

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/CS/HB 1213 Holocaust Education

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

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

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) PreK-12 Innovation Subcommittee	17 Y, 0 N, As CS	McAlarney	Brink
2) PreK-12 Appropriations Subcommittee	11 Y, 0 N	Bailey	Potvin
3) Education Committee	16 Y, 0 N, As CS	McAlarney	Hassell

SUMMARY ANALYSIS

The bill requires the Florida Department of Education (DOE) to prepare and offer curriculum standards for teaching the history of the Holocaust, a subject required for K-12 public school students under s. 1003.42, F.S. The DOE may work with the Commissioner of Education's Task Force on Holocaust Education, the Florida Holocaust Museum, and other state or nationally recognized Holocaust educational organizations to develop curricula, training for instructional personnel, and classroom instructional material for the instruction.

The bill requires each school district to include in this instruction the state policy against anti-Semitism, as described in s. 1000.05(7), F.S. The DOE must create a process for school districts to annually certify and provide evidence of compliance with the Holocaust instructional requirements to the DOE.

This bill does not appear to have a fiscal impact since any costs associated with the DOE establishing curriculum standards as required by the bill can be absorbed within existing resources.

The bill takes effect on July 1, 2020.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

Florida Educational Equity Act

The Florida Educational Equity Act¹ (FEEA) governs students' and employees' civil rights in Florida's public educational systems. 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 Holocaust 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 The statute does not dictate grade level, instructional material, or instructional hour requirements.⁷ In October 2019, the 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 the Holocaust. The report must include specific courses offered for each grade level and what materials and resources were used.⁸

Florida law describes the history of the Holocaust as "the systematic, planned annihilation of European Jews and other groups by Nazi Germany."⁹ 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."¹⁰

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.¹¹ For example, some

¹ Section 1000.05, F.S.

² E-mail from Legislative Affairs Director, Florida Department of Education, RE: Office of Equal Educational Opportunity, 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.*

⁸ Rule 6A-1.094124, F.A.C.

⁹ Section 1003.42(2)(g), F.S.

¹⁰ *Id.*

¹¹ Florida Department of Education, 2020 Agency Legislative Bill Analysis, *SB 184*, July 1, 2020, available at

<http://abar.laspbs.state.fl.us/ABAR/Attachment.aspx?ID=29714>.

districts include the history of the Holocaust in character education and civics classes.¹² For grades 9-12, it is included in American History¹³ and World History standards.¹⁴

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 (Task Force).¹⁵ The Task Force designs, encourages, and promotes the implementation of Holocaust education in schools. Additionally, the Task Force provides programs for each school district and coordinates events to memorialize the Holocaust.¹⁶

Florida Holocaust Museum

The Florida Holocaust Museum (Museum) is a museum dedicated to memorializing the history of the Holocaust, with a goal of teaching people of “all races and cultures the inherent worth and dignity of human life in order to prevent future genocides.”¹⁷ The Museum is funded by private donors and receives \$300,000 annually from the Florida legislature. The Museum displays exhibitions, permanent and temporary, depicting life events of Jews in Nazi occupied Europe.¹⁸ The Museum also has hosted exhibits highlighting other persecuted groups.

The Museum provides teacher training¹⁹ and creates free Holocaust educational resources for Florida public, private, and parochial schools.²⁰ As “a service provider contracted by the DOE,”²¹ the Museum produced a teaching tool, the Teaching Trunk.²² Teaching Trunks include lesson plans, literature sets, videos, posters, and instructional aides.²³ The “Arts” trunk explores “the themes of the Holocaust, character education, genocide studies and human behavior through the arts. The lessons discuss artwork and are designed for art as well as all other classes.”²⁴

Effects of Proposed Changes

The bill requires the DOE to prepare and offer curriculum standards for teaching the history of the Holocaust. The DOE may work with the Commissioner of Education’s Task Force on Holocaust Education, the Florida Holocaust Museum, and other state or nationally recognized Holocaust

¹² *Id.*

¹³ CPALMS, Standards, Social Studies, American History, *SS.912.A.6.7*, available at <https://www.cpalms.org/Public/PreviewStandard/Preview/3371> (last visited January 28, 2020). 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, World History, *SS.912.W.7.8*, available at <https://www.cpalms.org/Public/PreviewStandard/Preview/3497> (last visited January 28, 2020).

¹⁵ Florida Department of Education, *Commissioner of Education’s Task Force on Holocaust Education*, <http://www.fldoe.org/holocausteducation> (last visited January 28, 2020).

¹⁶ *Id.*

¹⁷ The Florida Holocaust Museum, *Mission*, <https://www.fholocaustmuseum.org/mission/> (last visited January 28, 2020).

¹⁸ The Florida Holocaust Museum, *About*, *The Florida Holocaust Museum History*, <https://www.fholocaustmuseum.org/about/fhm-history/> (last visited January 28, 2020).

¹⁹ The Florida Holocaust Museum, *Learn*, *Teacher Training*, <https://www.fholocaustmuseum.org/learn/teacher-training/> (last visited January 28, 2020).

²⁰ *Id.*

²¹ *Id.*

²² *Id.*

²³ *Id.*

²⁴ *Id.*

educational organizations to develop curricula, training for instructional personnel, and classroom instructional material.

The bill requires each school district to include in this instruction the state policy against anti-Semitism, as described in s. 1000.05(7), F.S. The DOE must create a process for school districts to annually certify and provide evidence of compliance with Holocaust instructional requirements.

B. SECTION DIRECTORY:

Section 1. Amends s. 1003.42, F.S., authorizing the Department of Education to work with the Commissioner of Education's Task Force on Holocaust Education, the Florida Holocaust Museum, and other state or nationally recognized Holocaust educational organizations for specified purposes relating to required instruction; requiring the Department of Education to prepare and offer curriculum standards; requiring public schools to report compliance to the Department of Education.

Section 2. Provides an effective date of July 1, 2020.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None. 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 curriculum standards required by the bill; however, such costs can be absorbed within existing resources.

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 January 28, 2020, the House PreK-12 Innovation Subcommittee adopted an amendment and reported the bill favorably as a committee substitute. The amendment:

- requires each school district and charter school to include in the teaching of the Holocaust the policy against anti-Semitism, as described in s. 1000.05(7), F.S;
- requires each school district and charter school to annually certify and provide evidence of compliance to the DOE;
- requires the DOE to prepare and offer curriculum standards for Holocaust instruction; and
- permits the DOE to work with the Florida Holocaust Museum and other state or nationally recognized Holocaust educational organizations to develop curricula, training for instructional personnel, and classroom instructional material.

On February 12, 2020, the House Education Committee adopted an amendment and reported the bill favorably as a committee substitute. The amendment:

- allows the DOE to work with the Commissioner of Education's Task Force on Holocaust Education, the Florida Holocaust Museum, and other state or nationally recognized Holocaust educational organizations to develop curricula, training for instructional personnel, and classroom instructional material.
- removes charter schools from reporting requirements.

The bill analysis is drafted to the committee substitute.