rho fraternity.)

Alpha Gamma Rho has requested the Board release the aforementioned use restriction, as the fraternity's prospective relocation renders the use restriction obsolete. Additionally, Alpha Gamma Rho asserts the restriction will be unnecessarily prohibitive to the property's anticipated purchaser.

Supporting Documentation Included: [Original Conveyance, October 23, 1963](#); [Corrective Instrument, February 18, 1994](#); [Contract, July 3, 2017](#); [Notice Email, July 17, 2017](#); [Request to Release Use Restriction, August 16, 2017](#); [Email from UF Counsel, August 21, 2017](#); and [Addendum to Contract, August 21, 2017](#)

Facilitator: Jason D. Borntreger, Assistant General Counsel