

HOUSE No. 4249

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, November 15, 2021.

The committee on Ways and Means, to whom was referred the Senate Bill concerning genocide education (Senate, No. 2557), reports recommending that the same ought to pass with amendments striking out all after the enacting clause and inserting in place thereof the text contained in House document numbered 4249; by striking out the emergency preamble and inserting in place thereof the following emergency preamble:

“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.”

For the committee,

AARON MICHLEWITZ.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Second General Court
(2021-2022)**

By striking out all after the enacting clause and inserting in place thereof the following:—

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

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

5 (b) There is hereby established and set up on the books of the commonwealth a separate
6 fund to be known as the Genocide Education Trust Fund for the purpose of educating middle and
7 high school students on the history of genocide. The commissioner of elementary and secondary
8 education shall administer the fund to assist in promoting the teaching of human rights issues in
9 all public schools and school districts, with particular attention to the study of the inhumanity of
10 genocide. There shall be credited to the fund: (i) revenue from appropriations and other money
11 authorized by the general court and specifically designated to be credited to the fund; (ii) funds
12 from public and private sources such as gifts, grants and donations to further genocide education;
13 (iii) revenue from fines imposed for a hate crime or civil rights violation pursuant to section 37
14 or section 39 of chapter 265; and (iv) interest earned on money in the fund. Amounts credited to

15 the fund shall not be subject to further appropriation and any money remaining in the fund at the
16 end of a fiscal year shall not revert to the General Fund.

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

24 In expending amounts credited to the fund, the commissioner may prioritize: (i)
25 underserved communities across the commonwealth, including those public schools or school
26 districts with high concentrations of economically-disadvantaged students; (ii) communities that
27 have experienced an incident motivated by racial, ethnic or religious bias; and (iii) schools
28 implementing a genocide education program for the first time consistent with the standards set
29 by the department of elementary and secondary education.

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

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

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

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

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

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

62 (k) global education;

63 (l) nutrition and wellness programs; and

64 (m) genocide education programs.

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

67 Annually, not later than October 1, the commissioner shall provide a report on the
68 progress of genocide education programs in public schools and school districts to the clerks of
69 the house of representatives and the senate and the joint committee on education. The report shall
70 provide a description of the manner in which grantees under subsection (e) of section
71 2MMMMM of chapter 29 are offering genocide instruction including: (i) the number of hours of
72 instruction offered; (ii) the grade levels at which such instruction is offered; and (iii) the title and
73 description of the course in which such instruction is integrated.

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

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

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

81 “Genocide”, at least 1 of the following acts committed with the intent to destroy, in
82 whole or in part, a national, ethnic, racial or religious group: (i) killing members of a national,
83 ethnic, racial or religious group; (ii) causing serious bodily or mental harm to members of a
84 national, ethnic, racial or religious group; (iii) deliberately inflicting conditions of life of a
85 national, ethnic, racial or religious group in a manner calculated to bring about the physical
86 destruction of the group, in whole or in part; (iv) imposing measures intended to prevent births
87 within a national, ethnic, racial or religious group; or (v) forcibly transferring children of a
88 national, ethnic, racial or religious group to another national, ethnic, racial or religious group.

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

97 Instruction on genocide shall be taught consistent with the history and social science
98 curriculum framework to: (i) promote the teaching of human rights issues in all public schools
99 and school districts, with particular attention to the study of the inhumanity of genocide; (ii)

100 address the history and patterns of genocide that demonstrate how hatred against national, ethnic,
101 racial or religious groups impacts nations and societies; and (iii) reject the targeting of a specific
102 population and other forms of prejudice that can lead to violence and genocide.

103 (c) The department shall assist schools in providing: (i) instruction on the history of
104 genocide by facilitating access to high-quality curricular materials which address the underlying
105 causes, international reaction, progression and aftermath of genocide; and (ii) professional
106 development training, including the provision of trainings, seminars, conferences and materials,
107 for educators to use in the teaching of genocide.

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

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

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

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

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

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

126 SECTION 7. Section 4 shall take effect for the school year beginning after July 1, 2022.”;
127 and by inserting the following emergency preamble:

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