

SENATE No. 2845

The Commonwealth of Massachusetts

—
In the One Hundred and Ninety-First General Court
(2019-2020)
—

SENATE, July 30, 2020.

The committee on Senate Ways and Means to whom was referred the Senate Bill concerning genocide education (Senate, No. 2581), - reports, recommending that the same ought to pass with an amendment substituting a new draft with the same title (Senate, No. 2845).

For the committee,
Michael J. Rodrigues

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**In the One Hundred and Ninety-First General Court
(2019-2020)**

An Act concerning genocide education.

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

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

3 Section 2IIIII. (a) For purposes of this section, the following terms shall have the
4 following meanings unless the context clearly requires otherwise:

5 “Community-based organization”, a public or private non-profit organization that is
6 representative of a community or significant segments of a community and that provides
7 educational or related services to individuals in the community.

8 “Genocide”, at least 1 of the following acts committed with the intent to destroy, in
9 whole or in part, a national, ethnic, racial or religious group, including, but not limited to: (i)
10 killing members of a national, ethnic, racial or religious group; (ii) causing serious bodily or
11 mental harm to members of a national, ethnic, racial or religious group; (iii) deliberately
12 inflicting conditions of life calculated to bring about the physical destruction, in whole or in part,
13 on a national, ethnic, racial or religious group; (iv) imposing measures intended to prevent births

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

16 (b) There shall be established and set up on the books of the commonwealth a separate
17 fund to be known as the Genocide Education Trust Fund for the purpose of educating middle and
18 high school students on the history of genocide. The commissioner of elementary and secondary
19 education shall administer the fund to assist in promoting the teaching of human rights issues in
20 all public schools and school districts, with particular attention to the study of the inhumanity of
21 genocide. There shall be credited to the fund: (i) revenue from appropriations and other money
22 authorized by the general court and specifically designated to be credited to the fund; (ii) interest
23 earned on such revenue and money; (iii) funds from public and private sources such as gifts,
24 grants and donations to further genocide education; and (iv) fines paid to the General Fund for a
25 hate crime or civil rights violation pursuant to sections 37 and 39 of chapter 265. Amounts
26 credited to the fund shall not be subject to further appropriation, and any money remaining in the
27 fund at the end of a fiscal year shall not revert to the General Fund.

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

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

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

47 (e) There shall be a competitive grant program developed and administered by the
48 department of elementary and secondary education for all public schools and school districts.
49 The department may expend funds from the fund for this grant program.

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

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

57 (f) Annually, not later than October 1, the commissioner of elementary and secondary
58 education shall report to the clerks of the house of representatives and senate, the joint committee
59 on education and the house and senate committees on ways and means on the fund's activities.
60 The report shall include, but not be limited to: (i) the source and amount of funds received; (ii)
61 the expenditures made from the fund and the purposes of such expenditures; (iii) any grants
62 provided to institutions of higher education and other stakeholder organizations; (iv) anticipated
63 revenue and expenditure projections for the next fiscal year; (v) the number of schools and
64 school districts that have implemented a new genocide education program using funds from the
65 fund; (vi) the number of schools and school districts that have used the fund to enhance or
66 maintain current programming; (vii) the number of schools and school districts that applied for,
67 but were not granted, funding; and (viii) the number of schools and school districts that have not
68 applied for funding and do not have a genocide education program in place. The report shall be
69 publicly available on the department's website.

70 SECTION 2. The fifteenth paragraph of section 11 of chapter 69 of the General Laws, as
71 appearing in the 2018 Official Edition, is hereby amended by striking out clauses (k) and (l) and
72 inserting in place thereof the following 3 clauses:-

73 (k) global education;

74 (l) nutrition and wellness programs; and

75 (m) genocide education programs.

76 SECTION 3. Said section 11 of said chapter 69, as so appearing, is hereby further
77 amended by inserting after the fifteenth paragraph the following paragraph:-

78 Annually, not later than October 1, the commissioner shall provide a report on the
79 progress of genocide education programs to the clerks of the house of representatives and senate
80 and the joint committee on education. The report shall provide a description of the manner in
81 which school entities are offering genocide instruction, including: (i) the number of hours of
82 instruction offered; (ii) the grade levels at which such instruction is offered; and (iii) the title and
83 description of the course in which such instruction is integrated.