

THE COMBATTING STATE-SANCTIONED BIGOTRY ACT

SEC. 1. DEFINITIONS. For the purposes of this [Act]:

- a) The term “educator” means a professional employee of any school district whose position requires certification by [certifying body or appropriate section of state code]. Administrators, specialists, and teachers are included within the definition of this term.
- b) The term “K-12” means grades kindergarten through 12th grade, inclusive;
- c) The term “public employee” means any person working on a full-time or part-time basis for the state, or any subdivision thereof, including, but not limited to counties, cities, towns, school districts, school administrative units, or quasi-public entities
- d) The term public employer means the state, or any subdivision thereof, including, but not limited to counties, cities, towns, school districts, school administrative units, public institutions of higher education, or quasi-public entities.
- e) The term “public school” means a public school educating students between Kindergarten and grade 12, or a publicly funded charter school educating students between the same grade levels. It does not encompass institutions of higher education.
- f) The term “revisionist history of America’s founding” means:
 - i) The belief that slavery, racism, sexism, or white supremacy were values or principles underlying America’s founding, or – with respect to their relationship to American values and principles – are anything other than deviations from, betrayals of, or failures to live up to the authentic founding principles and values of the United States, which include liberty and equality;
 - ii) The belief that the advent of slavery in the territory that is now the United States constituted the true founding of the United States; or
 - iii) The belief that the United States or this state is fundamentally or inherently racist, including the theory that racism is not merely the product of prejudice, but is embedded in American society for the purpose of upholding white supremacy.
- g) The term “bigotry” means any one or more of the following:
 - i) Collective guilt, defined as the belief that an individual or group, by virtue of their race or sex:
 - (1) Bears responsibility for or is to be held accountable for actions committed by others who share that race or sex; or
 - (2) Ought to feel, or it is otherwise normative or appropriate to feel, discomfort, guilt, anguish, shame, embarrassment, regret, or any other form of psychological distress because of their race or sex;
 - ii) Neo-segregationism, defined as the belief that an individual or group cannot or should not attempt to treat others of a different race without respect to race;
 - iii) Racial or sexual discrimination, defined as the belief that an individual or group should receive adverse treatment solely or partly because of their race or sex;
 - iv) Race or sex essentialism, defined as:

- (1) Assigning values, moral and ethical codes, privileges, status, or beliefs to an individual or group of persons based on their race or sex, including the claim that an individual or group of people is fundamentally or inherently dominant, privileged, or oppressive, or victimized or oppressed, in the United States because of their race or sex;
- (2) The belief that an individual's moral character or moral worth is necessarily determined, in whole or in part, by their race or sex;
- (3) The belief that meritocracy, merit-based systems, or related character traits such as a hard work ethic, self-reliance, objectivity, rational and/or linear thinking, rigor, punctuality, planning for the future, or delayed gratification, are racist, sexist, or oppressive; were created by members of one race or sex to oppress members another race or sex; or are traits that generally differentiate Americans on the basis of race or sex;
- v) Race or sex scapegoating, defined as assigning or imputing intrinsically negative characteristics such as bias, blame, domination, fault, harm, oppression, sexism or racism to a sex or race(s), or to individuals because of their race or sex, whether such negative characteristics are held to be consciously or unconsciously expressed; provided that race or sex scapegoating does not encompass discussions relating to the historical fact of past oppression of one group by another on the basis of race or sex;
- vi) Racism or sexism, defined as:
 - (1) Prejudice or antagonism directed against an individual or group based on their race or sex;
 - (2) The belief that an individual or group is inherently superior or inferior to others based on their race or sex; or
 - (3) The belief that individuals do not or should not possess equal rights, regardless of their race or sex.

SEC. 2. ACTIONS BY PUBLIC EMPLOYERS.

- a) Subject to section 7 of this Act, no public employer, either directly or through using an outside contractor or other private entity, shall advocate, compel, direct, or inculcate any public or private employee, student, service recipient, contractor, staff member, inmate, or any other individual or group whatsoever to adopt or express belief in, or support for, bigotry or revisionist history of America's founding. Public employers shall incorporate these requirements into any contracts where such requirements could be applicable.
- b) No public employer shall subject any public employee to any adverse employment action, warning, or discipline of any kind for refusing to participate in any training, program, or other activity at which a public employer or government program violates the requirements of subsection (a) of this section by advocating, compelling, directing, or inculcating participants to adopt or express belief in, or support for, bigotry or revisionist history of America's founding.
- c) Every public employer in this state shall at least annually review all training programs for public employees relating to diversity or inclusion to ensure the programs comply with the requirements of this Act. If a training program by a contracted entity advocating, compelling, directing, or inculcating participants to adopt or express belief in, or support for, bigotry or revisionist history of America's founding the public employer shall:
 - i) Terminate such contract, consistent with applicable law and regulations; and
 - ii) Evaluate whether to pursue debarment of the contractor, consistent with applicable law and regulations.

- d) Public employer diversity and inclusion efforts shall, first and foremost, encourage public employees not to judge each other or treat each other differently based on race or to grant mental assent to bigotry. Nothing in this Act shall be construed to prohibit or discourage public employers from providing workplace sensitivity training based on the inherent humanity and equality of all persons and the ideal that all persons should be treated with equality, dignity, and respect, provided such training is consistent with the requirements of this Act.

SEC. 3. HOSTILE WORK ENVIRONMENT. If an employer in this state willfully or repeatedly advocates, compels, directs or inculcates any of their employees to adopt or express belief in, or support for, bigotry, this may be presented as evidence supporting a claim that such employer has knowingly created or contributed to a hostile work environment on the basis of race or sex under [relevant state law] and subject to existing penalties, sanctions, and remedies for such actions.

SEC. 4. KEEPING BIGOTRY OUT OF PUBLIC SCHOOLS.

- a) No pupil in any public school in this state shall in any manner be advocated, compelled, directed, or inculcated to adopt or express belief in, support for, or grant mental assent to bigotry or revisionist history of America's founding.
- b) Educator Certification Standards.
 - i) Beginning August 1 of the [year or years] following the enactment of this act, no degree of higher education or other course of instruction shall be approved as contributing or counting towards certification as an educator in this state if such degree or course includes, as part of either its instruction or in any manner attendant to such instruction, advocating, compelling, directing, or inculcating participants to adopt or express belief in, or support for, bigotry or revisionist history of America's founding.
 - ii) The [appropriate state official, e.g. Superintendent of Public Education] shall be responsible for investigating and determining whether applicable programs of higher education or other courses of instruction comply with the requirements of this subsection. Such determination shall involve a one-year probationary period before such programs or courses are determined to be non-compliant with the requirements of subsection (i).
- c) Nothing in subsection (b) of this section shall affect the certification status of any teacher certified to teach as of the date of this act.

SEC. 5. KEEPING PARTISANSHIP OUT OF CIVICS

- a) It shall be the policy of this state that teachers who choose to discuss domestic current events or widely debated and currently controversial issues of public policy or social affairs shall, to the best of their ability, strive to explore such issues from diverse and contending perspectives.
- b) In any course on history, civics, U.S. government and politics, social studies, or similar subject areas, whether for regular credit or advanced placement credit, no school shall require, make part of such course, or award course grading or credit to:
 - i) Student work for, affiliation with, or service learning in association with, any organization engaged in lobbying for legislation at the local, state, or federal level, or in social or public policy advocacy; or
 - ii) Lobbying for legislation at the local, state, or federal level, or any practicum, or like activity, involving social or public policy advocacy.

- c) No private funding shall be accepted by state agencies or school districts for curriculum development, purchase or choice of curricular materials, teacher training, professional development, or continuing teacher education pertaining to courses on history, civics, U.S. government and politics, social studies, or similar subject areas, whether for regular credit or advanced placement credit.

SEC. 6. ACADEMIC TRANSPARENCY

- a) Each public school in this state shall prominently list on a publicly accessible portion of its website by July 1 of each year:
 - i) The learning materials and activities that were used for student instruction at the school during the most recently completed school year, organized at a minimum by subject area and grade;
 - ii) All training materials used for staff and faculty training on all matters of nondiscrimination, diversity, equity, inclusion, race, ethnicity, sex, or bias, or any combination of these concepts with other concepts; and
 - iii) Any procedures in effect for the documentation, review, or approval by the principal, administrators, or other teachers regarding the learning materials and activities used for student instruction at the school.
- b) For the purposes of this section:
 - i) Learning materials include, but are not limited to, the following: all textbooks and reading materials, videos, digital materials, websites and other online applications;
 - ii) “Used for student instruction”:
 - (1) Means assigned, distributed, or otherwise presented to students in any course for which students receive academic credit or in any educational capacity in which participation of the student body is required by the school or in which a majority of students in a given grade level participate;
 - (2) Applies also to any materials from among which students are required to select one or more, if the available selection is restricted to specific titles;
 - iii) “Activities” include, but are not limited to assemblies, guest lectures, or other educational events facilitated by the institution’s staff, including those conducted by outside individuals or organizations, excluding student presentations; and
 - iv) A school shall be required to list only the information necessary to identify the specific learning materials and activities used for instruction, including the title and the author, organization, or internet address associated with each material and activity. Nothing in this section shall be construed to require either:
 - (1) The digital reproduction of the materials themselves, nor
 - (2) The separate reporting of individual components of materials produced as a single volume, except that for digital volumes containing works by multiple authors, the school shall provide either a table of contents or internet address that discloses the discreet works and authors contained within the volume.
- c) A school shall not be required to list learning materials and activities pursuant to this section under any of the following circumstances:
 - i) The school’s governing board is responsible for the operation of schools with fewer than five hundred students cumulatively; or
 - ii) The materials or activities are selected independently by instructors at a school site with fewer than fifty students enrolled.
- d) The listing of materials for each school year shall remain available via the school website until at least the completion of the following year’s listing.

SEC. 7. TEACHING HISTORY AND ACADEMIC FREEDOM PROTECTED.

Nothing in this Act shall be construed to:

- a) Prohibit K-12 teachers from discussing, as part of a larger course of academic instruction in public schools, the historical existence of bigotry, the historical existence of revisionist views of history of America's founding, or how such concepts or views have influenced historical figures or history, including but not limited to the history of slavery and segregation in the United States, provided such teaching or training does not serve to advocate, compel, direct, or inculcate pupils to adopt or express belief in, or support for, bigotry or revisionist history of America's founding;
- b) Limit or impair the academic freedom of faculty members of the [state university system] or the [state community college system] to conduct research, publish, lecture, or teach in the academic setting; or
- c) Regulate the conduct or speech of students or pupils, in either K-12 education or higher education.

OPTIONAL SEC. 8. CIVICS CURRICULUM TO FOSTER INFORMED CITIZENS. A primary purpose of the public school curriculum is to prepare thoughtful, active citizens who understand the importance of patriotism and can function productively in a free society with appreciation for the basic democratic values of our state and national heritage as well as an accurate understanding of our state and national history. Each school district shall ensure that, as part of the mandatory curriculum for graduation from high school, pupils are educated about:

- a) The fundamental moral, political, and intellectual foundations of the American experiment in self-government.
- b) The founding documents of the United States, including:
 - i) The Declaration of Independence;
 - ii) The United States Constitution;
 - iii) The Federalist Papers;
 - iv) The transcript of the First Lincoln-Douglas debate.
- c) The writings of and about the founders of the United States, including George Washington and Thomas Jefferson.
- d) The history of the civil rights movement, including:
 - i) The history of slavery in the United States [and this state];
 - ii) Fredrick Douglass's Narrative of the Life of Frederick Douglass, an American Slave
 - iii) Writings from Fredrick Douglass's newspaper, the North Star and/or Fredrick Douglass's address "What to a Slave is the Fourth of July?" of July 5, 1852;
 - iv) The Emancipation Proclamation;
 - v) The 13th, 14th, and 15th amendments to the U.S. Constitution;
 - vi) The history of state-sanctioned and state-mandated racial discrimination in the United States [and this state], including as expressed in:
 - (1) The Supreme Court's decision in *Plessy v. Ferguson*;
 - (2) The eugenics movement and eugenics laws;
 - (3) Jim Crow laws; and
 - (4) The segregation of the federal government under President Woodrow Wilson;
 - vii) Justice John Marshall Harlan's dissent in *Plessy v. Ferguson*;
 - viii) The Supreme Court's decision in *Brown v. Board of Education*;
 - ix) Martin Luther King, Jr.'s "I have a dream speech"; and
 - x) The Civil Rights Act of 1964.
- e) Why racial supremacy, including as expressed in slavery, eugenics, Jim Crow, and the KKK, is both morally wrong and contrary to America's founding values and ideals.
- f) The passage of women's suffrage.

- g) America's victory over national socialism and fascism in the Second World War.
- h) America's victory over international socialism and communism in the Cold War.
- i) What distinguishes America's system of self-government from totalitarian systems such as communism and fascism that do not hold that individuals are created equal, endowed with inalienable rights, or that government authority rests on the consent of the governed. This shall include discussions of both the historical facts of, and motivations for, at least the following atrocities and human rights violations committed by communist and fascist regimes:
 - i) The Holocaust;
 - ii) The Holodomor;
 - iii) The Great Terror and Gulag Archipelago in the Soviet Union;
 - iv) The Chinese Cultural Revolution and Great Leap Forward;
 - v) The Cambodian Genocide; and
 - vi) The Tiananmen Square massacre.
- j) The operations of America's decentralized market economic system, the operations of centrally planned socialist economies, and how America's market system produced and produces substantially greater living standards than socialist systems, including a discussion of the disparate economic trajectories of East and West Germany and North and South Korea following the Second World War.

SEC. 9. PENALTIES AND ENFORCEMENT.

- a) If the [relevant state official, e.g. commissioner of higher education or court of law] finds that a [relevant body, e.g. school district] knowingly violated sections 2, 4, 5, or 6 of this Act, then the [official] shall withhold up to [X] percent of state funds from the [relevant body] until the [relevant body] provides evidence to the [relevant official] is no longer in violation of this section.
- b) Violations of the requirements of sections 2(a), 2(b), or 4(a) of this [Act] shall be considered a violation of the employee code of conduct that justifies disciplinary sanction by the public employer. A public employee may be dismissed or not reemployed for willfully or repeatedly violating the requirements of sections 2(a), 2(b), or 4(a).
- c) An action to obtain a judgment in a court of competent jurisdiction, restraining and preventing any violation of this Act by the state, may be maintained by a resident therein, or by a corporation, who is assessed for and is liable to pay, or, within one year before the commencement of the action, has paid, a state income, business, or property tax.
- d) An action to obtain a judgment in a court of competent jurisdiction, restraining and preventing any violation of this Act by a local agency may be maintained by a resident therein, or by a corporation, who is assessed for and is liable to pay, or, within one year before the commencement of the action, has paid, a tax that funds the defendant local agency, including as applicable, but not limited to, the following:
 - i) An income tax.
 - ii) A sales and use tax or transaction and use tax initially paid by a consumer to a retailer.
 - iii) A property tax, including a property tax paid by a tenant or lessee to a landlord or lessor pursuant to the terms of a written lease.
 - iv) A business license tax.
- e) For purposes of this section, the following definitions apply:
 - i) "Local agency" means a city, town, county, or city and county, or a school district, public authority, or any other political subdivision in the state.
 - ii) "Resident" means a person who lives, works, owns property, or attends school in the jurisdiction of the defendant local agency.

- f) The remedies identified herein shall be in addition to, not in lieu of, any other remedies available at law or equity.
- g) A party who successfully brings an action to enforce any provisions of this Act shall be entitled to recover his or her attorney fees and costs.

SEC. 10. SEVERABILITY. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains