

**HOUSE OF REPRESENTATIVES STAFF ANALYSIS**

**BILL #:** HB 447 Required Instruction in the History of African Americans

**SPONSOR(S):** Trabulsy and others

**TIED BILLS:** None **IDEN./SIM. BILLS:** SB 1516

<b>REFERENCE</b>	<b>ACTION</b>	<b>ANALYST</b>	<b>STAFF DIRECTOR or BUDGET/POLICY CHIEF</b>
1) Secondary Education & Career Development Subcommittee	16 Y, 0 N	Cohen	Sanchez
2) PreK-12 Appropriations Subcommittee	13 Y, 0 N	Bailey	Potvin
3) Education & Employment Committee			

**SUMMARY ANALYSIS**

Chapter 1003.42 F.S. outlines the required instructional topics for public education, including the history of the Declaration of Independence, the Constitution of the United States and the Bill of Rights, kindness to animals, the study of women’s and Hispanic contributions to the United States, the history of the Holocaust, and the history of African Americans.

Instruction on the history of African Americans must include the history of Africans prior to development of slavery, the passage to America, the experience of slaves, the abolition of slavery, and the contributions of African Americans to American society.

The bill encourages instructional staff to incorporate the history of local African American cemeteries into the lessons on the history of African Americans when possible.

The bill does not have a fiscal impact.

The bill takes effect on July 1, 2022.

# FULL ANALYSIS

## I. SUBSTANTIVE ANALYSIS

### A. EFFECT OF PROPOSED CHANGES:

#### Present Situation

##### Required African-American 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.<sup>1</sup> 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.<sup>2</sup> Florida law does not dictate grade level, instructional material, or instructional hour requirements.<sup>3</sup>

Florida public schools are required to teach about African-American history.<sup>4</sup> 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.”<sup>5</sup>

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 defined in s. 1003.42(2), F.S., including the history of African Americans.<sup>6</sup> The report must include specific courses offered for each grade level and what materials and resources were used.<sup>7</sup>

##### Commissioner of Education’s African American History Task Force

The Commissioner of Education’s African American History Task Force (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.<sup>8</sup> The task force creates models for relevant curricula, including specific topics pertinent to each grade level. Models incorporate recommended student activities, focus 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.<sup>9</sup>

##### African American Cemeteries

Throughout slavery and segregation, African American cemeteries were not provided with the same resources as their white counterparts.<sup>10</sup> Slaveholders prohibited cemeteries from being built on valuable land, causing many African Americans to be buried in isolated areas.<sup>11</sup> Proper gravestones were not often used, with graves instead being marked by wood plaques, plants, and other meaningful

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<sup>1</sup> Section 1003.42, F.S.

<sup>2</sup> Section 1003.42(2), F.S.

<sup>3</sup> *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.

<sup>4</sup> Section 1003.42(h), F.S.

<sup>5</sup> *Id.*

<sup>6</sup> Rule 6A-1.094124, F.A.C.

<sup>7</sup> *Id.*

<sup>8</sup> Afroamfl.org, *Commissioner of Education’s African American History Task Force*, available at <https://afroamfl.org/> (last visited January 3, 2022).

<sup>9</sup> Afroamfl.org, *African American History Instructional Standards Guide*, available at <https://afroamfl.org/wp-content/uploads/2021/08/AAHTF-Instructional-Standards-July-2021.pdf> (last visited January 3, 2022).

<sup>10</sup> NationalGeographic.com, *The fight to save America’s historic Black cemeteries*, available at <https://www.nationalgeographic.com/travel/article/historic-black-cemeteries-at-risk-can-they-be-preserved> (last visited December 7, 2021).

<sup>11</sup> *Id.*

objects that decay over time.<sup>12</sup> As a result, many decedents are unable to locate their deceased ancestors resting place.

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.<sup>13</sup> Modern construction projects are often interrupted when they run into unmarked African American human remains.<sup>14</sup>

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.<sup>15</sup> The act would charge the National Park Service with the organization and preservation of African American burial grounds.<sup>16</sup> Also, it would require the development of financial and technical assistance programs for local groups to survey and maintain burial grounds.<sup>17</sup>

### 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).<sup>18</sup> Under the purview of the Department of State, the 2021 task force is required to:

- 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.
- 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.<sup>19</sup>

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.<sup>20</sup>

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<sup>12</sup> Sciway.com, *History of African-American Cemeteries*, available at <https://www.sciway.net/hist/chicora/gravematters-1.html> (last visited December 7, 2021).

<sup>13</sup> NationalGeographic.com, *The fight to save America's historic Black cemeteries*, available at <https://www.nationalgeographic.com/travel/article/historic-black-cemeteries-at-risk-can-they-be-preserved> (last visited December 7, 2021).

<sup>14</sup> Smithsonianmag.com, *Lost African American Cemetery Found Under Florida Parking Lot*, <https://www.smithsonianmag.com/smart-news/lost-african-american-cemetery-re-discovered-under-florida-parking-lot-180975109/> (last visited December 7, 2021).

<sup>15</sup> Congress.gov, *S.2827 - African American Burial Grounds Study Act*, available at <https://www.congress.gov/bill/116th-congress/senate-bill/2827/text/es> (last visited December 7, 2021).

<sup>16</sup> *Id.*

<sup>17</sup> *Id.*

<sup>18</sup> See Chapter 2021-60, L.O.F.

<sup>19</sup> *Id.*

<sup>20</sup> *Id.*

As of January 2022, the task force has met six times and submitted its final report.<sup>21</sup> Initial meetings included review of the American History task force findings, solicitation of public comment, examination of other state initiatives, and report drafting.<sup>22</sup> The report includes four categories of final recommendations.<sup>23</sup> Specifically, the Education category recommends funding grant opportunities to research and preserve cemeteries, expanding the University of South Florida's Black Cemetery Network<sup>24</sup>, and establishing curricula on the history of African American cemeteries.

### **Effects of Proposed Changes**

The bill encourages instructional staff to incorporate the history of local African-American cemeteries into their required lesson on African-American history when possible.

#### **B. SECTION DIRECTORY:**

**Section 1.** Amends s. 1003.42, F.S.; providing that instructional staff of public schools are encouraged to include the history of local African-American cemeteries in the study of the history of African Americans when practicable;

**Section 2.** Provides the bill takes effect on July 1, 2022.

## **II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT**

#### **A. FISCAL IMPACT ON STATE GOVERNMENT:**

1. Revenues:

None.

2. Expenditures:

None.

#### **B. FISCAL IMPACT ON LOCAL GOVERNMENTS:**

1. Revenues:

None.

2. Expenditures:

None.

#### **C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:**

None.

#### **D. FISCAL COMMENTS:**

None.

## **III. COMMENTS**

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<sup>21</sup> Florida Department of State, *Abandoned African-American Cemeteries Task Force*, available at <https://dos.myflorida.com/historical/archaeology/human-remains/abandoned-cemeteries/abandoned-african-american-cemeteries-task-force/> (last visited January 3, 2022).

<sup>22</sup> *Id.*

<sup>23</sup> The Florida Channel, *12/9/21 Task Force on Abandoned African American Cemeteries*, available at <https://thefloridachannel.org/videos/12-9-21-task-force-on-abandoned-african-american-cemeteries/> (last visited January 3, 2022).

<sup>24</sup> The Black Cemetery Network, available at <https://blackcemeterynetwork.org/> (last visited January 3, 2022).

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

None.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

**IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES**

None.