

FSBA

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This issue of Boarder-Line provides detailed summaries of – and FSBA’s concerns and talking points about – two key education related bills that were considered recently in the Legislative Session. These bills are [SB 864](#) / [HB 921](#) relating to Instructional Materials and [HB 753](#) / [SB 968](#) relating to School Safety. We encourage you to contact your legislators to express your views about these bills.

[SB 864](#) – Instructional Materials by Hays (S: [HB 921](#) by M. Gaetz)

The bill eliminates the current state-level instructional materials review, selection, and adoption process conducted by the Department of Education, and sets forth parameters for district school boards to select and provide adequate instructional materials for K-12 public school students.

The bill makes mandatory the currently optional school district instructional materials review process and expands that process to incorporate elements of the state-level review process.

School boards are required to adopt rules that must include:

- Criteria for the review and recommendation of instructional materials, including a thorough review of curriculum content;
- Establishment and composition of the local instructional materials review committee;
- Identification, by subject area, of a review cycle for instructional materials;
- Process by which instructional materials are adopted by the district school board, including a process for the district school board to determine and certify the accuracy of the adopted instructional materials. As part of the process, the district school board must:
 - Post recommended instructional materials in a read-only format on the district website for public to review and comment;
 - Conduct an open, noticed public hearing for the district school board to receive public comment and review the recommended instructional materials;
 - Hold an open, noticed public meeting for the district school board to approve an annual instructional materials plan, including the adoption of instructional materials;
 - Notice the public meeting and public hearing, which must specifically state which instructional materials are being reviewed and the manner in which the public can access the instructional materials for review;
 - Establish a process by which the public can appeal the district school board’s adoption of specific instructional materials and a process to re-evaluate the challenged instructional materials.

The bill provides for public inspection and comment by requiring the school district to make sample copies of all instructional materials that have been adopted available upon public request. The bill also transfers, from the Commissioner to the school district, the responsibility to conduct an independent investigation to determine the accuracy of adopted instructional materials and the authority to remove instructional materials from the list of adopted materials if the content is in error and the publisher refuses to correct the error.

The bill requires district school boards to establish a local instructional materials review committee to review and recommend instructional materials to the district school board for final adoption. Each review committee is to be comprised of individuals that are not employed by the school district, classroom teachers representative of the subject areas and grade levels of instructional materials considered for adoption, and parents of students currently enrolled in a district public school. District reviewers must comply with the same duties that currently apply to state-level reviewers, including making an affidavit attesting to their independence from bias and a conflict of interest. Two or more school districts are authorized to form consortia and combine their review committees to carry the review and adoption process.

The bill requires instructional materials publishers to comply with the same duties and requirements for the district process that currently apply to the state-level process. The bill also eliminates the requirement that district school superintendents purchase instructional materials exclusively from the publisher's book depository, and authorizes purchases from any vendor selling the instructional materials. However, the bill continues to require the publisher to maintain in the depository an inventory of instructional materials sufficient to receive and fill orders for core subject areas.

The bill retains the requirement for the district school board to purchase current instructional materials to provide each student in kindergarten through grade 12 with a major tool of instruction in core courses, but deletes the requirement that the purchase must be made within 3 years after the effective date of the adoption cycle. In addition, the bill retains the requirement that the district school board use at least 50% of the annual allocation for the purchase of district-adopted digital instructional materials.

FSBA has several profound concerns about this legislation, including:

- By transferring a costly state responsibility to school districts, the bill imposes an unfunded mandate. The bill does not earmark additional funding for the costs associated with the adoption process.
- District school boards may not be able to retain the economy of scale that might be available via purchases through the Department of Education contracts.
- Although school districts may be able to reduce the cost of the adoption process and/or establish an economy of scale in purchasing by forming consortia for these purposes, this is unlikely to equal the cost savings available to the state.
- Because of costs, the time and personnel necessary for review, and other considerations, school districts may be forced to adopt longer review cycles than the state's current five-year state review cycle. This can result in the use of out-dated instructional materials.
- The requirement that district school boards post instructional materials being considered for adoption in a read-only format on the district's website for public review presents potential copyright or contract issues with publishers.
- Florida law already provides an option for school districts to take on the review and adoption process. By converting this option to a mandate, the state may be shirking its constitutional responsibility to provide for a uniform system of free public schools.
- Given the hundreds of courses included in the state's Course Code Directory, it would be difficult, if not impossible, for school districts to certify that all instructional materials are accurate and aligned with state standards.

HB 753 – School Safety by Stube (S: [SB 968](#) by Hays)

The bill allows district school superintendents and school principals to create a school safety designee program through which the school principal, or, for an administration building, the district superintendent, may designate one or more employees or volunteers to carry a concealed weapon or firearm on school property. The bill requires designees to possess a concealed weapon license, that weapons or firearms must be carried in a concealed manner, and that such weapons or firearms must be on the individual's person at all times while performing official school duties.

The bill requires that a designee:

- Be a military veteran who was honorably discharged and who has not been found to have committed a firearms-related disciplinary infraction during his or her service;
- Be an active duty member of the military, the National Guard, or military reserves who has not been found to have committed a firearms-related disciplinary infraction during his or her service;
- Be a law enforcement officer or a former law enforcement officer who has not been found to have committed a firearms-related disciplinary infraction during his or her law enforcement service; or
- Be a school district employee or volunteer as provided in the bill.

The bill provides that s. 790.115, F.S., relating to the possession or discharge of a weapon on school grounds or school sponsored events, does not apply to designees in the conduct of official school duties.

The bill requires designated personnel to annually complete eight hours of active shooter training and four hours of firearm proficiency training and submit to the authorizing principal or superintendent proof of completion of a minimum of 40 hours of a school safety program. In addition, The bill also requires designees who are volunteers to undergo a level 2 background screening and provides principals and superintendents the authority to require additional screening for all designees.

The bill requires district school board policies and procedures for emergencies and emergency drills to include active shooter and hostage situations. The bill requires each district school board to address active shooter situations in the board's model emergency management and emergency preparedness procedures. The training for each school must be conducted by the law enforcement agency or agencies that are designated as first responders to the school's campus. In addition, the bill requires each district school superintendent to provide recommendations which identify strategies and activities that the district school board should implement in order to improve school safety and security, and which currently are provided only to the district school board, to the local law enforcement agencies that are first responders to the district's school campuses. Each district school board or private school principal or governing board must allow first-responding law enforcement agencies to tour the school campuses once every three years.

FSBA has several profound concerns about this legislation, including:

- The FSBA Board of Directors adopted a resolution in opposition to similar legislation proposed last year (a copy of the resolution is posted with this issue of Boarder-Line).
- The legislation attempts to bypass the school board constitutional authority to operate, supervise and control the public schools within the district and statutory responsibility to dictate school safety and discipline policies by allowing school principals to make policy decisions that, otherwise, are not in their constitutional or statutory scope of work.
- Classroom teachers and school administrators typically serve as role models for their students. Any effort to arm classroom teachers or school administrators would undermine their credibility as role models in the eyes of impressionable students.

- The immeasurable responsibility for protecting school children from gun violence should be entrusted to no one other than a highly trained law enforcement professionals. This bill seeks to hand this profound responsibility to school employees and volunteers.
- No amount of training or screening can convert an employee or volunteer into a trained law enforcement professional.
- The bill undermines federal and state laws that seek to ensure gun-free schools.
- Arming classroom teachers and administrators would conflict with statutory curriculum provisions promoting non-violence, character education, and anti-bullying policies.
- The requirement that weapons or firearms must be on the designee's person at all times makes it likely that students and others will quickly discover which individuals are armed.
- The bill could impose additional costs on school districts for the the cost of training or training fees since the training required by this bill is unique and requires the Criminal Justice Standards and Training Commission to develop curriculum and field test components not already included in preexisting training programs.
- The legislation does not address the question of whether designees that are school employees would be eligible for the high risk class in the Florida Retirement System.
- The legislation does not address the school district and individual liability and insurance issues that are likely to arise if the legislation were to pass.

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