

Acts (2021)

Chapter 98

AN ACT CONCERNING GENOCIDE EDUCATION.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to ensure every school district provides instruction on the history of genocide, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Chapter 29 of the General Laws is hereby amended by inserting after section 2LLLLL the following section:-

Section 2MMMMM. (a) For the purposes of this section, the terms community-based organization and genocide shall have the same meanings as defined in section 98 of chapter 71.

(b) There is hereby established and set up on the books of the commonwealth a separate fund to be known as the Genocide Education Trust Fund for the purpose of educating middle and high school students on the history of genocide. The commissioner of elementary and secondary education shall administer the fund to assist in promoting the teaching of human rights issues in all public schools

and school districts, with particular attention to the study of the inhumanity of genocide. There shall be credited to the fund: (i) revenue from appropriations and other money authorized by the general court and specifically designated to be credited to the fund; (ii) funds from public and private sources such as gifts, grants and donations to further genocide education; (iii) revenue from fines imposed for a hate crime or civil rights violation pursuant to section 37 or section 39 of chapter 265; and (iv) interest earned on money in the fund. Amounts credited to the fund shall not be subject to further appropriation and any money remaining in the fund at the end of a fiscal year shall not revert to the General Fund.

(c) Amounts credited to the fund may be expended, without further appropriation, by the commissioner for purposes related to the instruction of middle and high school students on the history of genocide, including, but not limited to: (i) development of curricular materials detailing the underlying causes, international reaction, progression and aftermath of genocide; and (ii) professional development training, including the provision of trainings, seminars, conferences and materials, for educators to use in the teaching of genocide. Annually, not less than 50 per cent of the funds expended shall be allocated to public schools or school districts.

In expending amounts credited to the fund, the commissioner may prioritize: (i) underserved communities across the commonwealth, including those public schools or school districts with high concentrations of economically-disadvantaged students; (ii) communities that have experienced an incident motivated by racial,

ethnic or religious bias; and (iii) schools implementing a genocide education program for the first time consistent with the standards set by the department of elementary and secondary education.

(d) Amounts received from private sources shall be approved by the commissioner of elementary and secondary education and subject to review before being deposited in the fund to ensure that pledged funds are not accompanied by conditions, explicit or implicit, on the implementation of genocide education programming that may be detrimental to the neutral and rigorous teaching of the history of genocide or that may unduly influence the direction of genocide education policy. The review shall be made publicly available on the department's website.

(e) There shall be a competitive grant program to promote the instruction of middle and high school students on the history of genocide developed and administered by the department of elementary and secondary education for all public schools and school districts. The department may expend funds from the fund for this grant program.

The department may give preference to grant applications that include: (i) input from relevant community stakeholders, including, but not limited to, local officials, municipal human rights commissions and community-based organizations; or (ii) plans to partner with community-based organizations or otherwise engage with the applicant's local community.

The department may provide funds and other resources to public schools and school districts as needed to ensure that every public school and school district has the opportunity to apply for grants.

(f) Annually, not later than October 1, the commissioner of elementary and secondary education shall report to the clerks of the house of representatives and the senate, the joint committee on education and the house and senate committees on ways and means on the fund's activities. The report shall include, but not be limited to: (i) the source and amount of funds received; (ii) the expenditures made from the fund and the purposes of such expenditures; (iii) any grants provided to relevant community stakeholders and other stakeholder organizations; (iv) anticipated revenue and expenditure projections for the next fiscal year; (v) the number of schools and school districts that have used the fund to implement a new program or enhance or maintain current programming; and (vi) the number of schools and school districts that applied for, but were not granted, funding. The report shall be publicly available on the department's website.

SECTION 2. The fifteenth paragraph of section 1I of chapter 69 of the General Laws, as appearing in the 2020 Official Edition, is hereby amended by striking out clauses (k) and (l) and inserting in place thereof the following 3 clauses:-

(k) global education;

(l) nutrition and wellness programs; and

(m) genocide education programs.

SECTION 3. Said section 1I of said chapter 69, as so appearing, is hereby further amended by inserting after the fifteenth paragraph the following paragraph:-

Annually, not later than October 1, the commissioner shall provide a report on the progress of genocide education programs in public schools and school districts to the clerks of the house of representatives and the senate and the joint committee on education. The report shall provide a description of the manner in which grantees under subsection (e) of section 2MMMMM of chapter 29 are offering genocide instruction including: (i) the number of hours of instruction offered; (ii) the grade levels at which such instruction is offered; and (iii) the title and description of the course in which such instruction is integrated.

SECTION 4. Chapter 71 of the General Laws is hereby amended by adding the following section:-

Section 98. (a) For the purposes of this section, the following terms shall, unless the context clearly requires otherwise, have the following meanings:

“Community-based organization”, a public or private non-profit organization that: (i) is representative of a community or significant segments of a community; and (ii) provides educational or related services to individuals in the community.

“Genocide”, at least 1 of the following acts committed with the intent to destroy, in whole or in part, a national, ethnic, racial or religious group: (i) killing members of a national, ethnic, racial or religious group; (ii) causing serious bodily or mental harm to members of a national, ethnic, racial or religious group; (iii) deliberately inflicting conditions of life of a national, ethnic, racial or religious group in a manner calculated to bring about the physical destruction of the group, in whole or in part; (iv) imposing measures intended to

prevent births within a national, ethnic, racial or religious group; or (v) forcibly transferring children of a national, ethnic, racial or religious group to another national, ethnic, racial or religious group.

(b) Every school district shall, for the purpose of educating middle and high school students, provide instruction on the history of genocide consistent with the content standards articulated in the history and social science curriculum framework adopted by the board of elementary and secondary education; provided, however, that a school district may partner with a community-based organization, including, but not limited to, municipal human rights commissions and other relevant community stakeholders, to implement genocide education programming for the purpose of educating middle and high school students on the history of genocide.

Instruction on genocide shall be taught consistent with the history and social science curriculum framework to: (i) promote the teaching of human rights issues in all public schools and school districts, with particular attention to the study of the inhumanity of genocide; (ii) address the history and patterns of genocide that demonstrate how hatred against national, ethnic, racial or religious groups impacts nations and societies; and (iii) reject the targeting of a specific population and other forms of prejudice that can lead to violence and genocide.

(c) The department shall assist schools in providing: (i) instruction on the history of genocide by facilitating access to high-quality curricular materials which address the underlying causes, international reaction, progression and aftermath of genocide; and (ii)

professional development training, including the provision of trainings, seminars, conferences and materials, for educators to use in the teaching of genocide.

(d) Nothing in this section shall require a school district to require genocide instruction in every year of middle school and high school; provided, however, that genocide education and instruction shall be utilized during appropriate times in middle and high school curricula, as determined by the local school district.

(e) The department may provide trainings, seminars, conferences and materials for educators and community-based organizations to use in the teaching of genocide in person or through the use of synchronous or asynchronous audio, video, electronic media or other telecommunications technology.

SECTION 5. Section 37 of chapter 265 of the General Laws is hereby amended by adding the following paragraph:-

Moneys from the collection of a punishment by fine under this section shall be delivered forthwith to the treasurer of the commonwealth and deposited in the Genocide Education Trust Fund established in section 2MMMMM of chapter 29.

SECTION 6. Section 39 of said chapter 265 is hereby amended by adding the following paragraph:-

Moneys from the collection of a punishment by fine under this section shall be delivered forthwith to the treasurer of the commonwealth and deposited in the Genocide Education Trust Fund established in section 2MMMMM of chapter 29.

SECTION 7. Section 4 shall take effect for the school year beginning after July 1, 2022.

Approved, December 2, 2021.