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BILL



ANALYSIS

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House Bill 4493 (Substitute H-1 as passed by the House)
Sponsor: Representative Klint Kesto
House Committee: Education
Senate Committee: Education

Date Completed: 4-19-16

CONTENT

The bill would amend the Revised School Code to do the following:

- **Create the Governor's Council on Genocide and Holocaust Education as a temporary advisory commission.**
- **Require the Council to consist of 15 appointed members having a particular interest or expertise in genocide or Holocaust education.**
- **Require the Governor to appoint the Council members if sufficient private funding were available, and provide that State funds could not be used for the Council's operations.**
- **Specify the Council's responsibilities, such as identifying sources of strategies and content for providing genocide education to students, and advising the Superintendent of Public Instruction, school districts, public school academies (PSAs), and nonpublic schools on strategies and content for providing genocide education to students.**
- **Require the Council to secure private funding for itself, and allow it to accept grants and other financial support from private sources to carry out its duties.**
- **Require the board of a school district or board of directors of a PSA to ensure that its social studies curriculum for grades 8 to 12 included instruction about genocide, including the Holocaust and the Armenian genocide.**
- **Require the State Board of Education to ensure that the recommended model core academic curriculum content standards for history for grades 8 to 12 included learning objectives concerning genocide.**
- **Require the Superintendent of Public Instruction to ensure that State assessments for social studies included questions related to the learning objectives concerning genocide.**

The bill would take effect 90 days after its enactment.

Definitions

The bill would define "Armenian genocide" as the systematic, bureaucratic, state-sponsored persecution and murder of approximately 1.5 million Armenians by the Ottoman Turkish Empire and its collaborators.

"Genocide" would mean any of the following acts committed with the intent to destroy, in whole or in part, a national, ethnical, racial, or religious group, as such: killing members of the group; causing serious bodily or mental harm to members of the group; deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in

whole or in part; imposing measures intended to prevent births within the group; or forcibly transferring children of the group to another group.

"Holocaust" would mean the systematic, bureaucratic, state-sponsored persecution and murder of approximately 6 million Jews and 5 million other individuals by the Nazi regime and its collaborators.

Governor's Council on Genocide and Holocaust Education

The bill would create the Governor's Council on Genocide and Holocaust Education as a temporary commission described in Article V, Section 4 of the Michigan Constitution of 1963. (Article V, Section 4 specifies that temporary commissions for special purposes with a life of not more than two years may be established by law and do not need to be allocated within a principal department.) The Council would consist of 15 members appointed by the Governor. Members would have to be individuals who had a particular interest or expertise in genocide education or Holocaust education, or both.

If the Governor determined that sufficient private funding were available for the Council's operations, he or she would have to appoint the members of the Council within 60 days after the bill's effective date. The Governor would have to call the Council's first meeting. At that meeting, the Council would have to elect from among its members a chairperson and other officers as it considered necessary or appropriate. After the first meeting, the Council would have to meet at least quarterly, or more frequently at the call of the chairperson or if requested by eight or more of its members.

If a vacancy occurred on the Council, the Governor would have to make an appointment for the unexpired term in the same manner as the original appointment. The Governor could remove a Council member for incompetence, dereliction of duty, malfeasance, misfeasance, or nonfeasance in office, or any other good cause.

A majority of the members of the Council would constitute a quorum for the transaction of business at a meeting. A majority of the members present and serving would be required for official action of the Council. A member could not vote by proxy. The Council would have to comply with the Open Meetings Act and would be subject to the Freedom of Information Act.

Members of the Council would have to serve without compensation; however, members could be reimbursed for their actual and necessary expenses incurred in the performance of their official duties if funding were available for this purpose from private sources. State funds could not be used for the Council's operations.

The Council would have to do all of the following:

- Identify, to the extent possible, all sources of strategies and content for providing and enhancing genocide education to students.
- Advise the Superintendent of Public Instruction, school districts, PSAs, and nonpublic schools on strategies and content for providing and enhancing genocide education to students.
- Identify, to the extent possible, all programs and resources to train teachers in providing genocide education to students and share those programs and resources with the Superintendent of Public Instruction, school districts, PSAs, and nonpublic schools.
- Carry out any other tasks that it considered to be advisable to support the ability of the State to meet its goals in providing genocide education.
- Submit to the Legislature an annual report on the progress and status of the Council.

The Council would have to promote, within the schools and general population of the State, implementation of genocide education. This duty would include all of the following: a) in

accordance with Public Act 10 of 2004, engendering and coordinating events, activities, and education that would memorialize the victims of the Holocaust, such as observance of Holocaust Remembrance Day and the Days of Remembrance; b) in accordance with Public Act 558 of 2002, engendering and coordinating events, activities, and education that would memorialize the victims of the Armenian genocide, such as the observance of the Michigan Day of Remembrance of the Armenian genocide; and c) engendering and coordinating events, activities, and education that would appropriately memorialize the victims of other genocides.

(Public Act 10 of 2004 establishes Holocaust Remembrance Day on the 27th of Nisan, a month in the Hebrew calendar. The week surrounding this date is designated the Days of Remembrance. Public Act 558 of 2002 establishes the Michigan Day of Remembrance of the Armenian genocide on April 24 of each year.)

The Council also would have to secure private funding for itself, and could apply for and accept grants and receive gifts, donations, and other financial support from private sources, in accordance with State law, for the purposes of carrying out its duties.

The bill specifies that, with respect to its duties, the Council would be an advisory body only. There would be no right or obligation on the part of the State or its subdivisions, officials, or employees to implement the Council's findings or recommendations unless further legislation that specifically authorized their implementation were enacted.

Genocide Instruction

The board of a school district or board of directors of a PSA would have to ensure that the school district's or PSA's social studies curriculum for grades 8 to 12 included age- and grade-appropriate instruction about genocide, including the Holocaust and the Armenian genocide. The bill states that the "legislature recommends" a combined total of six hours of this instruction during grades 8 to 12. These provisions would not preclude a school district or PSA from including such instruction in other subject areas.

Model Core Academic Curriculum Content Standards

The Code requires the State Board of Education to develop, and periodically update, recommended model core academic curriculum content standards. Under the bill, the State Board would have to ensure that the recommended model core academic curriculum content standards for history for grades 8 to 12 included learning objectives concerning genocide, including the Holocaust and Armenian genocide.

Under the Code, the board of a school district or board of directors of a PSA must administer the Michigan Merit examination to pupils in grade 11, and to pupils in grade 12 who did not take the full examination in grade 11. The Michigan Merit exam must consist of a number of required assessments and components, and meet various other requirements. Under the bill, in addition to these requirements and the requirements of Public Act 38 of 1970, beginning with assessments conducted during the 2015-2016 school year, the Superintendent of Public Instruction would have to ensure that the Michigan Merit exam social studies component and the M-STEP and any successor State assessment for social studies, as appropriate, included questions related to the learning objectives in the State Board recommended model core academic curriculum standards concerning genocide, including the Holocaust and the Armenian genocide.

(Public Act 38 of 1970 provides for the assessment of and various remedial assistance programs for students in reading, mathematics, and vocational education.)

FISCAL IMPACT

The bill would have a negative, indeterminate fiscal impact on the Department of Education and local education authorities (LEAs, which are school districts and public school academies). The Department would experience minor costs in ensuring that the curriculum content required by the bill was included both in the recommended model core academic curriculum content standards and in State assessments. At this time, the costs to update content standards and the assessments are unknown. Due to the prohibition against the use of State funds to support the Council on Genocide and Holocaust Education, there would be no fiscal impact on the State due to the creation of the Council.

Local education authorities would experience costs to implement the new social studies curriculum standards. The total costs cannot be quantified due to differences in school procedures and resources. Since the bill includes a legislative recommendation for just six hours of instruction on genocide between 8th and 12th grade, the costs likely would be minimum and within current LEA appropriations.

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