

Department of Legislative Services  
 Maryland General Assembly  
 2023 Session

FISCAL AND POLICY NOTE  
 First Reader

Senate Bill 837 (Senator Kramer, *et al.*)  
 Education, Energy, and the Environment

Education – Curriculum – Study of the Holocaust (Educate to Stop the Hate Act)

This bill requires, by January 1, 2024, the Maryland State Department of Education (MSDE) to (1) develop guidelines for instructional content on the Holocaust as specified and (2) revise and enhance required Holocaust instruction in public elementary, middle, and high schools as specified. Beginning in the 2024-2025 school year, all public schools and all nonpublic schools that participate in State-funded education programs must include the revised and enhanced Holocaust instruction in school curricula. Each local board of education must dedicate a portion of Title II funds for substantive professional development on teaching the Holocaust. Each fiscal year, the Governor must include in the annual budget bill an appropriation of \$500,000 to MSDE to implement the revisions and enhancements required by the bill. **The bill takes effect July 1, 2023.**

Fiscal Summary

**State Effect:** Potential minimal impact in FY 2024, as explained below. General fund expenditures increase by \$500,000 annually beginning in FY 2025 due to the mandated appropriation. Revenues are not affected. **This bill establishes a mandated appropriation beginning in FY 2025.**

(in dollars)	FY 2024	FY 2025	FY 2026	FY 2027	FY 2028
Revenues	\$0	\$0	\$0	\$0	\$0
GF Expenditure	0	500,000	500,000	500,000	500,000
Net Effect	\$0	(\$500,000)	(\$500,000)	(\$500,000)	(\$500,000)

*Note: () = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate increase; (-) = indeterminate decrease*

**Local Effect:** Local school system expenditures increase, potentially meaningfully, in FY 2024 and 2025 as they develop new curriculum based on the updated guidelines and provide training for teachers. In future years, the impact on expenditures may be minimal, as discussed below. Beginning in FY 2025, the mandated funding may partially offset these

expenditures, as described in more detail below. **This bill may impose a mandate on a unit of local government.**

**Small Business Effect:** None.

---

## Analysis

**Bill Summary:** MSDE must:

- revise the elementary school social studies framework for grades 4 and 5 to incorporate instruction addressing the Holocaust within the grade 5 unit;
- revise the middle school social studies framework for grades 6 and 7 to incorporate a study of the roots of antisemitism that led to the Holocaust to help students contextualize the study of the Holocaust in high school; and
- revise the high school history framework to strengthen the required Holocaust instruction in (1) the U.S. History curriculum, to require students to study the American response to the Holocaust by first understanding the origins of the Holocaust and (2) the Modern World History curriculum, to require students to evaluate the cause, course, and consequences of the Holocaust.

Each nonpublic elementary, middle, and high school that does *not* participate in State-funded education programs is encouraged to include in the curriculum a unit of instruction on the Holocaust in accordance with guidelines adopted by MSDE under the bill.

**Current Law:** The [Maryland Standards and Frameworks in Social Studies](#) addresses or alludes to the Holocaust in several units, specifically, High School Modern World History, High School United States History, and the Social Studies Standards and Framework for Grades 6-8. State Frameworks are defined as supporting documents and provide guidance for implementing the State Standards in Social Studies, which are reviewed and adopted by the Maryland State Board of Education every eight years.

### *State-funded Education Programs*

“State-funded education programs” is not defined in statute. The State provides aid to eligible nonpublic schools in the operating budget including funding for textbooks and technology and the Broadening Options and Opportunities for Students Today program. Capital funding is also provided to eligible nonpublic schools.

## *Title II*

According to information published by MSDE, Title II, Part A of the Every Student Succeeds Act is intended to increase the academic achievement of all students by improving the quality and effectiveness of educators and providing low-income and minority students greater access to effective educators. This includes new educator recruitment and hiring, effective induction programs, continued professional learning, educator retention strategies, and leadership development.

In accordance with federal regulations, each local school system must:

- implement a system of professional growth and improvement for educators, including opportunities to develop meaningful teacher leadership;
- prioritize Title II, Part A funds to schools that have been identified for comprehensive and targeted support and improvement;
- provide equitable services to eligible nonpublic school teachers; and
- ensure Title II, Part A funded activities address the learning needs of all students, including children with disabilities, English learners, and gifted and talented students.

According to information published by MSDE, allowable uses of Title II, Part A funds include:

- providing high-quality, personalized professional learning that is evidence-based;
- developing and implementing initiatives to assist in recruiting, hiring, and retaining effective teachers, particularly in low-income schools with high percentages of ineffective teachers and high percentages of students who do not meet the challenging State academic standards;
- developing feedback mechanisms to improve school working conditions;
- developing or improving a rigorous, transparent, and fair evaluation and support system for teachers, principals, or other school leaders;
- reducing class size to a level that is evidence-based; and
- carrying out other evidence-based activities that meet the purpose of Title II, Part A.

Title II, Part A, is a formula-based program. The amount of Title II, Part A funds allocated to local school systems is calculated using U.S. census data. Eighty percent of the local school system's Title II, Part A allocation is based on poverty and the remaining 20% is based on population. Title II, Part A funds must only be used to provide additional services, staff, programs, or materials that are not provided with State or local resources absent federal funds. Federal funds cannot pay for resources or services that would otherwise be purchased with State and/or local funds.

**State Expenditures:** In August 2019, MSDE received inquiries regarding Holocaust education in Maryland, which prompted the organization to seek feedback from stakeholders. To gather feedback, MSDE met with representatives from the Baltimore Jewish Council. The stakeholders provided various suggestions, including the need to include Holocaust education in the revised State Frameworks for elementary and middle school grades, to strengthen objectives in the High School United States History and Modern World History State Frameworks, and to provide ongoing professional development for teachers in Holocaust education.

In response to this feedback, MSDE added language to two objectives in the high school frameworks. The new objective for Modern World History now requires students to evaluate the causes, course, and consequences of the Holocaust, while the new objective for United States History focuses on analyzing the origins of the Holocaust and the motives, pressures, and fears that shaped the American response. Furthermore, the study of the Holocaust is being considered for inclusion in the revisions of the grade 6 and 7 frameworks, which are scheduled for public release in May 2023.

Based on guidelines from national organizations including the [United States Holocaust Memorial Museum](#), which recommend teaching the Holocaust in grades 6 and above, MSDE decided not to specifically include the Holocaust in the early learning grades. The experts cite the developmental ability to empathize with individual eyewitness accounts and the content needed to contextualize events surrounding Holocaust history as limiting factors for introducing the context to young learners. Instead, these organizations advocate for the inclusion of objectives that have young learners analyze the value of diversity and the dangers of bias and prejudice. Thus, in the prekindergarten through grade 5 State framework, students have the opportunity to learn about fundamental concepts such as freedom, bias, power, authority, diversity, and the role of the individual in supporting the common good.

Based on the current revision activities explained above, it is assumed that MSDE can, by January 1, 2024, develop guidelines for instructional content in the Holocaust as specified and revise and enhance Holocaust instruction as specified at minimal cost in fiscal 2024. It is further assumed that any costs incurred by MSDE in fiscal 2024 will be reimbursed from the mandated appropriation distributed in fiscal 2025.

Beginning in fiscal 2025, general fund expenditures increase by \$500,000 annually due to the mandated appropriation. As noted above, it is assumed that any costs incurred by MSDE in fiscal 2024 will be reimbursed from the mandated appropriation in fiscal 2025. Although not specified in the bill, it is assumed that any remaining funding is distributed to local school systems and nonpublic schools as grants to implement the revisions and enhancements. Alternatively, MSDE may choose to use the mandated funding to host

annual training for teachers on teaching the Holocaust. It is assumed that MSDE can use or distribute the funding using existing resources.

**Local Expenditures:** Under the bill, local school systems must implement the revised and enhanced Holocaust instruction beginning with the 2024-2025 school year (fiscal 2025). Thus, local school system expenditures increase, potentially meaningfully, in fiscal 2024 and 2025 to develop curriculum based on the revised curriculum content and train teachers to implement the revised and enhanced Holocaust instruction. Montgomery County Public Schools estimates costs of approximately \$7,000 in fiscal 2024 to develop and translate curriculum and training costs of approximately \$133,000 in fiscal 2025 to train teachers in the new curriculum. Anne Arundel County Public Schools advises that costs cannot be reliably estimated until the new curriculum content is developed.

It is assumed that future year impacts on curriculum and training are minimal in fiscal 2026 and beyond. However, if funds are available, annual training will be enhanced.

Beginning in 2025, expenditures may be partially offset by the mandated funding in the form of grants from MSDE. It is assumed that any grant funding not needed for training is used to provide enhanced experiences, such as field trips, for students.

The bill requires local school systems to dedicate a portion of Title II funds for substantive professional development on teaching the Holocaust. This estimate assumes that this is an allowable expenditure of these federal funds and that these revenues are not jeopardized. Any expenditures of Title II funds for the purpose required by the bill reduces federal Title II funds available for current activities. Thus, local school systems expenditures for other activities may increase. However, any such impact cannot be reliably estimated.

**Additional Comments:** Specified nonpublic school expenditures increase in fiscal 2024 and 2025 to develop and implement enhanced Holocaust instruction as required by the bill; however, a cost estimate cannot be reliably determined. Costs in future years are likely minimal. Costs may be partially offset by grant funding from the mandated appropriation.

---

### **Additional Information**

**Prior Introductions:** Similar legislation has not been introduced within the last three years.

**Designated Cross File:** HB 1241 (Delegate Attar) - Rules and Executive Nominations.

**Information Source(s):** Maryland State Department of Education; Anne Arundel County Public Schools; Montgomery County Public Schools; Department of Legislative Services

**Fiscal Note History:** First Reader - February 20, 2023  
km/mcr

---

Analysis by: Caroline L. Boice

Direct Inquiries to:  
(410) 946-5510  
(301) 970-5510