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DFC Memorandum Number: 2022-01

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MEMORANDUM

TO: Florida College System Presidents

FROM: Kathryn S. Hebda 

DATE: February 10, 2022

SUBJECT: **Approval of Amended Rule 6A-14.092, Florida Administrative Code, Textbook Affordability**

On February 9, 2022, the State Board of Education approved revisions to Rule 6A-14.092, Florida Administrative Code (F.A.C.), Textbook Affordability. The amendment updates components of Florida College System (FCS) textbook affordability policies and reporting requirements. A copy of the rule is attached for your reference.

The Auditor General (AG) conducts operational audits on Florida colleges and universities, which include a review of compliance with textbook and instructional materials affordability requirements. Frequent textbook affordability-related operational audit findings from over time by the AG include:

- Not having established monitoring procedures or having procedures lacking elements required by statute.
- Not maintaining documentation supporting the figures reported in the annual report to Division of Florida Colleges (DFC).
- Lack of evidence supporting timely posting of required instructional materials and untimely posting of required instructional materials.
- Not identifying courses with a wide variance in textbook prices amongst different sections of the same course.

As a result of the AG's audit findings across multiple FCS institutions, DFC requested a consulting engagement with the Florida Department of Education's (FDOE) Inspector General (IG). Under the advisement of the IG, the DFC formed four textbook affordability workgroups to address areas of the findings. These workgroups made recommendations that ultimately informed amendments to the rule, as specified below.

KATHRYN S. HEBDA
FLORIDA COLLEGE SYSTEM CHANCELLOR

Seventy-Five (75) Day Notification to Bookstores

The rule amendment removes the seventy-five (75) day requirement language to notify bookstores of adopted materials. Please note that section 1004.085(6)(a), Florida Statutes, continues to require that institutions establish deadlines for an instructor or department to notify the bookstore of required and recommended textbooks and instructional materials.

The effect of this rule amendment is to provide institutions flexibility in establishing local deadlines for the notification to bookstores to take place, with the goal of providing the bookstore time to verify availability, source lower cost options when practicable, explore alternatives with faculty when academically appropriate and maximize the availability of used textbooks and instructional materials.

Action required: Institutions should establish policies for instructors or departments to follow regarding providing adequate notice to bookstores on required and recommended textbooks and instructional materials.

Forty-five (45) Day Posting Requirement

The rule amendment specifies that sections where no textbook is required or no-cost open educational resources (OER) are used are subject to the forty-five (45) day posting requirement.

The rule amendment also identifies allowable exceptions to the forty-five (45) day posting requirement, specifically:

- The originally adopted textbook or instructional material is no longer available;
- A faculty member is hired or assigned to teach the course section after the deadline;
- The course section is added after the deadline;
- The instructional modality of the course section changes after the deadline; and
- The course is continuing workforce education.

Action required: Institutions should ensure they are capturing course sections where no textbook is required or no-cost open educational resources in annual textbook affordability reports. Institutions should also capture the course sections not meeting the posting requirement for which an exception applies.

For the September 30, 2022, required report, there will be no changes to reporting as the reasonable exceptions were not in place at the start of terms in the reporting period. Institutions will be asked to report as usual the number of course sections not able to meet the forty-five (45) day deadline for fall 2021 and spring 2022.

For the September 30, 2023, required report, and thereafter, FCS institutions will be asked to specify the number of course sections not able to meet the forty-five (45) day deadline with and without reasonable exceptions, as shown in the following table:

	Fall 2022	Spring 2023
Total Number of Course Sections		
Number of Course Sections Able to Meet 45-Day Deadline		
Number of Course Sections Not Able to Meet 45-Day Deadline <u>Without</u> an Allowable Exception		
Number of Course Sections Not Able to Meet 45-Day Deadline <u>With</u> an Allowable Exception		

Other Rule Changes

The rule amendment also includes technical changes to align more closely with statutory requirements or provide clarity for institutions. Annual reports, which are required to be coordinated by the CAO and submitted on behalf of the district boards of trustees, have a simplified requirement that institutions will only need to report the textbook and instructional materials selection process for high-enrollment courses. DFC defines high-enrollment courses as the top 10 courses with the highest course enrollments.

Action Required: Each college should review the statutory and rule requirements and update their existing policies and procedures to comply with the new provisions. This may include updating institutional procedures and modifying reporting mechanisms.

Please contact Dr. Mike Sfiropoulos, Director of Academic Affairs, at Mike.Sfiropoulos@fldoe.org for questions regarding the rule.

KH/ms

Attachments

- Cc: Dr. Carrie Henderson, Executive Vice Chancellor, DFC
- Dr. Mike Sfiropoulos, Director, Academic Affairs, DFC
- Dr. Hayley Spencer, Director, Research and Analytics, DFC
- Dr. Shanna Autry, Director, Student Affairs, DFC
- Lisa Cook, Associate Vice Chancellor for Fiscal Policy, DFC
- Caleb Hawkes, Director of External and Governmental Affairs, DFC
- FCS Council of Instructional Affairs
- FCS Council of Student Affairs
- FCS Council of Business Affairs
- FCS Reports Coordinators