

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 Education

BILL: SB 1516

INTRODUCER: Senator Jones

SUBJECT: Required Instruction in the History of African Americans

DATE: February 7, 2022

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Jahnke	Bouck	ED	Pre-meeting
2.			AED	
3.			AP	

I. Summary:

SB 1516 encourages instructional staff to include the history of local African-American cemeteries in the study of the history of African Americans when practicable.

The bill does not have a fiscal impact.

The bill is effective July 1, 2022.

II. Present Situation:

Florida Required Instruction in Schools

The mission of Florida’s K-20 education system is to allow its students to increase their proficiency by allowing them the opportunity to expand their knowledge and skills through rigorous and relevant learning opportunities.¹ Each district school board must provide appropriate instruction to ensure that students meet State Board of Education (SBE) adopted standards in the following subject areas: reading and other language arts, mathematics, science, social studies, foreign languages, health and physical education, and the arts.²

Instructional staff of public schools, excluding charter schools,³ subject to the rules of the SBE and the district school board, must provide instruction in:⁴

- The history and content of the Declaration of Independence.

¹ Section 1000.03(4), F.S.

² In 2020, the SBE adopted new standards for English language arts and mathematics, called the Benchmarks for Excellent Student Thinking (BEST) standards. The English language arts standards implementation began with the 2021-2022 school year and implementation of the math standards begin in the 2022-2023 school year. Section 1003.42(1), F.S.

³ Instructional staff of charter schools are exempt from this section of law. Section 1002.33(16), F.S.

⁴ Section 1003.42(2), F.S.

- The history, meaning, significance, and effect of the provisions of the Constitution of the United States.
- The arguments in support of adopting our republican form of government.
- Flag education, including proper flag display and flag salute.
- The elements of civil government.
- The history of the United States.
- The history of the Holocaust.
- The history of African Americans.
- The elementary principles of agriculture.
- The effects of alcoholic and intoxicating liquors and beverages and narcotics.
- Kindness to animals.
- The history of the state.
- The conservation of natural resources.
- Comprehensive health education.
- The study of Hispanic contributions to the United States.
- The study of women's contributions to the United States.
- The nature and importance of free enterprise to the United States economy.
- A character-development program in kindergarten through grade 12.
- The sacrifices that veterans and Medal of Honor recipients have made serving the country.

Required African-American Instruction

Florida public schools⁵ are required to teach about African-American history.⁶ 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 American society.⁷

In October 2019, the Department of Education (DOE) adopted a rule requiring school districts to report, annually by July 1, on how instruction was provided during the previous school year for certain subjects, including the history of African Americans.⁸ The report must include specific courses offered for each grade level and what materials and resources were used.⁹

Commissioner of Education's African American History Task Force

The Commissioner of Education's African American History Task Force ensures awareness of African American history educational requirements, identifies and recommends needed state education leadership action, assists in adoption of instructional materials by the state, and builds supporting partnerships.¹⁰ The task force creates models for relevant curricula, including specific topics pertinent to each grade level. Models incorporate recommended student activities, focus

⁵ Instructional staff of charter schools are exempt from this section of law. Section 1002.33(16), F.S.

⁶ Section 1003.42(2)(h), F.S.

⁷ *Id.*

⁸ Rule 6A-1.094124, F.A.C.

⁹ *Id.*

¹⁰ Commissioner of Education's African American Task Force, *Commissioner of Education's African American History Task Force*, available at <https://afroamfl.org/> (last visited February 4, 2022).

questions, and assessment tools for each topic. Current topics include the Harlem Renaissance, the slave trade, the expansion of the Sahara Desert, and the Rosewood Massacre.¹¹

African American Cemeteries

Throughout slavery and segregation, African American cemeteries were not provided with the same resources as their white counterparts.¹² Slaveholders prohibited cemeteries from being built on valuable land, causing many African Americans to be buried in isolated areas.¹³ Proper gravestones were not often used, with graves instead being marked by wood planks, plants, and other meaningful objects that decay over time.¹⁴ As a result, many decedents are unable to locate their deceased ancestors resting place.¹⁵

Additionally, neglect by local officials and a lack of consistent recordkeeping has caused African American burial sites to become lost, re-buried by development, and unmaintained.¹⁶ Modern construction projects are often interrupted when they run into unmarked African American human remains.¹⁷

At the federal level, the African American Burial Grounds Study Act has been proposed multiple times, but has yet to be passed by the U.S. House. The act would charge the National Park Service with the organization and preservation of African American burial grounds. Also, it would require the development of financial and technical assistance programs for local groups to survey and maintain burial grounds.¹⁸

2021 Florida Task Force on Abandoned African-American Cemeteries

On June 4, 2021, Governor DeSantis signed CS/CS/HB 37 into law, establishing a task force on Abandoned African-American Cemeteries (2021 task force).¹⁹ Under the purview of the Department of State, the 2021 task force is required to:²⁰

- Review the findings and recommendations made by the 1998 Task Force on Abandoned and Neglected Cemeteries and any legislative or administrative action taken in response.

¹¹ Commissioner of Education's African American Task Force, *African American History Instructional Standards Guide* (July 2021), available at <https://afroamfl.org/wp-content/uploads/2021/08/AAHTF-Instructional-Standards-July-2021.pdf>

¹² National Geographic, *The fight to save America's historic Black cemeteries*, <https://www.nationalgeographic.com/travel/article/historic-black-cemeteries-at-risk-can-they-be-preserved> (last visited February 4, 2022).

¹³ *Id.*

¹⁴ South Carolina's Information Highway, *History of African-American Cemeteries*, <https://www.sciway.net/hist/chicora/gravematters-1.html> (last visited February 4, 2022).

¹⁵ National Geographic, *The fight to save America's historic Black cemeteries*, <https://www.nationalgeographic.com/travel/article/historic-black-cemeteries-at-risk-can-they-be-preserved> (last visited February 4, 2022).

¹⁶ *Id.*

¹⁷ Nora McGreevy, *Lost African American Cemetery Found Under Florida Parking Lot*, Smithsonian Magazine, June 17, 2020, available at <https://www.smithsonianmag.com/smart-news/lost-african-american-cemetery-re-discovered-under-florida-parking-lot-180975109/>.

¹⁸ Library of Congress, *S.2827 - African American Burial Grounds Study Act*, <https://www.congress.gov/bill/116th-congress/senate-bill/2827/text/es> (last visited February 4, 2022).

¹⁹ Chapter 2021-60, L.O.F.

²⁰ Chapter 2021-60, L.O.F.

- Examine the adequacy of current practices regarding the preservation of unmarked and abandoned African-American cemeteries and burial grounds and identify any challenges unique to African-American cemeteries and burial grounds.
- Identify locations of unmarked and abandoned African-American cemeteries and burial grounds throughout the state and propose strategies, including any proposed legislation, for the preservation and evaluation of such sites.
- Make recommendations regarding standards for the creation, placement, and maintenance of a memorial at any identified locations of unmarked and abandoned African-American cemeteries or burial grounds throughout the state.
- Submit a report by January 1, 2022, detailing its findings and recommendations to the President of the Senate, Speaker of the House of Representatives, Minority Leaders of the Senate and House of Representatives, and the Governor.

The 2021 task force consists of ten members, eight of whom are appointed by the Secretary of State to represent relevant impacted groups, including the Florida Council of Churches, cemetery industry, Florida State Conference of the National Association for the Advancement of Colored People, and the Florida African American Heritage Preservation Network. Of the remaining task force members, one is a member of the House of Representatives appointed by the Speaker, and the other is a Senator appointed by the President of the Senate.²¹

As of January 2022, the task force has met six times and submitted its final report.²² Initial meetings included review of the 1998 Task Force on Abandoned and Neglected Cemeteries findings, solicitation of public comment, examination of other state initiatives, and report drafting.²³ The report includes four categories of final recommendations.²⁴ Specifically, the Education category recommends funding grant opportunities to research and preserve cemeteries, expanding the University of South Florida's Black Cemetery Network²⁵, and establishing curricula on the history of African American cemeteries.

III. Effect of Proposed Changes:

SB 1516 amends s. 1003.42, F.S., by encouraging instructional staff of public schools, excluding charter schools, to incorporate the history of local African-American cemeteries into their required instruction of the history of African Americans when practicable.

Incorporating the history of local African-American cemeteries could provide students with a better awareness and understanding of African American history within in their communities.

The bill is effective July 1, 2022.

²¹ Chapter 2021-60, L.O.F.

²² Florida Department of State, *Abandoned African-American Cemeteries Task Force*, <https://dos.myflorida.com/historical/archaeology/human-remains/abandoned-cemeteries/abandoned-african-american-cemeteries-task-force/> (last visited February 4, 2022).

²³ *Id.*

²⁴ Florida Department of State, *Task Force on Abandoned African-American Cemeteries Final Report* (December 17, 2020), available at https://files.floridados.gov/media/705214/hb-37_task-force-on-abandoned-african-american-cemeteries_report_12-17-2021.pdf.

²⁵ *Id.*

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

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:

None.

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 Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

- B. **Amendments:**

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.
