

## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** CS/HB 551 Required African-American Instruction  
**SPONSOR(S):** Education Quality Subcommittee, Benjamin, Fine and others  
**TIED BILLS:** None. **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Education Quality Subcommittee	18 Y, 0 N, As CS	Suppiah	Sanchez
2) PreK-12 Appropriations Subcommittee	14 Y, 0 N	Bailey	Potvin
3) Education & Employment Committee		Suppiah	Hassell

### SUMMARY ANALYSIS

Chapter 1003.42, Florida Statutes, 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 African peoples prior to: the development of slavery; the passage to America; the experience of slaves; the abolition of slavery; the contributions of African Americans to American society; and, the history of local African American cemeteries when possible.

The bill requires school districts to provide evidence that requirements relating to the instruction of African American history are being met. The bill also allows the Department of Education (DOE) to seek input from and contract with state or nationally recognized African American educational organizations to support curriculum on the history of African Americans.

The bill requires school districts to submit to the Commissioner of Education (commissioner) and post on their website an implementation plan for required instruction topics that includes methods in which instruction will be delivered for each grade level, professional qualifications of instructional personnel, and a description of instructional materials. The bill also requires the commissioner or the DOE to notify school districts if they do not meet implementation plan requirements and gives school districts 45 days from the date of notification to submit revisions to their implementation plans. The bill allows the State Board of Education (SBE) to initiate compliance actions outlined in s. 1008.32(4), F.S. against school districts for failure to comply with implementation plan requirements.

The bill does not appear to have a fiscal impact. See Fiscal Comments, *infra*.

The bill takes effect on July 1, 2023.

# FULL ANALYSIS

## I. SUBSTANTIVE ANALYSIS

### A. EFFECT OF PROPOSED CHANGES:

#### Present Situation

##### Required African-American Instruction

Florida law requires that public school students in kindergarten through grade 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, and 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>

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

The Commissioner of Education’s African American History Task Force (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>6</sup> The task force creates models for relevant curricula, including specific topics pertinent to each grade level. Models incorporate recommended student activities, focused questions, and provide assessment tools for each topic. Current topics in African American history include the Harlem Renaissance, the slave trade, the expansion of the Sahara Desert, and the Rosewood Massacre.<sup>7</sup>

##### Other Required Instruction in Florida

Each district school board must provide all courses required for middle grades promotion, high school graduation, and appropriate instruction designed to ensure that students meet State Board of Education (SBE) adopted standards<sup>8</sup> in the following subject areas:

- reading and other language arts;
- mathematics;
- science;
- social studies;
- foreign languages;
- health and physical education; and

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

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

<sup>3</sup> 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. Section 1003.42(3) (flush left provision at the end of the subsection).

<sup>4</sup> Section 1003.42(2)(h), F.S.

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

<sup>6</sup> Afroamfl.org, *Commissioner of Education’s African American History Task Force*, available at <https://afroamfl.org/> (last visited March 13, 2023).

<sup>7</sup> Afroamfl.org, *African American History Instructional Standards Guide*, available at: <https://afroamfl.org/wp-content/uploads/2022/03/AAHTF-Instructional-Standards-July-2021.pdf> (last visited March 19, 2023).

<sup>8</sup> In 2020, the State Board of Education 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 began in the 2022-2023 school year. Rule 6A-1.09401, F.A.C.

- the arts.<sup>9</sup>

Public school teachers must teach the following:<sup>10</sup>

- The Declaration of Independence – including a history and content of national sovereignty, natural law, self-evident truth, equality of all persons, limited government, popular sovereignty, and the inalienable rights of life, liberty, and property and how they form the foundation of our government.
- The U.S. Constitution and amendments – including instruction on the Bill of Rights and how the Constitution provides the structure of our government.
- Arguments supporting the adoption of our republican form of government - as embodied in the Federalist Papers.
- Flag education - including proper flag display and flag salute.
- Elements of civil government - including the primary functions of and interrelationships between the Federal Government, the state, and its counties, municipalities, school districts, and special districts.
- United States history - including the period of discovery, early colonies, the War for Independence, the Civil War, the expansion of the U.S., the world wars, and the civil rights movement.<sup>11</sup>
- The history of the Holocaust<sup>12</sup> - including the systematic, planned annihilation of European Jews and other groups by Nazi Germany 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.<sup>13</sup> Required instruction in this area also includes the recognition and prevention of prohibited anti-Semitic discrimination, such as “. . . making mendacious, dehumanizing, demonizing, or stereotypical allegations about Jews or the power of Jews as a collective . . .”<sup>14</sup> Each school district is required to provide evidence and annually certify to the DOE that the history of the Holocaust has been taught as prescribed by law.<sup>15</sup>
- The principles of agriculture.
- The effects of alcoholic beverages and narcotics – including effects upon the body and mind.
- Kindness to animals.
- Florida history.
- Conservation of natural resources.
- Health education<sup>16</sup> – including age and developmentally appropriate concepts of community health; consumer health; environmental health; family life, such as: injury prevention and safety; internet safety; nutrition; personal health; prevention and control of disease; substance use and abuse; and the prevention of child sexual abuse, exploitation, and human trafficking.<sup>17</sup>
- Life skills – including self-awareness and self-management; responsible decision making; resiliency; relationship skills and conflict resolution; and understanding and respecting other

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<sup>9</sup> Section 1003.42(1)(a), F.S.

<sup>10</sup> Section 1003.42(2)(a)-(t), F.S.

<sup>11</sup> Section 1003.42(2)(f), F.S. American history must be viewed as factual, knowable, teachable, and testable and must be defined as the creation of a new nation based largely on the universal principles stated in the Declaration of Independence.

<sup>12</sup> The second week in November is designated as "Holocaust Education Week" in Florida. *See* s. 1003.42(2)(g)2., F.S.

<sup>13</sup> In 2021, the State Board of Education adopted Holocaust education standards as part of the updated social studies standards. *See* rule 6A-1.09401, F.A.C.

<sup>14</sup> Section 1000.05(8)(a)2., F.S.

<sup>15</sup> Section 1003.42(2)(g)1., F.S.

<sup>16</sup> In 2021, the State Board of Education adopted new standards for health education. Rule 6A-1.09401, F.A.C. In 2022, the Legislature established the Safer, Smarter Schools Program to implement the revised health education standards. The program must provide a comprehensive personal safety curriculum that helps students remain safe from abuse and exploitation. Section 1003.4204, F.S.

<sup>17</sup>Section 1003.42(2)(n)1., F.S. The health education curriculum for students in grades 7 through 12 must include a teen dating violence and abuse component. Section 1003.42(2)(n)2., F.S. For students in grades 6 through 12, the health education curriculum must include an awareness of the benefits of sexual abstinence and the consequences of teenage pregnancy. Section 1003.42(2)(n)3., F.S. Any student whose parent makes a written request is exempt from the teaching of reproductive health or any disease, including HIV/AIDS, its symptoms, development, and treatment. School districts are required to notify parents of the right to request an exemption. An exempt student may not be penalized because of the exemption. Section 1003.42(5), F.S. All instructional materials used in the instruction of reproductive health or any disease, including HIV/AIDS, must be approved annually by the district school board in an open, noticed public meeting and be made available for review on the school district’s homepage. Section 1003.42(1)(b) and (5), F.S.

viewpoints and backgrounds to build confidence, support mental and emotional health, and enable students to overcome challenges.<sup>18</sup>

- Additional materials, subjects, courses, or fields as prescribed by law or rules of the State Board of Education and the district school board.<sup>19</sup>
- Hispanic contributions to the U.S.
- Women’s contributions to the U.S.
- The nature and importance of free enterprise to the U.S. economy.
- Civic and character education – including the qualities and responsibilities of patriotism and citizenship, such as kindness; respect for authority, life, liberty, and personal property; honesty; charity; racial, ethnic, and religious tolerance; and cooperation.<sup>20</sup> Required instruction in this area also includes instruction in voting for grade 11 and 12.<sup>21</sup>
- The sacrifices of veterans and Medal of Honor recipients – instruction must occur on or before Medal of Honor Day, Veterans’ Day, and Memorial Day. Teachers are encouraged to use the assistance of local veterans and Medal of Honor recipients.<sup>22</sup>

The law specifies that teachers must teach these topics efficiently and faithfully, using books and materials meeting the highest standards for professionalism and historical accuracy, following the prescribed courses of study, and employing approved methods of instruction.<sup>23</sup> Unless otherwise specified, the law generally does not prescribe grade level, instructional hours, or instructional materials requirements for these topics.

In November 2022, 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>24</sup> The report must include specific courses offered for each grade level and what materials and resources were used.<sup>25</sup>

### Guiding Principles for Teaching Required Instruction Topics

In 2022, the Legislature required that instruction on required topics be consistent with the following principles of individual freedom:<sup>26</sup>

- No person is inherently racist, sexist, or oppressive, whether consciously or unconsciously, solely by virtue of his or her race or sex.
- No race is inherently superior to another race.
- No person should be discriminated against or receive adverse treatment solely or partly on the basis of race, color, national origin, religion, disability, or sex.
- Meritocracy or traits such as a hard work ethic are not racist but fundamental to the right to pursue happiness and be rewarded for industry.
- A person, by virtue of his or her race or sex, does not bear responsibility for actions committed in the past by other members of the same race or sex.

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<sup>18</sup> Section 1003.42(2)(n)4., F.S. For grades 9 through 12, life skills instruction must also include developing leadership skills, interpersonal skills, organization skills, and research skills; creating a resume, including a digital resume; exploring career pathways; using state career planning resources; developing and practicing the skills necessary for employment interviews; workplace ethics and workplace law; managing stress and expectations; and self-motivation. Section 1003.42(2)(n)4.f., F.S.

<sup>19</sup> In June 2021, the SBE amended rule 6A-1.094124, F.A.C., clarifying that required instruction of topics such as the Holocaust, slavery, the Civil War and Reconstruction, the civil rights movement and the contributions of women cannot suppress or distort these historical events. The amended rule expressly prohibits instruction that includes denial of the Holocaust and teaching of Critical Race Theory, including a prohibition on the use of materials from the 1619 Project. Rule 6A-1.094124(3)(b), F.A.C.

<sup>20</sup> Section 1003.42(2)(s), F.S.

<sup>21</sup> *Id.*

<sup>22</sup> A character development program that incorporates the values of the Medal of Honor and is offered in social studies, ELA, or other character building and veteran awareness initiatives meets the character-development, and veterans and Medal of Honor instruction requirements of s. 1003.42(2)(t), F.S. (flush left provisions at end of paragraph).

<sup>23</sup> Section 1003.42(2), F.S.

<sup>24</sup> Rule 6A-1.094124, F.A.C.

<sup>25</sup> *Id.*

<sup>26</sup> Section 1003.42(3), F.S.

- A person should not be instructed that he or she must feel guilt, anguish, or other forms of psychological distress for actions, in which he or she played no part, committed in the past by other members of the same race or sex.

The Legislature specified that instructional personnel may facilitate discussions and use curricula to address, in an age-appropriate manner, how the freedoms of persons have been infringed by sexism, slavery, racial oppression, racial segregation, and racial discrimination. However, classroom instruction and curriculum may not be used to indoctrinate or persuade students to a particular point of view inconsistent with the above principles.<sup>27</sup>

To enable students to better understand and appreciate the principles of individual freedom, the SBE is required to develop a “Stories of Inspiration” curriculum to inspire future generations through motivating stories of American history that demonstrate important life skills and the principles of individual freedom that enabled persons to prosper even in the most difficult circumstances.<sup>28</sup>

### **Effects of Proposed Changes**

The bill requires school districts to annually certify and provide evidence to the DOE that requirements on the instruction of African American history are being met. The DOE may prescribe the manner in which this evidence is provided. In addition to seeking input from the Commissioner of Education’s African American History Task Force, the bill allows the DOE to seek input from state or nationally recognized African American educational organizations. This input may be used when preparing and offering standards and curriculum for instruction in African American history. The DOE may also contract with these organizations to develop training for instructional personnel and classroom resources to support the developed curriculum.

The bill codifies SBE rules, requiring school districts to submit an implementation plan for all required instruction topics to the Commissioner of Education and post the plan on the school district’s website.<sup>29</sup> The implementation plan must include the methods in which instruction will be delivered for each grade level, the professional qualifications of instructional personnel, and a description of instructional materials. The bill also requires the commissioner or the department to notify a school district if its implementation plan does not meet the requirements established in law or rule. School districts must be provided no less than 45 days after receiving such notification to submit revisions to the implementation plan. If a school district fails to comply with implementation plan requirements, the bill authorizes the SBE to initiate any action under s. 1008.32(4), F.S., relating to the SBE’s oversight enforcement authority to initiate compliance actions.

## **B. SECTION DIRECTORY:**

**Section 1.** Amends s. 1003.42, F.S.; requiring each school district to certify and provide evidence to the DOE that the requirements on instruction of African American history are being met; authorizing the DOE to seek input from and contract with state and nationally recognized African American educational organizations to support curriculum; requiring each school district to submit an implementation plan to the Commissioner of Education and post the plan on its website; providing requirements for the plan; requiring the commissioner or the department to provide certain notification; providing a timeframe within which a

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<sup>27</sup> Section 1003.42(3), F.S. (flush left provisions at the end of the subsection).

<sup>28</sup> Section 1003.42(4), F.S. As of August 2022, the Stories of Inspiration curriculum was still in development.

<sup>29</sup> Rule 6A-1.094124, F.A.C.

school district must submit revisions to its plan to the department; authorizing the SBE to take certain actions under certain circumstances.

**Section 2.** Provides an effective date of July 1, 2023.

## **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:**

To the extent the DOE elects to contract with any state or nationally recognized African American education organization, the department may incur costs associated with the contract.

## **III. COMMENTS**

### **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**

On March 15, 2023, the Education Quality Subcommittee adopted one amendment and reported the bill favorably as a committee substitute. The amendment codifies State Board of Education (SBE) rules to:

- Require each school district to submit an implementation plan for required instruction topics to the Commissioner of Education (commissioner) and post the plan on its website.
- Outline requirements for implementation plans.

- Require the commissioner or the Department of Education to notify school districts that do not meet implementation plan requirements and provides a time frame for school districts to submit implementation plan revisions after notification.
- Authorize the SBE to initiate any action under s. 1008.32(4), F.S., against school districts that fail to comply with implementation plan requirements.

This analysis is drafted to the committee substitute as passed by the Education Quality Subcommittee.