

**CASE NOS. 22-13992 & 22-13994**

**UNITED STATES COURT OF APPEALS  
FOR THE ELEVENTH CIRCUIT**

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**LEROY PERNELL, ET AL.,**  
*Plaintiffs-Appellees,*

v.

**BRIAN LAMB, ET AL.,**  
*Defendants-Appellants.*

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**ADRIANA NOVOA, ET AL.,**  
*Plaintiffs-Appellees,*

v.

**MANNY DIAZ, JR., ET AL.,**  
*Defendants-Appellants.*

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**BRIEF OF AMICI CURIAE LEARNING FOR JUSTICE  
AND FLORIDA FREEDOM TO READ PROJECT IN  
SUPPORT OF PLAINTIFFS-APPELLEES**

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ON APPEAL FROM THE  
UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF FLORIDA  
CASE NOS. 4: 22-CV-304-MW-MAF & 4:22-CV-324-MW-MAF

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*Nos. 22-13992 & 22-13994*

**CERTIFICATE OF INTERESTED PERSONS AND CORPORATE  
DISCLOSURE STATEMENT**

Pursuant to Local Rules 26.1-2, Amici Curiae Learning for Justice, a project of the Southern Poverty Law Center, a nonprofit organization, and Florida Freedom to Read Project, a nonprofit organization, state that they have no parent companies, subsidiaries, or affiliates, and that they do not issue shares to the public.

Dated: June 23, 2023

Respectfully submitted,

/s/ Abel S. Delgado

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**INTERESTS OF AMICI CURIAE<sup>1</sup>**

Learning for Justice is a project of the Southern Poverty Law Center (SPLC), a 501(c)(3) organization. Founded in 1991, Learning for Justice provides free classroom, professional development, and other educational resources to support K-12 educators nationwide, with a particular focus in Alabama, Florida, Georgia, Louisiana, and Mississippi. Learning for Justice’s staff includes expert educators and personnel specializing in professional learning facilitation, curriculum and training, writing, and research, and its work is frequently contributed to and advised by historians, scholars, and researchers.

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 its work with educators, students, caregivers and communities in the areas of culture and climate; curriculum and instruction; leadership; and family and community engagement.

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<sup>1</sup> Amici Curiae Learning for Justice and Florida Freedom to Read Project file this brief pursuant to Rule 29(a) of the Federal Rules of Appellate Procedure. All parties to the appeal have consented to the filing of this brief. No party’s counsel authored this brief in whole or in part. None of the parties contributed financial support intended to fund the preparation or submission of this brief. No other individuals or organizations contributed financial support to fund the preparation or submission of this brief.

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 supports public school districts in fulfilling their legal duty to keep decisions student-centered. To this end, its members have testified against unconstitutional laws, documented efforts to remove books from school libraries, and researched the impact of the Stop Wrongs Against Our Kids and Employees Act, Fla. Stat. § 1000.05 (4) (the "Act" or "HB 7") in all 67 county school districts in Florida.

The Act's restraint on the content of university curricula fundamentally affects the Florida K-12 environment as well as higher education. This is of primary concern to amici who work to improve and protect K-12 education and students, some of whom take college and university courses. A primary goal of elementary and secondary education is to prepare students for success in college and their careers. *See e.g.*, Every Student Succeeds Act § 1111, 20 U.S.C. § 6301 (2015) (requiring each State to demonstrate that it has adopted challenging academic content standards that are aligned with entrance requirements for credit-bearing coursework in the State's system of public higher education). Not surprisingly then, the K-12 curriculum is heavily influenced by the curriculum of colleges and universities. Hence amici have a direct interest in preventing the Act's

implementation in higher education as that will also have a downstream impact on K-12 education.

**STATEMENT OF THE ISSUES ADDRESSED BY AMICI CURIAE**

Whether the district court correctly granted the preliminary injunction enjoining enforcement of the Act as it applies to public colleges and universities in Florida?

**SUMMARY OF THE ARGUMENT**

Amici are organizations with the goal of protecting free and equitable education for all students. They file this brief to 1) show how allowing the Act to go into effect in higher education would harm Florida’s current and future college students, 2) explain how its impact in K-12 education, where it has gone into effect, demonstrates the harms it will have on higher education, and 3) explain how it will worsen existing deficits in students’ knowledge of the most difficult parts of America’s history.

The district court was eminently correct in finding, *inter alia*, that the Act “is antithetical to academic freedom and has cast a leaden pall of orthodoxy over Florida’s state universities.” App. 397. The Act’s implications reverberate throughout the entire State (indeed the entire nation), profoundly impacting Florida’s students perhaps most of all. The district court’s preliminary injunction should be affirmed.

## I. ARGUMENT

### A. Protecting Academic Freedom in Florida’s Public Colleges and Universities is Vital to Florida’s Current and Future College Students

#### 1. Academic freedom is critical to the U.S. educational system

Scholarship cannot flourish in an atmosphere of suspicion and distrust. Teachers and students must always remain free to inquire, to study and to evaluate, to gain new maturity and understanding; otherwise our civilization will stagnate and die. – Chief Justice Warren

*Sweezy v. New Hampshire by Wyman*, 354 U.S. 234, 250 (1957).

Academic freedom is an integral part of the American educational system protected by the First Amendment. *Id.*; *see also Shelton v. Tucker*, 364 U.S. 479, 487 (1960) (noting that unwarranted infringement “upon the free spirit of teachers . . . has an unmistakable tendency to chill free play of the spirit all teachers ought especially to cultivate and practice”); *Keyishian v. Bd. of Regents of the Univ. of the State of N.Y.*, 385 U.S. 589, 603 (1967) (citing *United States v. Assoc. Press, D.C.*, 52 F. Supp. 362, 372 (1943)) (“[t]he Nation’s future depends upon leaders trained through wide exposure to that robust exchange of ideas which discovers truth ‘out of a multitude of tongues, (rather) than through any kind of authoritative selection’”).

Courts agree that prohibiting laws which “cast a pall of orthodoxy over the classroom” is critical to protecting our democratic system of government. *Keyishian*,

385 U.S. at 603; *Rosenberger v. Rector & Visitors of Univ. of Va.*, 515 U.S. 819, 836 (1995) (“to cast disapproval on particular viewpoints of students risks the suppression of free speech and creative inquiry in one of the vital centers for the Nation’s intellectual life”); *see also Wieman v. Updegraff*, 344 U.S. 183, 196 (1952) (Frankfurter, J., concurring) (“To regard teachers—in our entire educational system, from the primary grades to the university—as the priests of our democracy is therefore not to indulge in hyperbole. It is the special task of teachers to foster those habits of open-mindedness and critical inquiry which alone make for responsible citizens, who, in turn, make possible an enlightened and effective public opinion”).

The Act directly abridges the academic freedom of professors and students in Florida’s public higher education system, by excluding from the classroom views that the government disfavors, like the existence of unconscious bias or the position that “colorblindness” is not sufficient to redress past discrimination. As Governor DeSantis publicly touted, he signed the bill to prevent “the far-left woke agenda” from “tak[ing] over our schools and workplaces.”<sup>2</sup> Similarly, DeSantis-appointee former Secretary of Education Richard Corcoran exclaimed to a crowd at Hillsdale College that Florida rewrote its standards because book publishers are “infested with

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<sup>2</sup> *Governor Ron DeSantis Signs Legislation to Protect Floridians from Discrimination and Woke Indoctrination*, Ron DeSantis 46<sup>th</sup> Governor of Fla. (Apr. 22, 2022), <https://www.flgov.com/2022/04/22/governor-ron-desantis-signs-legislation-to-protect-floridians-from-discrimination-and-woke-indoctrination/>.

liberals” and because books contain “crazy liberal stuff” that is hidden under “social emotional learning.”<sup>3</sup> The Act is a textbook example of prohibited viewpoint-based restriction on speech. *See Reed v. Town of Gilbert*, 576 U.S. 155, 168 (2015) (quoting *Rosenberger*, 515 U.S. at 829) (“[g]overnment discrimination among viewpoints—or the regulation of speech based on ‘the specific motivating ideology or the opinion or perspective of the speaker’—is a ‘more blatant’ and ‘egregious form of content discrimination’”).

**2. The Act will create a caste system and lead to a “brain drain” of Florida’s best and brightest**

Infringement on academic freedom in Florida public universities and colleges is likely to drive many students who would otherwise have stayed in-state to go elsewhere. A 2018 survey of 100,000 American high school students found that the top three most influential factors in a student’s decision to enroll at a specific college or university were, in descending order, affordability, desired programming, and reputation/academic quality.<sup>4</sup> When it came to what they wanted in a campus

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<sup>3</sup> Hillsdale College, *Education is Freedom: Featuring Commissioner Richard Corcoran*, at 33:30-39:24, YouTube (May 14, 2021),

<https://www.youtube.com/watch?v=HVujpIator0>; Yet, the concept remains an undefined boogeyman. HB 7’s supporters do not highlight any real, actionable threats. Instead, the public statements mirror the intentionally vague bill.

<sup>4</sup> *How Students Decide Which College to Attend*, College Matchpoint, <https://www.collegematchpoint.com/college-matchpoint-blog/2018/4/making-the-right-choice-how-students-decide-which-college-to-attend#:~:text=80%25%20of%20students%20surveyed%20pointed,%2C%20that%20elusive%20%E2%80%9Cfit.%E2%80%9D> (last visited on June 20, 2023).

community, students ranked diversity first on the list.<sup>5</sup> In a separate study of 20,000 seniors from the class of 2023, the most important issues students identified as wanting to hear about were academics, affordability, and career pathways, while, again, diversity—in student body, staff, and viewpoints—remained the top factor that they looked for in their desired campus community.<sup>6</sup>

At least two of the key factors students use to decide where to continue their post-secondary education—diversity and academic quality – are jeopardized by the Act. Rather than providing a full and diverse education, the Act demands the teaching of a monolithic, political viewpoint on social issues, alienating a large portion of historically excluded students. Interestingly, in 2019, Governor DeSantis actually acknowledged the importance of debate on Florida’s college campuses, but then signed the Act to remove viewpoints with which he disagreed and shut down debate.<sup>7</sup>

Students and their families are watching. A student in the Hillsborough Community College’s Honors Program recently revealed that he would not be

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<sup>5</sup> *Id.*

<sup>6</sup> Will Patch, *Class of 2023 Fall Senior Survey*, Niche (November 1, 2022), <https://www.niche.com/about/enrollment-insights/class-of-2023-fall-senior-survey/>.

<sup>7</sup> Flanewscapitol, *Gov DeSantis Supports Free Speech on College Campus*, YouTube (April 15, 2019), <https://www.youtube.com/watch?v=ROcNdalbP7s>.

attending the University of South Florida for his bachelor's degree.<sup>8</sup> In explaining his choice, the student highlighted the issue with attending a public Florida university – namely the fact that the state continues to intimidate professors “into shutting down discussions about critical issues.”<sup>9</sup> The student's professor theorized that this was “perhaps the first drop of the drip-drip-drip that is certain to become the Florida brain drain” if the State continues to stifle academic freedom.<sup>10</sup>

That drain has already begun. According to a March 2023 study of over 1,000 Florida students (including 738 high school students and 364 current undergraduate students), ninety-one percent (91%) of respondents disagree with the governor's education policies, 1 in 8 graduating seniors are choosing to leave Florida to attend college due to the state's education policies, and another 1 in 20 current college students in the state plan to transfer because of those policies.<sup>11</sup>

But not all those who want to leave will actually be able to leave. Students are sensitive to tuition and cost of living. In the Class of 2023 survey, seventy-six

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<sup>8</sup> Suzanne Lynch, *The ‘Stop Woke’ act will send some of our best students out of Florida*, Tampa Bay Times (August 30, 2022), <https://www.tampabay.com/opinion/2022/08/30/the-stop-woke-act-will-send-some-of-our-best-students-out-of-florida-column/>.

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

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

<sup>11</sup> Peter Greene, *Survey: 1 In 8 Florida Incoming Freshmen Plan To Flee DeSantis's Education Policies*, Forbes (March 31, 2023, 10:44 AM), <https://www.forbes.com/sites/petergreene/2023/03/31/survey-1-in-8-florida-incoming-freshmen-plan-to-flee-desantiss-education-policies/?sh=6d172a6b42df>.

percent (76%) of students removed a college from consideration based on published cost of attendance.<sup>12</sup> That number only increased for low-income students, with eighty percent (80%) opting out of unaffordable schools.<sup>13</sup>

Because not all Florida students who oppose the Act's censorship can afford out-of-state tuition, the Act would create two classes of K-12 students who oppose the State's education policy: those who can afford to leave and those who cannot. Not only would the latter group be forced to attend a college in Florida under the pall of the Act, but they would also have to suffer the compounding consequences from similarly restrictive legislation like HB 999, all while obtaining an incomplete education. Free speech should be available to all, not just those who can afford it.

**B. The Act Has Already Had a Profound Impact on K-12 Education in Florida, Previewing its Impact in Higher Education if Allowed to Go Into Effect**

While the Act has been enjoined at the college level, it has gone into effect in Florida's K-12 schools. Its impact there has already been profound and previews the impact it will have on higher education if not enjoined. Defendants in this case, like the Act's sponsors in floor debates, have attempted to defend the law by interpreting it as narrowly as possible. But the experience of K-12 schools shows that the Act has a far broader impact than that.

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<sup>12</sup> *Id.*

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

Again, former Florida Secretary of Education Richard Corcoran revealed the true motivation behind Florida's changed education policy when he informed a crowd at Hillsdale College that Florida rewrote its standards because book publishers are "infested with liberals" and contain "crazy liberal stuff" that is hidden under "social emotional learning,"<sup>14</sup> and similarly stated that HB 7 constitutes a "stand ... against revisionist history."<sup>15</sup> In line with Corcoran's revelations, the Board of Education, now directed by Manny Diaz, the Act's sponsor, recently released its specifications for K-12 Social Studies materials (the "Specifications"), which make clear that it understands HB 7 to prohibit the teaching of politically disfavored concepts or viewpoints.<sup>16</sup> For example, the Specifications identify one of the "prohibited concepts" added to section 1003.42, Florida Statutes, as "Critical Race Theory" and describe "social justice" as "closely aligned with CRT."<sup>17</sup> The Specifications, as a result, ban "potential social justice components" including: "Seeking to eliminate undeserved disadvantages for selected groups"; "Undeserved disadvantages are from mere chance of birth and are factors beyond anyone's

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<sup>14</sup> Hillsdale College, *supra* note 3.

<sup>15</sup> *Id.*

<sup>16</sup> See Addendum 1, *Specifications for the 2022-2023 Florida Instructional Materials Adoption, K-12 Social Studies*.

<sup>17</sup> *Id.* at Add. 23.

control, thereby landing different groups in different conditions”; and, “Equality of treatment under the law is not a sufficient condition to achieve justice.”<sup>18</sup>

The Specifications, therefore, prohibit instruction or discussion of many accurate and evidence-based topics 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>
- 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> and,
- Black students are more likely to be disciplined than White students for the same behavior, harming their later academic experience.<sup>22</sup>

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<sup>18</sup> *Id.* at Add. 24-25; *cf.* WFSU, *Florida is firing back in a fight over how race can be taught in public schools and in the workplace*, WGCU (June 8, 2022, 7:07AM), <https://news.wgcu.org/2022-06-08/florida-is-firing-back-in-a-fight-over-how-race-can-be-taught-in-public-schools-and-in-the-workplace>.

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

<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*, U.S. Sentencing Commission (Nov. 14, 2017), <https://www.uscc.gov/research/research-reports/demographic-differences-sentencing>.

<sup>22</sup> Juan Del Toro & Ming-Te Wang, *The Role of Suspensions for Minor Infractions and School Climate in Predicting Academic Performance Among Adolescents*, Am.

Further, while the language of the Act is directed to classroom instruction by teachers, its actual impact extends to library books and other resource materials. Recently, a school textbook publisher wanted to remove references to Rosa Parks' race in a first-grade lesson plan.<sup>23</sup> The same company previously wanted to change the framing of segregation laws during Reconstruction in a fourth-grade lesson plan.<sup>24</sup> Even though the company never finalized the changes, the publisher explained that they were simply trying to make sense of the vague instructions given by the Department of Education.<sup>25</sup> In doing so, they almost erased a crucial part of history. In other respects, the Department of Education *has* already erased history. Their website publishes examples of rejected Social Studies materials, including an entire section of a textbook that discussed the Black Lives Matter movement and a reference to “tak[ing] a knee” as it relates to discussion of the National Anthem.<sup>26</sup>

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Psych. (Sept. 29, 2021), <https://www.apa.org/news/press/releases/2021/10/black-students-harsh-discipline>.

<sup>23</sup> Josh Dickey, *Rosa Parks' Race Scrubbed From Public School Textbooks Submitted for Review in Florida*, Yahoo! (March 17, 2023), <https://www.yahoo.com/entertainment/rosa-parks-race-scrubbed-public-052012819.html>.

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

<sup>25</sup> Justin Gamble, *Race left out of Rosa Parks story in revised weekly lesson text for Florida schools highlights confusion with Florida law*, CNN (March 22, 2023), <https://www.cnn.com/2023/03/22/us/florida-textbook-race-rosa-parks-reaj/index.html>.

<sup>26</sup> *2022-2023 K-12 Social Studies Examples of Rejected Materials*, Fla. Dept. of Edu., <https://www.fldoe.org/academics/standards/instructional-materials/2223-k12-ss-examples.stml> (last visited on June 20, 2023).

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 the Act the standards reflect.<sup>27</sup> 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>28</sup> The district apparently also understood the Act 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 [Critical Race Theory].”<sup>29</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

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<sup>27</sup> 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.

<sup>28</sup> See Addendum 2, *Orange County School District Legislative Update*, at Add. 48 (May 2022). The 1619 project, of course, does nothing of the kind.

<sup>29</sup> *Id.*

“options to limit materials access based on ... [r]equired [r]eading [l]ist or [t]opic.”<sup>30</sup>

The Act’s impact has been accentuated by an avalanche of other similarly restrictive legislation concerning education. For example, one article attributes the emptying of library shelves to “three laws [that] have each led teachers, media specialists, and school administrators to remove books from shelves.”<sup>31</sup> One of those three laws is the Act. Even the training materials published by the Department of Education do not delineate between the various pieces of legislation. The required Library Media Training under HB 1467, for instance, includes criteria for instructional material, even though media specialists are not responsible for approving this kind of material.<sup>32</sup>

Duval County used a list of topics pulled from numerous pieces of legislation, including HB 7, to determine if books can remain in school libraries even though school libraries are not directly addressed by the law.<sup>33</sup> Manatee County also based

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<sup>30</sup> *Id.* at Add. 52.

<sup>31</sup> Lisa Tolin, *Florida Book Bans: Why Are There Empty Shelves in Florida Schools*, Pen America (February 13, 2023), <https://pen.org/florida-book-bans-empty-shelves/>.

<sup>32</sup> *Library Media and Instructional Materials Training Transcript*, Fla. Dep’t of Educ., <https://www.fldoe.org/core/fileparse.php/5574/urlt/LibrMedTrainTrans.pdf> (last visited on June 20, 2023).

<sup>33</sup> Tracy Pierce, *District taking further steps to comply with Florida laws on library books*, Team Duval Newsroom (Jan. 23, 2023), <https://www.teamduval.org/2023/01/23/district-taking-further-steps-to-comply-with-florida-laws-on-library-books/>.

their decision to ban certain books partly on whether those books could “lead to ‘student indoctrination,’” a concept unique to the Act.<sup>34</sup>

Similarly, an individual from Clay County pushed to ban the book *Dear Martin*, which catalogues the story of an Ivy League bound Black student who becomes a victim of racial profiling.<sup>35</sup> In his complaint, he contends he sought removal of the book based upon its alleged promotion of “the Black Lives Matter movement” and “a sense of white guilt in its musings about 'micro-aggressions' as elsewhere defined in Critical Race Theory.”<sup>36</sup> This argument is not based on HB 1467, which is used to ban books in Florida, but rather is rooted in the Act, which prohibits instruction on Critical Race Theory in a classroom setting.

### **C. The Act Will Worsen Existing Deficits in Teaching Hard History**

The Act’s censorship comes at a time when students already were being inadequately instructed on critical elements of our nation’s difficult history. Learning for Justice found in a national survey of high-school seniors,<sup>37</sup> that students

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<sup>34</sup> Sky Lebron, *Document shows Manatee teachers were told to 'remove or cover' classroom libraries*, WUSF (Jan. 26, 2023, 4:58PM), <https://wusfnews.wusf.usf.edu/education/2023-01-26/manatee-clarification-library-guidelines-teachers-shield-books-students>.

<sup>35</sup> Judd Legum & Rebecca Crosby, *How to ban 3600 books from school libraries*, Popular Info. (Dec. 12, 2022), <https://popular.info/p/how-to-ban-3600-books-from-school>.

<sup>36</sup> *Id.*

<sup>37</sup> *Teaching Hard History: American Slavery*, S. Poverty L. Ctr. (2018), 24, 43-44, <https://www.learningforjustice.org/sites/default/files/2020-08/TT-2007-Teaching-Hard-History-Report.pdf>.

are severely lacking in knowledge of basic concepts, which the Act will further discourage teachers from addressing. A mere eight percent (8%) of students could correctly identify slavery as the central cause of the Civil War, only twenty-two percent (22%) could correctly identify the ways in which the Constitution, as initially ratified, protected slavery, only forty-four percent (44%) correctly stated that slavery was legal in each of the 13 colonies at the time of the American Revolution, and only thirty-two percent (32%) could identify the 13<sup>th</sup> Amendment as the formal end of slavery.

Learning for Justice has also 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 twelfth grade.<sup>38</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>39</sup> It also has studied the importance of understanding the advantages that the legacy of slavery and

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<sup>38</sup> *Social Justice Standards*, Learning for Just., <https://www.learningforjustice.org/frameworks/social-justice-standards> (last visited on June 20, 2023).

<sup>39</sup> Clint Smit, *How Culturally Responsive Lessons Teach Critical Thinking*, 64 Learning for Just. Magazine (2020), <https://www.learningforjustice.org/magazine/spring-2020/how-culturally-responsive-lessons-teach-critical-thinking>.

institutionalized racism has afforded to White Americans on average, such as greater familial wealth and political power.<sup>40</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.

At a press conference in April 2022, Education Commissioner Manny Diaz said the two most important things in a school are leadership and the quality of teachers in the classroom.<sup>41</sup> He recognized that a well-rounded teacher is not only able to connect with students, but can motivate them to learn, engage in discussions, and critically think.<sup>42</sup> And yet, the Act makes teachers' ability to do any of those things infinitely harder.

As part of their "Teaching Hard History: American Slavery"<sup>43</sup> report, Learning for Justice analyzed a selection of state content standards, reviewed 10 popular U.S. history textbooks, and surveyed "more than 1,700 social studies

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<sup>40</sup> Coshandra Dillard, *What is White Privilege Really?*, 60 Learning for Just. Magazine (2020), <https://www.learningforjustice.org/magazine/fall-2018/what-is-white-privilege-really>.

<sup>41</sup> Lynn Hatter, *Diaz says he wants to change the tone around what it means to be a teacher amid statewide shortages*, WUSF (Apr. 27, 2022, 5:42 AM), <https://wusfnews.wusf.usf.edu/education/2022-04-27/diaz-says-he-wants-to-change-the-tone-around-what-it-means-to-be-a-teacher-amid-statewide-shortages>.

<sup>42</sup> *Id.*

<sup>43</sup> *Teaching Hard History: American Slavery*, S. Poverty L. Ctr. (2018), 12, <https://www.learningforjustice.org/sites/default/files/2020-08/TT-2007-Teaching-Hard-History-Report.pdf>.

teachers in schools nationwide.” Barely half the teachers surveyed said they “fe[lt] competent to teach about slavery” and many reported being uncomfortable teaching the topic.<sup>44</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>45</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>46</sup> If teachers are 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, then it is unlikely they will attempt to do so under the vague guidelines of the Act where the consequence now of a student feeling “discomfort” is the teacher being sued. Learning for Justice has received no evidence of educators thinking it is their role to tell students how they should feel.

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<sup>44</sup> *Id.* at 12-13.

<sup>45</sup> *Id.* at

13.

<sup>46</sup> *Id.* at 14.

Rather, experience shows that these difficult topics and conversations simply hit close to home and can naturally provoke a range of responses from students.

Even beyond the loss of curriculum content, students are also facing a loss of teachers, and particularly Black and Latino teachers – i.e., the teachers most likely to teach content targeted by the Act. In 2022, a survey by the National Education Association, the country’s largest teacher’s union, found that “a staggering 55 percent of educators are thinking about leaving the profession earlier than they had planned.”<sup>47</sup> This represents a significant increase from 37 percent in August [2021] and is true for educators regardless of age or years teaching, driving buses, or serving meals to students. However, the poll found that a disproportionate percentage of Black (62%) and Hispanic/Latino (59%) educators, already underrepresented in the teaching profession, were looking toward the exits.<sup>48</sup>

### **CONCLUSION**

The Act’s violation of principles of academic freedom under the First Amendment has already hampered Florida’s ability to retain K-12 students in the university and college setting. Under the Act, the State will continue to censor speech

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<sup>47</sup> <https://www.nea.org/advocating-for-change/new-from-nea/survey-alarming-number-educators-may-soon-leave-profession>

<sup>48</sup> Id,

and harm our youth by limiting their constitutional right to academic freedom. The district court's grant of a preliminary injunction should be affirmed.

Dated June 23, 2023

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**CERTIFICATE OF COMPLIANCE**

This brief complies with the type-volume limitations of Fed. R. App. P. 29(a)(5) because, excluding the parts of the brief excepted by Fed. R. App. P. 32(f), the brief contains 4,185 words.

This brief complies with the typeface requirements of Fed. R. App. P. 32(a)(5) and the type style requirements of Fed. R. App. P. 32(a)(6) because this brief has been prepared in a proportionally spaced typeface using Microsoft Word in 14 point Times New Roman font.

*/s/ Abel S. Delgado*  
Abel S. Delgado

**CERTIFICATE OF SERVICE**

I hereby certify that I electronically filed the foregoing with the Clerk of Court for the United States Court of Appeals for the Eleventh Circuit by using the appellate CM/ECF system of June 23, 2023. I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the appellate CM/ECF system.

Dated June 16, 2023

/s/ Abel S. Delgado  
Abel S. Delgado

# ADDENDUM

**ADDENDUM**

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## 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.

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

Course Number	Grade Level	Course Name	Course Version
<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

## 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**

**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.

### **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.

## B. ALIGNMENT OF INSTRUCTIONAL COMPONENTS

**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.

## C. ORGANIZATION OF INSTRUCTIONAL MATERIALS

**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.

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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

**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.

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**G. TARGETED ASSESSMENT STRATEGIES**


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**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.

## 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.

*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.

## 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

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to uphold the supremacy of white persons. Instruction may not utilize material from the age 9 subject 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.

- 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.

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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

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

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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)

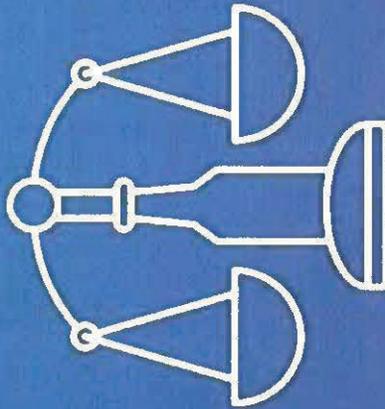
# Legislative Updates

## Overview

We will discuss the impact of the following bills.

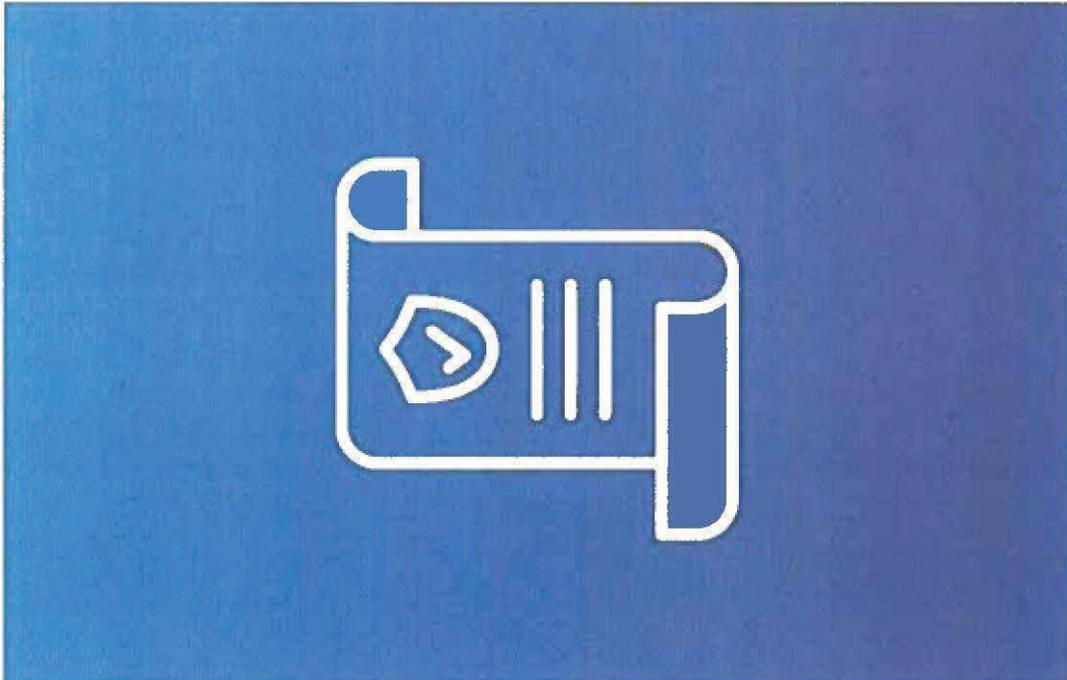
- House Bill 1467
- House Bill 1557
- House Bill 0007

Signed bills go into effect on July 1, 2022.



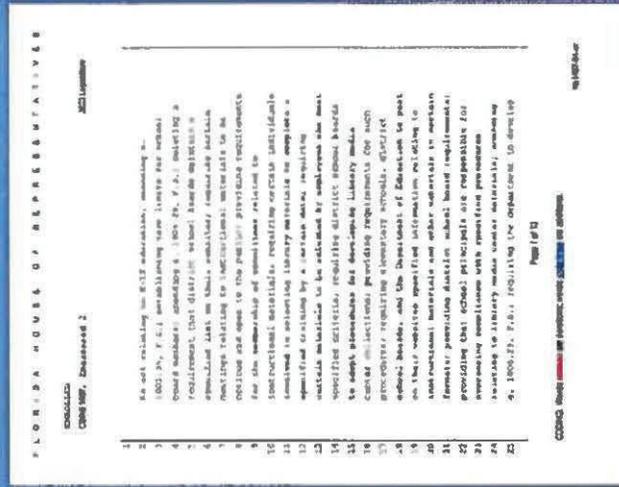
## School Board Policies

- 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 consultant 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

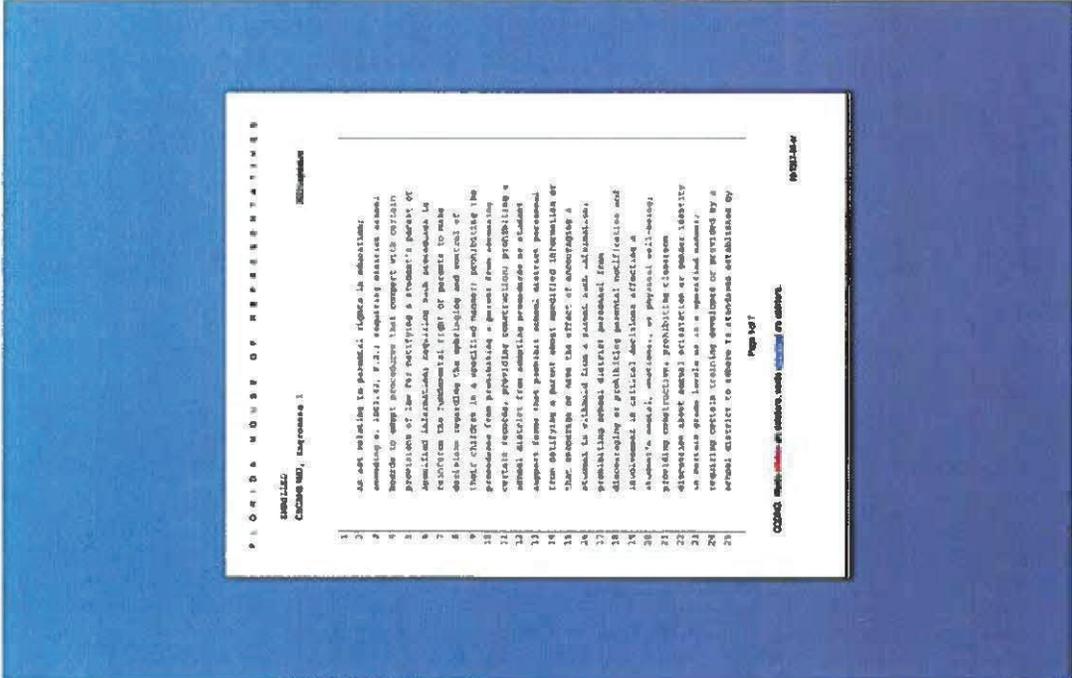
- Affects School Board Policy IJL
- Any book required to be read for a class assignment or part of the curriculum must be included on a school or grade-level reading list
  - Does not impact SSYRA, FTR, or read alouds
- Media specialists must review these lists to make sure included books meet criteria 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

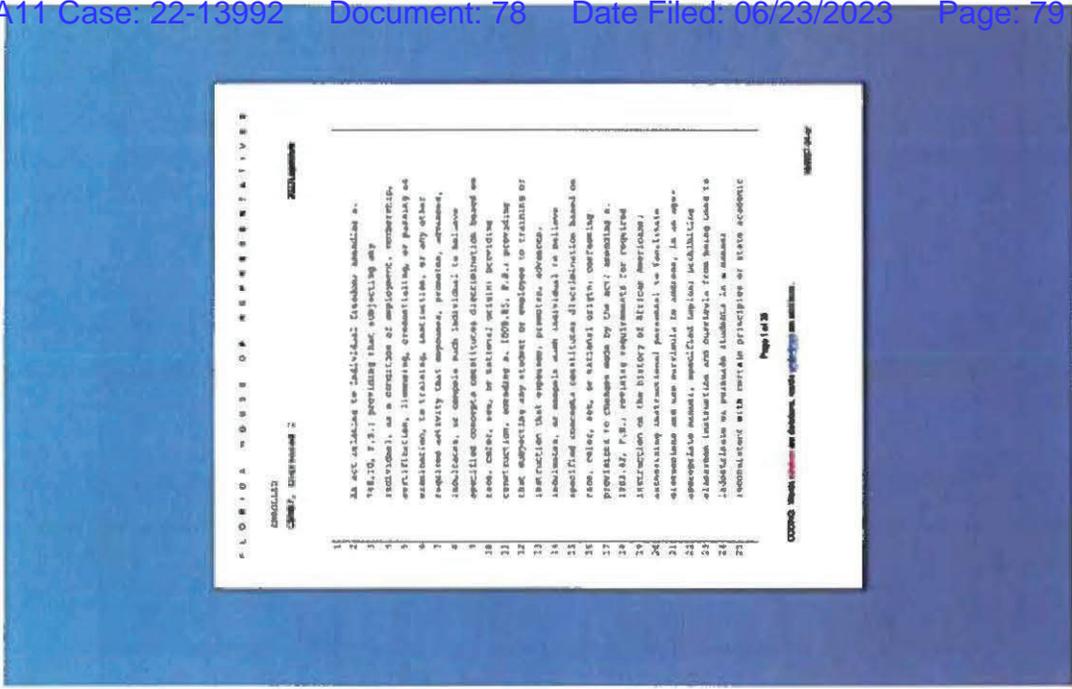
- “Gender identity” means gender-related identity, appearance, or behavior, regardless of whether such gender related identity, appearance, or behavior is different from that traditionally associated with the person’s physiology or assigned sex at birth, which can be shown by the person providing evidence, 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.flisenate.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.