

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 295 American Founders' Month

SPONSOR(S): Bileca and others

TIED BILLS: **IDEN./SIM. BILLS:** SB 476

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) K-12 Subcommittee	12 Y, 0 N	Beagle	Ahearn
2) Education Appropriations Subcommittee			
3) Education Committee			

SUMMARY ANALYSIS

Florida law requires district school boards to provide instruction regarding the history, significance, and principles of the Declaration of Independence and the Constitution of the United States, flag education, and the arguments in support of adopting our republican form of government. The law provides procedures for singing the national anthem and reciting the pledge of allegiance to the flag of the United States in public schools and school functions. The pledge must be recited daily in all Florida public schools. Additionally, public schools must annually observe Celebrate Freedom Week during the last full week of classes in September. During Celebrate Freedom Week, students must receive specified instruction on the Declaration of Independence and public school principals and teachers must conduct an oral recitation by students of the Declaration of Independence at the beginning of each school day.

The bill designates the month of September as "American Founders' Month" and authorizes the Governor to issue a proclamation urging public and private organizations within the state to celebrate the month. The bill requires district school boards to observe "American Founders' Month" and provide instruction that focuses on celebrating the American founding fathers and their role in drafting the founding documents (e.g., the Declaration of Independence, the Constitution of the United States, the Bill of Rights, and the Federalist Papers) that institutionalized individual liberty and limited government. Celebrations during this month may be coordinated with Celebrate Freedom Week.

During "American Founders' Month" school boards may provide instruction focused upon:

- The leading figures present at the country's founding, including those who were instrumental in crafting the founding documents.
- The "moral and civic virtue, self-sacrifice, intellectual genius, and patriotism" of the founding fathers.
- The importance of the founding documents and the principles inherent in such documents.
- The historical and philosophical importance of the Declaration of Independence and its foundation in natural law.

School boards may integrate instruction provided during "American Founders' Month" into existing school curriculum by supplementing lesson plans, holding school assemblies, or providing school-related activities.

The bill does not appear to have a fiscal impact.

The bill takes effect July 1, 2013.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

Required Instruction

Florida law requires each district school board to provide instruction regarding the history, significance, and principles of the Declaration of Independence and the Constitution of the United States, flag education, and the arguments in support of adopting our republican form of government.¹

Patriotic Programs

School boards are authorized to adopt rules that require patriotic programs in district schools which encourage respect for the United States government, the national anthem, and flag. The law also specifies procedures for the singing of the national anthem and recitation of the pledge of allegiance to the flag of the United States in public schools and at school-sponsored functions. The pledge must be recited at the beginning of the day in each public school in the state. Students must be excused from reciting the pledge if their parent submits a written request.²

Any teacher or school administrator may read or post specified historical documents (e.g., the national motto, the national anthem, the pledge of allegiance, the Constitution of the United States, and the Constitution of the State of Florida) in a public school building, classroom, or at any school-related event. Such documents may be read, posted, or taught only from a historical perspective, in a nonproselytizing manner. If an excerpt from a specified historical document is used, such selection must reflect the sentiment of the entire document. If such document refers to laws or judicial decisions that have been replaced or have expired, a statement must accompany the document highlighting that such law or decision is no longer valid.³

Recitation of the Declaration of Independence

Public schools must annually observe Celebrate Freedom Week during the last full week of classes in September. Such observance must include at least three hours of instruction involving an in-depth study of the intent, meaning, and importance of the Declaration of Independence in each social studies class, as determined by each school district. Additionally, public school principals and teachers must conduct an oral recitation by students of the Declaration of Independence at the beginning of each school day or in homeroom to reaffirm the American ideals of individual liberty. Students must be excused from reciting the Declaration of Independence if their parent submits a written request.⁴

Effect of Proposed Changes

The bill designates the month of September as “American Founders’ Month” and authorizes the Governor to issue a proclamation urging public and private organizations within the state to celebrate the month. The bill requires district school boards to observe “American Founders’ Month” and provide instruction that focuses on celebrating the American founding fathers and their role in drafting the founding documents (e.g., the Declaration of Independence, the Constitution of the United States, the

¹ Section 1003.42(2)(a)-(d), F.S.

² Section 1003.44 (1), F.S. Under federal law, September 17 is designated as Constitution Day and Citizenship Day. The law encourages “civil and educational authorities of States, counties, cities, and towns” “to make plans for the proper observance of Constitution Day and Citizenship Day and for the complete instruction of citizens in their responsibilities and opportunities as citizens of the United States and of the State and locality in which they reside”. 36 U.S.C., s. 106.

³ Section 1003.44(2), F.S.

⁴ Section 1003.421, F.S.

Bill of Rights, and the Federalist Papers) that institutionalized individual liberty and limited government. Celebrations during this month may be coordinated with Celebrate Freedom Week.

During “American Founders’ Month” school boards may provide instruction focused upon:

- The leading figures present at the country’s founding, including those who were instrumental in crafting the founding documents.
- The “moral and civic virtue, self-sacrifice, intellectual genius, and patriotism” of the founding fathers.
- The importance of the founding documents and the principles inherent in such documents.
- The historical and philosophical importance of the Declaration of Independence and its foundation in natural law.

School boards may integrate instruction provided during “American Founders’ Month” into existing school curriculum by supplementing lesson plans, holding school assemblies, or providing school-related activities.

Currently, the Department of Education must distribute a copy of the law on patriotic programs to each district school board. District school superintendents must distribute a copy of the law on patriotic programs to all teachers and administrators.⁵ The bill changes the terms “teachers” and “administrators” to “instructional personnel”⁶ and “school administrators.”⁷ These terms are the school-based personnel classifications specifically defined in statute.

B. SECTION DIRECTORY:

Section 1. Provides a short title.

Section 2. Creates s. 683.1455, F.S., relating to “American Founders’ Month Act,” designating the month of September of each year as “American Founders’ Month.”

Section 3. Amends s. 1003.44, F.S., relating to patriotic programs, requiring district school boards to observe “American Founders’ Month;” specifying the focus of instruction during the month; providing that such instruction may be integrated into existing school curriculum; and requiring distribution of specified information to school personnel.

Section 4. Provides an effective date of July 1, 2013.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

⁵ *Id.*

⁶ Instructional personnel provide direct instructional services or direct instructional support to students in grades kindergarten through 12. Instructional personnel include classroom teachers; staff who provide student personnel services, e.g., guidance counselors, social workers, career specialists, and school psychologists; librarians and media specialists; other instructional staff, e.g., learning resource specialists; and education paraprofessionals under the direct supervision of instructional personnel. Section 1012.01(2), F.S.

⁷ School administrators include school principals, school or career center directors, and assistant principals. School principals and school or career center directors serve as the administrative head of a school. Assistant principals assist the administrative head of a school and include assistant principals for curriculum and instruction. Section 1012.01(3)(c), F.S.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

School districts may provide students with instruction that focuses on the people, the events, the documents, the ideas, and the key principles surrounding the foundation of America. This instruction may be included in existing lesson plans, or taught in school assemblies or other school-related activities. School districts that choose to include this instruction could incur minimal costs.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable. The bill does not appear to affect county or municipal governments.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

None.