

HOUSE OF REPRESENTATIVES STAFF FINAL BILL ANALYSIS

BILL #: CS/CS/HB 1213 Educational Instruction of Historical Events

SPONSOR(S): Education Committee and PreK-12 Innovation Subcommittee, Fine, Caruso and others

TIED BILLS: None **IDEN./SIM. BILLS:** CS/CS/SB 1628

FINAL HOUSE FLOOR ACTION: 116 Y's 0 N's **GOVERNOR'S ACTION:** Approved

SUMMARY ANALYSIS

CS/CS/HB 1213 passed the House on March 9, 2020. The bill was amended in the Senate on March 10, 2020, and returned to the House. The House concurred in the Senate amendment and subsequently passed the bill as amended on March 12, 2020.

The bill requires the Commissioner of Education's African American History Task Force to make recommendations on what will be included about the history of the *1920 Ocoee Election Day Riots* in required classroom instruction. A report is due to the Commissioner of Education and the State Board of Education by March 1, 2021.

The bill requires the Secretary of State to provide direction to state museums on exhibits and educational programs about the *1920 Ocoee Election Day Riots*, and to work with the Smithsonian Institution to have the riot history included in that museum's exhibits as well. The Department of Environmental Protection is required to determine which parks or facilities will be named after riot victims. The bill encourages district school boards to identify school facility naming opportunities in recognition of the victims of the riots.

The bill also requires the Department of Education (DOE) to develop standards and curriculum for teaching the history of the Holocaust. As a part of required classroom instruction for public school students in grades K-12, Florida law requires Holocaust education to include encouraging tolerance of diversity and understanding the ramifications of prejudice and racism as well as the Holocaust's historical significance. The bill adds the state's definition of and policy against anti-Semitism, current and historical examples of anti-Semitism, and the prevention of anti-Semitism to required instruction.

The bill requires DOE to create a process for each school district to annually certify compliance with required Holocaust instruction.

The bill also authorizes the DOE to seek input from the Commissioner of Education's Task Force on Holocaust Education or from any state or nationally recognized Holocaust educational organization when promulgating the standards and curriculum for Holocaust instruction. For the development of teacher training materials and grade-appropriate classroom resources, the bill authorizes the DOE to contract with any state or nationally recognized Holocaust educational organization.

The bill designates the second week in November as "Holocaust Education Week."

The DOE may incur costs associated with developing Holocaust instruction standards and curriculum required by the bill; however, such costs can be absorbed within existing resources.

The Commissioner of Education's African American History Task Force may incur costs examining ways to update instruction on African-American history, and such costs may cause this task force to exceed the \$100,000 appropriation received in Specific Appropriation 114 in the FY 2020-21 conference report of the General Appropriations Act.

The bill was approved by the Governor on June 23, 2020, ch. 2020-88, L.O.F. and will become effective on July 1, 2020.

This document does not reflect the intent or official position of the bill sponsor or House of Representatives.

STORAGE NAME: h1213z1.DOCX

DATE: 6/25/2020

I. SUBSTANTIVE INFORMATION

A. EFFECT OF CHANGES:

Present Situation

Florida Educational Equity Act

The Florida Educational Equity Act¹ (FEEA) governs students' and employees' civil rights in Florida's public educational system. The FEEA mirrors civil rights protections under Title VI of the federal Civil Rights Act.²

The FEEA requires equal access for all people to the Florida K-20 public education system and prohibits discrimination against any student or employee in the system. The FEEA prohibits discrimination based on race, ethnicity, gender, national origin, disability, religion, or marital status,³ and requires all education opportunities offered by public educational institutions be made available without discrimination on those bases.⁴ Additionally, the FEEA requires that a "public K-20 educational institution must treat discrimination by students or employees or resulting from institutional policies motivated by anti-Semitic intent in an identical manner to discrimination motivated by race."⁵

Required African-American and Holocaust History Instruction

Florida law requires that public school students in grades K-12 receive instruction on specific subjects including historical time periods, comprehensive health education, and government, among others. Instructional personnel are required to teach these subjects efficiently and faithfully, using historically accurate books and materials, following prescribed courses and approved methods of instruction.⁶ Florida law does not dictate grade level, instructional material, or instructional hour requirements.⁷ In October 2019, the Department of Education (DOE) adopted a rule requiring school districts to report, annually each summer, on how instruction was provided during the previous school year for certain subjects defined in s. 1003.42, F.S., including the history of African Americans⁸ and the history of the Holocaust.⁹ The report must include specific courses offered for each grade level and what materials and resources were used.¹⁰

Under s. 1003.42, F.S., public schools are required to teach K-12 students about African-American history. The instruction must include, "the history of African peoples before the political conflicts that led to the development of slavery, the passage to America, the enslavement experience, abolition, and the contributions of African Americans to society."¹¹ In addition, individual African Americans' contribution to American society is required to be included in instructional materials.¹²

¹ Section 1000.05, F.S.

² E-mail, Florida Department of Education, Legislative Affairs (Feb. 19, 2019).

³ Section 1000.05(2)(a), F.S.

⁴ Section 1002.20(7), F.S.

⁵ Section 1000.05(7)(a), F.S. The term "anti-Semitism" includes a certain perception of the Jewish people, which may be expressed as hatred toward Jewish people, rhetorical and physical manifestations of anti-Semitism directed toward a person, his or her property, or toward Jewish community institutions or religious facilities. *See* s. 1000.05(7)(a)-(c), F.S., for examples of anti-Semitism.

⁶ Section 1003.42(2), F.S.

⁷ *See id.* The State Board of Education is encouraged to adopt standards and pursue assessment for K-12 public schools for subjects, such as the history of the Holocaust and African-American history, among others.

⁸ Rule 6A-1.094124, F.A.C.

⁹ *Id.*

¹⁰ *Id.*

¹¹ *Id.*

¹² *Id.*

For grades K-7, the DOE has not promulgated standards for history of African Americans. But for grades 8-12, there are numerous American History standards that include the history of African Americans, including, but not limited to:¹³

- Distinguishing the freedoms guaranteed to African Americans and other groups under the 13th, 14th, and 15th Amendments to the Constitution;¹⁴
- Assessing key figures and organizations in shaping the Civil Rights and Black Power movements;¹⁵ and
- Assessing how Jim Crow laws influenced life for African Americans and other racial/ethnic minority groups.¹⁶

Florida law describes the history of the Holocaust as “the systematic, planned annihilation of European Jews and other groups by Nazi Germany.”¹⁷ Instructional personnel are required to teach the history of the Holocaust, “in a manner that leads to an investigation of human behavior, an understanding of the ramifications of prejudice, racism, and stereotyping, and an examination of what it means to be a responsible and respectful person, for the purposes of encouraging tolerance of diversity in a pluralistic society and for nurturing and protecting democratic values and institutions.”¹⁸

For grades K-8, the DOE has not promulgated standards for history of the Holocaust, thus, according to the DOE, school districts may teach this subject in ways they deem appropriate.¹⁹ For example, some districts include the history of the Holocaust in character education and civics classes.²⁰ For grades 9-12, the history of the Holocaust is included in American History²¹ and World History standards.²²

1920 Ocoee Election Day Riots

The *1920 Ocoee Election Day Riots* refer to violent, racially-motivated, events that took place in Ocoee, Florida, on November 2 and 3, 1920. At the time, there were 255 African-American and 560 white residents in Ocoee.²³

On November 2, Election Day, Mose Norman, an African-American Ocoee resident, was prevented from casting his vote because he was told he failed to pay a poll tax. When denied the opportunity to vote a second time, an altercation with either the local constable or a group of white residents occurred

¹³ CPALMS, Standards, Social Studies, *American History*, <https://www.cpalms.org/Public/search/Standard#> (last visited March 17, 2020). See SS.8.A.5, SS.912.A.2.1, SS.912.A.2.2, SS.912.A.2.3, SS.912.A.2.4, SS.912.A.2.5, SS.912.A.2.6, SS.912.A.3.5, SS.912.A.4.8, SS.912.A.5.2, SS.912.A.5.6, SS.912.A.5.7, SS.912.A.5.8, SS.912.A.5.9, SS.912.A.5.10, SS.912.A.6.9, SS.912.A.7.2, SS.912.A.7.5, SS.912.A.7.6, and SS.912.A.7.7. CPALMS is the State of Florida’s official source for standards information and course descriptions. It provides access to thousands of standards-aligned, free, and high-quality instructional/educational resources that have been developed specifically for the standards and vetted through a rigorous review process.

¹⁴ CPALMS, Standards, Social Studies, *American History*, [SS.912.A.2.4](https://www.cpalms.org/Public/PreviewStandard/Preview/3342), <https://www.cpalms.org/Public/PreviewStandard/Preview/3342> (last visited March 17, 2020).

¹⁵ CPALMS, Standards, Social Studies, *American History*, [SS.912.A.7.6](https://www.cpalms.org/Public/PreviewStandard/Preview/3422), <https://www.cpalms.org/Public/PreviewStandard/Preview/3422> (last visited March 17, 2020).

¹⁶ CPALMS, Standards, Social Studies, *American History*, [SS.912.A.2.5](https://www.cpalms.org/Public/PreviewStandard/Preview/3343), <https://www.cpalms.org/Public/PreviewStandard/Preview/3343> (last visited March 17, 2020).

¹⁷ Section 1003.42(2)(g), F.S.

¹⁸ *Id.*

¹⁹ Florida Department of Education, 2020 Agency Legislative Bill Analysis, *SB 184*, October 14, 2019, available at <http://abar.laspbs.state.fl.us/ABAR/Attachment.aspx?ID=29714>.

²⁰ *Id.*

²¹ CPALMS, Standards, Social Studies, *American History*, [SS.912.A.6.7](https://www.cpalms.org/Public/PreviewStandard/Preview/3371), <https://www.cpalms.org/Public/PreviewStandard/Preview/3371> (last visited March 18, 2020).

²² CPALMS, Standards, Social Studies, *World History*, [SS.912.W.7.8](https://www.cpalms.org/Public/PreviewStandard/Preview/3497), <https://www.cpalms.org/Public/PreviewStandard/Preview/3497> (last visited March 18, 2020).

²³ Office of Program Policy Analysis and Government Accountability, OPPAGA Report, *Ocoee Election Day Violence – November 1920* (Nov. 2019), available at <http://www.oppaga.state.fl.us/MonitorDocs/Reports/pdf/1915rpt.pdf>.

after which he went to the home of July Perry, another African-American resident. Norman then fled Ocoee.²⁴

Later, a group of white Ocoee residents formed a deputized posse and were sent to arrest Norman and Perry at Perry's home. During their first attempt, Perry and his 19-year-old daughter, Caretha, were wounded by gunfire. During the posse's second attempt, Perry was captured. While in the Orange County Sheriff's custody, Perry was taken by a white mob, lynched by hanging and shot.²⁵

Through the night and into November 3, the mob set fire to African-American-owned buildings in northern Ocoee, destroying more than 20 houses, 2 churches, and one fraternal lodge. Between 3 and 60 African Americans died during the riot including July Perry. Threats of violence against African Americans continued for several days resulting in the remaining African-American residents abandoning their homes and property and fleeing Ocoee, never to return to the city.²⁶

Commissioner of Education's African American History Task Force

Created in Fiscal Year 1995-96,²⁷ the Commissioner of Education's African American History Task Force (African American History Task Force) helps promote the law that requires the teaching of African-American history in public schools.²⁸ The African American History Task Force provides video and historical resources to schools,²⁹ assists with the selection of instructional materials and recommends changes and updates to materials.³⁰

Commissioner of Education's Task Force on Holocaust Education

After required instruction on the history of the Holocaust became law in 1994, the Commissioner of Education created the Department of Education Commissioner's Task Force on Holocaust Education (Holocaust Education Task Force).³¹ The Holocaust Education Task Force designs, encourages, and promotes the implementation of Holocaust education in schools. Additionally, it provides programs for each school district and coordinates events to memorialize the Holocaust.³² The Holocaust Education Task Force is currently comprised of various K-12 schools and school districts, public and private post-secondary institutions, and members from the following organizations:³³

- Holocaust Education Resource Council;
- Center for Holocaust and Human Rights Education;
- Holocaust Memorial Resource and Education Center of Florida;
- Florida Holocaust Museum;
- Holocaust Memorial Resource and Education Center of Florida;
- Miami Beach Holocaust Memorial;
- Holocaust Documentation and Education Center;
- Anti-Defamation League; and
- Isser and Rae Price Library of Judaica at the University of Florida.³⁴

Department of State, Division of Cultural Affairs

²⁴ *Id.*

²⁵ *Id.*

²⁶ *Id.*

²⁷ Email, Commissioner of Education's African American History Task Force, Principal Investigator (Mar. 18, 2020).

²⁸ Florida Department of Education, Black History Month, *Why Black History Month and How do I Teach about It?*, http://www.fldoe.org/core/fileparse.php/7662/urlt/blackhistorymonth_JFT.pdf (last visited March 13, 2020).

²⁹ *Id.*

³⁰ Commissioner of Education's African American History Task Force, *Home*, <https://afroamfl.org/> (last visited March 13, 2020).

³¹ Florida Department of Education, *Commissioner of Education's Task Force on Holocaust Education*, <http://www.fldoe.org/holocausteducation> (last visited January 28, 2020).

³² *Id.*

³³ Email, Florida Department of Education, Legislative Affairs (Mar. 13, 2020).

³⁴ *Id.*

The Department of State, Division of Cultural Affairs (DCA) provides funding and resources for arts programming, historical preservation and educational programs and operates the Museum of Florida History.³⁵ The museum is dedicated to preserving, exhibiting, and promoting Florida's history from the times of the original Native American inhabitants to the modern day. The museum's permanent historical exhibits include *Forever Changed: La Florida 1513-1921*, *Civil Rights in the Sunshine State*, and *Florida in the Civil War*.³⁶

Department of Environmental Protection

The Department of Environmental Protection (DEP) is the state's lead agency for environmental management. The DEP oversees over 175 state parks and trails³⁷ through the Division of Recreation and Parks (DRP).³⁸ While the DRP oversees state parks, the Division of Historical Resources of the Department of State (DHR) oversees the naming of state buildings and parks.³⁹ The DHR works with the Florida Historical Commission and recommends names of people for whom a building or park may be named. Florida law prohibits any state building, road, bridge, park, recreational complex, or facility being named after any living person.⁴⁰

The specific steps necessary for changing the name of a state park are as follows:⁴¹

1. DRP's Office of Park Planning (OPP) verifies with Division of State Lands, Title and Land Records Section, that the property is not deed restricted.
2. OPP coordinates with the DHR pursuant to s. 267.062, F.S., and DHR places the proposed name change on the Florida Historical Commission's meeting agenda.
3. OPP validates the reasons for the name change request and drafts a Unit Management Plan amendment. The amendment is presented to the Acquisition and Restoration Council (ARC), which discusses whether public noticing, a public meeting, and a formal ARC item are needed rather than an ARC 10-day negative response memo.
4. OPP changes the park name in the DRP's Jurisdiction Report and advises all affected parties.⁴²

Effects of Proposed Changes

The bill requires the African American History Task Force to make recommendations on what will be included about the history of the *1920 Ocoee Election Day Riots* in required classroom instruction. A report is due to the Commissioner of Education and the State Board of Education by March 1, 2021.

The bill requires the Secretary of State to provide direction to state museums on exhibits and educational programs about the *1920 Ocoee Election Day Riots* and work with the National Museum of African American History and Culture of the Smithsonian Institution to have the riot history included in that museum's exhibits as well.

The bill requires the DEP to determine which parks or facilities will be named in recognition of riot victims, and the DEP secretary is directed to inform the President of the Senate and the Speaker of the House of any changes in the law that are necessary to rename a park or park facility. The secretary is authorized to appoint a naming committee to assist with name changes.

³⁵ Florida Department of State, Division of Cultural Affairs, *Cultural Affairs*, <https://dos.myflorida.com/cultural/> (last visited March 17, 2020).

³⁶ Florida Department of State, Museum of Florida History, *Permanent Exhibits*, <https://www.museumoffloridahistory.com/exhibits/permanent-exhibits/> (last visited March 17, 2020).

³⁷ Florida Department of Environmental Protection, *About DEP*, <https://floridadep.gov/about-dep> (last visited March 13, 2020).

³⁸ Florida Department of Environmental Protection, Divisions, *Division of Recreation and Parks*, <https://floridadep.gov/parks> (last visited March 13, 2020).

³⁹ Section 267.062, F.S.

⁴⁰ *Id.*

⁴¹ Email, Florida Department of Environmental Protection, Regulatory Programs (Mar. 16, 2020).

⁴² *Id.*

The bill encourages district school boards to identify school facility naming opportunities in recognition of the victims of the riots.

The bill also requires the DOE to develop standards and curriculum for required instruction for the history of the Holocaust. The bill adds the state's definition of and policy against anti-Semitism, current and historical examples of anti-Semitism, and the prevention of anti-Semitism to required instruction.

The bill requires the DOE to create a process for each school district to annually certify compliance with required Holocaust instruction.

The bill authorizes the DOE to seek input from the Holocaust Education Task Force or from any state or nationally recognized Holocaust educational organization when promulgating the standards and curriculum for Holocaust instruction. For the development of teacher training materials and grade-appropriate classroom resources, the bill authorizes the DOE to contract with any state or nationally recognized Holocaust educational organization.

The bill designates the second week in November as "Holocaust Education Week."

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

See Fiscal Comments.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

The DOE may incur costs associated with developing Holocaust instruction standards and curriculum required by the bill; however, such costs can be absorbed within existing resources.

The Commissioner of Education's African American History Task Force may incur costs examining ways to update instruction on African-American history, and such costs may cause this task force to exceed the \$100,000 appropriation received in Specific Appropriation 114 in the FY 2020-21 conference report of the General Appropriations Act.

