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A bill to be entitled An act relating to instructional support; amending s. 1006.283, F.S.; requiring district school boards to establish in rule a process by which certain persons may recommend instructional materials for consideration by district instructional materials reviewers; amending s. 1006.30, F.S.; requiring a specified affidavit to include a statement that instructional materials recommended for adoption meet certain requirements; amending s. 1006.31, F.S.; requiring district instructional materials to meet or exceed the Next Generation Sunshine State Standards; requiring public access to and opportunity to comment on instructional materials recommended for adoption; requiring certain comments to be provided to the State Board of Education; authorizing members of the public to recommend instructional materials for consideration; requiring the Department of Education to contact certain publishers; conforming a crossreference; amending s. 1006.34, F.S.; requiring specified virtual presentations to be posted on the Department of Education's website; providing that the state board, rather than the Commissioner of Education, adopt instructional materials by a certain date; requiring public comment at certain state board

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meetings; exempting instructional materials from certain public review procedures; authorizing district school board members to initiate certain public review procedures before instructional materials are adopted under certain conditions; conforming a provision; amending s. 1006.40, F.S.; requiring instructional materials purchased using a specific allocation include certain professional development and ancillary materials; conforming a provision; amending s. 1007.271, F.S.; deleting a requirement for a home education student to provide his or her own instructional materials; revising the requirements for home education and private school articulation agreements; amending s. 1008.22, F.S.; requiring certain portions of the English Language Arts assessments to include social studies content; revising the format requirements for certain statewide assessments; requiring published assessment items to be in a format that meets certain criteria; amending s. 1012.98, F.S.; requiring professional development resources to include sample course-at-a-glance and unit overview templates; providing requirements for such templates; providing an effective date.

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Be It Enacted by the Legislature of the State of Florida:

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Section 1. Paragraph (b) of subsection (2) of section 1006.283, Florida Statutes, is amended to read:

1006.283 District school board instructional materials review process.—

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- (b) District school board rules must also:
- 1. Identify, by subject area, a review cycle for instructional materials.
- 2. Specify the qualifications for an instructional materials reviewer and the process for selecting reviewers; list a reviewer's duties and responsibilities, including compliance with the requirements of s. 1006.31; and provide that all instructional materials recommended by a reviewer be accompanied by the reviewer's statement that the materials align with the state standards pursuant to s. 1003.41 and the requirements of s. 1006.31.
- 3. State the requirements for an affidavit to be made by each district instructional materials reviewer which substantially meet the requirements of s. 1006.30.
 - 4. Comply with s. 1006.32, relating to prohibited acts.
- 5. Establish a process that certifies the accuracy of instructional materials.
- 6. Incorporate applicable requirements of s. 1006.31, which relates to the duties of instructional materials reviewers.

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7. Incorporate applicable requirements of s. 1006.38, relating to the duties, responsibilities, and requirements of publishers of instructional materials.

- 8. Establish the process by which instructional materials are adopted by the district school board, which must include:
- a. A process to allow student editions of recommended instructional materials to be accessed and viewed online by the public at least $\underline{45}$ $\underline{20}$ calendar days before the school board hearing and public meeting as specified in this subparagraph. This process must include reasonable safeguards against the unauthorized use, reproduction, and distribution of instructional materials considered for adoption.
- b. An open, noticed school board hearing to receive public comment on the recommended instructional materials.
- c. An open, noticed public meeting to approve an annual instructional materials plan to identify any instructional materials that will be purchased through the district school board instructional materials review process pursuant to this section. This public meeting must be held on a different date than the school board hearing.
- d. Notice requirements for the school board hearing and the public meeting that must specifically state which instructional materials are being reviewed and the manner in which the instructional materials can be accessed for public review. The hearing must allow the parent of a public school

student or a resident of the county to proffer evidence that a recommended instructional material does not meet the criteria provided in s. 1006.31(2), taking into consideration course expectations based on the district's comprehensive plan for student progression under s. 1008.25(2) and course descriptions in the course code directory.

- 9. Establish the process by which the district school board shall receive public comment on, and review, the recommended instructional materials.
- 10. Establish the process by which instructional materials will be purchased, including advertising, bidding, and purchasing requirements.
- 11. Establish the process by which the school district will notify parents of their ability to access their children's instructional materials through the district's local instructional improvement system and by which the school district will encourage parents to access the system. This notification must be displayed prominently on the school district's website and provided annually in written format to all parents of enrolled students.
- 12. Establish the process by which parents and residents of the county, as defined in s. 1006.28(1)(b), may recommend instructional materials for consideration by district instructional materials reviewers. The district school board shall contact the publisher of any instructional material

126	recommended for consideration and provide the publisher with the
127	opportunity to submit a bid for evaluation in accordance with
128	this section. This subparagraph does not require a district
129	school board to engage in additional bidding processes for the
130	purchase of instructional materials for a given review cycle. A
131	publisher who submits a bid pursuant to this subparagraph must
132	comply with all district school board deadlines and procedures.
133	Section 2. Subsection (7) is added to section 1006.30,
134	Florida Statutes, to read:
135	1006.30 Affidavit of state instructional materials
136	reviewers.—Before transacting any business, each state
137	instructional materials reviewer shall make an affidavit, to be
138	filed with the department, that:
139	(7) The reviewer will recommended for adoption only those
140	instructional materials that are, at a minimum, aligned to the
141	Next Generation Sunshine State Standards under s. 1003.41 and
142	meet all of the requirements under ss. 1006.31(2) and
143	1006.34(2)(c), to the best of the reviewer's knowledge.
144	Section 3. Subsection (2) of section 1006.31, Florida
145	Statutes, is amended, and subsection (4) is added to that
146	section, to read:
147	1006.31 Duties of the Department of Education and school
148	district instructional materials reviewer.—The duties of the
149	instructional materials reviewer are:

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(2) EVALUATION OF INSTRUCTIONAL MATERIALS.—To use the

CODING: Words stricken are deletions; words underlined are additions.

selection criteria listed in <u>s. 1006.34(2)(c)</u> <u>s. 1006.34(2)(b)</u> and recommend for adoption only those instructional materials <u>that are, at a minimum</u>, aligned with the Next Generation Sunshine State Standards provided for in s. 1003.41. <u>However</u>, <u>such instructional materials may be more rigorous than the Next Generation Sunshine State Standards.</u> Instructional materials recommended by each reviewer shall be, to the satisfaction of each reviewer, accurate, objective, balanced, noninflammatory, current, free of pornography and material prohibited under s. 847.012, <u>content rich</u>, <u>age appropriate</u>, and suited to student needs and their ability to comprehend the material presented. Reviewers shall consider for recommendation materials developed for academically talented students, such as students enrolled in advanced placement courses. When recommending instructional materials, each reviewer shall:

- (a) Include only instructional materials that accurately portray the ethnic, socioeconomic, cultural, religious, physical, and racial diversity of our society, including men and women in professional, career, and executive roles, and the role and contributions of the entrepreneur and labor in the total development of this state and the United States.
- (b) Include only materials that accurately portray, whenever appropriate, humankind's place in ecological systems, including the necessity for the protection of our environment and conservation of our natural resources and the effects on the

human system of the use of tobacco, alcohol, controlled substances, and other dangerous substances.

- (c) Include materials that encourage thrift, fire prevention, and humane treatment of people and animals.
- (d) Require, when appropriate to the comprehension of students, that materials for social science, history, or civics classes contain the Declaration of Independence and the Constitution of the United States. A reviewer may not recommend any instructional materials that contain any matter reflecting unfairly upon persons because of their race, color, creed, national origin, ancestry, gender, religion, disability, socioeconomic status, or occupation.
- (4) PUBLIC ACCESS AND INPUT.—Members of the public must be provided access to, and the opportunity to submit comments on, instructional materials recommended for adoption by state instructional materials reviewers. Any submitted comment related to a specific recommended instructional material must be provided to the State Board of Education as part of its consideration of the instructional material pursuant to s.

 1006.34(2)(a). Members of the public must also be permitted to recommend instructional materials for consideration by state instructional materials reviewers. The department shall contact the publisher of any instructional material recommended for consideration and provide the publisher with the opportunity to submit a bid for evaluation in accordance with this section and

s. 1006.34. This subsection does not require the department to engage in additional bidding processes for the purchase of instructional materials for a given 5-year adoption cycle. A publisher who submits a bid pursuant to this subsection must comply with all department deadlines and procedures. Such bid may not delay the state board review process under s. 1006.34. Section 4. Subsections (1) through (3) of section 1006.34, Florida Statutes, are amended to read: 1006.34 Powers and duties of the commissioner and the department in selecting and adopting instructional materials.-PROCEDURES FOR EVALUATING INSTRUCTIONAL MATERIALS. - The State Board of Education shall adopt rules prescribing the procedures by which the department shall evaluate instructional materials submitted by publishers and manufacturers in each adoption. The Included in these procedures must provide shall be provisions affording each publisher or manufacturer or his or her representative with an opportunity to provide a virtual presentation to state instructional materials reviewers on the merits of each instructional material submitted in each adoption. Any virtual presentation provided by a bidding publisher or manufacturer must be posted on the department's website for public access until the evaluation period closes.

(2) SELECTION AND ADOPTION OF INSTRUCTIONAL MATERIALS. -

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1. The department shall notify all publishers and

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manufacturers of instructional materials who have submitted bids that within 3 weeks after the deadline for receiving bids, at a designated time and place, it will open the bids submitted and deposited with it. At the time and place designated, the bids shall be opened, read, and tabulated in the presence of the bidders or their representatives. No one may revise his or her bid after the bids have been filed.

- 2. When all bids have been carefully reviewed considered, the commissioner shall prepare for consideration at a public workshop a, from the list of suitable, usable, and desirable instructional materials reported by the state instructional materials reviewers, select and adopt instructional materials for each grade and subject field in the curriculum of public elementary, middle, and high schools in which adoptions are made and in the subject areas designated in the advertisement. The commissioner shall select and adopt instructional materials from the list after the public workshop is conducted.
- 3. The adoption shall continue for the period specified in the advertisement, beginning on the ensuing April 1. The adoption shall not prevent the extension of a contract as provided in subsection (3). The commissioner shall always reserve the right to reject any and all bids. The commissioner may ask for new sealed bids from publishers or manufacturers whose instructional materials were recommended by the state instructional materials reviewers as suitable, usable, and

desirable; specify the dates for filing such bids and the date on which they shall be opened; and proceed in all matters regarding the opening of bids and the awarding of contracts as required by this part. In all cases, bids shall be accompanied by a cash deposit or certified check of from \$500 to \$2,500, as the department may direct.

- 4. The commissioner department, in adopting instructional materials, shall give due consideration both to the prices bid for furnishing instructional materials, and to the report and recommendations of the state instructional materials reviewers, the comments received by the department during the public workshop pursuant to this paragraph, and any district reviewer ratings received pursuant to s. 1006.29(1)(c). When the commissioner has finished with the report of the state instructional materials reviewers, the report, along with any comments received by the department during the public workship, shall be filed and preserved with the department and shall be available at all times for public inspection. The commissioner shall certify, as part of the report, that the department complied with the requirements of this subsection.
- (b) Instructional materials are not subject to public review procedures under s. 1006.40(4)(b) if the materials are found by the Commissioner to fully meet or be more rigorous than the Next Generation Sunshine State Standards under s. 1003.41 and comply with the adoption criteria and standards of s.

member may initiate the public review procedures before the instructional materials are adopted by the district school board if he or she has evidence that the instructional materials do not meet the criteria and standards provided in this paragraph.

- (c) (b) In the selection of instructional materials, library media, and other reading material used in the public school system, the standards used to determine the propriety of the material shall include:
- 1. The age of the students who normally could be expected to have access to the material.
- 2. The educational purpose to be served by the material. Priority shall be given to the selection of materials that align with and that may be more rigorous than the Next Generation Sunshine State Standards as provided for in s. 1003.41 and include the instructional objectives contained within the curriculum frameworks for career and technical education and adult and adult general education adopted by rule of the State Board of Education under s. 1004.92.
- 3. The degree to which the material would be supplemented and explained by mature classroom instruction as part of a normal classroom instructional program.
- 4. The consideration of the broad racial, ethnic, socioeconomic, and cultural diversity of the students of this state.

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Any instructional material containing pornography or otherwise prohibited by s. 847.012 may not be used or made available within any public school.

305 (3) CONTRACT WITH PUBLISHERS OR MANUFACTURERS; BOND.-As 306 soon as practicable after the commissioner has adopted any instructional materials and all bidders that have secured the 307 308 adoption of any instructional materials have been notified 309 thereof by registered letter, the department shall prepare a 310 contract in proper form with every bidder awarded the adoption of any instructional materials. Each contract shall be executed 311 312 by the commissioner, one copy to be kept by the contractor and one copy to be filed with the department. After giving due 313 314 consideration to comments by the district school boards, the 315 commissioner, with the agreement of the publisher, may extend or shorten a contract period for a period not to exceed 2 years; 316 317 and the terms of any such contract shall remain the same as in 318 the original contract. Any publisher or manufacturer to whom any 319 contract is let under this part must give bond in such amount as 320 the department requires, payable to the state, conditioned for 321 the faithful, honest, and exact performance of the contract. The 322 bond must provide for the payment of reasonable attorney's fees in case of recovery in any suit thereon. The surety on the bond 323 must be a quaranty or surety company lawfully authorized to do 324 325 business in the state; however, the bond shall not be exhausted

by a single recovery but may be sued upon from time to time until the full amount thereof is recovered, and the department may at any time, after giving 30 days' notice, require additional security or additional bond. The form of any bond or bonds or contract or contracts under this part shall be prepared and approved by the department. At the discretion of the department, a publisher or manufacturer to whom any contract is let under this part may be allowed a cash deposit in lieu of a bond, conditioned for the faithful, honest, and exact performance of the contract. The cash deposit, payable to the department, shall be placed in the Textbook Bid Trust Fund. The department may recover damages on the cash deposit given by the contractor for failure to furnish instructional materials, the sum recovered to inure to the General Revenue Fund.

Section 5. Paragraph (a) of subsection (3) and paragraph (b) of subsection (4) of section 1006.40, Florida Statutes, are amended to read:

1006.40 Use of instructional materials allocation; instructional materials, library books, and reference books; repair of books.—

(3) (a) Except for a school district or a consortium of school districts that implements an instructional materials program pursuant to s. 1006.283, each district school board shall use the annual allocation only for the purchase of instructional materials that align with and that may be more

<u>rigorous than</u> state standards, and are included on the state-adopted list, except as otherwise authorized in paragraphs (b) and (c), and include professional development and ancillary materials to support high-quality accurate instruction.

- (4) Each district school board is responsible for the content of all materials used in a classroom or otherwise made available to students. Each district school board shall adopt rules, and each district school superintendent shall implement procedures, that:
- (b) Except as provided in s. 1006.34(2)(b), provide a process for public review of, public comment on, and the adoption of instructional materials that satisfies the requirements of s. 1006.283(2)(b)8., 9., and 11.
- Section 6. Subsection (13) and paragraph (b) of subsection (24) of section 1007.271, Florida Statutes, are amended to read:

 1007.271 Dual enrollment programs.—
- (13) (a) The dual enrollment program for a home education student, including, but not limited to, students with disabilities, consists of the enrollment of an eligible home education secondary student in a postsecondary course creditable toward an associate degree, a career certificate, or a baccalaureate degree. To participate in the dual enrollment program, an eligible home education secondary student must:
- 1. Provide proof of enrollment in a home education program pursuant to s. 1002.41.

2. Be responsible for his or her own instructional materials and transportation unless provided for in the articulation agreement.

- 3. Sign a home education articulation agreement pursuant to paragraph (b).
- (b) Each <u>public</u> postsecondary institution eligible to participate in the dual enrollment program pursuant to s. 1011.62(1)(i) must enter into a home education articulation agreement with each home education student seeking enrollment in a dual enrollment course and the student's parent. By August 1 of each year, the eligible postsecondary institution shall complete and submit the home education articulation agreement to the Department of Education. The home education articulation agreement must include, at a minimum:
- 1. A delineation of courses and programs available to dually enrolled home education students. Courses and programs may be added, revised, or deleted at any time by the postsecondary institution.
- 2. The initial and continued eligibility requirements for home education student participation, not to exceed those required of other dually enrolled students.
- 3. The student's responsibilities for providing his or her own instructional materials and transportation.
- 4. A copy of the statement on transfer guarantees developed by the Department of Education under subsection (15).

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401 (24)

- (b) Each <u>public</u> postsecondary institution eligible to participate in the dual enrollment program pursuant to s. 1011.62(1)(i) must enter into a private school articulation agreement with each eligible private school in its geographic service area seeking to offer dual enrollment courses to its students, including, but not limited to, students with disabilities. By August 1 of each year, the eligible postsecondary institution shall complete and submit the private school articulation agreement to the Department of Education. The private school articulation agreement must include, at a minimum:
- 1. A delineation of courses and programs available to the private school student. The postsecondary institution may add, revise, or delete courses and programs at any time.
- 2. The initial and continued eligibility requirements for private school student participation, not to exceed those required of other dual enrollment students.
- 3. The student's responsibilities for providing his or her own instructional materials and transportation.
- 4. A provision clarifying that the private school will award appropriate credit toward high school completion for the postsecondary course under the dual enrollment program.
- 5. A provision expressing that costs associated with tuition and fees, including registration, and laboratory fees,

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6. A provision stating whether the private school will compensate the postsecondary institution for the standard tuition rate per credit hour for each dual enrollment course taken by its students.

Section 7. Paragraphs (a) and (d) of subsection (3) and paragraph (a) of subsection (8) of section 1008.22, Florida Statutes, are amended to read:

1008.22 Student assessment program for public schools.-

STATEWIDE, STANDARDIZED ASSESSMENT PROGRAM.—The Commissioner of Education shall design and implement a statewide, standardized assessment program aligned to the core curricular content established in the Next Generation Sunshine State Standards. The commissioner also must develop or select and implement a common battery of assessment tools that will be used in all juvenile justice education programs in the state. These tools must accurately measure the core curricular content established in the Next Generation Sunshine State Standards. Participation in the assessment program is mandatory for all school districts and all students attending public schools, including adult students seeking a standard high school diploma under s. 1003.4282 and students in Department of Juvenile Justice education programs, except as otherwise provided by law. If a student does not participate in the assessment program, the school district must notify the student's parent and provide the

parent with information regarding the implications of such nonparticipation. The statewide, standardized assessment program shall be designed and implemented as follows:

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Statewide, standardized comprehensive assessments.—The statewide, standardized Reading assessment shall be administered annually in grades 3 through 10. The statewide, standardized Writing assessment shall be administered annually at least once at the elementary, middle, and high school levels. When the Reading and Writing assessments are replaced by English Language Arts (ELA) assessments, ELA assessments shall be administered to students in grades 3 through 10. Retake opportunities for the grade 10 Reading assessment or, upon implementation, the grade 10 ELA assessment must be provided. Students taking the ELA assessments shall not take the statewide, standardized assessments in Reading or Writing. Reading passages and writing prompts for ELA assessments shall incorporate grade-level core curricula content from social studies be administered online. The statewide, standardized Mathematics assessments shall be administered annually in grades 3 through 8. Students taking a revised Mathematics assessment shall not take the discontinued assessment. The statewide, standardized Science assessment shall be administered annually at least once at the elementary and middle grades levels. In order to earn a standard high school diploma, a student who has not earned a passing score on the grade 10 Reading assessment or, upon implementation, the grade

10 ELA assessment must earn a passing score on the assessment retake or earn a concordant score as authorized under subsection (9).

(d) Implementation schedule.-

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The Commissioner of Education shall establish and publish on the department's website an implementation schedule to transition from the statewide, standardized Reading and Writing assessments to the ELA assessments and to the revised Mathematics assessments, including the Algebra I and Geometry EOC assessments. The schedule must take into consideration funding, sufficient field and baseline data, access to assessments, instructional alignment, and school district readiness to administer the assessments online. All such assessments must be delivered through computer-based testing, however, the following assessments must be delivered in a computer-based format, as follows: the grade 3 Mathematics assessment beginning in the 2016-2017 school year; the grade 4 ELA assessment, beginning in the 2015-2016 school year; and the grade 4 Mathematics assessment, beginning in the 2016-2017 school year. Notwithstanding the requirements of this subparagraph, statewide, standardized ELA and mathematics assessments in grades 3 through 6 must be delivered only in a paper-based format, beginning with the 2017-2018 school year, and all such assessments must be paper-based no later than the 2018-2019 school year, and statewide, standardized ELA and

mathematics assessments in grades 7 and 8 must be delivered only in a paper-based format no later than the 2019-2020 school year.

- 2. The Department of Education shall publish minimum and recommended technology requirements that include specifications for hardware, software, networking, security, and broadband capacity to facilitate school district compliance with the requirements of this section.
- (8) PUBLICATION OF ASSESSMENTS.—To promote transparency in the statewide assessment program, in any procurement for the ELA assessment in grades 3 through 10 and the mathematics assessment in grades 3 through 8, the Department of Education shall solicit cost proposals for publication of the state assessments on its website in accordance with this subsection.
- (a) The department shall publish each assessment administered under paragraph (3)(a) and subparagraph (3)(b)1., excluding assessment retakes, at least once on a triennial basis pursuant to a schedule determined by the Commissioner of Education. Each assessment, when published, must have been administered during the most recent school year and be in a format that facilitates the sharing of assessment items.
- Section 8. Subsection (11) of section 1012.98, Florida Statutes, is amended to read:
 - 1012.98 School Community Professional Development Act.-
- (11) The department shall disseminate to the school community proven model professional development programs that

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have demonstrated success in increasing rigorous and relevant content, increasing student achievement and engagement, meeting identified student needs, and providing effective mentorship activities to new teachers and training to teacher mentors. The methods of dissemination must include a web-based statewide performance-support system including a database of exemplary professional development activities, a listing of available professional development resources, training programs, and available technical assistance. Professional development resources must include sample course-at-a-glance and unit overview templates that school districts may use when developing curriculum. The templates must provide an organized structure for addressing the Florida Standards, grade-level expectations, evidence outcomes, and 21st century skills that build to students' mastery of the standards at each grade level. Each template must support teaching to greater intellectual depth and emphasize transfer and application of concepts, content, and skills. At a minimum, each template must:

- (a) Provide course or year-long sequencing of conceptbased unit overviews based on the Florida Standards.
- (b) Describe the knowledge and vocabulary necessary for comprehension.
- (c) Promote the instructional shifts required within the Florida Standards.
 - (d) Illustrate the interdependence of grade level

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expectations within and across content areas within a grade.

Section 9. Contingent upon CS/HB 7055 or similar

legislation in the 2018 Regular Session of the Legislature or an extension thereof failing to become law, for the 2018-2019 fiscal year, the sum of \$550,000 in recurring funds from the General Revenue Fund is appropriated to the Department of Education to be used for the acquisition of instructional materials pursuant to s. 1007.271(13), Florida Statutes, and the sum of \$5,600,000 in recurring funds from the General Revenue Fund is appropriated to the Department of Education to be used to implement the assessment provisions of s. 1008.22(3)(d), Florida Statutes.

Section 10. This act shall take effect July 1, 2018.

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