

## Public Input Template–2020 Ethnic Studies Model Curriculum May 2019 Draft

(Download and use to provide specific recommendations)

Include the chapter of the model curriculum, the page number, and line number(s) to ensure that the California Department of Education and Instructional Quality Commission can reference the content of the document when reviewing your comments. Please email this document as a Word document to [ethnicstudies@cde.ca.gov](mailto:ethnicstudies@cde.ca.gov). You may contact Kenneth McDonald, Education Programs Consultant, at [kmcdonal@cde.ca.gov](mailto:kmcdonal@cde.ca.gov) with any questions regarding this template or the public input process.

Chapter of Model Curriculum	Your Name and Affiliation	Comment (include page and line numbers where applicable)
General	Christian Nath	The proposed curriculum is duplicitous and unacceptable. Purporting to teach about marginalized communities, it marginalizes Jews; omits antisemitism; ignores the holocaust; demonizes Israel; and actively eviscerates the Jewish experience as an immigrant narrative.
		<i>To date, 27 states have adopted laws that are designed to discourage boycotts against Israel. Separately, the U.S. Congress is considering anti-boycott legislation as well in reaction to the BDS movement. The Senate passed S.1 which contains anti-boycott provisions on January 28, 2019, by a vote of 74-19. The House passed a resolution condemning the boycott of Israel on July 24, 2019, by a vote of 398-17.</i>

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Tennessee

April 21, 2015

The Tennessee General Assembly formally condemned the BDS movement in a 123-1 vote with the passing of SJR-170, becoming the first state in the country to do so. Although the legislation does not order Tennessee public institutions to divest from entities involved in the BDS movement, it refers to BDS as, “one of the main vehicles for spreading anti-Semitism and advocating the elimination of the Jewish state.” The legislation also stated that BDS is, “deeply damaging to the causes of peace, justice, equality, democracy and human rights for all the peoples in the Middle East.”

South Carolina

June 4, 2015

South Carolina's state legislature passed legislation banning the state from entering into contracts with companies that participate in certain kinds of boycotts. Unlike the Illinois measure, South Carolina's H-3583 bill is in no way limited to companies that boycott Israeli firms. Rather, the legislation refers to companies that boycott “a person or an entity based in or doing business with a jurisdiction with whom South Carolina can enjoy open trade.” This legislation was signed by South Carolina Governor Nikki Haley on June 4, 2015.

Illinois

July 23, 2015

The Illinois state legislature unanimously passed landmark anti-BDS legislation on May 18, 2015, and Illinois Governor Bruce Rauner became the first state leader to sign anti-BDS legislation into law on July 23, 2015. The bill, SB-1761, targets taxpayer funded public pension funds that invest in companies which have adopted a BDS stance towards Israel. Per the legislation, companies that boycott Israel in Illinois were added to restricted company lists which undergo periodic

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review and are sent around to managers at all taxpayer funded public pension funds. The passage of this bill was hailed as the first state-based, concrete action taken against the BDS movement in the United States. The legislation was approved by the Governor on July 23, 2015.

### Alabama

February 16, 2016

Alabama Governor Robert Bentley signed SJR-6 into law on February 16, 2016, after it had been unanimously passed by the state legislature the previous week. The legislation states that the activities of the BDS movement in Alabama are, “harmful to the State's relationships with Alabama's Jewish citizens,” and expresses unconditional support for Israel's right to exist as a Jewish state. The legislation goes on to, “unequivocally denounce and reject the international Boycott, Divestment, and Sanctions Movement and any furtherance of this movement in this state.”

Governor Bentley signed the anti-discrimination bill SB81 on May 10, 2016, which prevents Alabama government entities from contracting with companies engaged in Israel boycotts.

### Colorado

February 26, 2016

The Colorado House of Representatives passed HB-16-284 on February 26, 2015. The legislation orders the state Public Employee Retirement Association (PERA) to identify all companies that participate in the BDS movement and add their names to a list of restricted companies. The bill then requires PERA to send notice to the company alerting them of their

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status, and if the company does not stop supporting BDS activities within 180 days of notification the legislation requires PERA to divest from that company. This list of restricted companies is to be reviewed on an annual basis. The legislation was signed into law by Colorado Governor John Hickenlooper on March 18, 2016.

Indiana

March 1, 2016

In a 47-3 vote, the Indiana State Senate approved anti-BDS legislation on March 1, 2016. The House had approved the legislation in January. The bill, HB-1378, requires mandatory state divestment from any company that participates in, “the promotion of activities to boycott, divest from, or sanction Israel.” The language in the bill targets settlements as well, including “territories controlled by the Jewish State of Israel,” in the anti-BDs measure. As of December 2016 the legislation had still not been approved by Indiana Governor Mike Pence.

Florida

March 10, 2016

Florida's State Legislature passed SB-86 on February 24, 2016, with bipartisan support, sending a message that they benefit from their relations with Israel and do not support the BDS movement, companies associated with it, or it's agenda. In early March the Florida Senate passed an adjusted version of the bill calling for the repeal of U.S. Customs and Border Protection's “West Bank country of origin marking requirements,” which prevent West Bank products being labelled as “Made in Israel.”

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On March 10, 2016, the Florida House of Representatives passed HB-527, directing the State Board of Administration create a list of companies that engage in boycotts of Israel, and instructing all government entities to divest from companies listed. On the same date, Florida governor Rick Scott signed SB-86.

Florida Governor Rick Scott signed HB-545 into law in a ceremony at the Orlando Torah Academy on March 30, 2018. The anti-BDS bill prevents companies that engage in boycotts of Israel from bidding on local or state government contracts.

### Virginia

March 10, 2016

Both Virginia Houses of Delegates passed identical resolutions condemning the actions of the BDS movement in early March 2016. The legislation voices support for a negotiated 2-state solution, and states that Virginia “oppose[s] all attempts to economically and politically isolate Israel within the international arena, including promotion of economic, cultural, and academic boycotts.” Virginia lawmakers referred to the BDS movement as “inherently antithetical and deeply damaging to the causes of peace, justice, equality, democracy, and human rights for all peoples in the Middle East.” Virginia's Jewish community issued a statement thanking the legislators for passing the resolution.

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### Arizona

March 18, 2016

On March 14, 2016, Arizona's House of Representatives passed legislation prohibiting state investment in companies that participate in the BDS movement, and requiring all entities contracting with the state to certify that they are not involved in boycotts of Israel. The legislation, HB-2617, passed the House with a 42-16-2 vote, after having passed the Senate the previous week. The legislation was signed into law by Arizona Governor Doug Ducey on March 18, 2016.

In September 2018, a federal judge issued an injunction, blocking enforcement of the measure. The state appealed the ruling. Rather than go through with the appeal, the legislature passed new a new law in April 2019, which “limits the anti-boycott certification to for-profit companies with more than 10 employees and government contracts worth more than \$100,000,” according to the ACLU. This means that many individuals and businesses who contract with the government are no longer subject to the certification. While the law makes reduces the number of contractors affected, it may also be challenged in the courts.

### Georgia

April 26, 2016

Georgia's SB-327 was approved by the State Senate on February 26, 2016, in a 45-6 vote. The bill prohibits the state, “including all of its subdivisions and instrumentalities,” from entering into contracts or agreements with companies involved with the BDS movement. This legislation passed the State House of Representatives on March 24, 2016, and was sent to the Governor to sign. Governor Nathan Deal signed the legislation on April 26, 2016.

Iowa

May 10, 2016

On February 24, 2016, the Iowa House of Representatives voted to block the state from investing in or contracting with companies that support the BDS movement. The legislation, SB-3087, was approved with a 70-24 vote, and 6 abstentions.

The Iowa State Senate approved SF-2281 in a 38-9 vote on April 27, 2016. The bill makes it illegal for a public entity in the state of Iowa to invest or enter into a contract worth over \$1,000 with a company that boycotts Israel. The State Senate also approved a resolution with a voice-vote expressing support for Israel as well as a 2-state solution to the Israeli-Palestinian conflict.

Iowa HF-2331 was signed into law by Governor Terry Branstad on May 10, 2016, after being approved in April 2016 by the State Senate and February 2016 by the State House of Representatives.

New York

June 5, 2016

An anti-BDS resolution was passed with a near-unanimous vote in the New York State Assembly on June 22, 2015. The resolution denounced the BDS movement, stating, “this legislative body is concerned that the international Boycott, Divestment, and Sanctions movement and its agenda are damaging to the causes of peace, justice, equality, democracy, and human rights for all peoples in the Middle East.” The legislation reiterated the close ties that New York shares with the Jewish state as well.

The New York State Senate approved a bill that prohibits the state and state entities from doing business with companies that support the BDS movement on January 20, 2016. The bill, S-6378A, is currently on the docket for the State Assembly to vote on. This legislation would prohibit state contracting with or investments in companies or individuals that engage in boycott, divestment, or sanctioning activities against Israel.

On June 5, 2016, New York Governor Andrew Cuomo issued an executive order requiring state agencies to divest from organizations and companies that participate in Israel boycotts. Cuomo described BDS as an “economic attack” on Israel during a speech at Manhattan's Harvard Club, and stated that “If you boycott against Israel, New York will boycott you.” The Governor chose to issue an executive order instead of bringing the issue to the state legislature because passing legislation can be “a tedious affair,” and he wanted to take “immediate action,” against the BDS movement. Under the order, the Commissioner of the Office of General Services of New York was commanded to put together a list of businesses and groups involved in the BDS movement, based on “credible information available to the public.”



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New Jersey

August 16, 2016

New Jersey Governor Chris Christie signed S-1923 into law on August 16, 2016, requiring the state's public worker pension funds to divest from companies that engage in Israel boycotts. The measure enjoyed wide bipartisan support in the State Senate and Assembly in May and June, where it passed with votes of 39-0, and 70-3, respectively.

California

September 24, 2016

California Assembly Bill 2844 was signed into law by Governor Jerry Brown on September 24, 2016. The law requires those who enter into contracts with state agencies to certify that they are not involved in activities that violate the Unruh Civil Rights act, including support for the BDS movement and its programs.

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Pennsylvania

November 4, 2016

Governor Tom Wolf of Pennsylvania signed HB2107 into law on November 4, 2016. The bill, sponsored by Representative Matthew Baker, prohibits the government of the state of Pennsylvania from contracting with any entity that engages in BDS activities.

Ohio

December 19, 2016

Ohio HB-476 was introduced to the state legislature on February 24, 2016. The legislation, if approved, would ban “state agents” from entering into or renewing contracts with companies, unless it is contractually declared that the company is not boycotting or disinvesting from Israel. The bill was signed into law by Ohio Governor John Kasich on December 19, 2016.

Michigan

January 10, 2017

Michigan Governor Rick Snyder signed his state's anti-BDS legislation on January 10, 2017, making Michigan the first state to stand against the BDS movement that year. The bills, HB 5821 and 5822, were passed by the state House and Senate during the previous month. Michigan state agencies, according to the legislation, “may not enter into a contract with a person to acquire or dispose of supplies, services, or information technology unless the contract includes a

representation that the person is not currently engaged in, and an agreement that the person will not engage in, the boycott of a person based in or doing business with a strategic partner.”

Arkansas

March 22, 2017

Governor William Hutchinson signed a law, Act 710, to prohibit Arkansas agencies from investing in or contracting with companies that boycott Israel. The new act ensures that Arkansas taxpayer funds will not finance the anti-Semitic tactics of the BDS movement. Boycotts have “become a tool of economic warfare” in Arizona that “threatens the sovereignty and security of key allies and trade partners,” namely, the State of Israel. Act 710 maintains that the strategic refusal to engage in commercial relations with Israeli trade partners is discriminatory and unsound. The legislation guarantees state divestment of companies that “support or promote actions to boycott, divest from, or sanction Israel.”

The law also law requires state contractors to pledge not to boycott Israel or reduce their fees by 20 percent if they don't sign the pledge. In January 2019, a federal judge dismissed the lawsuit the Arkansas Times had filed challenging the law.

Texas

May 2, 2017

Texas Governor Greg Abbott signed HB89, an act relating to state contracts with and investments in companies that boycott Israel, on May 2, 2017. The bill prohibits the State of Texas from contracting or entering into business with companies or entities involved in the BDS movement against Israel. The law ensures that public funds will not go to companies that participate in BDS.

In 2019, Texas started to divest \$72 million worth of stock in the Norwegian financial services firm DNB ASA. Two state pension funds – the Employees Retirement System of Texas and Texas Permanent School Fund — own \$68 million and \$4 million, respectively, in stock in the company. This is the first action taken under the anti-boycott legislation.

In April 2019, a U.S. District Judge ruled in favor of Bahia Amawi, a former speech pathologist who sued the state over the law after she was fired from her job for supporting BDS. The court found “the statute to be a viewpoint-based restriction intended not to combat discrimination on the basis of national origin, but to silence speech with which Texas disagrees.”

In response, the legislature rewrote the language limiting the application of the law to companies with more than 10 full-time employees and contracts of more than \$100,000 with the state. The governor signed the bill, which “primarily makes our original intent clear, which is that it was not to pertain to small contracts and individuals,” according to Texas Sen. Brandon Creighton.

The ACLU of Texas maintains the bill is still unconstitutional, despite its narrowed scope.

#### Minnesota

May 3, 2017

Minnesota Governor Mark Dayton signed his state's anti-BDS legislation into law on May 3, 2017, after it had passed the State House and Senate with respective votes of 98 - 28 and 57 - 8. The Minnesota legislation prohibits state dealings with entities that participate in boycotts of Israel.

#### Nevada

June 2, 2017

After it unanimously passed the Nevada State Legislature a week earlier and the State Senate the month before, Nevada Governor Brian Sandoval signed Nevada's very own anti-BDS legislation on June 2, 2017. With the signing of the bill, Nevada became the 20th state to pass laws prohibiting state institutions and government bodies from doing business with those who unfairly boycott Israel. Governor Sandoval had travelled to Israel with a delegation of Nevada businessmen in 2013, to encourage investment and business cooperation with his state.

#### Kansas

June 16, 2017

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Kansas Governor Sam Brownback signed HB 2409 into law on June 16, 2017, prohibiting state agencies from contracting with entities that engage in Israel boycotts. The legislation passed both the Kansas Senate and House during the previous week, in respective votes of 39-3 and 99-13.

In February 2018, a federal judge temporarily blocked the law in response to a lawsuit. Subsequently, in April, the Legislature amended the law so the anti-boycott certification requirement no longer applies to individuals or sole proprietors and only to companies that conduct more than \$100,000 worth of business with the state. Those companies must now state that they are “not engaged in a boycott of goods or services from Israel that constitute an integral part of business conducted or sought to be conducted with the state.”

Following the changes in the law, the ACLU dropped its objection to the law.

### North Carolina

July 31, 2017

After passing the State House of Representatives by a vote of 96-19, and the State Senate in a 45-3 vote, North Carolina Governor Roy Cooper signed his state's anti-BDS legislation into law on July 31, 2017. The legislation requires complete divestment from, and prohibits state agencies from contracting with, companies that engage in BDS campaigns against Israel.

### Maryland

October 23, 2017

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Maryland Governor Larry Hogan signed executive order 01.01.2017.25 into law on October 23, 2017, which prohibits all executive branch agencies from contracting with any entity, unless that entity certifies that they will not engage in a boycott of Israel for the duration of said contract. Hogan stated that all future contract requests for state bids must include language that the applicant has not refused to do business with any person or entity based on their Israeli origin. The order also calls for all current state contracts to be evaluated and possibly terminated if they exist with companies that engage in the boycott of Israel.

Wisconsin

October 27, 2017

Wisconsin Governor Scott Walker signed Executive Order #261 into law on October 27, 2017, prohibiting state agencies from entering into contracts with entities that participate in Israel boycotts. The Executive Order also stipulates that any state agencies reserve the right to terminate existing contracts with entities that are found to be in violation of the order.

Walker signed Assembly Bill 553 into law on April 3, 2018, which prevents "state agencies and governmental units" from adopting rules, policies, or procedures, that engage in a boycott of Israel.

Louisiana

May 22, 2018

Louisiana Governor John Edwards issued an executive order on May 22, 2018, prohibiting the Louisiana state government from entering into contracts to do business with entities that boycott Israel. The order directs the state's

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Commissioner of Administration to terminate any existing state contracts with companies that engage in boycotts of Israel. The prohibition will not be applied to companies that have contracts with the state that total less than \$100,000 or that have fewer than five employees.

Kentucky

November 15, 2018

Kentucky Gov. Matt Bevin signed an executive order banning the award of state contracts to companies that participate in campaigns to boycott Israel. The order states the “Commonwealth of Kentucky unequivocally rejects the BDS movement and stands firmly with Israel.”

Specifically, the order states that a governmental body “may not enter into a contract” unless it “includes a representation by the contractor that the contractor is not currently engaged, and will not for the duration of the contract engage in the boycott of a person or an entity” with which Kentucky “can enjoy open trade.”