

LFC Requester:	Chilton
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**AGENCY BILL ANALYSIS  
2023 REGULAR SESSION**

**WITHIN 24 HOURS OF BILL POSTING, EMAIL ANALYSIS TO:**

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*{Include the bill no. in the email subject line, e.g., HB2, and only attach one bill analysis and related documentation per email message}*

**SECTION I: GENERAL INFORMATION**

*{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}*

Check all that apply: Date 1/24/23  
 Original  Amendment  Bill No: HB111  
 Correction  Substitute

Sponsor: Herndon Agency Name and Code PED - 924  
 Short HOLOCAUST AND Number: \_\_\_\_\_  
 Title: GENOCIDE STUDIES ACT Person Writing Gregory Frostad  
Phone: 505-470-5752 Email: gregory.frostad@ped.nm.gov

**SECTION II: FISCAL IMPACT**

**APPROPRIATION (dollars in thousands)**

Appropriation		Recurring or Nonrecurring	Fund Affected
FY23	FY24		
None	None	N/A	NFA

(Parenthesis ( ) Indicate Expenditure Decreases)

**REVENUE (dollars in thousands)**

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY23	FY24	FY25		
None	None	None	N/A	NFA

(Parenthesis ( ) Indicate Expenditure Decreases)

**ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)**

	FY23	FY24	FY25	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
<b>Total</b>	\$107.0	\$7.0	\$7.0	\$121.0	Recurring	GF

(Parenthesis ( ) Indicate Expenditure Decreases)

Conflicts with: HB126, School Graduation Requirements (HB126)  
Duplicates/Relates to Appropriation in the General Appropriation Act:

### **SECTION III: NARRATIVE**

#### **BILL SUMMARY**

Synopsis: House Bill 111 (HB111) would create the Holocaust and Genocide Studies Act (HGSA), which would require school districts and charter schools to provide:

- age- and grade-appropriate instruction to students in seventh through 12<sup>th</sup> grade about the Holocaust, genocide, and human rights; and
- professional development for teachers in seventh through 12<sup>th</sup> grade who provide Holocaust and genocide studies.

The bill would allow Holocaust and genocide studies be offered as an elective to students entering seventh and eighth grades in the 2024-2025 school year (SY25), and it would require that this elective be offered in high school to students entering ninth grade in SY25.

The bill would create the Holocaust and Genocide Studies Council to advise the Public Education Department (PED), school districts, and charter schools about Holocaust and genocide studies and require an annual report by PED of the number of public schools offering such electives and the number of elective courses offered, the grade levels at which they are offered and the number and grades of students who take the courses.

#### **FISCAL IMPLICATIONS**

The bill does not contain an appropriation.

Members of the Holocaust and Genocide Studies Council not paid with public money would be entitled to receive per diem and mileage, and would be prohibited from receiving any other compensation, perquisite, or allowance for their service on the council. Using an average 200 miles of driving round trip from central and distal locations in the state, and assuming none of the nine members of the council were employees of PED, it would cost approximately \$7,000 to cover per diem and mileage expenses for three meetings per year – the minimum number of meetings required by the bill.

Instructional materials designed specifically to support Holocaust and genocide studies electives or units in existing social studies classes are not currently part of PED's Instructional Material Adopted Multiple List. Any such materials would be considered supplementary material, not typically reviewed by the department. The average cost of social studies core instructional materials is \$141 per student, which would fall upon districts to expend.

PED estimates that it would cost \$100,000 to contract with a vendor and pay educators to develop anchor and performance standards for Holocaust and genocide studies as required by HB111. In addition, PED has spent about \$350,000 per subject to engage in a development process for [New Mexico Instructional Scope](#) (NMIS) documents with teachers. The NMIS would have to be updated in addition to the performance standards. The bulk of writing and revising standards typically is completed under contract by a vendor who facilitates NM

educators through the process. Educator participants must be paid to participate outside of their contract day.

The required professional development would also come at a financial cost to the districts and at a cost to the PED to develop.

### **SIGNIFICANT ISSUES**

If enacted with effective date of July 1, 2023, HB111 would require school districts and charter schools to provide Holocaust and genocide studies for students and professional development for teachers in seventh through twelfth grades beginning in SY24, but it would not require a Holocaust and genocide studies elective course be offered in high school until SY25.

### **PERFORMANCE IMPLICATIONS**

N/A

### **ADMINISTRATIVE IMPLICATIONS**

The bill would require the creation of a council composed of nine members appointed by the governor, which would be required to meet at least three times each year to advise the PED, school districts, and charter schools about Holocaust and genocide studies. Between its formation on July 1, 2023, and the start of SY25, PED, in consultation with the Holocaust and Genocide Studies Council, would be tasked with developing academic content and performance standards for Holocaust and genocide studies, guidelines for which are outlined in HB111.

PED would be required to assist the Holocaust and Genocide Studies Council and report annually the status and impact of implementing the Holocaust and Genocide Studies Act. A Humanities Specialist would take the lead in administration of requirements of HB111 with about 25 percent of their time.

The topic of genocide is not required among New Mexico Social Studies Anchor Standards and Performance Standards in any grade. Related to the Holocaust, two performance standards for social studies are currently found in 6.29.11.21 NMSA 1978, Anchor Standards and Performance Standards for High School United States History. Because this course is typically taken only in 11<sup>th</sup> grade, PED would be required to develop standards to guide the instruction required of HB111 in other affected grades.

### **CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP**

Conflicts with [HB126, School Graduation Requirements](#), which would change graduation requirements for students entering ninth grade in the 2024-2025 school year.

### **TECHNICAL ISSUES**

Incorporating Holocaust and genocide studies as a unit into required social studies courses would meet requirements of the bill, but grades seven and eight social studies content standards do not currently address Holocaust or genocide topics. In seventh and eighth grades, these topics would be required to be addressed in addition to existing social studies performance standards, as stated above. Standards revisions and NMIS updates would be necessary.

### **OTHER SUBSTANTIVE ISSUES**

Other states, including Oregon, for example, with 329.494 – [Instruction About the Holocaust and Genocide](#) – have recently enacted requirements for public school instruction about the Holocaust and genocide.

The bipartisan House Resolution 9681 (H.R. 9681) was introduced in the United States House of Representatives, December 2022 to enact the [Holocaust Education and Antisemitism Lessons \(HEAL\) Act](#) of 2022. The HEAL Act would require the U.S. Department of Education to conduct a study on Holocaust education efforts in public elementary and secondary schools, which would report to Congress information about states and school districts that do and do not require HGS, assess the types and quality of HGS instructional strategies and materials, and other analyses and evaluation initiatives. The introduction of this federal bill with bipartisan support and sponsorship suggests that HB111 is timely and the topic of Holocaust and genocide studies in public education is of broad concern.

#### **ALTERNATIVES**

N/A

#### **WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL**

N/A

#### **AMENDMENTS**

N/A