

Date of Hearing: June 23, 2021

ASSEMBLY COMMITTEE ON EDUCATION

Patrick O'Donnell, Chair

SB 693 (Stern) – As Amended May 20, 2021

SENATE VOTE: 39-0

SUBJECT: Pupil instruction: genocide education: the Holocaust

SUMMARY: Establishes the Governor's Council on Genocide and Holocaust Education (Council) to develop best practices to encourage and facilitate the instruction on genocide, including the Holocaust, that aligns with the academic content standards for students enrolled in grades 4 to 12. Specifically, **this bill:**

1) Defines the following:

- a. "Council" refers to the Governor's Council on Genocide and Holocaust Education.
- b. "Genocide" refers to acts committed with the intent to destroy a national, ethnical, racial or religious group including:
 - i. Killing members of the group;
 - ii. Causing bodily or mental harm to individuals of the group;
 - iii. Deliberate infliction upon a group's conditions of life in order to bring physical destruction;
 - iv. Imposing measures intended to prevent births within the group; and
 - v. Forcibly transferring children of the group to a different group of people.
- c. "Holocaust" refers to the state-sponsored persecution and murder of 6 million Jews and 5 million other individuals by the Nazi regime and its collaborators.

2) Requires the Council to include 17 members appointed by the Governor who have a certain interest or expertise in genocide, including the Holocaust, and to serve without compensation, but may be reimbursed for expenses incurred in the performance of duties related to the Council.

3) Requires the Council to develop best practices to facilitate the instruction on genocide, including the Holocaust, that aligns with the academic content standards for pupils that are enrolled in grades 4 to 12, inclusive, and to facilitate the offering of instruction that is appropriate for students in kindergarten through grade 3, inclusive.

4) Requires the Council to work with the California Department of Education (CDE) to develop a process to identify available resources that align with the History-Social Science State Content Standards and the History-Social Science Curriculum Framework.

- 5) Expresses the intent of the Legislature to encourage school districts and charter schools with students enrolled in grades 4 to 12, inclusive, to integrate the best practices into the instruction on genocide, including the Holocaust, that satisfies existing academic content standards and the History-Social Science Curriculum Framework.
- 6) Requires the best practices to encourage innovation, equity, accessibility, and flexibility, and respect for diversity, and complies with the following:
 - a. Is age appropriate;
 - b. Is sequential or thematic;
 - c. Communicates the connection between national, ethnic, racial or religious intolerance;
 - d. Communicates the impact of personal responsibility, civic engagement, and societal response;
 - e. Includes various forms of materials including video testimony, diary entries, and government documents as resources for teaching; and
 - f. Is designed to do the following:
 - i. Prepare students to confront the immorality of genocide, the Holocaust, and crimes against humanity such as in China and Japanese internment camps during World War II.
 - ii. Address the breadth of the history of the Holocaust and other genocides including, but limited to, the Armenian Genocide, the Genocide against the Tutsi in Rwanda, and those that were committed in Africa, Asia, Latin America, South America, and Europe.
 - iii. Develop students' respect for cultural diversity and insight in the importance of the protection of international human rights for all.
 - iv. Promote the understanding of how the Holocaust contributed to the need for the term "genocide" and led to international legislation recognizing it as a crime.
- 7) Requires the Council to work with the CDE and organizations and individuals that provide educational expertise and resources related to genocide, including the Holocaust, to align the best practices with the state content standards and curriculum frameworks in order to recommend the minimum amount of instruction to educated students on the topic.
- 8) Requires the CDE to distribute information on appropriate curriculum materials and guidelines on genocide to school districts and charter schools.
- 9) Requires the Council to work with the CDE to provide resources to school districts and charter schools in order for the local educational agency (LEA) to integrate the guidelines on teaching about genocide, including the Holocaust, into their existing accredited in-service training programs.

- 10) Requires the CDE to make available the best practices plans and to support the incorporation of instruction on resources on genocide, including the Holocaust.
- 11) Requires the Council to coordinate with the Superintendent of Public Instruction (SPI) to do the following:
 - a. Identify sources of strategies and content for providing and enhancing education on genocide, including the Holocaust;
 - b. Convene working groups with significant expertise in the field of education to advise the Council;
 - c. Advise the SPI and LEAs on strategies and curriculum for providing and enhancing genocide education for teacher training and students;
 - d. Identify programs and resources to train teachers and share these programs and resources with the SPI and LEAs;
 - e. Explore developing best practices for instruction of pupils in kindergarten through grade 3;
 - f. Promote, within LEAs and the general population of the state, implementation of genocide education, including the Holocaust;
 - g. Work with the CDE to establish a small grants program to foster cooperation and innovation among teachers and LEAs to effectively apply the best practices. Individuals and LEAs that receive the grant are required to participate in an impact evaluation study, developed by the CDE, to assess the guidelines and implementation of the grant; and
 - h. Submit an annual report to the Legislature on the status of education on genocide, including the Holocaust, in the state on or before January 1, 2028, and each January 1 thereafter.
- 12) Requires the Council to approve professional development recommendations and materials for teaching genocide, including the Holocaust.
- 13) States the intent of the Legislature to strongly encourage LEAs to provide professional development programs to teachers and that the programs may be donated and funded through public-private partnerships.
- 14) Requires the CDE to conduct a study on the method of instruction to assess the impact of the instruction. Authorizes participation for LEAs to be voluntary. Requires the study to be submitted on or before January 1, 2027, and each January 1 thereafter, to the Governor and appropriate policy and fiscal committees of the Legislature and include the following:
 - a. The number of LEAs that offered instruction on genocide, including the Holocaust;
 - b. The number of LEAs that used the curriculum materials and guidelines distributed by the CDE; and
 - c. The number of LEAs that provided professional development teacher training programs recommended by the Council.

- d. A description of the manner in which LEAs carried out instruction of the topic including the number of hours of instruction offered, the grade levels that received instruction, and the courses that were provided.

EXISTING LAW:

- 1) Requires LEAs that enroll students in grades 7 to 12 to offer courses in social sciences, drawing upon the disciplines of geography, history, political science, psychology and sociology, designed to be age appropriate for pupils. Requires instruction to provide a foundation for the relations of persons to their human and natural environment, Eastern and Western cultures and civilizations; human rights issues, with particular attention to the study of the inhumanity of genocide, slavery, the Holocaust, and may include the Armenian Genocide; and contemporary issues. (Education Code (EC) 51220)
- 2) Permits instruction in the subject of history-social science to include grade-level appropriate instruction on violence awareness and prevention, which may include personal testimony demonstrated through oral or video histories that portray the economic and cultural effects of violence within a city, the state, and the country for pupils in grades 7 to 12. (EC 51220.3)
- 3) Requires a pupil in grades 9 to 12 to complete three courses in social studies, including world history, culture, and geography, one-semester course in American government and civics, and one-semester in economics. (EC 51225.3)
- 4) Encourages the incorporation of survivor, rescuer, liberator, and witness oral testimony into the teaching of human rights, the Holocaust, and genocide, including, but not limited to, the Armenian, Cambodian, Darfur, and Rwandan genocides.
- 5) States the intent of all state and local professional development activities to provide teachers with content background and resources to assist them in teaching about civil rights, human rights violations, genocide, slavery, the Armenian Genocide, and the Holocaust. (EC 51226.3)
- 6) Encourages the instruction and examination of the origins and means of preventing and halting genocide to pupils of grades 7 to 12. (EC 51226.4)
- 7) Requires the Instructional Quality Commission to (IQC) recommend curriculum frameworks to the State Board of Education (SBE) and to develop criteria for evaluating instructional materials that adequately cover the subjects in the academic content standards. (EC 60204)
- 8) Permits a LEA to utilize instructional materials that are aligned with the state content standards. If a LEA chooses to use instructional materials that have not been adopted by the SBE, requires the LEA to ensure that a majority of the participants of any review process conducted by the LEA are classroom teachers who are assigned to the subject area or grade level of the materials. (EC 60210)

FISCAL EFFECT: According to Senate Appropriations Committee: To the extent that CDE would be required to provide staff support for the Governor's Council, there could be ongoing General Fund costs of about \$911,000 needed to fund 6.0 positions each year.

COMMENTS:

Need for the bill. According to the author, “Holocaust and genocide education isn’t just a lesson in history class or an issue only affecting people who are Jewish; it should be a bulwark against rising anti-Semitism for all California students. Hate has a history. Building action-oriented Holocaust and genocide education will give teachers and students the tools to uproot hate when it rears its head in schools across California, so it doesn’t fester and erupt as violence on our streets. As our collective memory fades and we lose the last generation of survivors, we must redouble our commitment to educate the next generation and refuse to slip into the same apathy and ignorance that allows hatred to take root. The Never Again Education Act takes a big step to accomplish this in California by supporting teachers and students across the state.”

Information provided by the author states, “A recent study by Schoen Cooperman Research surveyed 11,000 Millennials and Gen-Z Americans across 50 states to look at the state of Holocaust knowledge as well as the perceptions of the Holocaust.

- Almost two-thirds of young American adults do not know that 6 million Jews and 5 million others were killed during the Holocaust.
- More than 1 in 10 believe Jews caused the Holocaust.
- Of adults aged between 18 and 39, almost half (48%) could not name a single concentration camp or ghetto established during World War.
- 23% believed the Holocaust was a myth, or had been exaggerated, or they weren’t sure.
- 12% said they had definitely not heard, or didn’t think they had heard, about the Holocaust.

This bill intends to fill the Holocaust education gap by providing resources and best practices materials to teachers. This will ensure all California students have receive robust Holocaust and genocide best practices within existing curriculum standards and the social studies framework.”

Genocide and Holocaust education for students. The study of genocide, including the Holocaust, does not take place in California public schools until grade 10. The schedule of learning this subject is organized by the state content standards and is explored through the curriculum framework. The state content standards dictate it is within the context of World War I and World War II that students are able to learn and explore the events leading up to and that took place during these wars. As students learn about the atrocities that took place and the consequences due to the events, they gain the necessary critical thinking and reflection skills to assess and identify injustices committed against groups of people due to ethnic, racial, and religious differences.

Teaching of the Holocaust contributes to students’ understanding of justice, racism, and discrimination. Holocaust education can also be foundational to a student’s social consciousness by developing students’ awareness of human rights issues, crimes against humanity, and the concepts of stereotyping and scapegoating. (Cowan and Maitles, 2007) Utilizing various resources and materials, over time, to teach about the Holocaust can construct a common view of tolerance that emphasizes action and compassion for others’ points of view and circumstances. (Jennings, 2015)

What are the state content standards and curriculum frameworks? The SBE, the policy and governing body of the CDE, adopts standards of learning for students enrolled in kindergarten through grade 12 in California LEAs, known as state content standards. There are 12 sets of standards, which include subjects such as English Language Arts, Computer Science, Health Education, and History-Social Science. The state content standards were intended to encourage the highest achievement of all students by outlining the knowledge, concepts, and skills that students should acquire at each grade level. To illustrate a standard related to the subject of this bill, students in grade 10 explore world history, culture, and geography in the modern world and are to analyze the causes and consequences of World War II, including the Nazi policy of pursuing racial purity and the Holocaust that resulted in the murder of six million Jewish civilians.

Curriculum frameworks provide guidance for implementing the state content standards adopted by the SBE on an eight-year cycle and are developed by the IQC, the advisory body of the SBE. The IQC is additionally tasked with developing and recommending criteria for evaluating instructional materials submitted for adoption, evaluating instructional materials from publishers and makes recommendations of approval or rejection of submissions, and advises the SBE on professional development. While the state content standards declare what is required to be taught to students in California, the curriculum frameworks provide educators direction and methods in which to teach each standard.

As articulated in the introduction to the curriculum frameworks, while some of the content is required by statute, the majority of decisions taking place during class time instruction are made at the local level by LEAs. The frameworks serve as a guide, rather than a set of mandated curricula to teach pupils the subject areas and therefore allow for flexibility in how LEAs teach the state content standards.

Model Curriculum Projects. According to the CDE, model curriculum projects are initiated in response to legislation that require a state-developed curriculum in a specified topic or disciplinary area of study and are typically under the supervision of the SBE. There are several model curricula projects that have been codified, but are not completed including Native American studies, Cambodian genocide, and Vietnamese American refugee experience. To date, there are three projects posted on the CDE web site that contain resources and related information regarding the respective subjects: the 2020 Ethnic Studies Model Curriculum, the César E. Chávez Model Curriculum, and the Human Rights and Genocide Model Curriculum.

The Human Rights and Genocide Model Curriculum provides guidance to LEAs in the context of history-social science subject areas. Adopted in 1988 by the SBE, this model curriculum project was issued before the formation of the state content standards for history-social science, which was established over 20 years ago in 1998. This model curriculum serves to compliment the curriculum frameworks and content standards by providing more in-depth background, illustrating events described in the History-Social Science Framework, and offering some resources for such genocides as those committed against the people of Armenia, Ukraine, and Jewish people during the Holocaust.

It is important to note that a portion of the content of the Human Rights and Genocide Model Curriculum project and existing curriculum frameworks is similar to the integration of best practices into the instruction on genocide that the bill plans to recommend teaching to students. ***The committee may wish to consider*** whether the bill is duplicative in nature to the existing guidance in this curriculum project and the History-Social Science Curriculum Frameworks.

Recommended Committee amendments. Staff recommends that the bill be amended as follows:

- 1) Define local educational agencies to include charter schools.
- 2) Require membership of the Council to include: 5 individuals appointed by the Governor including 1 student representative, 5 individuals appointed by the Senate Committee on Rules, and 5 individuals appointed by the Speaker of the Assembly. Additionally, require a majority of the members be current or former public school teachers with experience teaching about genocides.
- 3) Require that funds issued for Council members' expenses for travel, and other Council activities may be provided by private entities that donate funds for this purpose to the CDE.
- 4) Authorize the CDE to issue grants to LEAs for professional development activities. The source of the grant funds may be either from an appropriation from the annual Budget Act, or a donation from a private entity.
- 5) Prohibit private donors from serving as members of the Council, and from influencing the process or outcomes of the Council.

Arguments in Support. The Anti-Defamation League (ADL) writes, “The CDE sets curriculum standards in the social sciences for California’s public schools. Currently those standards require schools to include study in human rights issues with particular attention paid to the study of genocide and the Holocaust, among other topics. However, these subjects are frequently taught merely in the greater context of the two World Wars. This can result in students only learning a general or even superficial overview of the Holocaust...there are myriad positive impacts for students that result from a course of study in the Holocaust. Echoes & Reflections, a partnership among Yad Vashem, ADL, and the USC Shoah Foundation to provide Holocaust curricula to educators, released a survey in 2020 showing that students who received Holocaust education in high school have more pluralistic attitudes and are open to differing viewpoints; are more willing to challenge intolerant behavior in others; have a greater sense of social responsibility and civic efficacy; and more.”²”

Related legislation. H.R. 943, Public Law 116-141, 2020. The “Never Again Education Act,” is a federal law that passed in 2020 and authorizes the United States Holocaust Memorial Museum to support Holocaust education programs and requires the museum to develop and distribute resources nationally to improve awareness and understanding of the Holocaust.

AB 1039 (Nguyen) of this Session extends the timelines for the development and submission by the Instructional Quality Commission (IQC) to the State Board of Education (SBE) a model curriculum relative to the Vietnamese American refugee experience, the Cambodian genocide, and Hmong history and cultural studies. The dates of extension are from December 31, 2022, to December 31, 2026, for development and submission to the SBE and from March 31, 2023 to March 31, 2027, for the SBE to adopt, modify, or revise the model curriculum.

SB 895 (Nguyen) Chapter 686, Statutes of 2018, Requires the IQC to develop and submit to the SBE, on or before December 31, 2022, and the SBE to adopt, modify, or revise, on or before March 31, 2023, a model curriculum relative to the Vietnamese American refugee experience, a model curriculum relative to the Cambodian genocide, model curriculum in Hmong history and cultural studies for use in elementary schools, middle schools, and high schools.

AB 738 (Limón) Chapter 614, Statutes of 2017, would require the IQC to develop, and the state board to adopt, modify, or revise, a model curriculum in Native American studies, and would encourage each school district and charter school that maintains any of grades 9 to 12, inclusive, to offer a course of study in Native American studies based on the model curriculum.

AB 2016 (Alejo) Chapter 327, Statutes of 2016, requires the development of a model curriculum in ethnic studies, and requires school districts, which elect to offer one course in ethnic studies to make the course available in at least one year during a student's enrollment in grades 9-12.

AB 2864 (Chau) Chapter 648, Statutes 2016. Encourages all state and local professional development activities to provide teachers with content background and resources to assist them in teaching about the Chinese Exclusion Act of 1882 and the contributions of Chinese Americans to the establishment of the transcontinental railroad. Requires those topics to be considered for inclusion, as provided, when the state board revises and adopts the history-social science curriculum framework on or after January 1, 2017.

AB 825 (Brown) Chapter 308, Statutes 1995. Requires the SPI to designate eligible nonprofit agencies to serve as regional social tolerance resource centers. Requires eligible nonprofit agencies to demonstrate a history of: developing and operating a variety of high-quality interactive and multimedia exhibits on social tolerance, the Holocaust, and human rights; providing teacher training activities and curricular materials; providing educational services for elementary and secondary school pupils; and the ability to serve a minimum of 500 teachers and 70,000 pupils each year.

REGISTERED SUPPORT / OPPOSITION:

Support

State Superintendent of Public Instruction Tony Thurmond (Sponsor)
 Anti-Defamation League
 Armenian Assembly of America
 Armenian Film Foundation
 Discovery Education
 Hadassah, the Women's Zionist of America, Inc.
 Israeli-American Civic Action Network
 Jewish Center for Justice
 Jewish Public Affairs Committee
 Los Angeles County Office of Education
 National Association for Armenian Studies and Research
 Pomegranate Foundation
 Simon Wiesenthal Center, INC.

Opposition

None on file

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