



PACIFIC LEGAL FOUNDATION

Ending Racism in Public Institutions Act or Anti-Stereotyping Act

Whereas, the public has an interest in knowing what is being taught in public schools, state agencies, and political subdivisions.

Whereas, equal protection under the law is a fundamental right, protected by the U.S. Constitution and federal statutes, as well as [this state's] Constitution and statutes.

Whereas, promoting or endorsing stereotypes based on race, sex, ethnicity, religion, or national origin is antithetical to the goal of equal protection.

Whereas, the First Amendment of the U.S. Constitution prohibits the government from compelling an individual to affirm, adopt, or adhere to a specific belief or concept.

Therefore, be it enacted:

Section 1.

- (a) The governing body of a public school, including a public primary school, public secondary school, or public charter school, shall ensure that the following information is displayed on the school website in a publicly accessible location:
- (1) All training materials, including materials for instructors, concerning or 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.
 - (2) All instructional or curricular materials concerning nondiscrimination, diversity, equity, inclusion, race, ethnicity, sex, or bias, or any combination of these concepts with other concepts. Such instructional materials shall identify, at a minimum:
 - i. The title, author, organization, and any website associated with each instructional material;
 - ii. A brief description of the instructional material;
 - iii. A link to the instructional material, if publicly available on the internet, or information on how to request review of a copy of the instructional material; and
 - iv. The identity of the teacher, if the instructional material was created by the teacher.
 - (3) Any procedures for the documentation, review, or approval of the training, instructional, or curricular materials used for staff and faculty training or student instruction at the school, including by the principal, curriculum administrators, or other teachers.
 - (4) Nothing in this subsection shall be construed to require the digital reproduction or posting of copies of the instructional materials themselves if such reproduction

would infringe upon copyrighted material; but in such cases, original materials should still be linked, if possible, or provided upon request, as required under subsection (2)(iii) of this section.

- (b) Each state agency and political subdivision shall post on the agency's or subdivision's website in a publicly accessible location all training materials, including materials for instructors, for training provided to employees of the agency or subdivision on all matters of nondiscrimination, diversity, equity, inclusion, race, ethnicity, sex, or bias, or any combination of these concepts with other concepts, except any materials that the agency or subdivision is required to keep confidential.
 - (1) Nothing in this subsection shall be construed to require the digital reproduction or posting of copies of the instructional materials themselves if such reproduction would infringe upon copyrighted material; but in such cases, original materials should still be linked, if possible, or provided upon request.

Section 2.

- (a) A public school, including a public primary school, public secondary school, or public charter school, state agency, or political subdivision, or any employee thereof, shall not, in the course or scope of public service or employment, promote, embrace, or endorse stereotypes based on race, sex, ethnicity, religion, or national origin.
- (b) Stereotypes means character traits ascribed to a particular race, sex, ethnicity, religion, or national origin, or to an individual because of his or her race, sex, ethnicity, religion, or national origin.
- (c) Nothing in this section shall prohibit discussing:
 - (1) How such stereotypes have been or are wrongfully embraced or utilized to discriminate on the basis of race, sex, ethnicity, religion, or national origin; or
 - (2) Data or scientific studies that categorize people based on race, sex, ethnicity, religion, or national origin, or that reveal disparities between different groups within any of those categories.

Section 3.

- (a) A public school, including a public primary school, public secondary school, or public charter school, state agency, or political subdivision shall not:
 - (1) Require or otherwise compel a student, teacher, administrator, or other employee to affirm, adopt, or adhere to any belief or concept that:
 - i. One race, sex, ethnicity, religion, or national origin is inherently superior or inferior to another race, sex, ethnicity, religion, or national origin;
 - ii. An individual, by virtue of his or her race, sex, ethnicity, religion, or national origin should be blamed for actions committed in the past by other members of the same race, sex, ethnicity, religion, or national origin; or
 - iii. An individual's moral character is necessarily determined, in whole or in part, by his or her race, sex, ethnicity, religion, or national origin.

- (2) Use public funds to contract with, hire, or otherwise engage consultants, trainers, or other persons to:
 - i. Direct or otherwise compel a student, teacher, administrator, or other employee to affirm, adopt, or adhere to any belief or concept described in subsection (a)(1) of this section; or
 - ii. Advocate concepts described in subsection (a)(1) of this section, unless:
 - a. The school, agency, or political subdivision expressly makes clear that it does not sponsor, approve, or endorse such concepts or materials; and
 - b. The school, agency, or political subdivision affords students, teachers, administrators, and other employees the opportunity to opt out of any speeches by or sessions with such outside contractors.
 - (3) Require a student, teacher, administrator, or other employee to attend or participate in a training, seminar, continuing education, orientation, or therapy that promotes any concept described in subsection (a)(1) of this section.
- (b) Nothing in this section shall be construed as prohibiting:
- (1) Speech protected by the First Amendment of the U.S. Constitution or [Art. # of the State Constitution];
 - (2) Voluntary attendance at a training session, seminar, continuing education, orientation, or therapy, provided that no inducement or coercion for such attendance exists;
 - (3) Access to sources on an individual basis that advocate concepts described in subsection (a)(1) of this section for the purpose of research or independent study; or
 - (4) Discussion of concepts described in subsection (a)(1) of this section or the assignment of materials that incorporate such concepts for educational purposes, provided that the public school, including a public primary school, public secondary school, or public charter school, state agency, or political subdivision expressly makes clear that it does not sponsor, approve, or endorse such concepts or materials.