

AMENDMENT TO PROPOSED RULE FOR JUNE 10

Notice of Change/Withdrawal

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: RULE TITLE:

6A-1.094124 Required Instruction Planning and Reporting

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 47 No. 87, May 5, 2021 issue of the Florida Administrative Register. **The State Board of Education approved the rule with the following changes:**

(1) through (2) No change.

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

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

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

(c) No change.

(4) through (9) No change.

PROPOSED FOR JUNE 10, 2021

Notice of Proposed Rule

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: RULE TITLE:

6A-1.094124 Required Instruction Planning and Reporting

PURPOSE AND EFFECT: To provide school districts and members of instructional staff with clarification concerning teaching the required subjects listed in s. 1003.42(2)(n), F.S.

SUMMARY: The proposed amendment clarifies what is expected for teaching standards efficiently and faithfully.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the Agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The proposed rule amendment is not expected to have any adverse impact on economic growth or business competitiveness, or increase regulatory costs or any other factor set forth in s. 120.541(2), F.S and will not require legislative ratification. This is based upon the nature of the proposed changes, which clarify what is expected for teaching standards efficiently and faithfully.

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

RULEMAKING AUTHORITY: 1001.02(2)(n), 1003.42(2), FS.

LAW IMPLEMENTED: 1003.42, FS.

A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: June 10, 2021, 9:00 a.m.

PLACE: Florida State College at Jacksonville, Advanced Technology Center, 401 West State Street, Room T140/141, Jacksonville, Florida 32202.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Michael DiPierro, Director of Standards, Bureau of Standards and Instructional Support, Michael.DiPierro@fldoe.org.

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-1.094124 Required Instruction Planning and Reporting.

(1) No change.

(2) This report shall contain:

(a) The specific courses in which instruction has been delivered for each grade level;

(b) A description of the materials and resources utilized to deliver instruction; and

(c) For subsections ~~(4)-(6)~~ ~~(3)-(5)~~ of this rule, the professional qualifications of the person delivering instruction.

(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, 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.

(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.

~~(4)~~~~(3)~~ Mental and Emotional Health Education.

(a) through (b) No change.

~~(5)~~~~(4)~~ Substance Use and Abuse Health Education.

(a) through (b) No change.

~~(6)~~~~(5)~~ Child Trafficking Prevention Education.

(a) through (e) No change.

~~(7)~~~~(6)~~ By December 1 of each year, each school district must submit an implementation plan to the commissioner through the Required Instruction Reporting Portal for subsections ~~(4)~~~~(6)~~ ~~(3)~~~~(5)~~ of this rule, and post the plan on the school district website. The implementation plan must include:

1. through 3. No change.

~~(8)~~~~(7)~~ When a school district's plan for instruction as set forth in subsection ~~(7)~~ ~~(6)~~, or a school district's reported instruction as set forth in subsections (1) and (2) of this rule, do not meet the requirements of this rule or Section 1003.42, F.S., school districts must be provided no less than forty-five (45) days in order to submit revisions to the department.

~~(9)~~~~(8)~~ Failure to comply with the requirements of this rule may result in the imposition of sanctions described in Section 1008.32, F.S.

Rulemaking Authority 1001.02(2)(n), 1003.42(2) FS. Law Implemented 1003.42 FS. History—New 10-24-19, Amended 12-22-20,

NAME OF PERSON ORIGINATING PROPOSED RULE: Michael DiPierro, Director of Standards, Bureau of Standards and Instructional Support.

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Richard Corcoran, Commissioner, Department of Education.

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 27, 2021

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: April 9, 2021