

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/CS/HB 827 Instructional Support

SPONSOR(S): Education Committee; PreK-12 Quality Subcommittee, Donalds and others

TIED BILLS: None **IDEN./SIM. BILLS:** None

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) PreK-12 Quality Subcommittee	12 Y, 1 N, As CS	Brink	DavisGreene
2) Education Committee	19 Y, 0 N, As CS	Brink	Hassell

SUMMARY ANALYSIS

Instructional Materials

The bill expands upon opportunities for public involvement in the adoption of instructional materials by requiring the Department of Education (DOE) to conduct a public workshop on instructional materials before the materials are included on the state adoption list. The bill also:

- provides that instructional materials recommended for adoption may be more rigorous than the Next Generation Sunshine State Standards (NGSSS), so long as they are aligned with the NGSSS;
- revises requirements for the state instructional materials reviewer affidavit;
- exempts instructional materials from local public review procedures in certain circumstances;
- requires the State Board of Education and each district school board with an instructional materials program to establish a process by which members of the public can recommend instructional materials for consideration by instructional materials reviewers;
- specifies that recommended instructional materials must be content rich and age appropriate; and
- requires that instructional materials purchased using instructional material allocation funds to include professional development and ancillary materials to support high-quality, accurate instruction.

Statewide Assessment Program

The bill:

- specifies that assessments must be published in a format that facilitates sharing of assessment items;
- requires all statewide, standardized English Language Arts (ELA) and math assessments in grades 7 and 8 to be paper-based by the 2019-2020 school year; and
- requires that reading passages and writing prompts used in state ELA assessments incorporate grade-level social studies core curricular content.

Professional Development and Curriculum

The bill requires the DOE to develop and disseminate sample course-at-a-glance and unit overview templates that school districts may use when developing curricula.

Dual Enrollment

The bill:

- provides that a home education student participating in a dual enrollment program is not responsible for providing his or her own instructional materials;
- revises requirements for articulation agreements between public postsecondary institutions and home education students and private schools; and
- specifies that only public postsecondary institutions must enter into articulation agreements with home education students and private schools.

See Fiscal Comments, *infra*.

The bill takes effect on July 1, 2018.

This document does not reflect the intent or official position of the bill sponsor or House of Representatives.

STORAGE NAME: h0827b.EDC

DATE: 2/19/2018

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Instructional Materials

Present Situation

“Instructional materials” are items having intellectual content that by design serve as a major tool for assisting in the instruction of a subject or course. These items may be available in bound, unbound, kit, or package form and may consist of hardbacked or softbacked textbooks, electronic content, consumables, learning laboratories, manipulatives, electronic media, and computer courseware or software.¹

Each district school board has the constitutional duty and responsibility to select and provide adequate instructional materials to each student for core courses in mathematics, language arts, science, social studies, reading, and literature for kindergarten through grade 12.² School districts may purchase instructional materials from a list of state-reviewed and adopted instructional materials or establish their own review and adoption program.³

Each district school board is responsible for the content of all instructional materials and any other materials used in the classroom, made available in a school library, or included on a reading list, whether adopted and purchased from the state-adopted instructional materials list, adopted and purchased through a district instructional materials program, or otherwise purchased or made available to students.⁴

Funding for instructional materials is provided annually by the Legislature in the General Appropriations Act (GAA). The following chart shows GAA funding for instructional materials since FY 2012-13:

Instructional Materials Funding History	
Fiscal Year	Amount
2012-13 ⁵	\$211,665,913
2013-14 ⁶	\$217,277,372
2014-15 ⁷	\$223,382,911
2015-16 ⁸	\$225,830,113
2016-17 ⁹	\$228,792,422
2017-18 ¹⁰	\$230,743,258

¹ See ss. 1006.28(1) and 1006.29(2), F.S.

² See s. 1006.40(2) and (4), F.S. “Adequate instructional materials” means a “sufficient number of student or site licenses or sets of materials that are available in bound, unbound, kit, or package form and may consist of hardbacked or softbacked textbooks, electronic content, consumables, learning laboratories, manipulatives, electronic media, and computer courseware or software that serve as the basis for instruction for each student in the core courses of mathematics, language arts, social studies, science, reading, and literature.” Section 1006.28(1), F.S.

³ See ss. 1006.283 and 1006.40, F.S.

⁴ Section 1006.28(2)(a)1., F.S.

⁵ Specific Appropriations 6, s. 1 and 84, s. 2, ch. 2012-118, L.O.F.

⁶ Specific Appropriations 7, s. 1 and 87, s. 2, ch. 2013-40, L.O.F.

⁷ Specific Appropriations 9, s. 1 and 96, s. 2, ch. 2014-51, L.O.F.

⁸ Specific Appropriations 7, s. 1 and 90, s. 2, ch. 2015-232, L.O.F.

⁹ Specific Appropriations 7, s. 1 and 94, s. 2, ch. 2016-66, L.O.F.

¹⁰ Section 6, ch. 2017-234, L.O.F.

State Adoption Process

Before adopting instructional materials in a certain subject area, the Department of Education (DOE) publishes specifications for the materials. These specifications detail the courses for which instructional materials are sought and the standards the materials must meet.¹¹ Beginning on or before May 15 of the adoption year, DOE advertises a request for sealed bids or proposals from publishers of instructional materials. The advertisement must require each bidder to furnish electronic sample copies of all instructional materials submitted.¹²

Once all bids have been considered, the commissioner selects and adopts, from the list reported by the state instructional materials reviewers as “suitable, usable, and desirable,” instructional materials for each grade and subject as advertised. The commissioner must always reserve the right to reject any and all bids.¹³ State-adopted instructional materials are available for purchase beginning April 1 of the year following adoption and must be requisitioned from the depository of the publisher.¹⁴

The Commissioner of Education adopts instructional materials according to a 5-year rotating schedule. The commissioner may approve a shorter schedule if the content area requires more frequent revision.¹⁵ DOE annually publishes an official schedule of subject areas calling for adoption for each of the succeeding two years and a tentative schedule for years three through five. Under extenuating circumstances, the commissioner may direct DOE to add one or more subject areas to the official schedule.¹⁶

The following chart shows the adoption schedule for instructional materials through FY 2019-20:

Instructional Materials Adoption Schedule ¹⁷	
Year	Subject
2016-17	Social Studies (K-12)
2017-18	Science (K-12)
2018-19	Mathematics (K-12)
2019-20	English Language Arts (K-12)

State Instructional Materials Reviewers

State instructional materials reviewers are state or national content experts appointed by the Commissioner of Education. The reviewers must be appointed by April 15 of each school year to review the instructional materials up for adoption and evaluate the content for alignment with Next Generation Sunshine State Standards (NGSSS).¹⁸

State instructional material reviewers receive training in competencies related to the evaluation and selection of instructional materials.¹⁹ After receiving training, the reviewers must review the materials for the level of instructional support and the accuracy and appropriateness of progression of introduced content. Instructional materials must be made electronically available to the reviewers.²⁰

¹¹ Florida Department of Education, *2014 Policies and Procedures for the Florida Instructional Materials Adoption*, at 1, available at <http://www.fldoe.org/core/fileparse.php/5574/urlt/PoliciesandProceduresSpecifications.pdf>.

¹² Section 1006.33(1)(a) and (b), F.S. A school district may not request samples in addition to the electronic sample copies. Section 1006.33(1)(b), F.S.

¹³ Section 1006.34(2)(a), F.S.

¹⁴ Sections 1006.36(1) and 1006.37(1), F.S.; *see also* s. 1006.28(2)(b), F.S.

¹⁵ Section 1006.36(1), F.S.

¹⁶ Section 1006.36(2), F.S.

¹⁷ Florida Department of Education, *Florida Instructional Materials Adoption Schedule for Adoption Years 2015-16 through 2019-20* (Feb. 3, 2015), available at <http://www.fldoe.org/core/fileparse.php/5574/urlt/AdoptionCycle.pdf>.

¹⁸ Section 1006.29(1)(b), F.S.

¹⁹ Section 1006.29(5), F.S.

²⁰ Section 1006.29(1)(b), F.S.

The initial review of the materials is made by only two of the three reviewers. If the two reviewers reach different results, the third reviewer must break the tie. The reviewers must independently make recommendations to the commissioner regarding materials that should be placed on the state-adopted list through an electronic feedback review system.²¹

Each state instructional materials reviewer must sign an affidavit stating that he or she:

- will faithfully discharge the duties imposed as a state instructional materials reviewer;
- has no interest in any publishing or manufacturing organization that produces or sells instructional materials;
- is in no way connected with the distribution of the instructional materials;
- does not have any direct or indirect pecuniary interest in the business or profits of any person engaged in manufacturing, publishing, or selling instructional materials designed for use in public schools;
- will not accept any emolument or promise of future reward from anyone intending to bias his or her judgment in the selection of materials to be adopted; and
- understands that it is unlawful to discuss matters relating to instructional materials submitted for adoption with any publisher or manufacturer of instructional materials, except during the period when the publisher or manufacturer is providing a presentation for the reviewer.²²

The law specifies standards to which reviewers must adhere when reviewing instructional materials. Reviewers must:

- only recommend instructional materials that are accurate, objective, balanced, noninflammatory, current, free of pornography, and suited to student needs and their ability to comprehend the material;
- include only instructional materials that accurately portray the ethnic, socioeconomic, cultural, religious, physical, and racial diversity of our society;
- include only materials that accurately portray, whenever appropriate, humankind's place in ecological systems;
- include materials that encourage thrift, fire prevention, and humane treatment of people and animals;
- 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; and
- only recommend instructional materials that do not reflect unfairly upon persons because of their race, color, creed, national origin, ancestry, gender, religion, disability, socioeconomic status, or occupation.²³

Each district school superintendent, at the request of the commissioner, must nominate one classroom teacher or district-level content supervisor to review two or three of the submissions recommended by the state instructional materials reviewers. School districts must ensure that these district reviewers are provided with the support and time necessary to accomplish a thorough review of the instructional materials. District reviewers must independently rate the recommended submissions on the instructional usability of the resources.²⁴ Persons selected as school district reviewers must complete training, developed by DOE, related to the evaluation and selection of instructional materials.²⁵

²¹ *Id.*

²² Section 1006.30, F.S.

²³ Section 1006.31(2), F.S. (2017)

²⁴ Section 1006.29(1)(c), F.S.

²⁵ Section 1006.29(5), F.S.

Before the commissioner includes instructional materials on the state-adopted list, the public is provided electronic access for 14 days to review instructional materials submitted for adoption.²⁶ The DOE makes the instructional materials evaluation instrument, which allows users to complete an online evaluation with comments, available for submissions on reviewed materials during this period.²⁷

Purchasing Instructional Materials on the State-Adopted List

If a district school board adopts instructional materials from the state-adopted list, then within the first three years of the state adoption of that instructional material the school district superintendent must purchase the instructional material.²⁸ The superintendent must keep adequate records and accounts for all financial transactions related to instructional materials.²⁹ The superintendent must notify DOE by April 1 of each year of the state-adopted instructional materials that will be requisitioned. The notification must include a district school board plan for instructional materials use to assist in determining if adequate instructional materials have been requisitioned.³⁰

District Instructional Materials Adoption Programs

The law authorizes a district school board, or consortium of school districts, to implement its own instructional materials program.³¹ A school district or consortium of school districts that implements its own program is not required to purchase instructional materials from the state-adopted list,³² requisition instructional materials from the publisher's depository,³³ or follow the same review cycle used for state instructional materials adoption.³⁴

If a district school board chooses to implement its own instructional materials program, the school board must adopt rules implementing the program. The rules must include its processes, criteria, and requirements for:

- selecting instructional materials reviewers, one or more of who must be a parent with children in public schools;
- reviewing and selecting instructional materials, including a thorough review of curriculum content;
- providing for reviewer recommendations;
- adopting instructional materials by the district school board; and
- purchasing instructional materials³⁵

The rules must also:³⁶

- identify, by subject area, a review cycle for instructional materials;
- specify the qualifications for, selection process for, and the duties of instructional materials reviewers, including compliance with statutorily prescribed conflict of interest affidavits and state instructional materials reviewer duties;

²⁶ See Florida Department of Education, *2014 Policies and Procedures for the Florida Instructional Materials Adoption*, at 4, available at <http://www.fldoe.org/core/fileparse.php/5574/urlt/PoliciesandProceduresSpecifications.pdf>.

²⁷ See *id.*

²⁸ Section 1006.37(1), F.S.

²⁹ Section 1006.28(3)(a), F.S.

³⁰ Section 1006.28(3)(b), F.S.

³¹ See s. 1006.283, F.S.

³² Section 1006.40(7), F.S.

³³ Section 1006.37(3), F.S.

³⁴ See s. 1006.283(2)(b), F.S. However, the district school superintendent must certify to the Department of Education by March 31 of each year that all instructional materials for core courses used by the district are aligned with applicable state standards. A list of the core instructional materials that will be used or purchased for use by the school district must be included in the certification. Section 1006.283(1), F.S.

³⁵ Section 1006.283(2)(a), F.S.

³⁶ Section 1006.283(2)(b), F.S.

- require that all instructional materials recommended by a reviewer be accompanied by the reviewer's statement that the materials align with the applicable state standards;
- establish a process for certifying the accuracy of instructional materials;
- require reviewer and publisher compliance with the law prohibiting the acceptance or solicitation of money or inducements to influence approval or purchase of instructional materials;³⁷ and
- incorporate the requirements of state law regarding publisher duties, responsibilities, and requirements.³⁸

In addition, the rules must provide for:

- conducting an open, noticed school board hearing to receive public comment on the instructional materials recommended for adoption by the district school board;
- conducting an open, noticed meeting, held on a different date, to approve an annual plan for adopting instructional materials; and
- posting student editions of instructional materials recommended for adoption by the district school board on the school district website at least 20 days in advance of public hearings and public meetings.³⁹

Notices for public meetings and hearings must specifically identify the instructional materials up for review and adoption and the manner in which the materials can be accessed by the public.⁴⁰

The school district must establish a process that enables the public to submit comments regarding the recommended instructional materials to the school board for the board members to review. The rules must also specify a process for notifying parents of their ability to access their child's instructional materials. This notification must be displayed on the school district's website and provided annually, in writing, to all parents of enrolled students.⁴¹

Requirements for Instructional Materials Publishers and Manufacturers

Whether operating pursuant to the state's instructional materials program or a district instructional materials program, publishers and manufacturers of instructional materials must, among other things:

- submit electronic sample copies of the instructional material;
- submit evidence that the provided materials address the required state standards and are accessible through the district's digital classrooms plan and a variety of electronic, digital, and mobile devices;
- furnish instructional materials at a price not to exceed the lowest price offered in other states;
- automatically reduce the price of instructional materials or provide materials free of charge if provided to other states at a reduced rate or free of charge;
- disclose the authors of the instructional materials; and
- keep the materials revised, free from all errors, and up-to-date.⁴²

³⁷ Like state instructional materials reviewers, district reviewers must sign an affidavit required under s. 1006.30, F.S., stating, in part, that they will faithfully discharge their duties and not accept payment or benefit from anyone for their recommendations. Section 1006.283(2)(b)3., F.S.

³⁸ See *infra* text accompanying notes 51 and 52 for an explanation of the duties, responsibilities, and requirements of publishers and manufacturers with regard to instructional materials; see also s. 1006.38, F.S.

³⁹ Section 1006.283(2)(b)8., F.S.

⁴⁰ Sections 1006.283(2)(b)8. and 1006.40(4)(b), F.S. Reasonable safeguards must be established against the unauthorized use, reproduction, and distribution of instructional materials posted online for public review and comment. Section 1006.283(2)(b)8.a., F.S.

⁴¹ Sections 1006.283(2)(b)9. and 11. and 1006.40(4)(b), F.S.

⁴² Sections 1006.38 and 1006.283(2)(b)7., F.S. With regard to the state's instructional materials program, publishers and manufacturers must maintain a depository in Florida for the in-state distribution of instructional materials to school districts from the depository or contract with a depository in the state. Section 1006.38 (11), (12), and (13), F.S.

Additionally, publishers and manufacturers of instructional materials are prohibited from offering any emolument, money, or other valuable thing or any inducement, to any district school board official or instructional materials reviewer to directly or indirectly introduce, recommend, vote for, or otherwise influence the adoption or purchase of any instructional materials. Violating this prohibition is a second degree misdemeanor and will result in a ban from practicing business in the state for one calendar year.⁴³

Public Review of Instructional Materials

Prior to the purchase of any instructional material, whether from the state-adopted list or through a district-established instructional materials review process, a district school board must:

- establish a process to allow student editions of recommended instructional materials to be accessed and viewed online by the public at least 20 calendar days before the required school board hearing and public meeting. This process must include reasonable safeguards against the unauthorized use, reproduction, and distribution of instructional materials considered for adoption;
- conduct an open, noticed school board hearing to receive public comment on the recommended instructional materials;
- conduct an open, noticed public meeting to approve an annual instructional materials plan to identify any instructional materials that will be purchased. This public meeting must be held on a different date than the school board hearing;
- provide notice for the school board hearing and the public meeting that specifically states the instructional materials being reviewed and how the instructional materials can be accessed for public review; and
- establish a process for public comment on, and review of, the recommended instructional materials.⁴⁴

The school board hearing must allow the parent of a public school student or a resident of the county to proffer evidence that an instructional material recommended for purchase does not align to the NGSSS, does not meet state adoption criteria, or is not suitable to student needs or appropriate for students in the course or age group for which the instructional material would be used, taking into consideration course expectations based on the district's student progression plan and course descriptions in the course code directory.⁴⁵

In addition, the school board must establish a process by which the district notifies parents of their ability to access their children's instructional materials. The notification must be displayed prominently on the school district's website and provided annually in written format to all parents of enrolled students.⁴⁶

Effect of Proposed Changes

The bill revises the state instructional materials adoption process by requiring the DOE to hold a public workshop on instructional materials recommended by state reviewers before they may be included on the state-adopted list. Any public comments received by the DOE during the workshop must be filed and preserved at DOE, along with the report of the instructional materials reviewers, for public inspection. The bill also requires the commissioner to certify, as part of the report, that the DOE complied with bidding, review, and adoption requirements in s. 1006.34(2), F.S., as revised by the bill. Any virtual presentation provided by a bidding publisher or manufacturer must be posted on the DOE's website for public access until the evaluation period closes.

⁴³ Section 1006.32(1) and (4), F.S. A second degree misdemeanor is punishable by a term of imprisonment not exceeding 60 days and a fine not exceeding \$500. Sections 775.082(4)(b) and 775.083(1)(e), F.S.

⁴⁴ Sections 1006.40(4)(b) and 1006.283(2)(b)8., 9., and 11., F.S.

⁴⁵ Sections 1006.40(4)(b) and 1006.283(2)(b)8., 9., and 11., F.S. (2017)

⁴⁶ Section 1006.283(2)(b)11., F.S.

The bill specifies that state instructional materials reviewers may recommend for adoption instructional materials with content more rigorous than the NGSSS, so long as the instructional materials, at a minimum, are aligned with the NGSSS. The bill also provides that instructional materials that are found by the commissioner to fully meet or be more rigorous than the NGSSS are not subject to public review procedures at the school district level; nevertheless, a district school board member may initiate the public review procedures if he or she has evidence that the instructional materials do not meet required criteria and standards for state instructional materials adoption. This provision does not apply to instructional materials adopted by the commissioner on or before July 1, 2018, and does not affect the ability for parents and county residents to contest the adoption of or object to the use of instructional materials.

The bill requires the state instructional materials reviewer affidavit to include a statement that the reviewer will recommend only those instructional materials that are, at a minimum, aligned to the NGSSS and meet state adoption criteria and standards, to the best of the reviewer's knowledge. Additionally, the bill specifies that instructional materials recommended by each reviewer must also be content rich and age appropriate.

The bill requires the SBE and each district school board with an instructional materials program to establish a process by which members of the public can recommend instructional materials for consideration by instructional materials reviewers. Recommendations for consideration of instructional materials at the school district level may only come from parents and residents of the district. The DOE or district school board must 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 the applicable procedures. However, the bill specifies that this provision does not require the state or the school district to engage in additional bidding processes during an adoption or review cycle and requires any bid submitted by a publisher must meet applicable deadlines and procedures.

The bill requires that instructional materials purchased using instructional materials allocation funds include professional development and ancillary materials to support high-quality, accurate instruction.

Dual Enrollment

Present Situation

The dual enrollment program is an acceleration mechanism that allows an eligible secondary⁴⁷ or home education student to enroll in a postsecondary course creditable toward high school completion and an associate or baccalaureate degree or career certificate.⁴⁸ Upon successful completion of a dual enrollment course, the student simultaneously receives high school and college, university or career certificate credit.⁴⁹

Home education students can participate in the dual enrollment program. To participate in dual enrollment, a home education student must:⁵⁰

- provide proof of enrollment in a home education program that meets statutory requirements;⁵¹
- be responsible for his or her own instructional materials unless provided for in the articulation agreement; and

⁴⁷ For purposes of dual enrollment, "secondary" is defined as a student who is enrolled in grades 6-12 in a Florida public school or Florida private school. Section 1007.271(2), F.S.

⁴⁸ Section 1007.271(1), F.S.

⁴⁹ Florida Department of Education, Office of Articulation, *Dual Enrollment Frequently Asked Questions*, available at <http://fldoe.org/core/fileparse.php/5421/urlt/DualEnrollmentFAQ.pdf> (last visited March 15, 2017).

⁵⁰ Section 1007.271(13), F.S.

⁵¹ Requirements for home education programs are outlined in s. 1002.41, F.S.

- sign a home education articulation agreement⁵² with the postsecondary institution in which the student plans to enroll.

Each postsecondary institution eligible to participate in the dual enrollment program is required to enter into a home education articulation agreement with each eligible home education student seeking enrollment in a dual enrollment course and the student's parent. Initial and continued eligibility requirements for home education students may not exceed those required of other dually enrolled students. Articulation agreements must be annually submitted by the postsecondary institution to the DOE on or before August 1.⁵³

In addition, each eligible postsecondary institution must also enter into a private school articulation agreement with each eligible private school in its geographic service area. The private school articulation agreement must include:⁵⁴

- a delineation of courses and programs available to the private school student;
- the initial and continued eligibility requirements for private school student participation, not to exceed those required of other dual enrollment students;
- the student's responsibilities for providing his or her own instructional materials and transportation;
- a provision clarifying that the private school will award appropriate credit toward high school completion for the postsecondary course under the dual enrollment program;
- a provision expressing that costs associated with tuition and fees, including registration, and laboratory fees, will not be passed along to the student; and
- 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.

Currently, a dual enrollment student is not required to pay registration, tuition or lab fees for dual enrollment courses taken at a public postsecondary career center, FCS institution or state university.⁵⁵ Home education students are responsible for their instructional materials and transportation. However, a FCS institution is not prohibited from providing instructional materials at no cost to a home education student.⁵⁶

Effect of Proposed Changes

The bill provides that a home education student participating in a dual enrollment program is not responsible for providing his or her own instructional materials. The bill also removes the requirement that a private school articulation agreement include a provision stating whether the private school will compensate the postsecondary instruction for the standard tuition rate per credit hour.

The bill specifies that only public postsecondary institutions are required to enter into articulation agreements with home education students and private schools.

Statewide Assessment Program

Present Situation

The statewide assessment program for Florida's public schools includes statewide, standardized assessments for ELA (grades 3-10) and mathematics (grades 3-8); end-of-course (EOC) assessments for Algebra I, Geometry, Biology I, Civics, and U.S. History; and the Statewide Science Assessment

⁵² Section 1007.271(13)(b), F.S.

⁵³ *Id.*

⁵⁴ *See s.* 1007.271(24)(b), F.S.

⁵⁵ Section 1009.25(1)(a), F.S.; section 1007.271(2) and (16), F.S.

⁵⁶ Section 1007.271(17), F.S.

(grades 5 and 8).⁵⁷ The assessments measure the extent to which students have mastered Florida's academic content standards: the Next-Generation Sunshine State Standards (NGSSS), including Florida Standards for ELA and math.⁵⁸ The grade-level ELA and math assessments and Algebra I and Geometry EOC assessments are referred to as the Florida Standards Assessments (FSA). EOC assessments count as 30 percent of a student's final course grade.⁵⁹ Results from the assessments are used to calculate school grades and school improvement ratings⁶⁰ and determine student readiness for promotion to 4th grade and high school graduation.⁶¹ In addition, school districts use student performance data from the assessments in the performance evaluations for instructional personnel and school administrators.⁶²

In 2017, the Legislature amended the law to reduce the assessment burden on public schools. Specifically, the Legislature eliminated the Algebra II end-of-course assessment and required that all statewide, standardized ELA and math assessments in grades 3 through 6 must be delivered only in a paper-based format no later than the 2018-2019 school year.⁶³ As of the 2017-2018 school year all assessments, except the statewide, standardized Grade 3 ELA assessment, the writing portion of the ELA assessment for grades 4 through 7, and the science assessments for grades 5 and 8, are administered on computers.⁶⁴

In addition, the DOE must publish each statewide, standardized assessment and statewide EOC assessment on the DOE's website, excluding retake and alternate assessments, at least once every three years.⁶⁵ When published, each assessment must have been administered during the most recent school year. The law allows the commissioner to determine the schedule for publishing assessments during the 3- year period; however, subject to appropriation, the initial publication must occur no later than June 30, 2021, and must include the grade 3 ELA and mathematics assessments, the grade 10 ELA assessment, and the Algebra I EOC assessment.⁶⁶ The DOE, as part of the next procurement of assessments, must solicit cost proposals for publication of assessments. The DOE must also publish materials on its website to help the public interpret the published assessment information.⁶⁷

Effect of Proposed Changes

The bill specifies that the statewide, standardized assessments published by the DOE must be published in a format that facilitates sharing of assessment items. The bill also requires all statewide, standardized ELA and math assessments in grades 7 and 8 to be paper-based by the 2019-2020 school year.

To increase the focus on developing student literacy skills through content-rich curriculum and instruction, the bill requires that reading passages and writing prompts used in statewide, standardized ELA assessments incorporate grade-level social studies core curricular content.

⁵⁷ Sections 1008.22(3), 1003.4156, and 1003.4282, F.S. (2017) Retake administrations are offered for the Grade 10 FSA ELA and Algebra I EOC assessment.

⁵⁸ See Florida Department of Education, *ESEA Flexibility Request* (August 21, 2015) at 98, available at <http://www.fldoe.org/core/fileparse.php/5637/urlt/15WaiverRenewalESEA.pdf>.

⁵⁹ Sections 1003.4156(1)(c)-(d) and 1003.4282(3), F.S.

⁶⁰ See ss. 1008.34 and 1008.341, F.S.

⁶¹ See ss. 1008.25(5) and 1003.4282(3)(a) and (b), F.S.

⁶² See s. 1012.34(3)(a)1., F.S.; rule 6A-5.030(2)(a), F.A.C.

⁶³ See s. 35, ch. 2017-116, L.O.F., codified at s. 1008.22(3), F.S. (2017).

⁶⁴ See Staff of the Florida House of Representatives, *Legislative Bill Analysis for CS/HB 7069* (2017).

⁶⁵ See s. 35, ch. 2017-116, L.O.F., codified at s. 1008.22(8), F.S. (2017).

⁶⁶ See *id.*

⁶⁷ See *id.*

Professional Development and Curriculum

Present Situation

Currently, the DOE publishes test specification sheets that identify standards that are measured through the statewide, standardized assessments.⁶⁸ However, the specification sheets are not designed to assist with the development, selection, or implementation of curriculum. The 2017 Legislature took initial steps to help school districts implement standards-based curricula to develop core knowledge and literacy skills by requiring the Just Read, Florida! Office to develop and provide access to sequenced, content-rich curriculum programming, instructional practices, and resources that help elementary schools use state-adopted instructional materials to increase students' background knowledge and literacy skills, including student attainment of the Next Generation Sunshine State Standards for social studies, science, and the arts.⁶⁹

Florida law requires a number of entities, including the DOE, public postsecondary educational institutions, public school districts, public schools, state education foundations, consortia, and professional organizations, to work collaboratively to develop a coordinated system of professional development. The purpose of the system is to increase student achievement, enhance classroom instructional strategies that promote rigor and relevance throughout the curriculum, and prepare students for continuing education and the workforce.⁷⁰

Part of the DOE's responsibility in the professional development system is to disseminate to the school community research-based professional development methods and programs that have demonstrated success in meeting identified student needs.⁷¹ At least one method of dissemination must be through 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 assistance.⁷² In addition, the DOE must disseminate, using the web-based statewide performance-support system, proven model professional development programs that have demonstrated success in increasing rigorous and relevant content, increasing student achievement and engagement, meeting identified school needs, and providing effective teacher mentorship activities.⁷³ The DOE must also disseminate, using web-based technology, research-based best practice methods by which the state and district school boards may evaluate and improve the professional development system.⁷⁴

Effect of Proposed Changes

To help school districts and teachers plan and implement effective, standards-based curricula, the bill requires that professional development resources disseminated through the web-based statewide performance-support system include sample course-at-a-glance and unit overview templates that school districts may use when developing curricula. The templates must provide an organized structure for addressing the Florida Standards, grade-level expectations, evidence outcomes, and 21st Century skills that build toward mastery at each grade level.

Each template must support teaching to greater intellectual depth and:

- provide course or year-long sequencing of concept-based unit overviews based on the Florida Standards;

⁶⁸ See, e.g., Florida Department of Education, *DRAFT Grade 4 Mathematics Item Specifications* (Nov. 2017), available at https://fsassessments.org/assets/documents/Math_G4_FSA-Item-Specifications_v5_101617.pdf.

⁶⁹ Section 15, ch. 2017-116, L.O.F., codified at s. 1001.215(4), F.S. (2017).

⁷⁰ Section 1012.98(1), F.S.

⁷¹ Section 1012.98(4)(a), F.S. The web-based statewide performance support system can be accessed at <https://www.floridaschoolleaders.org>.

⁷² *Id.*

⁷³ Section 1012.98(11), F.S.

⁷⁴ Section 1012.98(7), F.S.

- describe the knowledge and vocabulary required within the standards;
- promote the instructional shifts required within the standards; and
- illustrate the interdependence of grade level expectations within and across content areas within a grade.

B. SECTION DIRECTORY:

- Section 1. Amends 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.
- Section 2. Amends s. 1006.30, F.S., requiring a specified affidavit to include a statement that instructional materials recommended for adoption meet certain requirements.
- Section 3. Amends 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 cross-reference.
- Section 4. Amends 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 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.
- Section 5. Amends s. 1006.40, F.S., requiring instructional materials purchased using a specific allocation include certain professional development and ancillary materials; conforming a provision.
- Section 6. Amends 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.
- Section 7. Amends 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.
- Section 8. Amends 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.
- Section 9. Provides funding from the General Revenue Fund.
- Section 10. Provides an effective date of July 1, 2018.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

For the 2018-2019 fiscal year, the bill appropriates to the DOE from the General Revenue Fund:

- \$550,000 in recurring funds to be used for the acquisition of instructional materials for home education students enrolled in a dual enrollment course as provided in the bill
- \$5,600,000 in recurring funds to be used to implement paper-based assessments in grades 7 and 8 as provided in the bill

The bill makes these appropriations contingent upon CS/HB 7055 or similar legislation in the 2018 regular legislative session failing to become law.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

None.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On January 10, 2018, The PreK-12 Quality Subcommittee adopted three amendments and reported the bill favorably as a committee substitute. The amendments specify that:

- any virtual presentation by a publisher or manufacturer must be posted on the DOE's website for public access until the instructional materials evaluation period closes;
- a district school board member may initiate public review procedures before adoption of an instructional material by the district school board; and
- instructional materials purchased using the instructional materials allocation must include professional development and ancillary materials to support high-quality, accurate instruction.

On February 16, 2018, the Education Committee adopted a proposed committee substitute and reported the bill favorably as a committee substitute. The proposed committee substitute differed from the bill by:

- expanding the time a school district must post instructional materials on its website prior to adoption at a board meeting from 20 days to 45 days;
- expanding the state instructional materials adoption criteria to include age appropriateness and richness of curricular content;
- specifying that the provision exempting certain instructional materials from local review procedures does not apply to instructional materials adopted by the DOE on or before July 1, 2018;
- deleting the requirement that state instructional materials be adopted by the State Board of Education and instead requires the department to hold a public workshop on recommended materials prior to adoption by the commissioner;
- requiring implementation of paper-based statewide, standardized ELA and math assessments for grades 7 and 8 by the 2019-2020 school year;
- specifying that published state assessments must be in a format that facilitates sharing of assessment items;
- requiring reading passages and writing prompts used in statewide, standardized ELA assessments to incorporate grade-level social studies core curricular content;
- requiring the DOE to develop and disseminate sample course-at-a-glance and unit overview templates that school districts may use when developing curricula;
- providing that home education students participating in dual enrollment are not responsible for providing their own instructional materials;
- revising requirements for articulation agreements between public postsecondary institutions and home education students and private schools;
- specifying that only public postsecondary institutions must enter into articulation agreements with home education students and private schools; and
- providing appropriations as discussed in Fiscal Comments, *supra*.

The analysis is drafted to reflect the committee substitute reported favorably by the Education Committee.