

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF FLORIDA  
TALLAHASSEE DIVISION**

**DONALD FALLS, JILL HARPER,  
Dr. ROBERT CASSANELLO, STEPHANIE  
NICOLE JAMIESON, as next of friend of  
RMJ, Dr. TAMMY L. HODO,**

**Plaintiffs**

**vs.**

**Case No.: 4:22-cv-00166**

**RON DESANTIS, in his official capacity as  
Governor of Florida; RICHARD  
CORCORAN, in his official capacity as  
Commissioner of the Florida State Board of  
Education; TOM GRADY, BEN GIBSON,  
MONESIA BROWN, MARVA JOHNSON,  
RYAN PETTY, JOE YORK, in their official  
capacities as members of the Florida State  
Board of Education; BRIAN LAMB,  
TIMOTHY M. CERIO, AUBREY EDGE,  
PATRICIA FROST, EDWARD  
HADDOCK, H. WAYNE HUIZENGA, JR.,  
NATASSIA JANVIER, KEN JONES,  
DARLENE LUCCIO JORDAN, ALAN  
LEVINE, CHARLES H. LYDECKER,  
STEVEN M. SCOTT, WILLIAM SELF,  
ERIC SILAGY, KENT STERMON, in their  
official capacities as members of the Florida  
Board of Governors of the State University  
System; and ASHLEY MOODY, in her  
official capacity as Florida's Attorney General,**

**Defendants.**

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**BRIEF OF AMICI CURIAE LEARNING FOR JUSTICE AND FLORIDA  
FREEDOM TO READ PROJECT**

## **I. INTRODUCTION**

Amici are organizations dedicated to the free and equitable education of all students. They write to document the ways HB 7 will and has already interfered with the ability of students to obtain true and accurate information about the history of their society. HB 7 employs a two-part strategy to deter schools from educating students about the legacy of slavery, segregation, and institutionalized racism in American life while avoiding scrutiny for that effort. On the one hand, those seeking to insulate HB 7 from legal challenge claim that its language can be interpreted so narrowly as to ban only a straw man version of “Critical Race Theory” under which individual children are somehow personally morally responsible for racial inequities. On the other, its supporters publicly tout HB 7 as attacking a broad set of left-wing “woke” educational practices. The narrower interpretation is aimed at protecting the bill from legal scrutiny. The broader interpretation, and the correspondingly larger potential for legal liability that it portends, is intended (and will) to deter schools from teaching politically controversial truths about the legacies of past and continuing systemic racism.

Learning for Justice has researched the teaching of U.S. history, which HB 7 seeks to chill, and examined how it was already woefully under-taught. Educators, even before HB 7, were uncomfortable teaching this sensitive subject and limited their teaching of it, resulting in an U.S. student population ignorant of basic facts about U.S. history, such as that slavery was the central cause of the Civil War. Florida Freedom to Reach Project has documented how this discomfort with the hardest parts of U.S. history has already led the Florida Department of Education and some schools to adopt or consider adopting a broad interpretation of HB 7 under which a wide range of educational content would be banned. The Department of Education has announced textbook standards that bar the teaching of “social justice”—defined to include true facts about the ways systemic racism continues to produce racial inequities in the United States today. An overwhelming fear of teaching the difficult parts of U.S. history that make some white students and parents uncomfortable and the resulting self-censorship of those topics are what HB 7 set out to achieve and what are now fully in motion.

## **II. INTERESTS OF *AMICI CURIAE***

Learning for Justice is a project of the Southern Poverty Law Center (SPLC), a 501(c)(3) organization, serving K-12 educators nationwide, with a

particular focus in Alabama, Florida, Georgia, Louisiana, and Mississippi. Founded in 1991, provides free classroom resources, professional development, and other educational resources to support K-12 educators. Learning for Justice's staff includes expert educators and staff specializing in professional learning facilitation, curriculum and training, writing, and research. Its work is frequently contributed to and advised by educators, historians, scholars, researchers, and other experts. Learning for Justice seeks to uphold the mission of the SPLC to be a catalyst for racial justice in the South and beyond, working in partnership with communities to dismantle white supremacy, strengthen intersectional movements, and advance the human rights of all people. It supports this mission by focusing our work with educators, students, caregivers and communities in the areas of culture and climate; curriculum and instruction; leadership; and family and community engagement.

Florida Freedom to Read Project is an advocacy organization created to bring together parent groups from across the state of Florida and unite their voices to protect every student's right to access information and ideas. The organization seeks to support public school districts in fulfilling their legal duty to keep decisions student-centered. To this end, its members have testified against

unconstitutional laws including HB 7, documented efforts to remove controversial books from school libraries, and requested public records from all 67 county school districts in Florida to determine the impact of HB 7.

### III. ARGUMENT

#### A. **HB 7 Is Deliberately Ambiguous to Avoid Legal Challenge While Chilling the Teaching of Sensitive Historical Topics**

The language of HB 7 is intended to prevent the kind of searching historical explorations of the causes of nationwide racial inequality in which so many parts of our society have been especially engaged since the summer of 2020. It employs the same approach as many laws that have targeted speech: use deliberately vague language to create fear and uncertainty and thereby encourage those targeted by the law to self-censor without explicitly admitting that goal. What, for example, does it mean to ban teaching that “[a] person, by virtue of his or her race or sex, does not bear responsibility for actions committed in the past by other members of the same race or sex”?<sup>1</sup>

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<sup>1</sup> See An Act Relating to Individual Freedom, CS/HB 7, 2022 Legislature (2022).

In floor debates, HB 7's sponsors attempted to defend the bill by interpreting it as narrowly as possible, claiming repeatedly that teaching any historical fact was permissible so long as the teacher did not draw from the fact the conclusion that individual students must necessarily bear personal guilt or responsibility for it. Yet they could not explain why or even how a teacher would ever do something of the sort.<sup>2</sup> The absurdity of this position was highlighted when the bill's sponsor, Senator Manny Diaz, was asked to provide a concrete example of someone in Florida teaching something the bill would prohibit. The only example he could provide was a wholly irrelevant story about a white teacher who allegedly told a Black student that he couldn't come to a cookout in the teacher's neighborhood because a Black person would be shot there.<sup>3</sup> The inapplicability of the bill's language to this situation demonstrates the proponents' determination to obscure HB 7's true purpose and avoid giving examples of what they truly aim to ban: teaching difficult truths, particularly truths about racism, regarding U.S. history.

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<sup>2</sup> See Exhibit 1, *Excerpts of Transcript of FL Senate Debate regarding HB 7 on March 9, 2022*.

<sup>3</sup> See *Id.* at 173.

In defending this lawsuit, the Defendants will likely fall back on this narrow reading of HB 7 to suggest that the law is innocuous and Plaintiffs’ concerns are overblown. However, to see that HB 7 was intended to limit instruction about race and racism in Florida’s classrooms, we need only look to the statements of the political leaders who helped usher in and later celebrated its passage. As Governor DeSantis explained, he signed the bill to prevent “the far-left woke agenda” from “tak[ing] over our schools and workplaces.”<sup>4</sup> Secretary of Education Corcoran, who had previously told a crowd at Hillsdale College that Florida rewrote its standards because book publishers are “infested with liberals” and because books contain “crazy liberal stuff” that is hidden under “social emotional learning,”<sup>5</sup> similarly stated that the bill constituted a “stand ... against revisionist history.”<sup>6</sup>

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<sup>4</sup> Governor Ron DeSantis Signs Legislation to Protect Floridians from Discrimination and Woke Indoctrination, (2022), <https://www.flgov.com/2022/04/22/governor-ron-desantis-signs-legislation-to-protect-floridians-from-discrimination-and-woke-indoctrination/>.

<sup>5</sup> Hillsdale College, *Education is Freedom: Featuring Commissioner Richard Corcoran*, at 33:30-39:24, Hillsdale College (May 14, 2021), <https://www.youtube.com/watch?v=HVujpIator0>.

<sup>6</sup> *Id.*

These statements show their intent to use HB 7 to censor Florida’s schools and keep students from learning difficult facts about U.S. history.

**B. Learning for Justice’s Research Shows Children Need Education About the Difficult History HB 7 Seeks to Censor**

A core component of Learning for Justice’s work is studying ways to improve instruction on the very topics HB 7 seeks to ban. It has found that, far from indoctrinating students into a “woke agenda,” schools are more likely to downplay or ignore the severity of racial violence and systemic oppression in our nation’s history and its lingering effects to this day. Educators around the country have reported facing harassment, retaliation, and possible termination as a result of the push to legislatively restrict and censor classroom discussions and teaching about race, racism, and other related topics.

As part of their “Teaching Hard History: Slavery”<sup>7</sup> report, Learning for Justice analyzed a selection of state content standards, reviewed 10 popular U.S.

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<sup>7</sup> *Teaching Hard History*, Learning for Justice (2018), <https://www.learningforjustice.org/sites/default/files/2020-08/TT-2007-Teaching-Hard-History-Report.pdf>.

history textbooks, and surveyed “more than 1,700 social studies teachers in schools nationwide.” Barely half said they “fe[lt] competent to teach about slavery” and many reported being uncomfortable teaching the topic.<sup>8</sup> As the report explained, “teachers—like most Americans—struggle to have open and honest conversations about race. How do they talk about slavery’s legacy of racial violence in their classrooms without making their Black students feel singled out? How do they discuss it without engendering feelings of guilt, anger or defensiveness among their white students?”<sup>9</sup> Teachers often already face pushback from white students when teaching about racism and slavery. As one explained “I dislike teaching the topic; white students in my district are very resistive to the idea that racism wasn’t justified or that racism still exists.”<sup>10</sup> If teachers were already uncomfortable teaching about the true nature and legacy of slavery and racism when the only consequence they could face was resistant students and parents, it is unlikely they will do so at all after HB 7 if the consequence of a student feeling “discomfort” is

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<sup>8</sup> *Id.* at 12-13.

<sup>9</sup> *Id.* at 13.

<sup>10</sup> *Id.* at 14.

being sued. Learning for Justice has received no evidence of educators thinking it is their role to tell students how they should feel. Rather, its experience shows that these conversations often hit close to home and can provoke a range of responses from students.

The existing reluctance to teach slavery due to the discomfort of teachers and students produces students who lack basic information about the history of their country and its effect on the present. In a national survey of high-school seniors, Learning for Justice found<sup>11</sup>:

- A mere 8 percent of students could correctly identify slavery as “the central cause of the Civil War.”
- Only 22 percent could correctly identify the ways in which the Constitution, as initially ratified, protected slavery.
- Only 44 percent correctly stated that slavery was legal in each of the 13 colonies at the time of the American Revolution.

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<sup>11</sup> *Id.* at 24, 43-44.

- 45 percent believed incorrectly that enslaved women’s “children were raised by the plantation owners’ wives.”
- Just 32 percent could identify the 13<sup>th</sup> Amendment as the formal end of slavery.

Learning for Justice also has researched how other parts of the U.S.’s racial history are taught. The civil rights movement, in its experience, too often “is reduced to lessons about a handful of heroic figures and the four words ‘I have a dream.’”<sup>12</sup> Reconstruction, similarly, is taught poorly across the country. Florida’s own standards “rarely mention Black people as a group or as individuals,” when discussing reconstruction, and equate in seriousness “the social issue of forced integration” with the actually more serious concept they describe as “the social issue of segregation.”<sup>13</sup>

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<sup>12</sup> *The Civil Rights Movement*, Learning for Justice (2014), <https://www.learningforjustice.org/magazine/publications/teaching-the-movement-2014/the-civil-rights-movement-why-now>.

<sup>13</sup> *Teaching Reconstruction Report: Florida*, Zinn Education Project (2022), <https://www.teachreconstructionreport.org/florida>.

Learning for Justice also has studied the importance of including social justice in school curricula, developing standards that can be used to do so in an age-appropriate way for children in kindergarten through 12<sup>th</sup> grade.<sup>14</sup> Research has shown that “asking students to complicate their beliefs, and hold together a complex set of facts that don’t fit neatly into a specific ideological position,” including the positive and negative aspects of U.S. history “demands a level of cognitive dexterity that is often missing in our social studies curricula.”<sup>15</sup> It also has studied the importance of understanding the advantages that the legacy of slavery and institutionalized racism has afforded to white Americans on average, such as much greater familial wealth and political power.<sup>16</sup> It has found that studying these topics improves school safety, protects the mental health of students, and better equips them to understand their society.

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<sup>14</sup>Learning for Justice, *Social Justice Standards*, online at <https://www.learningforjustice.org/frameworks/social-justice-standards>.

<sup>15</sup> Clint Smit, *How Culturally Responsive Lessons Teach Critical Thinking*, Learning for Justice (2020), <https://www.learningforjustice.org/magazine/spring-2020/how-culturally-responsive-lessons-teach-critical-thinking>.

<sup>16</sup> Coshandra Dillard, *What is White Privilege Really?*, Learning for Justice (2020), <https://www.learningforjustice.org/magazine/fall-2018/what-is-white-privilege-really>.

**C. Florida Freedom to Read Project’s Research Shows HB 7’s Chilling Effect**

While most schools in Florida have not yet signaled how they will respond to HB 7, the response of those that have, and limited statements about its implementation from the Florida Board of Education, show that educators across the state will understand the bill to be far more restrictive than its defenders often claim. The Board of Education recently released its specifications for 2023-2024 educational materials.<sup>17</sup> These make clear that they understand HB 7 to require the teaching of a particular political perspective. They quote, with citation, the “prohibited concepts” added to Florida Statutes Section 1003.42 by HB 7. They then describe these concepts as “Critical Race Theory” and state that “social justice” is “closely aligned with CRT.” “Potential social justice components” that are banned under the specifications, in turn, “include:”<sup>18</sup>

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<sup>17</sup> See Exhibit 2, *Specifications for the 2022-2023 Florida Instructional Materials Adoption, K-12 Social Studies*.

<sup>18</sup> *Id.* at 24-25.

- “Seeking to eliminate undeserved disadvantages for selected groups.”
- “Undeserved disadvantages are from mere chance of birth and are factors beyond anyone’s control, thereby landing different groups in different conditions.”
- “Equality of treatment under the law is not a sufficient condition to achieve justice.”

In short, the standards implementing HB 7 prohibit teaching many accurate and evidence-based statements such as:

- Black Americans have one tenth of the wealth of white Americans on average, due to the legacy of past discrimination.<sup>19</sup>

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<sup>19</sup> Kriston McIntosh, et al., *Examining the Black-white wealth gap*, The Brookings Institution (2020), <https://www.brookings.edu/blog/up-front/2020/02/27/examining-the-black-white-wealth-gap/>.

- Résumé studies show that discrimination against job candidates with stereotypically Black names is significant and has not diminished over time.<sup>20</sup>
- Black men receive harsher sentences for the same crimes than white men.<sup>21</sup>
- Black students are more likely to be disciplined than white students for the same behavior, harming their later academic experience.<sup>22</sup>

The standards also prohibit “culturally responsive teaching,” claiming it is inconsistent with Florida Statutes Section 1006.34, which requires that “[i]n the selection of instructional materials, ... the propriety of the material shall include the consideration of the broad racial, ethnic, socioeconomic, and cultural diversity of

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<sup>20</sup> Lincoln Quillian, et al, *Meta-analysis of field experiments shows no change in racial discrimination in hiring over time*, Proceedings of the National Academy of Sciences (Sept. 12, 2017), <https://www.pnas.org/doi/10.1073/pnas.1706255114>.

<sup>21</sup> *Demographic Differences in Sentencing*, United States Sentencing Commission (Nov. 14, 2017), <https://www.ussc.gov/research/research-reports/demographic-differences-sentencing>.

<sup>22</sup> Juan Del Toro et al., *The Role of Suspensions for Minor Infractions and School Climate in Predicting Academic Performance Among Adolescents*, American Psychologist (Sept. 19, 2021), <https://www.apa.org/news/press/releases/2021/10/black-students-harsh-discipline>.

the students of this state.” In fact, culturally responsive teaching considers the perspectives of all students to teach them more effectively and achieve precisely the goal of the statute.

According to public records requests submitted by Florida Freedom to Read Project, even before the Department of Education’s standards were published, Orange County Schools were already acting on the broader understanding of HB 7 the standards reflect. A “legislative update” document prepared by district staff states that the District is “waiting on further clarification from the state about whether books will be impacted” and that “media specialists are encouraged to conduct a review of books available to students in grades K through 12 to determine if any books [are] associated with the 1619 project or address similar topics which elevate one race over another.”<sup>23</sup> The district apparently also understood HB 7 to ban any discussion of Critical Race Theory, though that term is not used by the bill, noting that it had no “evaluative rubric ... to determine

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<sup>23</sup> See Exhibit 3, *Orange County School District Legislative Update*, at 19 (May 2022). The 1619 project, of course, does nothing of the kind.

[Critical Race Theory].”<sup>24</sup> Perhaps most alarmingly, the document states that “[h]undreds of existing approved supplemental/intervention materials need to be reviewed.” Finally, the document lists as “additional considerations” “options to limit media center access” and “options to limit materials access based on ... [r]equired [r]eading [l]ist or [t]opic.”<sup>25</sup>

Another document entitled “questions regarding legislation”<sup>26</sup> grapples with many of the unworkable provisions of HB 7. Among the questions it asks are:

- “Is implicit bias equivalent to racism/sexism? What if all possess the implicit bias regardless of race?”
- “Would compiling teams with the mindset of diversity be perceived as discriminating or adverse treatment?”
- “Who determines the objectivity of the content?”
- “Can we share that although racial colorblindness was not created to oppress that it has unintended consequences?”

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<sup>24</sup> *Id.*

<sup>25</sup> *Id.* at 23.

<sup>26</sup> See Exhibit 4, *Questions Regarding Legislation*, Orange County Schools (2022).

- “When providing definitions for a term like segregation, discrimination, etc... is there an approved definition that should be used? Could definition and historical facts and examples make some feel bad, and create space for raised concerns?”
- “Are there specific activities or topics that would qualify as indoctrination or is it simply the use of rhetorical devices by the instructor?”
- “Line 75 [of HB 7] refers to an individual... is it permissible to refer to a system(s)?”
- “Line 78 refers to an individual’s status as privileged or oppressed (not to be addressed by race); if one is using factual statistics to reference central ideas in texts etc., is that a permissible instructional method to include in curricula?”

Two questions in particular illustrate how broadly HB 7 may be applied by districts seeking to avoid litigation. First, in a section dedicated to elementary education, the document notes that “*Wonders*,” apparently a reference to a set of

digital teaching aids provided by McGraw Hill,<sup>27</sup> “contains culturally responsive lessons/resources” and asks if “all of those resources need to be unliked.” These culturally responsive resources are “texts in *Wonders* [that] introduce students to a diverse range of voices, cultures, abilities, and experiences” and “environments, curricula, and instructional methods that allow teachers and students to reflect critically on social norms, values, and institutions that produce and maintain social inequities.”<sup>28</sup> Finally, the district staff highlighted the potential impact of HB 7—and the impetus for its passage—by asking “[h]ow can we teach civil rights, slavery, Holocaust, etc... and still avoid parent concerns”?

A similar but less detailed document created by staff in Martin County schools quoted various provisions of HB 7 alongside several excerpts from a December 15, 2021, press release issued by Governor DeSantis, which it described

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<sup>27</sup> McGraw Hill, *Wonders: Explore the Digital Learning Experience*, online at <https://www.mheducation.com/prek-12/program/microsites/MKTSP-BGA10M0/digital.html> (last visited May 21, 2022).

<sup>28</sup> See, *Educational Equity in Wonders*, McGraw Hill, online at <https://www.mheducation.com/prek-12/program/microsites/MKTSP-BGA10M0/equity.html> (last visited May 21, 2022).

as “National Examples of Critical Race Theory.”<sup>29</sup> It appears, then, that Martin County also understands HB 7 to require it to adopt the governor’s goal of eliminating “woke” education.

#### **IV. CONCLUSION**

HB 7 illustrates the reason the First Amendment is so suspicious of laws that make content-based based restrictions of speech. Even laws that are narrowly tailored may, when combined with penalties for violation, give rise to an insidious and subtle self-censorship. HB 7, which is far from narrowly tailored, would do just that if allowed to take effect: deter schools across Florida from educating students about the most important questions of U.S. history.

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<sup>29</sup> See Exhibit 5, *Martin County School District Presentation*.

Dated: May 25, 2022

Respectfully submitted,

*/s/ Sam Boyd*

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*Counsel for Amici Curiae Learning for Justice and Florida Freedom to Read Project*

EXHIBIT 1  
EXCERPTS FROM TRANSCRIPT OF FLORIDA STATE  
SENATE  
HB 7 DEBATE  
MARCH 9, 2022



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# Transcript of Florida State Sentae HB 7

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TESTIMONY OF THE

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FLORIDA STATE SENATE

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HB 7

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WEDNESDAY, MARCH 9, 2022

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20 Job No.: 447865

21 Pages: 1 - 222

22 Transcribed by: Christian Naaden

1 So, I think that's the piece where you see that it  
2 augments the piece of African American history. That  
3 was something that the House did that I agree with, to  
4 be honest with you. But it came from the house in that  
5 manner.

6 SEN. SIMPSON: Leader Gibson, you're  
7 recognized.

8 SEN. GIBSON: Thank -- thank you, Mr.  
9 President. Did we have a Senate bill? I can't recall.

10 SEN. SIMPSON: Senator Diaz, you're  
11 recognized.

12 SEN. DIAZ: Thank you, Mr. President. We did.  
13 We had a similar bill to this, but the House amended it  
14 before -- before it got to the floor and on the floor  
15 to make some changes including these two amendments  
16 that were put in there.

17 SEN. SIMPSON: Leader Gibson, you're  
18 recognized.

19 SEN. GIBSON: Thank -- thank you, Mr.  
20 President. So, the House bill came up and we took up --  
21 we substituted the Senate bill for the House bill and  
22 that's how we have those languages? Is that what

1 happened?

2 SEN. SIMPSON: Senator Diaz, you're  
3 recognized.

4 SEN. DIAZ: Thank you, Mr. President. As our -  
5 - the Senate bill was going through the process of  
6 committee the House bill got here and it was referred  
7 to rules and we took it up in rules as is. So, you're  
8 seeing the product of the House that passed through our  
9 rules committee is now here on the floor.

10 SEN. SIMPSON: Leader Gibson, you're  
11 recognized.

12 SEN. GIBSON: Thank you. Thank you, Mr.  
13 President. And did we have to take the House bill? Is  
14 somebody standing over us to make us take it or could  
15 we have procedurally just continued with our Senate  
16 bill without the language?

17 SEN. SIMPSON: Senator Diaz, you're  
18 recognized.

19 SEN. DIAZ: Thank you, Mr. President. I guess  
20 we could have. But I do think that the House made a  
21 couple of changes that made the bill better and one of  
22 those pieces was there was some language in our

1 original bill that talked about people's feelings just  
2 generally. The House bill, more specifically, wrote  
3 language that says basically mandating or imposing.

4 So, we can't control how people feel when they  
5 talk about a topic, but it clarifies that is the  
6 imposition. So, I do think that language is better in  
7 this bill.

8 SEN. SIMPSON: Leader Gibson, you're  
9 recognized.

10 SEN. GIBSON: Thank -- thank you, Mr.  
11 President. What materials will be used to develop the  
12 on-line training that's mentioned in the bill? I'm not  
13 sure if that was the House version or whosever version.  
14 Training for the -- and for the folks who are going to  
15 make the decision about books and materials at the  
16 Department of -- Department of Education?

17 SEN. SIMPSON: Senator Diaz, you're  
18 recognized.

19 SEN. DIAZ: Thank you, Mr. President. Senator  
20 Gibson, there is nothing in this bill about on-line  
21 training or the people making the decisions.

22 SEN. SIMPSON: Leader Gibson, you're

1 recognized.

2 SEN. GIBSON: The training for the library or  
3 media specialist -- do I have the wrong bill?

4 SEN. SIMPSON: Senator Diaz, you're  
5 recognized.

6 SEN. DIAZ: Thank you, Mr. President. I'm --  
7 I'm being informed that that is in 1467. Not in this  
8 bill.

9 SEN. SIMPSON: Leader -- Leader Gibson, you're  
10 recognized.

11 SEN. GIBSON: Thank you, Mr. President. 1467 -  
12 - oh, sorry. We're on B. The not so bad. We're on the  
13 individual freedoms, which is not CRT. Correct? All  
14 right. Let me get to that. Sorry. Mr. President, you  
15 can skip me. I have to reorganize my notes.

16 SEN. SIMPSON: Yes, are there any additional  
17 questions? Senator Powell, you're recognized.

18 SEN. POWELL: Thank you, Mr. President.  
19 Senator Diaz, you said a word that is very interesting.  
20 Can you explain because you talked about imposition of  
21 feeling of guilt or anger? Can you define imposition  
22 for us and the intent of imposition as it relates to

1 may facilitate discussions on slavery. This is -- you  
2 are making history of African Americans optional. It --  
3 so your premise is okay but this is what the language  
4 of your bill says. Are you making -- are you making  
5 African American history optional?

6 SEN. SIMPSON: Senator Diaz, you're  
7 recognized.

8 SEN. DIAZ: Thank you, Mr. President. I am  
9 not.

10 SEN. SIMPSON: Senator Bracy, you're  
11 recognized.

12 SEN. BRACY: If you are saying instruction --  
13 instructional personnel may facilitate discus- --  
14 discussions, does not may mean that they can or cannot  
15 choose to teach it?

16 SEN. SIMPSON: Senator Diaz, you're  
17 recognized.

18 SEN. DIAZ: Thank you, Mr. President. No.  
19 Because in unchained statute, it clearly speaks to the  
20 history of African Americans including the history of  
21 our African peoples before political conflicts have led  
22 to development of slavery, passage to America, the ens-

1 -- the enslavement experience, abolition and  
2 contributions of African Americans to society. That has  
3 not changed the statute. That's current statute. We  
4 don't touch it. We don't remove it. We don't water it  
5 down.

6 SEN. SIMPSON: Senator Bracy, you're  
7 recognized.

8 SEN. BRACY: Whether you -- whether you don't  
9 touch that statute, you still are making another  
10 statute that is in conflict. This is making it  
11 optional. Let me -- let me -- let me go to a different  
12 part. Line 393 says the department shall offer  
13 standards and curriculum for this paragraph, meaning  
14 the African American section.

15 So now the department will decide the  
16 curriculum but it -- then it says it may seek input  
17 from the African American Taskforce. So why is it that  
18 Department of Education will write the curriculum and  
19 they may or not take suggestions from the African  
20 American Taskforce?

21 SEN. SIMPSON: Senator Diaz, you're  
22 recognized.

1           SEN. DIAZ: Thank you, Mr. President. And  
2 again, this is in statute as mandatory requirements.  
3 What this is -- when it's -- when I think -- when we  
4 look here at may, is it when talking in these  
5 principles you can again bring in these concepts into  
6 that. But it doesn't replace the requirement in statute  
7 so it is not conflicting because that requirement must  
8 be fulfilled in the teaching of history.

9           SEN. SIMPSON: Senator Bracy, you're  
10 recognized.

11           SEN. BRACY: Would you be willing to replace  
12 that may with a shall to clarify that African American  
13 history can be taught in our schools?

14           SEN. SIMPSON: Senator Diaz, you're  
15 recognized.

16           SEN. DIAZ: Thank you, Mr. President. Not at  
17 this point in the -- in the process but if that is  
18 something going forward that would give clarification  
19 to show that it doesn't conflict with the other  
20 statute, I'd be open to it.

21           SEN. SIMPSON: Senator Bracy, you're  
22 recognized.

1 for a recognition.

2 SEN. JONES: Thank you so much, Mr. President.  
3 Also in the east gallery, I would like to take this  
4 opportunity to introduce you all to my intern, Justin  
5 Francis, who was from Coral Springs but he is a student  
6 at the University of Central Florida. He has a very  
7 bright future.

8 I'm looking forward to seeing the work that he  
9 wants to do. He wants to get into politics and so as  
10 you all can see that he, along with the other UCF  
11 students, are up there. Either you can tell them no,  
12 don't get into politics, or give them a hand clap for  
13 being here today. Thank you so much.

14 SEN. SIMPSON: Welcome to the Florida Senate.  
15 We're in questions. Senator Jones, you are recognized  
16 for a question.

17 SEN. ONES: Thank you so much, Mr. President.  
18 And -- and thank you, Chair Diaz. So I want to ask a  
19 couple of questions as it pertains to interpretation of  
20 -- of the language that we're looking at today. So  
21 right now, we see in -- on -- on lines 65 through 70  
22 that talks about the unlawful employment practices, I

1 think Senator Polsky started getting into it because  
2 this is her profession. She is a -- an employment -- an  
3 attorney. But I do want to know, how does this -- this  
4 law or how will this interfere with companies who have  
5 mandatory DEI trainings?

6 SEN. SIMPSON: Senator Diaz.

7 SEN. DIAZ: Thank you, Mr. President. And  
8 again, to -- to go over that, those trainings are not  
9 prohibited. They're completely allowed under this bill.  
10 What you cannot do is impose or mandate that a -- as a  
11 condition of employment an -- an employee or applicant  
12 accept guilt or responsibility for something in the  
13 past because of the group they belong to for something  
14 they didn't do. So all of those trainings of diver- --  
15 all of those things that were mentioned are allowed.  
16 They're not prohibited by this bill.

17 SEN. SIMPSON: Senator Jones.

18 SEN. JONES: Thank you so much, Mr. President.  
19 I -- I hear you -- what you're saying, Senator Diaz.  
20 But it says subjecting any individual as a condition of  
21 employment. And I'm going to stop when it says  
22 condition of employment because, for instance, there

1 are individuals who work for companies that they do --  
2 they -- they have to do a certain amount of trainings  
3 to make -- to maintain employment that they do  
4 quarterly. So how does this not fall into a condition  
5 of employment?

6 SEN. SIMPSON: Senator Diaz.

7 SEN. DIAZ: Thank you, Mr. President. To  
8 clarify, training can fall on condition of employment.  
9 What you cannot do is force upon the employee or  
10 applicant the acceptance of guilt or responsibility for  
11 things they did not do.

12 The training itself can be a subject of  
13 employment. Doesn't -- doesn't -- companies can do any  
14 kind of training they need to do as long as you don't  
15 violate the imposition or giving the responsibility  
16 strictly on the basis of the person's -- the group they  
17 belong to. So again, this goes back to having the  
18 individual judged on their character and their deeds,  
19 not one of a group.

20 SEN. SIMPSON: Senator Jones.

21 SEN. JONES: Thank you so much, Mr. President.  
22 And so hypothetical. If I'm sitting inside of a

1 training and all -- all of a sudden, we start talking  
2 about something and I feel uncomfortable, that gives  
3 that individual the opportunity to what? Opt out of the  
4 training?

5 SEN. SIMPSON: Senator Diaz.

6 SEN. DIAZ: Thank you, Mr. President. You can  
7 feel uncomfortable. We can't tell you how to feel. So  
8 you can feel uncomfortable with the material covered in  
9 the training. We don't go into that.

10 What cannot do is the company cannot say,  
11 unless you admit here, confirm that you are guilty of  
12 sins of the past by spec- -- because of the group you  
13 belong to, you cannot work here. So we can't control  
14 nor we're trying to control how people feel when they  
15 hear something or when they go to a training.

16 SEN. SIMPSON: Senator Jones.

17 SEN. JONES: Is -- thank you so much, Mr.  
18 President. And I would -- I would invite us to even  
19 look into that because I don't -- I -- I don't think  
20 any company would -- would do su- -- such a thing. Have  
21 you seen or heard of any company that have fired  
22 someone based off of the premise in which you just made

1 mention of?

2 SEN. SIMPSON: Senator Diaz.

3 SEN. DIAZ: Thank you, Mr. President. So I do  
4 have examples of condition of employment by large  
5 corporations. I'm not going to be in the business of  
6 throwing corporations' names out there. I don't think  
7 that's proper. But I can share with you there are those  
8 trainings that have been found and it is mandatory and  
9 they have to accept it.

10 So that's what this would prohibit. Having the  
11 training doesn't violate this. You could have all the  
12 trainings you want. You just cannot impose that guilt  
13 on -- or make them accept it because of --

14 SEN. SIMPSON: Senator --

15 SEN. DIAZ: -- their background.

16 SEN. SIMPSON: Senator Jones.

17 SEN. JONES: Thank you so much, Mr. President.  
18 I'm going to read strictly -- straight from on line 72  
19 through 75 where it says, morally superior to members  
20 of another race. Where did we get that language from?

21 SEN. SIMPSON: Senator Diaz.

22 SEN. DIAZ: Thank you, Mr. President. It was a

1 matter of drafting, of trying to get the message that  
2 all of us are created equal.

3 SEN. SIMPSON: Senator Jones.

4 SEN. JONES: Thank you so much, Mr. President.  
5 Are you sure that this is not language that came  
6 directly from the critical race theory book?

7 SEN. SIMPSON: Senator Diaz.

8 SEN. DIAZ: Thank you, Mr. President. Not --  
9 not to my knowledge, Senator Jones.

10 SEN. SIMPSON: Senator Jones.

11 SEN. JONES: Thank you so much, Mr. President.  
12 I'm going to bring the book to you so you can see that  
13 this language comes directly from the critical race  
14 theory book that speaks about morally superior to  
15 members of -- of another race. Because that's exactly  
16 where that language has come from.

17 I don't -- I also want to go to -- now to  
18 lines 78 through 79 where it speaks of the privileged  
19 or oppressed. Now, we're putting all of this into law  
20 and all of this being vague. Who's privileged and who's  
21 oppressed? That's what I want to open up to the body  
22 right now as we prepare to vote on this tomorrow.

1 SEN. SIMPSON: Senator Diaz.

2 SEN. DIAZ: Thank you, Mr. President. And what  
3 that says is that you're not allowed to impose the  
4 title of oppressed or privileged onto any particular  
5 individual person based on their race, color,  
6 ethnicity, religion. It is talking about the individual  
7 and it's talking about what you cannot impose on them.

8 SEN. SIMPSON: Senator Jones.

9 SEN. JONES: Thank you so much, Mr. President.  
10 And just so the people who are watching this can  
11 understand, so if I'm a DEI facilitator and I'm -- and  
12 I'm working for a company who we are about to tell them  
13 what they can and they cannot do, do you not believe  
14 that this would limit the facilitator from using the  
15 words white privilege?

16 SEN. SIMPSON: Senator Diaz.

17 SEN. DIAZ: Thank you, Mr. President. And it  
18 would depend how it's used. Again, the -- the whole  
19 thrust of the bill is to say that you cannot impose on  
20 an individual based on their background, the color of  
21 their skin or anything else, judgment on their  
22 character or to -- to box them into one of those

1 categories.

2 SEN. SIMPSON: Senator Jones.

3 SEN. JONES: Thank you so much, Mr. President.  
4 And Senator Diaz, do you believe that if we're talking  
5 about historical facts of the past, may it be the  
6 Holocaust, may it be slavery, do you believe that that  
7 is imposing something on an individual who might be  
8 sitting in the room being facilitated on, DEI training  
9 or any type of training?

10 SEN. SIMPSON: Senator Diaz.

11 SEN. DIAZ: Thank you, Mr. President. And I  
12 don't. I believe you are free to talk about all of  
13 those things. The topic -- none of those topics are  
14 prohibited by this.

15 It is the simple act of -- as a -- if you're  
16 talking about the business side, the imposition or the  
17 f- -- the force of -- as a condition of employment or  
18 salary or anything else onto an employee. But the topic  
19 itself can be covered. It's not prohibiting or banning  
20 any of these topics.

21 SEN. SIMPSON: Senator Jones for a question.

22 SEN. JONES: Thank you so much, Mr. President.

1 I'm going to take you to line 541. On line 541, it  
2 reads, prosper even in the most difficult ma- -- let me  
3 read the whole -- the -- the entire sentence leading up  
4 to it so it makes sense for those who are watching.

5 It says, the State Board of Education shall  
6 develop or adopt a curriculum to inspire future  
7 generations through motivating stories of American  
8 history that demonstrate important life skills and the  
9 principles of individual freedom that enable persons --  
10 here's the part -- to prosper even in the most  
11 difficult circumstances.

12 Here's my question. They said, this curriculum  
13 shall be known as stories of inspiration. Black folks  
14 did not go through a time of inspiration, so how did we  
15 come up with this being stories of inspiration?

16 SEN. SIMPSON: Senator Diaz.

17 SEN. DIAZ: Thank you, Mr. President. And  
18 again, this is a piece that came from the House. I  
19 believe this program was found at the Woodson Institute  
20 in New Hampshire. But this section applies to all  
21 individuals. Doesn't apply to a particular group. There  
22 are stories of inspiration of any individual that

1 overcame any difficulties that they faced in their life  
2 and went on to achieve great things.

3 SEN. SIMPSON: Senator Jones.

4 SEN. JONES: Senator Diaz, I -- I think you  
5 and I both can agree that, whether it be the Holocaust  
6 or whether it be slavery, although those are -- those  
7 stories are -- are strong and impactful, I think we can  
8 agree that those stories are not -- and the -- there's  
9 nothing inspiring about Black folks or individuals who  
10 went through the Holocaust was going through those  
11 difficult times.

12 So my question would be because this is -- is  
13 underlined so therefore this is new -- this is new that  
14 -- language that we're putting into statute. Would you  
15 be open -- because words matter, would you be open to  
16 us changing this language and putting in something that  
17 is more inclusive?

18 SEN. SIMPSON: Senator Diaz.

19 SEN. DIAZ: Thank you, Mr. President. I don't  
20 view this as excluding anyone and I'll go back to the  
21 example that you used about the Holocaust. Obviously,  
22 the Holocaust is not a story of inspiration.

1           But the story of a Holocaust survivor that may  
2 have gone on to do something inspirational can be a  
3 story of inspiration for Americans and Floridians.

4           So I -- I agree with you. I don't think any of  
5 those horrible things that occurred in our history are  
6 stories of inspiration. But the ability or the story of  
7 an individual to overcome whatever they were facing, it  
8 -- it's -- it's an inspiration to others and -- and it  
9 could be an inspiration to our students.

10           SEN. SIMPSON: Senator Jones.

11           SEN. JONES: Thank you so much, Mr. President.  
12 I'll let this be my final question, then we can -- I'll  
13 take another bite at the apple. Senator Diaz, can you  
14 just walk us through how did we arrive here? Because I  
15 think it -- it is clear that, you know, this is a part  
16 of the -- the s- -- the Stop the Woke Act that has been  
17 presented by -- by the governor.

18           But can you talk us through, how did we get  
19 here and what problem are we trying to solve as we  
20 prepare to go through more questionings on this  
21 legislation? Because I think that would give us better  
22 understanding and clarity on questioning.

1 SEN. SIMPSON: Senator Diaz.

2 SEN. DIAZ: Thank you, Mr. President. And I  
3 think you see not only nationally but across our state,  
4 partly -- part of it is because of COVID that parents  
5 are paying more attention to what's going on in our  
6 schools.

7 And having those parents' concerns brought  
8 forward has made us pay -- pay more attention into  
9 what's -- what's going on in our school, what's going  
10 on with our curriculum, what's going on with the  
11 conversations at school board meetings. And so that is  
12 what -- that is what led to -- to the portions of this  
13 bill that deal with the instruction in the classroom.

14 SEN. SIMPSON: Senator Jones for a question.  
15 Senator Jones.

16 SEN. JONES: Fin- -- final -- my final  
17 question.

18 SEN. SIMPSON: Senator Jones, you're  
19 recognized.

20 SEN. JONES: Thank you so much, Mr. President.  
21 And my final question, Senator Diaz, because when you  
22 look at my -- the -- the five Black members who are

1 whether it's where they came from, what country, where  
2 their ancestors came from, and also the color of their  
3 skin. So all of those are factors in which a way a  
4 person views themselves.

5 SEN. SIMPSON: Senator Taddeo.

6 SEN. TADDEO: This next question, you  
7 mentioned that you heard from certain parents and that  
8 was the impetus for this bill. So I want to ask, did  
9 you hear from businesses or chambers of commerce for  
10 the portion of the bill that deals with businesses?

11 SEN. SIMPSON: Senator Diaz.

12 SEN. DIAZ: Thank you, Mr. President. Not from  
13 businesses directly but from the stories and the  
14 examples that are bring -- have been brought up as to  
15 training that may violate what's in this bill. Again,  
16 not the fact that they have the training but the  
17 imposition on the employees.

18 SEN. SIMPSON: Senator Taddeo.

19 SEN. TADDEO: Thank you, Mr. President. Let's  
20 talk about that imposition. I noticed that the word  
21 discomfort has been removed from the bill. It was  
22 previously there. But guilt, anguish and other forms of

1 psychological distress are still in there. Why was it  
2 important to remove discomfort?

3 SEN. SIMPSON: Senator Diaz.

4 SEN. DIAZ: Thank you, Mr. President. And  
5 again, it -- it was removed over in the House but I did  
6 -- I do think that the word discomfort was causing a  
7 misinterpretation of the intent of the bill. We're --  
8 we cannot control nor are we stopping someone from  
9 feeling discomfort when they hear these topics, whether  
10 it be in the classroom or in a training. So I think it  
11 was proper to avoid confusion that that word was  
12 removed.

13 SEN. SIMPSON: Senator Taddeo.

14 SEN. TADDEO: Isn't discomfort a form of  
15 psychological distress?

16 SEN. SIMPSON: Senator Diaz.

17 SEN. DIAZ: Thank you, Mr. President. I don't  
18 know it's a -- if it's listed in the DSM-IV but  
19 discomfort is a state of anxiety or -- or feeling bad.  
20 And again, that's why I think that that term was too  
21 subjective for the -- what we were tr- -- for the  
22 intent of the bill. And again, I think it's proper that

1 it was removed.

2 SEN. SIMPSON: Senator Taddeo.

3 SEN. TADDEO: Thank you, Mr. President. So  
4 since psychological distress is still in there, is it  
5 defined anywhere in the bill?

6 SEN. SIMPSON: Senator Diaz.

7 SEN. DIAZ: Thank you, Mr. President. No. I  
8 don't believe so.

9 SEN. SIMPSON: Senator Taddeo.

10 SEN. TADDEO: The bill now creates a liability  
11 for a business conducting a training or any activity at  
12 all that promotes or compels, and those are the words  
13 in the bill, an individual to believe that they bear  
14 personal responsibility for and must feel guilt,  
15 anguish or other forms of psychological distress.

16 So with feelings being so subjective, how does  
17 a court accurately det- -- determine whether someone  
18 has been made to feel that they should be -- that they  
19 bear personal responsibility?

20 SEN. SIMPSON: Senator Diaz.

21 SEN. DIAZ: Thank you, Mr. President. And with  
22 your indulgence, I'd like to again take advantage of

1 the legal hotline, Senator Burgess, on that question.

2 SEN. SIMPSON: Senator Diaz yields to Senator  
3 Burgess. Senator Taddeo, could you restate your  
4 question for -- or Senator Burgess, are you prepared or  
5 would you like the question repeated?

6 SEN. BURGESS: Thank you, Mr. President. I was  
7 on our bat phone so the -- if -- if the questioner  
8 could please repeat the question, that'd be excellent.

9 SEN. SIMPSON: Senator Taddeo.

10 SEN. TADDEO: Thank you, Mr. President. I'd be  
11 happy to repeat it. So the bill now creates liability  
12 for a business conducting a training or any activity at  
13 all that promotes, those are the words from the bill,  
14 or compels, another word in the bill, an individual to  
15 believe that they bear personal responsibility for and  
16 must feel guilt, anguish or other forms of  
17 psychological distress because of blah, blah, blah.

18 It goes on. So with feelings being so  
19 subjective, how does a court accurately determine  
20 whether someone has been made to feel that they should  
21 bear personal responsibility?

22 SEN. SIMPSON: Senator of the 20th, Senator

1 Burgess, you're recognized.

2 SEN. BURGESS: Thank you Mr. President and  
3 thank you Senator Taddeo. How someone feels would not  
4 so much be what's relevant. It is -- what is relevant  
5 is what is taught and what someone is being compelled  
6 to believe. And that would be what would be reviewed by  
7 the court.

8 SEN. SIMPSON: Senator Taddeo.

9 SEN. TADDEO: But the bill specifically says  
10 that -- the words guilt, anguish and other forms of  
11 psychological distress. How do you legislate guilt,  
12 anguish and psychological distress?

13 SEN. SIMPSON: Senator Burgess.

14 SEN. BURGESS: Thank you, Mr. President. If  
15 somebody brought a lawsuit basically saying, hey. I  
16 felt guilty. We'll fall back on the previous frivolous  
17 lawsuit claim. I mean, likely that might be thrown out.  
18 And actually, I was able to dig up the chapter. It's  
19 Chapter 57.105 dealing with frivolous causes of action.

20 What is relevant is -- is the person being  
21 compelled to feel guilty. What is being taught? What is  
22 -- what is being injected to make that person compelled

1 to feel that way and having to acknowledge that?

2 SEN. SIMPSON: Senator Taddeo.

3 SEN. TADDEO: I don't know if this goes back  
4 to the -- let me see if I have others that would deal  
5 more with the legal aspects of it. Yeah. No. I -- I  
6 think it goes back to Senator Diaz because my next  
7 question, Mr. President, is -- is about a section that  
8 was left out of the bill. Senator Diaz, why did you  
9 leave out religion and disability and age but included  
10 discrimination based on race, color, sex, and national  
11 origin?

12 SEN. SIMPSON: Senator Diaz.

13 SEN. DIAZ: Thank you, Mr. President. The  
14 classes protected in the bill are historically recorded  
15 the highest protections and there could be a legitimate  
16 policy reason for different treat -- treatment based on  
17 a specific instance. And so that's why that was left  
18 out of the bill.

19 SEN. SIMPSON: Senator Taddeo.

20 SEN. TADDEO: I have a question that is  
21 similar to what Senator Jones asked about -- Jones  
22 asked about line 73 in the bill where it talks about

1 talk about that, just don't impose the guilt on the  
2 student based on their -- the group they belong to.

3 SEN. SIMPSON: Leader Book.

4 SEN. BOOK: My therapist always taught me that  
5 nobody can make you feel anything, that that's sort of  
6 up to you yourself. However, I guess one of my  
7 questions is, what if somebody -- there is no pressure  
8 on a particular individual or thing; right? An issue, a  
9 topic or imposing those views.

10 But my interpretation is different than  
11 Senator Pizzo's or Senator Boyd's or Senator Cruz's. So  
12 I go home and I say, my teacher made me feel really bad  
13 that I have a different experience than Senator Jones  
14 or Senator Powell. Does that cause you any concern?

15 SEN. SIMPSON: Senator Diaz.

16 SEN. DIAZ: Thank you, Mr. President. Again,  
17 I'll repeat that in this bill, that's why we don't have  
18 the feel; right? We don't -- we can't control how we  
19 make people feel. Separate from this bill, answering as  
20 a classroom teacher and a school site administrator,  
21 you could have a conversation.

22 A parent could come in for a parent con- -- if

1 they -- if they're -- if they said something that makes  
2 a student feel uncomfortable for any reason, that could  
3 prompt the conversation. But again, that's not in this  
4 bill. So I want to make sure that we're clear that we  
5 are all glad we took that language out of the bill  
6 here.

7 SEN. SIMPSON: Leader Book for a question.

8 SEN. BOOK: Thank you, Mr. President. I know  
9 that we're kind of going back and forth so I want to  
10 make sure that I give everyone an opportunity to ask  
11 any questions. But again, as it relates specifically to  
12 -- to college, can a professor teach a course on  
13 systemic racism and the impacts on our criminal justice  
14 system and -- without maybe picking out a specific  
15 group of individuals?

16 SEN. SIMPSON: Senator Diaz?

17 SEN. DIAZ: Thank you, Mr. President. Again,  
18 this doesn't prevent topics from being discussed. What  
19 is the defini- -- what is systemic racism? What are the  
20 different views? As long as you don't impose it on the  
21 individual, topics can be discussed with freedom. But  
22 we want to stay away from imposing the -- the -- the --

1 the responsibility or the guilt for actions by someone  
2 of a certain group to an individual just because they  
3 are part of that group.

4 SEN. SIMPSON: Leader Book for a question.  
5 Leader -- Leader Book?

6 SEN. BOOK: Thank you. And I know I said that  
7 was my last one, but I guess we're talking about guilt.  
8 Guilt is a feeling; right? That is a feeling.

9 SEN. SIMPSON: Leader Diaz?

10 SEN. DIAZ: Thank you, Mr. President. I -- I  
11 would say one can feel guilty of something they did or  
12 one can be found guilty and in that setting, the  
13 teacher is the judge. They're saying, you're guilty of  
14 this.

15 They cannot do that. If you feel guilty, I  
16 can't con- -- I can't control -- no one can control how  
17 a person feels. We've said that before. So discussing a  
18 topic and having somebody says they feel something, is  
19 not -- is -- is not covered under this bill. You just  
20 can't assign that specifically to that person.

21 SEN. SIMPSON: Leader Book has concluded.  
22 Senators, in order, of line up of questioners. Gibson,

1 beings too. And on occasion, it happens. They say  
2 things in a classroom that are either inappropriate, or  
3 directed at a student inappropriately.

4 And it is not a personal insult, but it is  
5 along the lines of these things that are listed in this  
6 bill. So placing guilt on a person because of the group  
7 they belong to is inappropriate.

8 And it is not allowed on -- in this bill. Even  
9 the stereotypical comments that teachers may make.  
10 There was a conversation from Senator Hudson's  
11 district, and I'll give you this example because he  
12 showed me the article, where there was a white teacher,  
13 I'm not -- I don't remember which one of the counties  
14 it was, that was having a discussion with a student --  
15 with a class about different activities that families  
16 do.

17 And that teacher proceeded to tell the African  
18 American student that was talking about a cookout with  
19 his family over the weekend, she proceeded to tell that  
20 student that she could not attend because she as a  
21 white person could not go into that neighborhood,  
22 because she would be shot.

EXHIBIT 2  
FLORIDA DEPARTMENT OF EDUCATION  
SPECIFICATIONS FOR THE 2022-2023  
FLORIDA INSTRUCTIONAL MATERIALS ADOPTION  
K-12 SOCIAL STUDIES

**Florida Department of Education**

**Specifications for the 2022-2023**

**Florida Instructional Materials Adoption**

**K-12 Social Studies**

**Introduction**

These specifications are based upon Rule 6A-7.0710, Florida Administrative Code (F.A.C.). This document specifies the requests for the 2022-2023 Florida instructional materials adoption for K-12 social studies. Publishers should review this information carefully. The criteria contained in the document will serve as the basis for the evaluation of instructional materials bid for adoption.

On July 14, 2021, the State Board of Education amended Rule 6A-1.09401, F.A.C., Student Performance Standards, to adopt new Holocaust education standards for grades 5-12 and revised K-12 civics standards. Instructional materials called for in this specifications document must align to these new and revised standards, benchmarks, and clarifications.

The K-5 social studies call for adoption is comprised of the courses listed in Table 1 of this document. The 6-12 social studies call for adoption is comprised of the courses listed in Tables 2 and 3. Each course has an updated course description available online at [www.cpalms.org](http://www.cpalms.org) (the course numbers in Tables 1-3 link to the appropriate course page in CPALMS).

- Materials bid for adoption must clearly and completely align to each of the standards, benchmarks and clarifications included in the applicable course description to be deemed acceptable for adoption.
- Materials will be thoroughly evaluated to ensure the content is accurate, appropriately rigorous and comprehensive in its coverage of each of the standards, benchmarks and clarifications in the course description and the additional criteria outlined in this document.
- Special attention should be given to both the version description in CPALMS, any additional notes that are contained in each course description and/or emphasis by each grade level/course.

This adoption is for materials to be utilized in the classroom in the 2023-2024 academic year and beyond. As such, publishers must be sure to select the course description for the latest available academic year. The latest version of each course description, which should be utilized for developing materials for the social studies adoption is indicated in Tables 1-3 below.

**2022-2023 Social Studies Adoption**

Florida will only accept bids for materials designed to serve as the major tool of instruction (which may include ancillary materials) for the courses listed in the three tables below.

**Table 1 Elementary Social Studies:**  
(To be bid as a complete series only)

Course Number	Grade Level	Course Name	Course Version
<a href="#">5021020</a>	K	Social Studies Grade K	2023 and beyond
<a href="#">5021030</a>	1	Social Studies Grade 1	2023 and beyond
<a href="#">5021040</a>	2	Social Studies Grade 2	2023 and beyond
<a href="#">5021050</a>	3	Social Studies Grade 3	2023 and beyond
<a href="#">5021060</a>	4	Social Studies Grade 4	2023 and beyond
<a href="#">5021070</a>	5	Social Studies Grade 5	2023 and beyond

**Table 2 Middle Grades Social Studies:**

Course Number	Grade Level	Course Name	Course Version
<a href="#">2100010</a>	6-8	M/J United States History	2023 and beyond
<a href="#">2100015</a>	6-8	M/J United States History and Career Planning	2023 and beyond
<a href="#">2100020</a>	6-8	M/J United States History Advanced	2023 and beyond
<a href="#">2100025</a>	6-8	M/J United States History Advanced & Career Planning	2023 and beyond
<a href="#">2106010</a>	6-8	M/J Civics	2023 and beyond
<a href="#">2106016</a>	6-8	M/J Civics & Career Planning	2023 and beyond
<a href="#">2106020</a>	6-8	M/J Civics Advanced	2023 and beyond
<a href="#">2106026</a>	6-8	M/J Civics Advanced & Career Planning	2023 and beyond
<a href="#">2109010</a>	6-8	M/J World History	2023 and beyond
<a href="#">2109020</a>	6-8	M/J World History Advanced	2023 and beyond
<a href="#">2104060</a>	6-8	M/J Introduction to Personal Financial Literacy	2023 and beyond
<a href="#">2103010</a>	6-8	M/J World Geography	2023 and beyond
<a href="#">2103016</a>	6-8	M/J World Geography & Career Planning	2023 and beyond
<a href="#">2103020</a>	6-8	M/J World Geography Advanced	2023 and beyond

**Table 3 High School Social Studies:**

<b>Course Number</b>	<b>Grade Level</b>	<b>Course Name</b>	<b>Course Version</b>
<a href="#">2100310</a>	9-12	United States History	2023 and beyond
<a href="#">2100320</a>	9-12	United States History Honors	2023 and beyond
<a href="#">2100340</a>	9-12	African-American History	2023 and beyond
<a href="#">2100336</a>	9-12	African-American History Honors	2023 and beyond
<a href="#">2100360</a>	9-12	Latin-American History	2023 and beyond
<a href="#">2100362</a>	9-12	Latin-American Studies Honors	2023 and beyond
<a href="#">2109435</a>	9-12	Holocaust Education	2023 and beyond
<a href="#">2109440</a>	9-12	Holocaust Education Honors	2023 and beyond
<a href="#">2102310</a>	9-12	Economics	2022 and beyond
<a href="#">2102320</a>	9-12	Economics Honors	2022 and beyond
<a href="#">2102335</a>	9-12	Economics with Financial Literacy	2022 and beyond
<a href="#">2102345</a>	9-12	Economics with Financial Literacy Honors	2022 and beyond
<a href="#">2102372</a>	9-12	Personal Financial Literacy	2022 and beyond
<a href="#">2102374</a>	9-12	Personal Financial Literacy Honors	2022 and beyond
<a href="#">2103300</a>	9-12	World Cultural Geography	2022 and beyond
<a href="#">2106310</a>	9-12	United States Government	2023 and beyond
<a href="#">2106320</a>	9-12	United States Government Honors	2023 and beyond
<a href="#">2107300</a>	9-12	Psychology 1	2022 and beyond
<a href="#">2107310</a>	9-12	Psychology 2	2022 and beyond
<a href="#">2108300</a>	9-12	Sociology	2022 and beyond
<a href="#">2109310</a>	9-12	World History	2023 and beyond
<a href="#">2109320</a>	9-12	World History Honors	2023 and beyond
<a href="#">2106410</a>	9-12	Humane Letters 1 History	2023 and beyond
<a href="#">2109343</a>	9-12	Humane Letters 2 History Honors	2023 and beyond
<a href="#">2109345</a>	9-12	Humane Letters 3 History Honors	2023 and beyond
<a href="#">2109347</a>	9-12	Humane Letters 4 History Honors	2023 and beyond

**Major Priorities for Instructional Materials:**

**Social Studies Requirements**

The priorities as described in this specification document were developed from research findings about what makes instructional materials effective. These priorities have undergone review by individuals who have served on state and district committees, by curriculum specialists, by instructional designers, by evaluation specialists and by administrators of the statewide adoption system.

To ensure instructional materials are grade-appropriate, of good quality and content, and aligned to applicable Next Generation Sunshine State Standards and B.E.S.T. Standards, each material will be evaluated based on compliance to section 1001.215(4), Florida Statutes. In order to be considered for state adoption, materials must meet evaluation criteria and be recommended at each level.

The following priorities constitute the rubric for the evaluation of instructional materials for state adoption. Additionally, a focus on alignment to course standards, benchmarks and clarifications will determine adoption eligibility, as followed by the review process established in chapter 1006, Florida Statutes.

- Content
- Presentation
- Learning
- Next Generation Sunshine State Standards Alignment
- B.E.S.T. Standards Alignment

The following sections describe essential features for each of the priority areas. These features generally apply to all formats of instructional materials, whether print or other media/multiple media formats.

**Content**

Some features of content coverage have received progressively more attention over the past decade. These features include:

- A. Alignment with Curriculum Requirements**
- B. Level of Treatment of Content**
- C. Expertise for Content Development**
- D. Accuracy of Content**
- E. Currentness of Content**
- F. Authenticity of Content**
- G. Multicultural Representation**
- H. Humanity and Compassion**

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**A. ALIGNMENT WITH CURRICULUM REQUIREMENTS**

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**Content must align with the state’s standards, benchmarks and clarifications for the subject, grade level and learning outcomes. See Sections 1006.34(2)(b), 1006.38(3)(b) and 1006.31(2), Florida**

**Statutes.**

**Correlations:** Publishers are expected to provide correlation reports in the provided form to show exactly where and to what extent (mentioned or in-depth) the instructional materials cover each required standard and benchmark.

**Scope:** The content should address Florida’s required curriculum standards, benchmarks and clarifications for the subject, grade level and learning outcomes, including thinking and learning skills.

**Completeness:** The content of the major tool should be complete enough to stand on its own. To be useful for classroom instruction, instructional materials must be adaptable to the instructional goals and course outlines for individual school districts, as well as the state standards, benchmarks and clarifications. Content should have no major omissions in the required content coverage and be free of unrelated facts and information that would detract from achievement of Next Generation Sunshine State Standards and Florida’s B.E.S.T. Standards.

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**B. LEVEL OF TREATMENT OF CONTENT**

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**Content must be appropriate for the standards, benchmarks and clarifications, student abilities and grade level, and time periods allowed for teaching. See Sections 1006.31(2) and 1006.34(2)(b), Florida Statutes.**

**Objectives:** Content should be simple, complex, technical or nontechnical enough for the intended objectives.

**Students:** Content should be developmentally appropriate for the age and maturity level of the intended students. It should contain sufficient details for students to understand the significance of the information presented and to engage in reflection and discussion.

**Time:** Content should allow for its coverage during the time periods available for teaching the subject.

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**C. EXPERTISE FOR CONTENT DEVELOPMENT**

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**Expertise in the content area and in education of the intended students must be reflected in the authors, reviewers and sources that contributed to the development of the materials. See Section 1006.38(14), Florida Statutes.**

**Authorship:** The authors, consultants and reviewers must have actually contributed to the development of the instructional materials and should have credentials that reflect expertise in the subject area, course, course category, grade level, pedagogy, education, teaching or classroom instruction. Qualifications may include expertise in educational psychology or instructional design.

**Sources:** Primary and secondary sources should reflect expert information for the subject, such as original documents, relevant data from research journals, and other recognized scientific sources. The type of sources considered appropriate will vary with the particular subject area.

#### D. ACCURACY OF CONTENT

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**Content must be accurate in historical context and contemporary facts and concepts. See Sections 1006.38(8), 1006.31(2) and 1006.35, Florida Statutes.**

**Objectivity:** Content that is included in the materials should accurately represent the domain of knowledge and events. It should be factual and objective. It should be free of mistakes, errors, inconsistencies, contradictions within itself and biases of interpretation. It should be free of the biased selection of information. Materials should distinguish between facts and possible interpretations or opinions expressed about factual information. Visuals or other elements of instruction should contribute to the accuracy of text or narrative.

**Representativeness:** The selection of content should not misrepresent the domain of knowledge and events. It should include the generally accepted and prevalent theories, major concepts, laws, standards and models used within the discipline of the subject area.

**Correctness:** Presentation of content should be free of typographical and visual errors. It should include correct grammar, spelling, linguistics, terminology, definitions, descriptions, visuals, graphs, sounds, videos and all other components of the instructional materials.

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#### E. CURRENTNESS OF CONTENT

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**Content must be up-to-date for the academic discipline and the context in which the content is presented. See Sections 1006.38(8) and 1006.31(2), Florida Statutes.**

**Dates or editions:** Copyright dates for photographs and other materials and editions should suggest sufficient currentness of content. Copyright dates and editions serve as indicators about currentness. However, neither the copyright date nor the edition guarantees currentness. Subsequent editions should reflect more up-to-date information than earlier editions.

Informed examination of the text, narrative and visuals contained in the materials provide the most direct information about currentness of the materials.

**Context.** Text or narrative, visuals, photographs and other features should reflect the time periods appropriate for the objectives and the intended learners.

- Sometimes context should be current. For example, a photograph used to show stages of human growth and development will be more relevant when the clothing, hairstyles and activities reflect present-day styles.
- Sometimes context should be historical. For example, illustrations and photographs of historical events should reflect the historical time period.
- Sometimes context should be both current and historical. For example, historic images alongside modern ones would convey changes in styles over time.
- At all times the context should be relevant to the learner, to the Curriculum Frameworks and to the concept presented.

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#### F. AUTHENTICITY OF CONTENT

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**Content should include problem-centered connections to life in a context that is meaningful to**

**Life connections:** Instructional materials should include connections to the student's life situations in order to make the content meaningful. Students might be expected to deal with time constraints, consider risks and trade-offs in decision-making, and work with teams. Connections may be made to situations of daily home life, careers, vocation, community events and services, and leisure or recreation.

**Interdisciplinary treatment:** Instructional materials also should include interdisciplinary connections in order to make content meaningful. Examples of situations that connect a variety of subject areas include building projects, playing sports, retrieving information or objects, balancing budgets, creating products, and researching information. In addition to subject area connections, instructional materials should connect the course or course category to other disciplines. Examples of approaches to interdisciplinary connections include: explanations and activities for using skills and knowledge from other academic disciplines, assignments that require students to relate learning from other disciplines rather than to isolate knowledge or skills, and focus on common themes across several subject areas (infusion, parallel, transdisciplinary or multidisciplinary instruction).

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## G. MULTICULTURAL REPRESENTATION

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**Portrayal of gender, ethnicity, age, work situations and various social groups must include multicultural representation. See Sections 1003.42, 1006.31(2)(a) and 1006.34(2)(b), Florida Statutes.**

**Multicultural representation:** Instructional materials shall be accurate, objective, balanced and noninflammatory. Through representation of cultures and groups in multiple settings, occupations, careers and lifestyles, the materials should support equal opportunity without regard for age, color, gender, disability, national origin, race or religion. Instructional materials should consider the broad racial, ethnic, socioeconomic and cultural diversity of the students of this state.

The portrayal of individuals and situations must exclude biases and stereotypes. These portrayals must promote an understanding and express appreciation of the importance and contributions of diverse cultures and heritages.

Effective treatment of multicultural issues requires consideration of the age and ability levels of students and whether it is appropriate to include multicultural issues in the study of a particular topic, such as the memorization of a formula or equation.

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## H. HUMANITY AND COMPASSION

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**Portrayal of the appropriate care and treatment of people and animals must include compassion, sympathy, and consideration of their needs and values and exclude hard-core pornography and inhumane treatment. See Sections 1003.42, 1006.31(2)(c) and 1006.34(2)(b), Florida Statutes.**

**Inclusion of compassion:** When providing examples in narrative or visuals, materials sometimes depict the care and treatment of people and animals. Generally, this means showing in some way a measure of compassion, sympathy, or consideration of their needs and feelings.

**Exclusion of inhumanity:** Florida expressly prohibits material containing *pornography*. In addition, there is general agreement that instructional materials should not advocate any form of inhumane treatment.

As with the evaluation of multicultural representation, it is important to consider the context of the subject and the age and abilities of the students.

### **Presentation**

Features of presentation affect the practical usefulness of materials and the ease of finding and understanding content. These features include:

- A. Comprehensiveness of Parent, Student and Teacher Resources**
- B. Alignment of Instructional Components**
- C. Organization of Instructional Components**
- D. Readability of Instructional Materials**
- E. Pacing of Content**
- F. Ease of Use of Materials**

The following sections describe the presentation features expected for each of these areas.

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#### **A. COMPREHENSIVENESS OF PARENT, STUDENT AND TEACHER RESOURCES**

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**Resources must be complete enough to address the targeted learning outcomes without requiring the teacher to prepare additional teaching materials for the course. See Sections 1006.29(2) and 1006.34(2)(b), Florida Statutes.**

Materials should contain support for students in completing instructional activities and assessments and for teachers in implementing all of the instructional elements. A variety of components can accomplish this purpose. Typically, materials will include test items, study guides, outlines and strategies for teaching, media supplements, learning activities and projects.

The major components generally expected for parent, student and teacher resources are listed below.

**Parent resources:** Parent resources should be included in student and/or teacher resources for parent access. Materials may include access to the major resource or program with text or narration, visuals and assignments. Formats may include print, audio, visual, computer or other media like CDs, DVDs or PowerPoint presentations. Effective instructional materials generally integrate the use of reference aids (e.g., index, glossary, maps, bibliography, graphic organizers and pictures) with the topic being studied. Items that guide parents through materials might include clearly labeled materials, directions and explanations, and assignments with menus of choices.

Resources might include pre-made materials that can be shared with parents to give knowledge of what to expect of their student during that unit, videos that support how to navigate the student platform, participation activities such as digital simulations, role-playing situations, investigations and hands-on practice assignments. Review activities might include practice problems with various ways to solve the problems. Formats might include digital tutorials and worksheets. Parent resource materials should be available in multiple languages, including English and Spanish, and in closed captioning where applicable.

**Student resources:** Student materials typically include the major resource or program with text or narration, visuals, assignments and assessments. Formats may include print, audio, visual, computer or other media like CDs, DVDs or PowerPoint presentations, or software adaptable for interactive whiteboards. Effective instructional materials generally integrate the use of reference aids (e.g., index, glossary, maps, bibliography, graphic organizers and pictures) with the topic being studied. Items that guide students through materials might include clearly labeled materials, directions and explanations, and assignments with menus of choices.

Review and practice activities might include participation activities such as digital simulations, role-playing situations, investigations and hands-on practice assignments. Review activities might include self-checks or quizzes. Formats might include digital education games, student tutorials, worksheets, workbooks, journals, lab books, lab logs, charts or maps. Feedback might be in the form of answer keys in student materials or in teacher materials.

Review works best as a logical extension of content, goals, objectives and lessons, with increased similarity to real-life situations. Review activities should require students to recall or apply previously taught knowledge and skills. Frequent short reviews over time or space improve learning more than a concentrated review. Assignments and stages of small practice improve speed and accuracy.

Other components might include enrichment and remediation activities, additional resources, and tests and assessment tools either in the student materials or in the teacher's guide or edition.

**Teacher resources:** Teacher materials typically include a teacher's edition with the annotated student text and copies of supplementary materials (print or digital) with answer keys, worksheets, tests, diagrams, etc., so that the teacher has to use only one guide. In-service training, workshops and consulting services should be made available by publishers to support teachers in implementing instructional materials. Professional development is essential to the success of any program, especially when a program contains non-traditional elements. Publishers should clearly indicate the recommended amount and types of professional development they will provide, and they should work with districts and schools to ensure teachers receive the support they need. The materials for the teacher should support continued professional learning.

Support, guidelines, resources or features such as the ones described below should be available to help teachers effectively implement materials in classroom and school settings.

- (1) **Components and materials are easy to use:** Examples include clearance, license or agreement for copying and use of materials; clear description and accurate directions for use of required equipment, facilities, resources and environment; clearly labeled grade, lesson, content and other information to identify components; and correct specifications for making instructional media and electronic programs work effectively.
- (2) **Materials support lesson planning, teaching, and learning:** Examples include overview of components and objectives; background for lectures and discussions; technical terminology, and reinforcement and review strategies; scope and sequence chart for activities and planning; sample lesson plans; suggestions for individualized study, small-group and large-group presentations and discussions, school-to-work activities, field or laboratory experiences, safety procedures, and other extension activities; suggestions for integrating themes across the subject area or course curriculum, and forming connections to other disciplines; and suggestions for parental and community involvement.
- (3) **Suggestions are provided for adapting instruction for varying needs:** Examples include alternative approaches to teaching, pacing and options for varied delivery of instruction such as media, tools, equipment and emerging technology; strategies for engaging all students, such as

open-ended questions to stimulate thinking, journals, hands-on investigations, explorations and multisensory approaches; suggestions for addressing common student difficulties or adapting to multiple learning styles; and alternative reteaching, enrichment and remediation strategies.

(4) **Guidelines and resources are provided on how to implement and evaluate instruction:**

Examples include answers to work assignments, practice activities and tests; sample projects or research results; suggestions for using learning tasks for classroom assessment; and guidelines for alternative assessments, such as sample checklists, rubrics, peer or performance assessments, and portfolios.

(5) **Resources are provided to use in classroom activities:** Examples include technology resources; lists of resources and references, reading strategies, materials to use for displays or photocopies, classroom management strategies, and documentation on how to manage the entire instructional program; and in-service workshops or consultation support from the publisher.

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## **B. ALIGNMENT OF INSTRUCTIONAL COMPONENTS**

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**All components of an instructional package must align with each other, as well as with the curriculum. See Section 1006.34(2)(b), Florida Statutes.**

All components of an instructional package—teacher’s edition and materials, student’s edition and materials, workbook, supplementary materials, and others—must be integrated and interdependent and must correspond with each other. For example, support materials in the teacher’s edition should align with student activities or assignments. They must match in content and progression of instructional activities.

All components must align to 6A-1.094124, F.A.C., Required Instruction Planning and Reporting and s. 1003.42, F.S. Instructional materials should not encourage or facilitate a teacher to violate this rule or statute.

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## **C. ORGANIZATION OF INSTRUCTIONAL MATERIALS**

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**The structure and format of materials must have enough order and clarity to allow students and teachers to access content and explicitly identify ideas and sequences. See Section 1006.34(2)(b), Florida Statutes.**

Providing an explicit and teachable structure can double the amount of information remembered. Clear organization allows students and teachers to discriminate important pieces of information through skimming, reading or browsing. Clear organization may be accomplished through a combination of features, but generally not through one feature alone.

**Access to content:** Some features help in searching and locating information, such as a table of contents; pull-down menu or sitemap of content; directions on how to locate information or complete assignments; an index for quick reference; goals and/or objectives, outlines, lists or checklists for major sections; bibliographies and lists of resources; glossaries for quick access to major terms; and introductions, key concepts and themes, visual cues, illustrations, labeled examples, and labeled reviews or summaries.

**Visible structure and format:** At-a-glance features should signal the organization of content. The following features are desirable:

- Chapter or unit titles and/or frames;

- Headings and subheadings;
- Typographic cues such as bold, italics or changes in size of type;
- Divisions of content such as borders, boxes, circles, highlighting, visual signposts, icons or color cues;
- Diagrams, labels and visuals placed near the related content; and numbering of pages and other components.

Objectives or a content outline may serve a similar purpose by introducing main ideas, providing guideposts to use in searching for key information or serving as a checklist for self-assessment. Certain types of brief narrative sections also contribute to clear organization. For example, the statement of a clear purpose with content organized around main ideas, principles, concepts and logical relationships supports the unity and flow of information. Introductions also play a major role when they include anchoring ideas, a list of key points or conceptual schemes, such as metaphors. Summaries also can assist students in understanding the logical order of topics presented.

**Logical organization:** The pattern of organization of the content should be consistent and logical for the type of subject or topic. Patterns of organization may include comparison and contrast, time sequence, cause-effect or problem-solution-effect, concrete to abstract, introduction-review-extension (spiral structure), simple-to-complex, whole-part or part-whole, generalization-examples-review-practice, and conflict-inside view-structure.

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#### D. READABILITY OF INSTRUCTIONAL MATERIALS

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**Narrative and visuals should engage students in reading or listening as well as in understanding of the content at a level appropriate to the students' abilities. See Sections 1006.31(2) and 1006.34(2)(b), Florida Statutes.**

**Language style:** Language style and visual features can influence the readability of materials. Yet, a popular tool for assessing readability has been the use of a *readability formula* of one type or another. These formulas tend to focus only on a few *countable* characteristics of language style such as the length of words, sentences and/or paragraphs.

Other features are more important in establishing the readability of instructional materials, such as: organized, coherent text language and concepts familiar to the student; language that clarifies, simplifies and explains information; transition words such as “yet,” “also,” “next,” “for example,” “moreover” or “however;” other phrases that create logical connections; words with concrete and specific images; active rather than passive voice; varied sentence structures and avoid both choppy sentences and unnecessary words; and specific questions or directions to guide student attention to visuals or key information.

**Visual features:** Visual features that improve readability include print that is dark and clear, with good contrast paper with clean-cut edges without glare, or computer screens without glare, and margins wide enough on a page or screen to allow easy viewing of the text chunking (sentence ends on same page as it begins); visuals that are relevant, clear, vivid and simple enough for students to understand quantity of visuals suitable for the intended students—both lower ability students and higher ability students tend to require more visuals; unjustified text (ragged on the right), rather than justified (lined up on the right); visuals that contain information in a form different from the text; graphs, charts, maps and other visual representations integrated at their point of use; and colors, size of print, spacing, quantity, and type of visuals suitable for the abilities and needs of the intended students.

## E. PACING OF CONTENT

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**The amount of content presented at one time or the pace at which it is presented must be of a size or rate that allows students to perceive and understand it. See Sections 1006.31(2) and 1006.34(2)(b), Florida Statutes.**

It is important that materials contain “bite-size” chunks or blocks of information. The chunks should not be so large, nor the pacing so fast, as to overwhelm students. Neither should the chunks be so small, nor the pacing so slow, as to bore them.

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## F. EASE OF USE OF MATERIALS

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**Both print and other media formats of instructional materials must be easy to use and replace and be durable enough for multiple uses over time. See Sections 1006.29(4), 1006.38(3)(a), 1006.34(2)(b), 1006.38(5) and 1006.38(6)-(9), Florida Statutes.**

**Warranty:** The actual physical and technical qualities of materials should match the description contained in the publisher’s warranty.

**Use:** Materials must be designed for practical use in the classroom and school environments. They must be easy to identify and store. Teachers and students must be able to access and use the materials. Some of the factors influencing their ease of use include number of components, size of components, packaging, quality of materials, equipment requirements, and cost to purchase or replace components.

The best choice about weight, size and number of volumes depends on several factors, such as the organization of the content, how well separate volumes may fit time periods for instruction and the ages of students. Technical production requirements, such as page limits or different types of bindings, may lead to multiple volumes.

Examples of classroom use include repeated copying of consumable materials and repeated use of other materials by students over time. Students should be able to easily use the materials and take home, in a convenient form, most of the material they need to learn for the course.

Technology-rich resources should work properly without the purchase of additional software and run without error. Electronic media for student use should be encoded to prevent accidental or intentional erasure or modification. As with textbooks, electronic media should allow students to easily access and interact with them without extensive supervision or special assistance.

The physical and technical qualities of materials should match with the resources of the schools. Materials such as videos, software, CDs, Internet sites and transparencies may serve instructional purposes well but have little value unless they can be implemented with the school’s equipment. Publishers should include training, in-service and consultation to help in effective use of the materials.

**Durability:** Students and teachers should be able to have materials that will be durable under conditions of expected use. For example, boxes, books or other materials should not fall apart after normal classroom use. The packaging and form of materials should be flexible and durable enough for multiple uses over time. Durability includes considerations such as high-quality paper, ink, binding and cover back, joints, body block and individual pages; worry-free technology that runs properly, with easy to hear, see, and control audio and visuals; and the publisher’s guarantee for replacement conditions and agreements for reproduction needed to effectively use the materials.

**Cost:** *Florida's Commissioner of Education will consider the impact of cost in making final decisions.* Cost, while not a direct factor in ease of use, influences the ease with which materials can be obtained or replaced. The impact of cost can be complex to estimate. It requires considering the number of materials available at no additional cost with the purchase of the major program or text, the cost over the adoption period of several years, and the number of free materials to support implementation. Attractive features such as higher quality paper and visuals and greater use of color may escalate cost, without enhancing learning effectiveness.

### **Learning**

The following features have been found to promote learning and apply to most types of learning outcomes.

- A. Motivational Strategies**
- B. Teaching a Few “Big Ideas”**
- C. Explicit Instruction**
- D. Guidance and Support**
- E. Active Participation**
- F. Targeted Instructional Strategies**
- G. Targeted Assessment Strategies**

The following sections describe the learning features expected for each of these priority areas.

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### **A. MOTIVATIONAL STRATEGIES**

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**Instructional materials must include features to maintain learner motivation. See Sections 1006.31(2), 1006.34(2)(b) and 1006.38(4), Florida Statutes.**

**Expectations:** Materials should positively influence the expectations of students. Examples include: positive expectations for success; novel tasks or other approaches to stimulate intellectual curiosity; meaningful tasks related to student interests, cultural backgrounds and developmental levels; activities with relevance to the student's life; thought-provoking challenges such as paradoxes, dilemmas, problems, controversies and critical thinking; challenges that are neither too difficult to achieve nor so easy that students become bored; hands-on tasks in a concrete context and images, sounds, analogies, metaphors or humorous anecdotes; and variety, including the opportunity for students to ask their own questions, set their own goals and make other choices during learning.

**Feedback:** Materials should include informative and positive feedback on progress. Examples include: frequent checks on progress, including testing; explanatory feedback with information about correctness of responses, how to avoid or correct common mistakes and/or different approaches to use; and varied forms of assessments (self-assessment, peer assessment and some learning tasks without formal assessments).

**Appearance:** Materials should have an appearance generally considered attractive to the intended students.

## B. TEACHING A FEW “BIG IDEAS”

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**Instructional materials should thoroughly teach a few important ideas, concepts or themes. See Sections 1006.31(2) and 1006.34(2)(b), Florida Statutes.**

**Focus:** Thoroughly teaching a few big ideas provides focus for the learner’s attention. It provides an organizing framework for integrating new information.

**Completeness:** The thorough teaching of a few big ideas may focus on developing a deeper and more complete understanding of the major themes of a discipline, the content of the subject area, relationships to other disciplines, and the thinking and learning skills required for achieving the specified learning outcomes.

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## C. EXPLICIT INSTRUCTION

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**Instructional materials must contain clear statements of information and outcomes. See Sections 1006.31(2) and 1006.34(2)(b), Florida Statutes.**

**Clarity of directions and explanations:** To support success in learning, instructional materials should include clear presentation and explanations of purposes, goals and expected outcomes, concepts, rules, information and terms, models, examples, questions, and feedback.

For example, development of specific thinking skills requires an explicit statement of the particular *thinking skills* to be learned, along with the *strategies* or *steps to follow*. Explicit instruction for thinking skills might also involve showing *examples* of successful thinking contrasted with examples of poor thinking processes.

Similarly, the development of learning skills requires explicit directions about *when* and *how* to do activities such as note taking, outlining, paraphrasing, abstracting and analyzing, summarizing, self-coaching, memory strategies, persistence, preview and questioning, reading and listening, reflecting, and reciting.

**Exclusion of ambiguity:** Instructional materials should avoid terms and phrases with ambiguous meanings, confusing directions or descriptions, and inadequate explanations.

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## D. GUIDANCE AND SUPPORT

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**Instructional materials must include guidance and support to help students safely and successfully become more independent learners and thinkers. See Sections 1006.31(2) and 1006.34(2)(b), Florida Statutes.**

**Level:** The type of guidance and support that helps students become more independent learners and thinkers is sometimes referred to as *scaffolding*. Scaffolding is a solid structure of support that can be removed after a job has been completed. As students gain proficiency, support can diminish and students can encounter more complex, life-centered problems. Information and activities should provide guidance and support at the level that is needed—no more and no less. Too much support can squelch student success and too little can lead to failure.

Guidance and support can be accomplished by a combination of the following features: organized routines; advance organizers or models such as condensed outlines or overviews, simplified views of information, visual representations of new information during initial instruction, sample problems, and questions to focus on key ideas or important features; examples of solved problems; explanations of how the problems were solved; examples of finished products or sample performances; analogies, metaphors or associations to compare one idea to another; prompts or hints during initial practice; step-by-step instructions; immediate and corrective feedback on the accuracy of performance of each step or task, on how to learn from mistakes, and on how to reach the correct answer; simulations with features for realistic practice; and opportunities for students to do research; and to organize and communicate results.

**Adaptability:** Guidance and support must be adaptable to developmental differences and various learning styles. For example, young children tend to understand concepts in concrete terms and over-generalize new concepts. Some students need more time, some tend to be more impulsive than reflective, some have trouble distinguishing relevant from irrelevant information and some have better written than spoken language skills.

Approaches for developmental differences and learning styles of students include a variety of *activities* such as structured and unstructured activities; independent and group work, teacher-directed and discovery learning, visual and narrative instruction, hands-on activities, open-ended activities, and practice without extrinsic rewards or grades; simple, complex, concrete and abstract examples; variable pacing or visual breaks; and a variety of *modalities* for the various learning styles of students, such as linguistic-verbal, logical-mathematical, musical, spatial, bodily-kinesthetic, interpersonal, intrapersonal and naturalist.

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## E. ACTIVE PARTICIPATION OF STUDENTS

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**Instructional materials must engage the physical and mental activity of students during the learning process. See Sections 1006.31(2) and 1006.34(2)(b), Florida Statutes.**

**Assignments:** Instructional materials should include organized activities of periodic, frequent, short assignments that are logical extensions of content, goals and objectives.

**Student responses:** Assignments should include questions and application activities during learning that give students opportunities to respond. Active participation of students can be accomplished in a variety of ways. For example, information and activities might require students to accomplish types of activities that include: respond orally or in writing; create visual representations (charts, graphs, diagrams and illustrations); generate products; generate their own questions or examples; think of new situations for applying or extending what they learn; complete discovery activities; add details to big ideas or concepts from prior knowledge; form their own analogies and metaphors; practice lesson-related tasks, procedures, behaviors or skills; and/or choose from a variety of activities.

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## F. TARGETED INSTRUCTIONAL STRATEGIES

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**Instructional materials should include the strategies known to be successful for teaching the learning outcomes targeted in the curriculum requirements. See Sections 1006.31(2), 1006.34(2)(b) and 1003.42, Florida Statutes.**

**Alignment:** Research has documented the strategies that effectively teach different types of learning outcomes. The learning strategies included in instructional materials should match the findings of

research for the targeted learning outcomes. Different types of learning outcomes require different strategies. For example, a strategy for memorizing verbal information might be helpful, but it would not align with the strategies required for learning a concept or for learning how to solve a problem.

**Completeness:** Not only should strategies be aligned, they also should be complete enough to effectively teach the targeted outcomes. For example, while the explanation of a problem-solving method or model would be appropriate, other strategies also would be necessary in order for students to learn how to resolve different types of problems.

**Research summary:** Researchers sometimes use different terms for some similar outcomes. For example, *thinking skills* and *metacognition* refer to some of the same types of skills. The following alphabetical list includes terms as they appeared in research, even though some terms clearly overlap with each other:

- attitudes;
- cognitive strategies;
- comprehension/understanding;
- concepts;
- creativity;
- critical thinking;
- insight;
- metacognition;
- motor skills;
- multiple intelligences;
- problem solving;
- procedural knowledge, principles and rules;
- scientific inquiry;
- thinking skills;
- verbal information, knowledge or facts.

The following section summarizes the research findings for each of these types of learning outcomes.

### **Effective Teaching Strategies**

#### *Teach Attitudes*

- Explain and show consequences of choices, actions or behaviors.
- Provide relevant human or social models that portray the desired choices, actions or behaviors.

#### *Teach Reading*

- Monitor and reflect upon the effectiveness of the reading process used.
- Provide appropriate reading strategies.
- Link instruction to effective reading.

#### *Teach Cognitive Strategies*

- Monitor and reflect upon the effectiveness of the reading process used.
- Encourage and/or teach:
  - organizing and summarizing information;
  - self-questioning, self-reflection and self-evaluation;
  - reference skills; and
  - when and how to use these different skills.

Teach *Comprehension/Understanding*

- Outline, explain or visually show what will be read/learned in a simple form.
- Explain with concrete examples, metaphors, questions or visual representations.
- Require students to relate new readings to previously learned information.
- Require students to paraphrase or summarize new information as it is read.
- Require students to construct a visual representation of main ideas (map, table, graphs, Venn diagram, etc.).
- Give students opportunities to add details, explanations or examples to basic information.
- Require application of knowledge or information.

Teach *Concepts*

- Provide clear understanding of each concept.
- Point out important features or ideas.
- Point out examples of the concept, showing similarities and differences.
- Include practice in organizing and classifying concepts.
- Include a wide range of examples in a progressive presentation from simple to more complex examples.
- Emphasize relationships between concepts.

Teach *Creativity*

- Provide examples of creativity.
- Include models, metaphors and analogies.
- Encourage novel approaches to situations and problems.
- Show and provide practice in turning a problem upside down or inside out or by changing perceptions.
- Encourage brainstorming.
- Include open-ended questions and problems.
- Provide opportunities of ungraded, unevaluated creative performance and behavior.

Teach *Critical Thinking*

- Create conflict or perplexity by using paradoxes, dilemmas or other situations to challenge concepts, beliefs, ideas and attitudes.
- Focus on how to recognize and generate proof, logic, argument and criteria for judgments.
- Include practice in detecting mistakes, false analogies, relevant vs. irrelevant issues, contradictions, discrepant events and predictions.
- Provide practice in drawing inferences from observations and making predictions from limited information.
- Explain and provide practice in recognizing factors or biases that may influence choice and interpretations such as culture, experience, preferences, desires, interests and passions, as well as systematic thinking.
- Require students to explain how they form new conclusions and how and why present conclusions may differ from previous ones.

Teach *Inquiry*

- Emphasize technological design as inquiry and include discovery activities.
- Provide opportunities for experimental design.
- Provide opportunities for critical thinking.
- Facilitate the collection, display and interpretation of data.
- Promote careful observation, analysis, description and definition.

Teach *Metacognition*

- Explain different types of thinking strategies and when to use them.
- Encourage self-evaluation and reflection.
- Include questions that challenge students to wonder why they are doing what they are doing.
- Guide students in how to do systematic inquiry, detect flaws in thinking and adjust patterns of thinking.

Teach *Technology*

- Provide a mental and physical model of desired performance.
- Describe steps in the performance.
- Provide practice with kinesthetic and corrective feedback (coaching).

Teach *Multiple Intelligences/Learning Modalities*

- Visual learning modality focuses on seeing, watching and looking.
- Auditory learning modality focuses on hearing and responding to verbal information and instructions.
- Motor/kinesthetic learning modality focuses on active involvement and hands-on activities.
- Verbal-linguistic dimension focuses on reasoning with language, rhythms and inflections, such as determining meaning and order of words (stories, readings, humor, rhyme and song).
- Logical-mathematical dimension focuses on reasoning with patterns and strings of symbols (pattern blocks, activities to form numbers and letters).
- Musical dimension focuses on appreciation and production of musical pitch, melody and tone.
- Spatial dimension focuses on activities of perceiving and transforming perceptions.
- Bodily kinesthetic dimension focuses on use and control of body and objects.
- Interpersonal dimension focuses on sensing needs, thoughts and feelings of others.
- Intrapersonal dimension focuses on recognizing and responding to one's own needs, thoughts and feelings.
- Naturalist dimension focuses on appreciation of nature and the environment and on comparing, contrasting and classifying attributes.

Teach *Problem Solving*

- Assure student readiness by diagnosing and strengthening related concept, rule and decision-making skills.
- Provide broad problem-solving methods and models.
- Include practice in solving different types of problems.
- Begin with highly structured problems and then gradually move to less structured ones.
- Use questions to guide thinking about problem components, goals and issues.
- Provide guidance in observing and gathering information, asking appropriate questions and generating solutions.
- Include practice in finding trouble, inequities, contradictions or difficulties and in reframing problems.

Teach *Procedural Knowledge, Principles and Rules*

- Define context, problems, situations or goals and appropriate procedures.
- Explain reasons that procedures work for different types of situations.
- Define procedures—procedures include rules, principles and/or steps.
- Provide vocabulary and concepts related to procedures.
- Demonstrate step-by-step application of procedures.
- Explain steps as they are applied.
- Include practice in applying procedures.

*Teach Scientific Inquiry*

- Explain process and methods of scientific inquiry.
- Explain and provide examples of (a) hypotheses formation, (b) valid procedures, (c) isolating variables, (d) interpretation of data and (e) reporting findings.
- Encourage independent thinking and avoidance of dead ends or simplistic answers.
- Require students to explain, verify, challenge and critique the results of their inquiry.

*Teach Thinking Skills*

- Introduce different types of thinking strategies.
- Explain context or conditions of applying different strategies.
- Provide definitions, steps and lists to use in strategies.
- Include examples of different types of thinking strategies, including how to think with open-mindedness, responsibility and accuracy.
- Emphasize persisting when answers are not apparent.
- Provide practice in applying, transferring and elaborating on thinking strategies.
- Integrate metacognitive, critical and creative-thinking skills.

*Teach Verbal Information, Knowledge, or Facts*

- Provide a meaningful context to link new information and past knowledge.
- Organize information into coherent groups or themes.
- Use devices to improve memory such as mnemonic patterns, maps, charts, comparisons, groupings, highlighting of key words or first letters, visual images and rhymes.
- Identify main ideas, patterns or relationships within information or sets of facts.

**G. TARGETED ASSESSMENT STRATEGIES**

**Instructional materials should include assessment strategies that are known to be successful in determining how well students have achieved the targeted learning outcomes. See Sections 1006.31(2), 1006.34(2)(b) and 1006.38(4), Florida Statutes.**

**Alignment:** The assessment strategies should match the learner performance requirements for the types of learning outcomes that have been targeted for the subject matter, course or course category. Different strategies are appropriate for assessing different types of learning outcomes. For example, a strategy for testing the acquisition of verbal information would not match the requirements for testing whether or not a student has learned a concept or learned how to solve a problem.

The term “assessment,” as used in this section, refers to testing or other strategies that assess student progress as a result of learning activities. The results of such assessment provide information about where to strengthen instruction, but it is very important to ask the right questions. If the type of question matches the type of learning outcome, then students and teachers have relevant information about learning progress.

**Completeness:** In addition to including assessment strategies that align with the performance requirements of the targeted learning outcomes, the strategies should be complete enough to effectively assess the learner’s performance with regard to the targeted outcome. For example, a test item that requires the student to state a rule does not assess whether or not the student knows how to *use* the rule.

**Research summary:** The research summary for effective assessment strategies for different types of learning outcomes follows the same alphabetical sequence as the previous section.

## **Effective Assessment Strategies**

### *Assess Attitudes*

- Provide various situations.
- Require choices about behaviors.

### *Assess Cognitive Strategies*

- Provide learning tasks.
- Require students to choose good strategies for learning and/or to learn new materials without teacher guidance.
- Require students to discuss and explain methods used for various learning tasks.

### *Assess Comprehension/Understanding*

- Provide topic.
- Require summary or restatement of information.
- Provide new context.
- Require application of information.
- Provide several statements using words different from the initial teaching.
- Require identification of the correct meaning.

### *Assess Concepts*

- Provide new examples and non-examples.
- Require identification or classification into the correct categories.

### *Assess Creativity*

- Provide new problems to “turn upside down,” study or resolve—these could be performances, presentations or products.
- Require products or solutions to fit within the particular functions and resources.
- Provide situations requiring novel approaches.

### *Assess Critical Thinking*

- Require students to evaluate information or results.
- Require the use of analysis and research.

### *Assess Insight*

- Provide situations for inquiry and discovery.
- Provide situations for manipulation.

### *Assess Metacognition*

- Provide different situations or problems.
- Require students to identify types of thinking strategies to analyze and evaluate their own thinking.

### *Assess Multiple Intelligences/Learning Modalities*

- Provide situations in the multiple intelligence/learning modalities that are targeted, e.g., verbal-linguistic, musical or other learning modalities.
- Provide situations in several multiple intelligence/learning modalities to allow choice.

- Require performance in the targeted or chosen multiple intelligence/learning modality.

*Assess Motor Skills*

- Provide situations and resources for performance of the skill.
- Include checklist for evaluation.

*Assess Problem Solving*

- Require students to choose types of problem-solving strategies for different situations.
- Require solutions to structured and unstructured, simple and complex problems.

*Assess Procedural Knowledge, Principles and Rules*

- Provide situations that require students to recognize the correct use of procedures, principles or rules with routine problems.
- Require students to state procedures, principles or rules.
- Require students to choose which procedures, principles or rules to apply in different situations.
- Provide situations that require students to demonstrate the correct use of procedures, principles or rules with routine problems.

*Assess Scientific Inquiry*

- Provide situations or problems that require speculation, inquiry and hypothesis formation.
- Provide research, hands-on activities and conclusions.

*Assess Thinking Skills*

- Require students to summarize different types of thinking strategies.
- Provide situations that require students to choose the best type of thinking strategy to use.
- Require students to detect instances of open vs. closed-mindedness.
- Require students to detect instances of responsible vs. irresponsible and accurate vs. inaccurate applications of thinking strategies.
- Provide situations that require the student's persistence in order to discover or analyze information to obtain answers to specific questions.
- Require students to apply specific thinking strategies to different real-world situations.

*Assess Verbal Information, Knowledge or Facts*

- Require students to recall information.
- Require students to restate information.
- Require students to understand information.

## K-12 Program Design

### Social Studies Expectations

Materials submitted for the 2022-2023 social studies adoption must foster compliance with 6A-1.094121, F.A.C., Required Instruction Planning and Reporting and s. 1003.42, F.S. and meaningfully incorporate, the following concepts, in order to be considered fully aligned to the standards, benchmarks, and benchmark clarifications.

Correlation to all of the following below is expected in order to be considered for state adoption (Attachment 1).

- Primary source documents are appropriately integrated within content and lessons; and
- Integrated K-12 Civic Education Curriculum ([Rule 6A-1.09411](#)) and High School Civics and Government requirements (House Bill 5, 2021) are covered.

### FDOE's Intention of Benchmark Clarifications

Through [Rule 6A-1.09401, F.A.C., Student Performance Standards](#), the benchmark clarifications are adopted as part of Florida's Civics and Government standards (CG) and Holocaust Education (HE) standards, and are to be included within all lessons and units of instruction. Benchmark clarifications are intended to be treated with the same level of importance as the benchmarks. Benchmarks and benchmark clarifications must be taught together. For example, certain benchmarks are not required to be taught together, but clarifications are expected to be taught with their benchmark.

### K-12 Civics and Government Standards

Civic education is essential to develop an upright and desirable citizenry that preserves and defends the blessings of liberty secured by the Constitution of the United States ([Rule 6A-1.09411\(3\)\(d\)](#)), development of informed citizenry who are equipped to participate in civic life and preserve a government of the people, by the people, and for the people. The Civics and Government (CG) standards were revised in 2021 and reflect the following priorities for K-12 Civics and Government teaching and learning in Florida schools.

- Students study primary source documents to understand the philosophical underpinnings of the American Republic and the root cause of American exceptionalism.
- Students compare the success of the United States and the success or failure of other nations' governing philosophies to evaluate their past, present and likely future effects.
- Students have a sense of civic pride and participate regularly in all levels of government.
- Students reflect upon United States civic history, so they understand their rights and responsibilities as citizens, including the process of advocating properly with government officials.

Instructional materials and resources must reflect Florida's priorities for K-12 Civics and Government.

### High School Civics and Government Courses

House Bill 5 (2021) requires that a comparative discussion of political ideologies, such as communism and totalitarianism, that conflict with the principles of freedom and democracy essential to the founding principles of the United States be added to high school United States Government courses beginning in the 2021-2022 school year. This requirement must be included in high school United States Government instructional materials.

Instructional materials must include how victims of communism suffered through suppression of speech, poverty, starvation, migration, and systemic lethal violence under the following regimes:

- Mao Zedong and the Cultural Revolution;
- Joseph Stalin and the Soviet System;
- Fidel Castro and the Cuban Revolution;
- Vladimir Lenin and the Russian Revolution;
- Pol Pot and the Khmer Rouge;
- Nicolás Maduro and the Chavismo movement.

Please complete the High School Civics and Government Requirements Correlation.

### **K-12 Civics and Government Curriculum**

House Bill 5 required the Florida Department of Education to develop or approve an integrated civic education curriculum, which is expressed in Rule 6A-1.09411, F.A.C., “K-12 Civic Education Curriculum.” Instructional materials must provide guidance to educators on integrating the content of the “K-12 Civic Education Curriculum” across all other subject areas as part of regular school work in kindergarten through Grade 12.

Please complete the Integrated K-12 Civic Education Curriculum Correlation.

### **Primary Sources**

Primary source documents that are referenced in the benchmarks and benchmark clarifications must be included and unedited.

Please complete the Primary Sources Correlation.

### **Rule 6A-1.094124, F.A.C., Required Instruction Planning and Reporting**

Instructional materials must comply with subsection 3 of Rule 6A-1.094124, F.A.C., Required Instruction Planning and Reporting and all other sections pertinent to social studies education.

Critical Race Theory, Social Justice, Culturally Responsive Teaching, Social and Emotional Learning, and any other unsolicited theories that may lead to student indoctrination are prohibited.

Subsection 3 states:

(3) As provided in Section 1003.42(2), F.S., members of instructional staff in public schools must teach the required instruction topics efficiently and faithfully, using materials that meet the highest standards of professionalism and historical accuracy.

(a) Efficient and faithful teaching of the required topics must be consistent with the Next Generation Sunshine State Standards and the Benchmarks for Excellent Student Thinking (B.E.S.T.) Standards.

(b) Instruction on the required topics must be factual and objective, and may not suppress or distort significant historical events, such as the Holocaust, slavery, the Civil War and Reconstruction, the civil rights movement and the contributions of women, African American and Hispanic people to our country, as already provided in Section 1003.42(2), F.S. Examples of theories that distort historical events and are inconsistent with State Board approved standards include the denial or minimization of the Holocaust, and the teaching of Critical Race Theory, meaning the theory that racism is not merely the product of prejudice, but that racism is embedded in American society and its legal systems in order

to uphold the supremacy of white persons. Instruction may not utilize material from the 1619 Project and may not define American history as something other than the creation of a new nation based largely on universal principles stated in the Declaration of Independence. Instruction must include the U.S. Constitution, the Bill of Rights and subsequent amendments.

(c) Efficient and faithful teaching further means that any discussion is appropriate for the age and maturity level of the students, and teachers serve as facilitators for student discussion and do not share their personal views or attempt to indoctrinate or persuade students to a particular point of view that is inconsistent with the Next Generation Sunshine State Standards and the Benchmarks for Excellent Student Thinking (B.E.S.T.) Standards.

### **Required Instruction Statute (s. 1003.42, F.S.)**

Social studies instructional materials must be in compliance with s. 1003.42, F.S. Content from s. 1003.42, F.S., must be included in instructional materials as appropriate for grade-level, subject, course and social studies standards.

### **Prohibition of Critical Race Theory (CRT) and its Applied Principles and Social Emotional Learning**

Potential CRT components include:

- Members of one race, color, sex, or national origin are morally superior to members of another race, color, sex, or national origin;
- An individual, by virtue of his or her race, color, sex, or national origin, is inherently racist, sexist, or oppressive, whether consciously or unconsciously;
- An individual's moral character or status as either privileged or oppressed is necessarily determined by his or her race, color, sex, or national origin;
- Members of one race, color, sex, or national origin cannot and should not attempt to treat others without respect to race, color, sex, or national origin;
- An individual, by virtue of his or her race, color, sex or national origin, bears responsibility for, or should be discriminated against or receive adverse treatment because of, actions committed in the past by other members of the same race, color, sex, or national origin;
- An individual, by virtue of his or her race, color, sex, or national origin, should be discriminated against or receive adverse treatment to achieve diversity, equity, or inclusion;
- An individual should feel discomfort, guilt, anguish, or any other form of psychological distress on account of his or her race, color, sex, or national origin; and
- Such virtues as merit, excellence, hard work, fairness, neutrality, objectivity, and color-blindness are racist or sexist, or were created by members of a particular race, color, sex, or national origin to oppress members of another race, color, sex, or national origin.

Aspects of CRT Include Culturally Responsive Teaching and Social Justice

- Culturally Responsive Teaching differs from statutory requirement:
  - S. 1006.34, F.S., "In the selection of instructional materials, ... the propriety of the material shall include the consideration of the broad racial, ethnic, socioeconomic, and cultural diversity of the students of this state."
- Instructional materials should not attempt to indoctrinate or persuade students to a viewpoint inconsistent with Florida standards.
- Social Justice is closely aligned to CRT.
- Potential Social Justice components include:
  - Seeking to eliminate undeserved disadvantages for selected groups.
  - Undeserved disadvantages are from mere chance of birth and are factors beyond anyone's control, thereby landing different groups in different conditions.

- Equality of treatment under the law is not a sufficient condition to achieve justice.
- SEL in instructional materials are considered extraneous, unsolicited strategies prohibited in the specifications for the texts and are not part of the subject-area standards. These include:
  - Identity and identity identification concepts
  - Managing emotion
  - Developing relationships
  - Social awareness

### **Inclusion of Digital Resources; Parent Resources; Student Resources**

With the increase of remote learning, it is the expectation that publishers include digital resources for teachers, parents and students. Digital features might include virtual lectures, primary source analysis, adaptive tasks, various assessment item types, searchable tasks and assessment items by benchmark, and interactive activities and lessons that can be completed simultaneously online or on paper.

### **Inclusion of Access for English Language Learners (ELL) and Students with Disabilities**

It is important that the program meets the needs of Florida's students and teachers. A number of different components included in the evaluation document capture the overall quality of the program's design. It is important that the program design includes tiered instruction through a Multi-Tiered System of Support (MTSS), providing access for all students including English Language Learners and students with disabilities.

A Multi-Tiered System of Support integrates the instruction and intervention, which is delivered to students in varying intensities (multiple tiers) based on student need. Additionally, it ensures that resources reach the appropriate students at the appropriate levels to accelerate the performance of ALL students to achieve and/or exceed proficiency. The program must align all tiers of instruction and intervention.

For ELLs, features are important in establishing the readability of instructional material language and concepts including:

- language that clarifies, simplifies and explains information;
- transition words such as "yet," "also," "next," "for example," "moreover" or "however;"
- words with concrete and specific images;
- active rather than passive voice;
- varied sentence structures and avoidance of both choppy sentences and unnecessary words;
- specific questions or directions to guide student attention to visuals or key information;
- chunking text;
- visuals that are relevant, clear, vivid, and simple enough for students to understand;
- quantity of visuals suitable for the intended students;
- visuals that contain information in a form different from the text;
- graphs, charts, maps and other visual representations integrated at their point of use.

Instructional materials should include multilingual glossaries/dictionaries with content area vocabulary translated into Florida's primary languages: Spanish, Haitian-Creole, Portuguese, Vietnamese, French, Arabic, Chinese, Russian, Tagalog and Urdu.

All students with disabilities are entitled to grade-level accessible instructional materials, therefore publishers who submit material for consideration will be required to incorporate strategies, materials, activities, accessibility, etc. that consider the special needs of these students. In providing for students with special needs, Florida evaluators should consider the guidelines and information provided by the National Center on Universal Design for Learning at [www.UDLCenter.org](http://www.UDLCenter.org).

Providing access in a timely manner to both appropriate and accessible instructional materials (AIM) is an inherent component of the provision of a free and appropriate public education (FAPE) under the Individuals with Disabilities Education Act of 2004 (IDEA) for students with disabilities (34 Code of Federal Regulations [CFR]§300.210(b)(3)). The individual educational plan (IEP) team is responsible for determining if a student needs accessible instructional materials, the format of such materials and the necessary related accommodations for the student to participate in the general curriculum. One way to provide AIM is by ensuring that programs include flexible digital instructional materials.

### **Flexible Digital Instructional Materials**

All instructional materials must be provided in formats that are appropriate and accessible for students with disabilities and struggling students to ensure that all students can effectively and independently complete instructional activities addressing the state standards. The following are features that should be available in all digital and online instructional materials.

#### **Presentation Features**

- Fonts can be adjusted in type and size.
- Font colors and background colors can be adjusted.
- High contrast color settings are available.
- Text-to-speech tools are included or text can be selected and used with text-to-speech utilities.
- Text-to-speech tools read math formulas correctly.
- All images have alt tags.
- All videos are captioned.
- Text, image tags and captioning can be sent to refreshable Braille displays.

#### **Navigation Features**

- Non-text navigation elements (buttons, icons, etc.) can be adjusted in size.
- All navigation elements and menu items have keyboard shortcuts.
- All navigation information can be sent to refreshable Braille displays.

#### **Study Tools**

- Highlighters are provided in the 4 standard colors (yellow, rose, green, blue).
- Highlighted text can be automatically extracted into another document.
- Note taking tools are available for students to write ideas online as they are processing curriculum content.
- Resizable digital calculators are available in all math materials.

#### **Assistive Technology Supports**

- Assistive technology software can be run in the background. Examples include:
  1. Magnification
  2. Text-to-speech
  3. Text-to-American Sign Language
  4. On-screen keyboards
  5. Switch scanning controls

## 6. Speech-to-text

Flexible digital materials can also support all students within a Universal Design for Learning framework, not just students with disabilities. A feature that supports a student with a disability can also be used by other students. For example, text-to-speech and text-to-audio tools can be used as a reading scaffold for any student who struggles with decoding text. These tools can also be used by gifted students to convert print to audio so they can listen to the content while multi-tasking. Being able to adjust the size of menus and navigation elements helps students who are using switch systems to control a computer as well as help any students use the instructional materials on smaller screens, such as a mobile device or tablet.

### **Requirements for Production of Accessible Instructional Materials**

#### **Instructions for Preparing Electronic Files Required for Production of Instructional Materials in Braille and Other Accessible Formats in a Timely Fashion**

##### **Statutory Authorization**

Section 1003.55(5), Florida Statutes, states “...any publisher of a textbook adopted pursuant to the state instructional materials adoption process shall furnish the Department of Education with a computer file in an electronic format specified by the Department at least 2 years in advance that is readily translatable to Braille and can be used for large print or speech access. Any textbook reproduced pursuant to the provisions of this subsection shall be purchased at a price equal to the price paid for the textbook as adopted. The Department of Education shall not reproduce textbooks obtained pursuant to this subsection in any manner that would generate revenues for the department from the use of such computer files or that would preclude the rightful payment of fees to the publisher for use of all or some portion of the textbook.”

Section 1006.29(3), Florida Statutes, states “Beginning in the 2015-2016 academic year, all adopted instructional materials for students in kindergarten through grade 12 must be provided in an electronic or digital format. For purposes of this section, the term: (a) ‘Electronic format’ means text-based or image-based content in a form that is produced on, published by, and readable on computers or other digital devices and is an electronic version of a printed book, whether or not any printed equivalent exists. (b) ‘Digital format’ means text-based or image-based content in a form that provides the student with various interactive functions; that can be searched, tagged, distributed, and used for individualized and group learning; that includes multimedia content such as video clips, animations, and virtual reality; and that has the ability to be accessed at anytime and anywhere. The terms do not include electronic or computer hardware even if such hardware is bundled with software or other electronic media, nor does it include equipment or supplies.”

Section 1006.38(15), Florida Statutes, states “Grant, without prior written request, for any copyright held by the publisher or its agencies automatic permission to the department or its agencies for the reproduction of instructional materials and supplementary materials in braille, large print, or other appropriate format for use by visually impaired students or other students with disabilities that would benefit from use of the materials.”

##### **Objective**

Electronic formats are needed to accelerate the production of instructional materials in Braille, large print and other appropriate accessible formats. These accessible formats are used by visually impaired students or other students with disabilities utilizing specialized translation software and peripheral

devices. Access to Braille, enlarged print, audio and digital materials, including web-based online applications is crucial to the successful inclusion of students with disabilities in the classroom. The objective of these statutes is to prompt publishers to provide instructional materials data in an electronic format that will be useful to Braille and other accessible format producers while at the same time allowing each publisher the flexibility of providing files in the current version of: EPub3, HTML5 or MathML3 (as appropriate). Instructional materials that contain mathematical and scientific instructional content are to be marked up by using the MathML3 module of the DAISY/NIMAS Structure Guidelines as posted and maintained at the DAISY Consortium web site: <http://www.daisy.org/z3986/structure/SG-DAISY3/index.html>.

By April 1 of each year, publishers of adopted student textbooks for instructional materials must be able to provide the approved electronic formats UPON REQUEST. The requested electronic files shall be provided to the Florida Instructional Materials Center for the Visually Impaired (FIMC-VI), 4210 West Bay Villa Avenue, Tampa, Florida 33611; (813) 837-7826; in Florida WATS (800) 282-9193 or (813) 837-7979 (FAX). The center will contact each publisher of an adopted textbook and provide delivery instructions.

### **Federal Requirements for the National Instructional Materials Accessibility Standard (NIMAS)**

**National Instructional Materials Accessibility Standard (NIMAS)** guides the production and electronic distribution of digital versions of textbooks and other instructional materials so they can be more easily converted to accessible formats, including Braille and text-to-speech. A National Instructional Materials Access Center (NIMAC) has been established to receive and catalog publishers' electronic files of print instructional materials in the NIMAS format.

These files will be used for the production of alternate formats as permitted under the law for students with print disabilities. Under these guidelines, "textbook" means the principal tool of instruction such as state-adopted instructional materials used in the classroom. It is a printed book or books that contain most, if not all, of the academic content a student needs to learn to meet the state or local educational agency's curriculum requirements for that subject area. "Related core materials" are printed materials, other than textbooks, designed for use by students in the classroom in conjunction with a textbook and which, together with the state-adopted textbook, are necessary to meet the curriculum requirements for the intended course. The materials should be directly related to the textbook and wherever possible they should be published by the publisher of the textbook. Related core materials do not include materials that are not written and published primarily for use by students in the classroom (e.g., trade books not bundled with the textbook, newspapers and reference works) or ancillary or supplemental materials that are not necessary to meet the curriculum requirements for the intended course. For purposes of these definitions, the term "curriculum requirements for the intended course" refers to relevant curriculum standards and requirements as established by a state educational agency or local educational agency.

The details of the metadata elements required as part of the NIMAS File set will be found at [http://www.nimac.us/pdf/NIMAC\\_Metadata1.pdf](http://www.nimac.us/pdf/NIMAC_Metadata1.pdf). Please note that some elements are required, while others are optional. Some fields also allow for multiple entries (e.g., subject terms).

Complete information concerning NIMAS and NIMAC can be found at <http://aim.cast.org> and <http://www.nimac.us>. (IDEA-2004).

Questions from publishers concerning electronic files in Florida can be directed to Victoria Gaitanis at [Victoria.Gaitanis@fldoe.org](mailto:Victoria.Gaitanis@fldoe.org).

**CONTACT INFORMATION AND LINKS**

Florida Department of Education  
Office of Instructional Materials  
325 W. Gaines Street – Suite 432  
Tallahassee, Florida 32399-0400  
850-245-0425 Office  
850-245-0826 Fax

Director of Library Media & Instructional Materials – Cathy Seeds  
850-245-0903 Office  
[Cathy.Seeds@fldoe.org](mailto:Cathy.Seeds@fldoe.org)

Instructional Materials Program Specialist (Publishers) – Lauren Hamilton  
850-245-9904 Office  
[Lauren.Hamilton@fldoe.org](mailto:Lauren.Hamilton@fldoe.org)

General Questions  
850-245-0425  
[IMStaff@fldoe.org](mailto:IMStaff@fldoe.org)

Instructional Materials Website: <http://www.fldoe.org/academics/standards/instructional-materials>

**Attachments**

- Social Studies Correlations (Attachment 1)
- Core Questions Rubric (Attachment 2)

EXHIBIT 3  
ORANGE COUNTY SCHOOL DISTRICT  
LEGISLATIVE UPDATE  
MAY 2022

# Legislative Updates



## Overview

We will discuss the impact of the following bills.

- House Bill 1467
- House Bill 1557
- House Bill 0007

Signed bills go into effect on July 1, 2022.

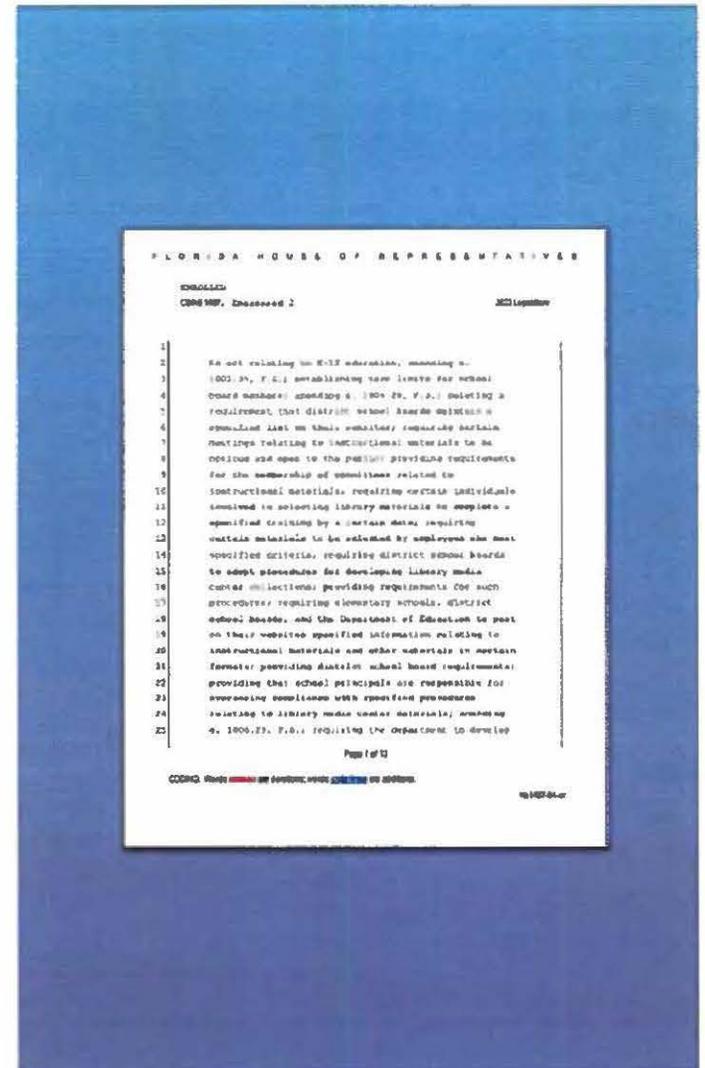


## School Board Policies

- Bills require revisions to the following school board policies:
  - IJ - Instructional Materials
  - IJL - Library Media Materials Selection
  - KEC - Concerns About Instructional Resources
    - 2022 DRAFT Request for Reconsideration of Instructional Media
- School board will tentatively workshop these policies in June and July

## HB 1467: K-12 Education

- Bill Text:  
[flsenate.gov/Session/Bill/2022/1467/BillText/er/PDF](https://flsenate.gov/Session/Bill/2022/1467/BillText/er/PDF)
- Signed into law on March 25, 2022
- “Revises district school board requirements for the selection and adoption of certain materials, etc.”



## **HB 1467: Book Challenges**

- Affects School Board Policy KEC
- Beginning June 30, 2023 districts must submit report that includes all materials that received a complaint and whether they were removed or not
- Principals will submit all challenge forms and recommendations via email as they occur
- District will keep them on file and submit to state

## HB 1467: Collection Procedures

- Affects School Board Policy IJL
- Affects media specialist collection practices
- Will know more in July once School Board meets
- **Best Practice *Recommendation*:**
  - Craft and adhere to a Collection Development Plan that follows School Board Policy IJL
  - Attend a Collection Development Plan workshop at the beginning of the school year
  - Post Collection Development Plan on the Media Center website for greater transparency

## **HB 1467: Media Center Websites**

- Affects School Board Policy IJL
- Creating a standard template for all school media center websites, will include:
  - Link to School Board Policy IJL
  - Instructional Materials Lists
  - School or Grade-Level Reading Lists
- “Destiny” drop down will be changed to “Destiny Library Catalog”

## **HB 1467: Library Media Materials Selection**

- Affects School Board Policy IJL
- Books made available in the media center or on reading lists must be selected by a district employee who has a valid educational media specialist certificate
  - School-based media specialists are district employees
  - Applies to purchased and donated books
- Must consult reputable professional reviews and school community stakeholders
- Media clerks will no longer be allowed to select books for media center collections

## **HB 1467: Library Media Materials Training**

- Affects School Board Policy IJL
  - Media specialists, and others involved in selection, must complete an annual FL DOE developed training
  - Training will be available no later than January 1, 2023
  - Superintendent must certify to the district that all media specialists have completed the training by July 1, 2023
  - Communication will be sent through multiple channels, multiple times, once the training becomes available
- 

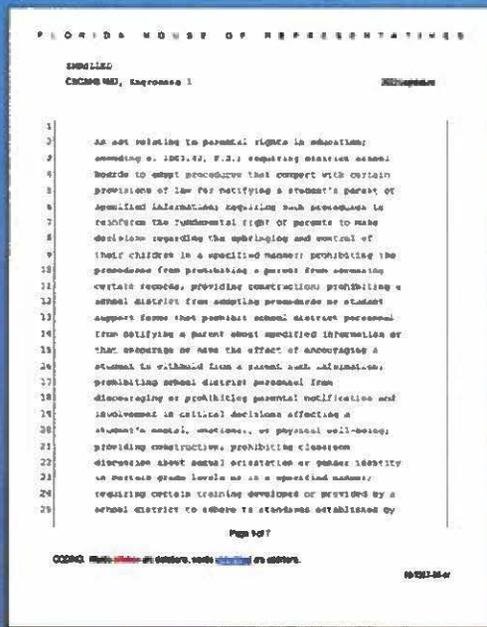
## HB 1467: School or Grade-Level Reading Lists

- Affects School Board Policy IJL
- Any book required to be read for a class assignment or part of the curriculum must be included on a school or grade-level reading list
  - Does not impact SSYRA, FTR, or read alouds
- Media specialists must review these lists to make sure included books meet criteria set forth in state statutes
- **Best Practice Recommendation:**
  - Recommend working on these reading lists starting now
  - Use the Destiny Resource List feature to create lists (editable)
  - Consider posting by the end of pre-planning

## **HB 1467: School Community Stakeholders**

- Affects School Board Policy IJL
- Media specialists required to consult with school community stakeholders when selecting library materials
- No legislative language about what this looks like in practice
- Will need School Board to weigh in this summer

## HB 1557: Parental Rights



- Bill Text: <https://www.flsenate.gov/Session/Bill/2022/1557/BillText/er/PDF>
- Signed into law on March 28, 2022
- “... prohibits classroom discussion about sexual orientation or gender identity in certain grade levels; ... provides for additional award of injunctive relief, damages, & reasonable attorney fees & court costs to certain parents.”

## **HB 1557: Student Check Out History**

- Student check out history is considered an educational record
- If a parent or guardian were to request their child's check out history, school would be required to provide this educational record

## **HB 1557: Bill Language**

“3. Classroom instruction by school personnel or third parties on sexual orientation or gender identity may not occur in kindergarten through grade 3 or in a manner that is not age appropriate or developmentally appropriate for students in accordance with state standards.”



## HB 1557: Sexual Orientation

- “Sexual orientation” means an individual’s heterosexuality, homosexuality, or bisexuality.

## HB 1557: Gender Identity

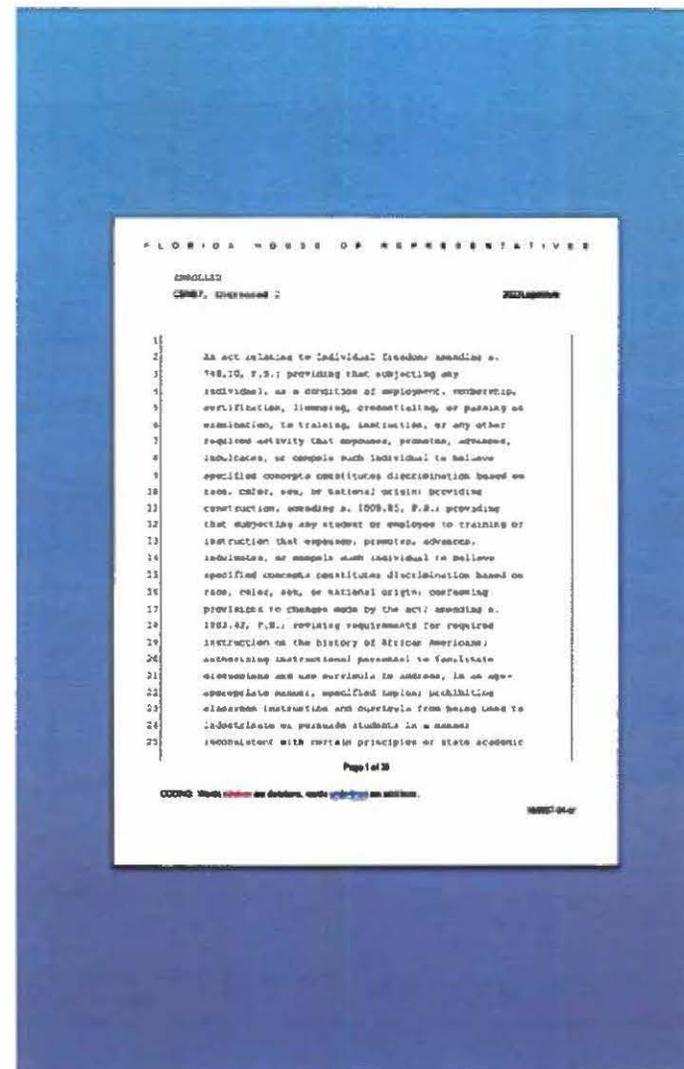
- “Gender identity” means gender-related identity, appearance, or behavior, regardless of whether such gender related identity, appearance, or behavior is different from that traditionally associated with the person’s physiology or assigned sex at birth, which can be shown by the person providing evidence, including, but not limited to:
  - Medical history, care, or treatment of the gender related identity;
  - Consistent and uniform assertion of the gender-related identity; or
  - Other evidence that the gender-related identity is a sincerely held part of the person’s core identity and is not being asserted for an improper purpose.

## HB 1557: Potential Impact on Books

- Media specialists are encouraged to conduct a review of books available to students in grades K through 3.
  - Books that make written or pictorial reference to sexual orientation or gender identity should not be available for K-3 students to browse or check out
  - Any books found to make such reference may remain in the media center and available to students in grades 4-5 to browse or check out
  - Teachers of K-3 students may also not check the books out if the intent is to loan the book to a student or to use during classroom instruction
- 

## HB 0007: Individual Freedom

- Bill Text:  
<https://www.flsenate.gov/Session/Bill/2022/7/BillText/er/PDF>
- Bill calls for a lot including:
  - “prohibits instructional materials reviewers from recommending instructional materials that contain any matter that contradicts certain principles;”



## **HB 0007: Impact on Books**

- We are waiting on further clarification from the state about whether books will be impacted.
- Media specialists are encouraged to conduct a review of books available to students in grades K through 12 to determine if any books are associated with the 1619 project or address similar topics which elevate one race over another.
- There is no need to remove books at this point in time.



## **Bills: Potential Impact**

- Adopted Textbooks
- District Purchased Resources
- Free District Supported Resources
- School Purchased Resources

## **Bills: Potential Impact on Adopted Textbooks**

- Minimal impact based on state approval of all OCPS Instructional Materials
- Board Policy IJ
  - Objections to Instructional Materials Already Adopted and in Use.
    - With respect to instructional materials already adopted and in use, or proposed to be used in the classroom, a parent/legal guardian of a public school student or a resident of the county shall file a petition for review with the Board. Such material shall include not only instructional materials used in the classroom, but also bonus and/or other media material that will be placed in the school's media center and used in the classroom.



## **Bills: Potential Impact on District Purchased, Free and School Purchased Resources**

- Potential major impact based on lack of state approval for resources
  - **HB 1557 No definition found in bill of sexual orientation or gender identity in relation to:**
    - **classroom instruction**
    - **age appropriate**
    - **developmentally appropriate**
  - HB 007 no evaluative rubric found in bill to determine CRT
  - **Hundreds of existing approved supplemental/intervention materials need to be reviewed.**
- 

## Additional Considerations

- Options to limit media center access
- Options to limit materials access based on
  - Required Reading List or Topic
- Options to limit access through publisher websites and Canvas.

EXHIBIT 4  
QUESTIONS REGARDING LEGISLATION

- **HB 1557** has been signed by the Governor and is effective 7/1/22. [Bill Text](#)
- HB 7 was approved by the House and Senate and is expected to be signed by the Governor, with an effective date of 7/1/22. [Bill Text](#)

#### ALEX'S TEAM:

- If a PD is done on a voluntary basis, is it permissible?
- Are professional development offerings reported to the FLDOE or is it as a problem is reported?
- Is implicit bias equivalent to racism/sexism? What if all possess the implicit bias regardless of race?
- Would compiling teams with the mindset of diversity be perceived as discriminating or adverse treatment (Lines 89-92)
- Who determines the objectivity of the content?
- Does this mean that discrimination on the basis on gender and/or ethnicity is permissible?
- Can any course within public schools (beyond human reproduction) be divided by sex and/or gender?
- Can we share that although racial colorblindness was not created to oppress that it has had unintended consequences?
- Line 392: When should we receive these standards and/or curriculum?
- Do lines 380-389 prohibit the teaching or discussion of current examples of injustices?
- Is lines 502-506 presented as the way things are or the way things should be?
- When will Stories of Inspiration be available and when should it be implemented?

#### 1557:

- The legislation is explicitly using the language of "parent"; does this legislation apply to guardians, grandparents, foster parents, etc?
- What constitutes a shift in services? Do SEL strategies rise to the level of a shift in services?

#### Early Childhood

HB 1557 has been signed by the Governor and is effective 7/1/22. [Bill Text](#)

- Do we need to create a list of books/resources for schools to provide to parents who want to see what is being used or taught in the classroom?
- Are we being asked to remove all references/resources that are specifically related to gender?
  - Where do we draw the line around gender identity?
- One of the thematic units used in VPK is on Families: How are teachers to handle discussions generated by students around non-traditional families?
  - Should we limit discussion questions to prevent children from describing their own unique family characteristics?

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#### Competitions

- Can we hold a girl's chess tournament to close the gap between male and female participants?

#### Elementary ELA

##### **HB 1557**

- How does this impact the teaching of pronouns?
- What are the implications of using texts that may allude to sexual orientation/gender identity?
- What is age appropriate or developmentally appropriate? (Can a text have a character in different types of relationships, if discussion does not go into identity and relationships)?
- What if a student shares in writing or conversation about their family? Can it be discussed and/or posted in the classroom?
- Do we need a district process for parent concerns in the curriculum? Who would oversee this/monitor it?
- If a parent does voice a complaint, will their child be excused from the assignment/text/etc., or will this need to be changed for all students?
- How does SEL instruction play into this? If it is in our materials, can it remain?
- If a text/lesson is included in Wonders and/or the state B.E.S.T. reading list, can it remain? If there is a concern, where does the liability fall?
- If a formal concern is voiced and it is pending, do we need to pause this instruction for all while the concern is under review/pending?
- How will our teams and all teachers be trained to fully understand this statute and classroom implications?
- Can we have an approved note to include units, such as this may be a sensitive topic, please proceed instructing based on facts included in the text/materials.
- As curriculum and PD writers, what do we do if we are unsure about a text/lesson? What is the process/procedure for having the instruction approved and/or included?

##### **HB 7**

- If a formal concern is voiced and it is pending, do we need to pause this instruction for all while the concern is under review/pending?
- How will our teams and all teachers be trained to fully understand this statute and classroom implications? How do we also empower them to choose texts and lessons that meet the state standards and also teach historical facts, while also meeting the needs of this statute?
- Can we have an approved note to include in units, such as this may be a sensitive topic, please proceed instructing based on facts included in the text/materials. Or, perhaps a piece of the statute? Or the related SS standard?
- Wonders contains culturally responsive lessons/resources and we have done culturally responsive PD. Do all of those resources need to be unlinked? Teachers will have access to Wonders resources even if we unlink.
- How can we teach civil rights, slavery, Holocaust, etc.. and still avoid parent concerns?
- (line 298) "shall teach efficiently and faithfully, using books and materials required that

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meet the ..." Who determines this? If it is from a state adopted textbook, is it ok to use all within it?

- (line 430- life skills) How does SEL instruction play into this? If it is in our materials, can it remain? Does all SEL need to be renamed as life skills, or something else?
- What does "age appropriate" mean?
- (Line 724) How does this apply to, and how do we monitor all materials (classroom libraries, materials teachers create or buy, book rooms, other purchased programs and software)?
- When providing a definition for a term like segregation, discrimination, etc... is there an approved definition that should be used? Could definition and historical facts and examples make some feel bad, and create space for raised concerns?

Secondary Math - some of our questions have already been mentioned above as well

- **HB 1557**
  - Line 91 - Is it truly up to the educator or school to make that call on whether or not notifying a parent may result in harm?
  - In reference to gender identity, where do we draw the line? Mr., Mrs., etc.
- **HB 7**
  - Line 33-34 - requiring civic and character education instead of a 34 character development program
    - Line 430 - lists SEL competencies
    - Will character labs continue? Can this only occur within English and SS courses?
  - Instructional personnel may address in an age appropriate manner. Who determines what this means?
  - Line 525 - 536 - Can it happen or can it not happen?
    - Line 533 - cannot be used to persuade or instill opinions on others
  - Line 302 - "approved methods of instruction". Who approves these methods?

MTSS/Interventions

- **HB 7**
  - Who is the district's state contact for implementation and clarification of this bill? When are these meetings held?
  - Are there specific activities or topics that would qualify as indoctrination or is it simply the use of rhetorical devices by the instructor?
  - Line 75 refers to an individual... is it permissible to refer to a system(s)?
  - Line 78 refers to an individual's status as privileged or oppressed ( not to be addressed by race) ; if one is using factual statistics to reference central ideas in texts etc., is that a permissible instructional method to include in curricula?
  - Line 327 - what is considered factual (historical events, biographies, autobiographies, etc.)

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  - These types of texts are included within the B.E.S.T. Standards, what are next steps?
  - Line 327 - 339 can analysis of human behavior within America occur as permissible with the Holocaust?
  - Line 327 - How can we teach students to analyze authors' intent without a recognition for what is and is not factual, and allowing them to analyze what is credible information or not
  - Line 406 - Mental and Emotional health - is it a part of health education, if not, where does it occur?
  - Line 459 - 466 - are we required to remove SEL from the curriculum?
- HB 1557
  - What is the protocol if a student is the one who brings forward the topic(s)?
  - Is the district going to remove representation and instruction or just ensure instruction in those areas don't take place?
  - Are staff members required to tell parents when concerns of student health/safety have been reported to DCF?
  - Are appointed personnel going to be on school sites to help parents/teachers navigate this bill and build an inclusive community?

#### SECONDARY ELA:

- HB 7:
  - Should we shift language from SEL to life skills within our documents/trainings?
  - Balance of texts - focusing on stories of inspiration or the overcoming of oppression
  - If we tie training to points for certification does it fall within the parameters of being "required"?
- HB 1557:
  - How will this pertain to those that are regularly visiting campuses but are not actually part of the school site?
  - Line 97-101 - Need clarification as to what this means for middle and high school
  - Line 102 - What training will be provided for district personnel?

Should we be sharing PD opportunities? Should we put a disclaimer

EXHIBIT 5  
MARTIN COUNTY SCHOOL DISTRICT  
PRESENTATION

# PTENTIAL

Engaging *All* Students

Dr. Mark C. Malham



# Agenda

- **Session 1** - Engaging ELL students ( Debra Stull and Natalie Williams)
- **Session 2** - Understanding and applying Florida's position on CRT
  
- Team Time
- Lunch (11:30 to 1:00)
  
- **Session 3** - Dr. Wilfred McClay (Victor Davis Hanson Chair in Classical History and Western Civilization, Hillsdale College, and author of *Land of Hope: An Invitation to the Great American Story*.)

# Learning Targets

- Plan an ELL lesson using Ellevation
- Understand and apply Florida's CRT position in order to lawfully educate students
- Garner an appreciation of the *Great American Story*



# Norms

- Ask Questions
- Engage Fully
- Integrate New Information
- Open Your Minds to Diverse Views
- Utilize What You Learned



# F.A.C. 6A-1.094124 Required Instruction Planning and Reporting

(b) Instruction on the required topics must be factual and objective, and may not suppress or distort significant historical events, such as the Holocaust, slavery, the Civil War and Reconstruction, the civil rights movement and the contributions of women, African American and Hispanic people to our country, as already provided in Section 1003.42(2), F.S. **Examples of theories that distort historical events and are inconsistent with State Board approved standards include the denial or minimization of the Holocaust, and the teaching of Critical Race Theory, meaning the theory that racism is not merely the product of prejudice, but that racism is embedded in American society and its legal systems in order to uphold the supremacy of white persons. Instruction may not utilize material from the 1619 Project and may not define American history as something other than the creation of a new nation based largely on universal principles stated in the Declaration of Independence.** Instruction must include the U.S. Constitution, the Bill of Rights and subsequent amendments.



# F.A.C. 6A-1.094124 Required Instruction Planning and Reporting

(c) Efficient and faithful teaching further means that any discussion is appropriate for the age and maturity level of the students, and teachers serve as facilitators for student discussion and do not share their personal views or attempt to indoctrinate or persuade students to a particular point of view that is inconsistent with the Next Generation Sunshine State Standards and the Benchmarks for Excellent Student Thinking (B.E.S.T.) Standards.



# Critical Race Theory Defined

“Critical race theory is an academic concept that is more than 40 years old. The core idea is that race is a social construct, and that racism is not merely the product of individual bias or prejudice, but also something embedded in legal systems and policies.

The basic tenets of critical race theory, or CRT, emerged out of a framework for legal analysis in the late 1970s and early 1980s created by legal scholars Derrick Bell, Kimberlé Crenshaw, and Richard Delgado, among others.”

*Education Week, May 18, 2021*



# What do Our Standards State...

## U.S. History (Grade 7)

- **SS.8.A.4.2**

Describe the debate surrounding the spread of slavery into western territories and Florida. **Clarifications:** Examples may include, but are not limited to, abolitionist movement, Ft. Mose, Missouri Compromise, Bleeding Kansas, Kansas-Nebraska Act, Compromise of 1850.

- **SS.8.A.4.2**

Describe the debate surrounding the spread of slavery into western territories and Florida. **Clarifications:** Examples may include, but are not limited to, abolitionist movement, Ft. Mose, Missouri Compromise, Bleeding Kansas, Kansas-Nebraska Act, Compromise of 1850.



# What do Our Standards State...

## World History (Grade 10)

- **SS.912.W.3.10**

Identify key significant economic, political, and social characteristics of Ghana. **Clarifications:** Examples are salt and gold trade, taxation system, gold monopoly, matrilineal inheritance, griots, ancestral worship, rise of Islam, slavery.

- **SS.912.W.4.14**

Recognize the practice of slavery and other forms of forced labor experienced during the 13th through 17th centuries in East Africa, West Africa, Europe, Southwest Asia, and the Americas.



# What do Our Standards State...

## U.S. History (Grade 11)

- **SS.912.A.2.1**

Review causes and consequences of the Civil War. **Clarifications:** Examples may include, but are not limited to, slavery, states' rights, territorial claims, abolitionist movement, regional differences, Reconstruction, 13th, 14th, and 15th amendments.

- **SS.912.A.2.4**

Distinguish the freedoms guaranteed to African Americans and other groups with the 13th, 14th, and 15th Amendments to the Constitution. **Clarifications:** Examples may include, but are not limited to, abolition of slavery, citizenship, suffrage, equal protection.

# Individual Freedoms - HB7 and SBI48 Excerpts



Paragraph (a) **may not be construed to prohibit** discussion of the concepts listed therein as part of a course of training or instruction, provided such training or instruction is given in an objective manner without endorsement of the concepts.

- Members of one race, color, sex, or national origin are **morally superior** to members of another race, color, sex, or national origin;
- An individual, by virtue of his or her race, color, sex, or national origin, is **inherently** racist, sexist, or oppressive, whether consciously or unconsciously;
- An individual's moral character or status as either privileged or oppressed is necessarily **determined** by his or her race, color, sex, or national origin;

# Individual Freedoms - HB7 and SBI48 Excerpts



- Members of one race, color, sex, or national origin cannot and **should not attempt** to treat others without respect to race, color, sex, or national origin;
- An individual, by virtue of his or her race, color, sex or national origin, **bears responsibility** for, or should be discriminated against or receive adverse treatment because of, actions committed in the past by other members of the same race, color, sex, or national origin;
- An individual, by virtue of his or her race, color, sex, or national origin, should be **discriminated against** or receive adverse treatment to achieve diversity, equity, or inclusion;



# Individual Freedoms - HB7 and SBI48

## Excerpts

- An individual should **feel** discomfort, guilt, anguish, or any other form of psychological distress on account of his or her race, color, sex, or national origin; and
- Such virtues as merit, excellence, hard work, fairness, neutrality, objectivity, and color-blindness are **racist or sexist**, or were created by members of a particular race, color, sex, or national origin **to oppress** members of another race, color, sex, or national origin.



# Individual Freedoms - HB7 and SBI48

## Excerpts

Instructional personnel **may facilitate** discussions and use curricula to address, in an age-appropriate manner, how the freedoms of persons have been infringed by sexism, slavery, racial oppression, racial segregation, and racial discrimination, including topics relating to the enactment and enforcement of laws resulting in sexism, racial oppression, racial segregation, and racial discrimination, including how recognition of these freedoms have overturned these unjust laws. However, classroom instruction and curriculum **may not be used** to indoctrinate or persuade students to a particular point of view inconsistent with the principles of this subsection or state academic standards.

# National Examples of Critical Race Theory



## [Governor DeSantis Press Release, December 15, 2021](#)

- A Philadelphia elementary school forced fifth-graders to celebrate “Black communism” and simulated a Black Power rally to “free Angela Davis” from prison. At this school, 87 percent of students will fail to achieve basic literacy by graduation.
- Seattle Public Schools told teachers that the education system is guilty of “spirit murder” against black children and that white teachers must “bankrupt [their] privilege in acknowledgement of [their] thieved inheritance.”



# National Examples of Critical Race Theory

- San Diego Public Schools accused white teachers of being colonizers on stolen Native American land and told them “you are racist” and “you are upholding racist ideas, structures, and policies.” They recommended that the teachers undergo “antiracist therapy.”
- An elementary school in Cupertino, California forced third-graders to deconstruct their racial identities, then rank themselves according to their “power and privilege.”
- A middle school in Springfield, Missouri, forced teachers to locate themselves on an “oppression matrix,” claiming that white heterosexual Protestant males are inherently oppressors and must atone for their “covert white supremacy.”



# National Examples of Critical Race Theory

- Buffalo Public Schools taught students that “all white people” perpetuate systemic racism and forced kindergarteners to watch a video of dead black children warning them about “racist police and state-sanctioned violence” who might kill them at any time.
- The Arizona Department of Education created an “equity” toolkit claiming that babies show the first signs of racism at three months old and that white children become “strongly biased in favor of whiteness” by age five.

# National Examples of Woke Corporate Trainings



- Raytheon, the nation’s second-largest defense contractor, has launched a Critical Race Theory program that encourages white employees to confront their “privilege,” reject the principle of “equality,” and “defund the police.”
- Bank of America teaches that the United States is a system of “white supremacy,” encourages employees to become “woke at work,” and teaches that white toddlers “develop racial biases by ages 3-5.”
- A Google employee program claims that America is a “system of white supremacy” and that all Americans are “raised to be racist.”



# Final Thought...

“...a profoundly distorted view of this country—a view that sees white racism as endemic, and that elevates what is wrong with America above all that we know is right with America.”

President Barack Obama