

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Appropriations

BILL: PCS/CS/SB 1628 (231978)

INTRODUCER: Appropriations Committee; (Recommended by Appropriations Subcommittee on Education); Education Committee; and Senators Book, Hooper, Rader, and others

SUBJECT: Holocaust Education

DATE: February 26, 2020

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Dew</u>	<u>Sikes</u>	<u>ED</u>	<u>Fav/CS</u>
2.	<u>Underhill</u>	<u>Elwell</u>	<u>AED</u>	<u>Recommend: Fav/CS</u>
3.	<u>Underhill</u>	<u>Kynoch</u>	<u>AP</u>	<u>Pre-meeting</u>

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

PCS/CS/SB 1628 expands the required instruction associated with the history of the Holocaust. Specifically, the bill:

- Adds the policy against anti-Semitism to the required instruction on the history of the Holocaust.
- Requires each school district to annually certify and provide evidence to the Department of Education (DOE) that instructional requirements on the history of the Holocaust are met.
- Authorizes the DOE to use the State of Florida Resource Manuals on Holocaust Education or develop, as deemed appropriate, alternative or additional grade-appropriate curricula, training for instructional personnel, and classroom resources.
- Designates the second week in November as Holocaust Education Week.
- Requires the Commissioner of Education’s Task Force on Holocaust Education to annually rank each school district on the efficacy of their Holocaust curriculum and instruction.

The bill does not have an impact on state revenues or expenditures. However, DOE may incur minimal costs associated with preparing grade-appropriate curricula, training and resources. In addition, the DOE may incur minimal costs associated with verifying that each district has met the requirements of the bill. Such costs can be absorbed by the DOE within existing resources.

The bill takes effect July 1, 2020.

II. Present Situation:

Required Instruction in Florida

Florida law specifies required standards and instruction for public school students. Instructional staff of public schools, subject to the rules of the State Board of Education and the district school board, are required by law to teach prescribed courses of study, including the following historical subject matter:¹

- The history and content of the Declaration of Independence, including national sovereignty, natural law, self-evident truth, equality of all persons, limited government, popular sovereignty, and inalienable rights of life, liberty, and property, and how they form the philosophical foundation of our government.
- The history of the United States, including the period of discovery, early colonies, the War for Independence, the Civil War, the expansion of the United States to its present boundaries, the world wars, and the civil rights movement to the present.
- The history of the Holocaust (1933-1945), the systematic, planned annihilation of European Jews and other groups by Nazi Germany, a watershed event in the history of humanity, to be taught 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.
- The history of African Americans, including 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.

The History of the Holocaust

Florida Law was amended in 1994 to require instruction on the history of the Holocaust.² Florida school districts must report to the Commissioner of Education (commissioner), annually by July 1, details on the specific courses delivered for each grade level, as well as the materials and resources used, to deliver instruction for all required instruction, including the history of the Holocaust.³

The social studies standards for grades 9-12 World History⁴ and American History⁵ include standards on teaching about the Holocaust. These standards require students to be able to:

¹ Section 1003.42(2), F.S.

² Florida Department of Education, *Commission of Education's Task Force on Holocaust Education*, <http://www.fldoe.org/holocausteducation> (last visited Jan. 29, 2020). See s. 1003.42(2)(g), F.S.

³ Rule 6A-1.094124, F.A.C.

⁴ CPALMS, Standards, Social Studies, World History, *SS.912.W.7.8*, available at <https://www.cpalms.org/Public/PreviewStandard/Preview/3497> (last visited Jan. 29, 2020).

⁵ CPALMS, Standards, Social Studies, American History, *SS.912.A.6.7*, available at <https://www.cpalms.org/Public/PreviewStandard/Preview/3371> (last visited Jan. 30, 2020); CPALMS, Standards, Social Studies, American History, *SS.912.A.6.3*, available at <https://www.cpalms.org/Public/PreviewStandard/Preview/3367> (last visited Jan. 30, 2020).

- Explain the causes, events, and effects of the Holocaust (1933-1945) including its roots in the long tradition of anti-Semitism, nineteenth century ideas about race and nation, and Nazi dehumanization of the Jews and other victims.⁶
- Analyze the impact of the Holocaust during World War II on Jews as well as other groups.⁷

Commissioner's Task Force on Holocaust Education

The commissioner created the Commissioner's Task Force on Holocaust Education (task force) in 1994 with the core mission of promoting Holocaust education in Florida. The task force serves as an advisory group to the commissioner and coordinates Holocaust education activities in Florida school districts throughout the state on the commissioner's behalf.

The task force continues to pursue efforts to help teachers, school administrators, and other educators identify effective instructional strategies and materials for integrating Holocaust education in classrooms kindergarten through grade 12,⁸ including State of Florida Resource Manuals on Holocaust Education.

Discrimination Policy

The Florida Educational Equity Act prohibits discrimination against students and employees in the Florida K-20 public education system on the basis of criteria including race, ethnicity, national origin, and religion.⁹ Public K-20 educational institutions in Florida are required by law to 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.¹⁰

Examples of anti-Semitism include:¹¹

- Calling for, aiding, or justifying the killing or harming of Jews, often in the name of a radical ideology or an extremist view of religion.
- Making mendacious, dehumanizing, demonizing, or stereotypical allegations about Jews as such or the power of Jews as a collective, especially, but not exclusively, the myth about a world Jewish conspiracy or of Jews controlling the media, economy, government or other societal institutions.
- Accusing Jews as a people of being responsible for real or imagined wrongdoing committed by a single Jewish person or group, the State of Israel, or even for acts committed by non-Jews.
- Accusing Jews as a people or the State of Israel of inventing or exaggerating the Holocaust.
- Accusing Jewish citizens of being more loyal to Israel, or the alleged priorities of Jews worldwide, than to the interest of their own nations.

⁶ CPALMS, *supra* note 4.

⁷ Another related standard requires students to be able to describe the attempts to promote international justice through the Nuremberg Trials. CPALMS, *supra* note 5.

⁸ See Florida Department of Education, *supra* note 2.

⁹ Section 1000.05(1)-(2), F.S.

¹⁰ "Anti-Semitism" is defined as including a certain perception of the Jewish people, which may be expressed as hatred toward Jewish people, rhetorical and physical manifestation of anti-Semitism directed toward a person, his or her property, or toward Jewish community institutions or religious facilities. Section 1000.05(7), F.S.

¹¹ Section 1000.05(7)(a), F.S.

Examples of anti-Semitism related to Israel include:¹²

- Demonizing Israel by using the symbols and images associated with classic anti-Semitism to characterize Israel or Israelis, drawing comparisons of contemporary Israeli policy to that of the Nazis, or blaming Israel for all inter-religious or political tensions.
- Applying a double standard to Israel by requiring behavior of Israel that is not expected or demanded of any other democratic nation or focusing peace or human rights investigations only on Israel.
- Delegitimizing Israel by denying the Jewish people their right to self-determination and denying Israel the right to exist.

III. Effect of Proposed Changes:

The bill expands the required instruction associated with the history of the Holocaust. Specifically, the bill:

- Adds the policy against anti-Semitism to the required instruction on the history of the Holocaust.
- Requires each school district to annually certify and provide evidence to the DOE that instructional requirements on the history of the Holocaust are met.
- Authorizes the DOE to use the State of Florida Resource Manuals on Holocaust Education or develop, as deemed appropriate, alternative or additional grade-appropriate curricula.
- Designates the second week in November as Holocaust Education Week.
- Requires the Commissioner of Education's Task Force on Holocaust Education to annually rank each school district on the efficacy of their Holocaust curriculum and instruction.

In addition, the bill removes charter schools from the requirement to annually certify and provide evidence to the DOE, in a manner prescribed by the DOE, that the requirements on teaching and providing evidence of teaching the history of the Holocaust are met.

The requirements of the bill may assist school districts in providing required instruction on the history of the Holocaust and improve the quality of such instruction statewide.

The bill takes effect July 1, 2020.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

¹² Section 1000.05(7)(b), F.S.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The DOE may incur minimal costs associated developing grade-appropriate curricula, training, and resources. In addition, the DOE may incur minimal costs associated with verifying that each district has met the requirements of the bill. However, such costs can be absorbed by the DOE within existing resources.¹³

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 1003.42 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

Recommended CS by Appropriation Subcommittee on Education on February 18, 2020:

The committee substitute makes the following changes to the bill:

- Replaces the requirement that the Department of Education (DOE) prepare and offer curriculum standards and the authorization for the DOE to work with the Florida

¹³ Email from Elizabeth Moya, Director of Legislative Affairs, Florida Department of Education (February 12, 2020) (on file with the Appropriations Subcommittee on Education).

Holocaust Museum and other state or nationally recognized Holocaust educational organizations with options to:

- Use the State of Florida Resource Manuals on Holocaust Education or develop such alternative or additional curricula as deemed appropriate by the DOE; and
- Work with the Commissioner of Education's Task Force on Holocaust Education to develop grade-appropriate curricula, training for instructional personnel, and classroom resources for the required instruction on the history of the Holocaust.
- Removes the requirement for charter schools to annually certify and provide evidence to the DOE, in a manner prescribed by the DOE, that the requirements on instruction in the history of the Holocaust are met.
- Designates the second week in November as Holocaust Education Week.
- Requires the Commissioner of Education's Task Force on Holocaust Education to annually rank each school district on their efficacy of their Holocaust curriculum and instruction.

CS by Education on February 10, 2020:

The committee substitute amends the required instruction associated with the history of the Holocaust to:

- Include the policy against anti-Semitism described in s. 1000.05(7).
- Require each school district and charter school to annually certify and provide evidence to the Department of Education (DOE), in a manner prescribed by the DOE, that the requirements of instruction on the history of the Holocaust are met.
- Require the DOE to prepare and offer curriculum standards for instruction on the history of the Holocaust.
- Authorize the DOE to work with state or nationally recognized Holocaust educational organizations in addition to the Florida Holocaust Museum to develop:
 - Grade-appropriate curricula;
 - Training for instructional personnel; and
 - Classroom resources for required instruction on the history of the Holocaust.

B. Amendments:

None.