

AN ACT concerning the teaching of critical race theory in public schools and issue advocacy by public school teachers, and supplementing chapter 35 of Title 18A of the New Jersey Statutes.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. The Legislature finds and declares that:

a. The purpose of public education in America is to produce knowledgeable and competent adults who will be able to participate as informed citizens in the democratic process.

b. Providing an education in a democracy is best done by teaching students how to think, rather than telling them what they should think.

c. Recent experience has shown that teachers in public schools are now more willing to engage in political and ideological indoctrination by pressuring students into adopting their own views.

d. Such indoctrination has no place in public schools and threatens their ability to provide students with a high-quality education.

e. Parents and taxpayers have a right to expect that taxpayer resources will be spent providing students with instruction on foundational concepts such as mathematics, science, English, history, and civics and not on political or ideological indoctrination.

2. a. A school district shall not include, as part of a course of instruction or in a curriculum or instructional program, or allow teachers or other employees of the school district to use supplemental instructional materials that promote concepts related to critical race theory. For purposes of this act, "critical race theory" includes, but shall not be limited to, any of the following concepts:

(1) one race or sex is inherently superior to another race or sex;

(2) an individual, by virtue of the individual's race or sex, is inherently privileged, racist, sexist, or oppressive, whether consciously or subconsciously;

(3) an individual should be discriminated against or receive adverse treatment because of the individual's race or sex;

(4) an individual's moral character is determined by the individual's race or sex;

(5) an individual, by virtue of the individual's race or sex, bears responsibility for actions committed in the past by other members of the same race or sex;

(6) an individual should feel discomfort, guilt, anguish, or another form of psychological distress solely because of the individual's race or sex;

(7) a meritocracy is inherently racist or sexist, or designed by a particular race or sex to oppress members of another race or sex;

(8) the State or the United States is fundamentally or irredeemably racist or sexist;

(9) promoting or advocating the violent overthrow of the United States government;

(10) promoting division between, or resentment of, a race, sex, religion, creed, nonviolent political affiliation, social class, or class of people;

(11) ascribing character traits, values, moral or ethical codes, privileges, or beliefs to a race or sex, or to an individual because of the individual's race or sex;

(12) the rule of law does not exist, but instead is a series of power relationships and struggles among racial or other groups;

(13) all Americans are not created equal and are not endowed by their Creator with certain unalienable rights, including, life, liberty, and the pursuit of happiness; or

(14) governments should deny to any person within the government's jurisdiction the equal protection of the law.

b. Notwithstanding the provisions of subsection a. to the contrary, this section does not prohibit a school district from including, as part of a course of instruction or in a curriculum or instructional program, or from allowing teachers in a school district to use supplemental instructional materials that include:

(1) the history of an ethnic group, as described in textbooks and instructional materials adopted in accordance with approved curriculum;

(2) the impartial discussion of controversial aspects of history;

(3) the impartial instruction on the historical oppression of a particular group of people based on race, ethnicity, class, nationality, religion, or geographic region; or

(4) historical documents.

c. The Commissioner of Education may withhold State funds from a school district that knowingly violates the provisions of this section until the commissioner finds that the school district is no longer in violation of this section.

3. a. The State Board of Education shall adopt rules and regulations prohibiting public school teachers from engaging in political, ideological, or religious advocacy in the classroom. Rules and regulations adopted pursuant to this section shall, at minimum prohibit the following:

(1) endorsing, supporting, or opposing any candidate or nominee for public office or any elected or appointed official regardless of whether the official is a member of the local, state, or federal government;

(2) endorsing, supporting, or opposing any pending, proposed, or enacted legislation at the local, state, or federal level;

(3) endorsing, supporting, or opposing any pending, proposed, or executed executive action by an executive or executive branch agency at the local, state, or federal level;

(4) endorsing, supporting, or opposing any pending or decided court case or judicial action at the local, state, or federal level;

(5) introducing any controversial issue that is not germane to the topic of the course being taught;

(6) advocating in a partisan manner for any side of a controversial issue; and

(7) segregating students according to race or singling out one racial group of students as responsible for the suffering or inequities experienced by another racial group of students.

b. In addition to the rules and regulations adopted pursuant to subsection a. of this section, the State board shall require that a teacher provide students with materials supporting both sides of a controversial issue being addressed and to present both sides in a fair-minded and nonpartisan manner.

For purposes of this section, “controversial issue” means an issue that is part of an electoral party platform at the local, state, or federal level.

c. The rules and regulations adopted by the State board pursuant to subsections a. and b. of this section shall contain clear guidelines for enforcement and provide penalties for violations up to and including termination of employment. The State board shall provide written notice to teachers, parents, and students of their respective rights and responsibilities under the rules and shall provide at least 3 hours of professional development instruction to inform affected teachers of their responsibilities pursuant to this section.

4. This act shall take effect immediately and shall first apply to the first full school year following the date of enactment.

STATEMENT

This bill prohibits a school district from including, as part of a course of instruction or in a curriculum or instructional program, or allowing teachers or other employees of the school district to use supplemental instructional materials that promote concepts related to critical race theory. For purposes of the bill, “critical race theory” includes, but would not be limited to, any of the following concepts:

- one race or sex is inherently superior to another race or sex;
- an individual, by virtue of the individual's race or sex, is inherently privileged, racist, sexist, or oppressive, whether consciously or subconsciously;
- an individual should be discriminated against or receive adverse treatment because of the individual's race or sex;
- an individual's moral character is determined by the individual's race or sex;

- an individual, by virtue of the individual's race or sex, bears responsibility for actions committed in the past by other members of the same race or sex;
- an individual should feel discomfort, guilt, anguish, or another form of psychological distress solely because of the individual's race or sex;
- a meritocracy is inherently racist or sexist, or designed by a particular race or sex to oppress members of another race or sex;
- the State or the United States is fundamentally or irredeemably racist or sexist;
- promoting or advocating the violent overthrow of the United States government;
- promoting division between, or resentment of, a race, sex, religion, creed, nonviolent political affiliation, social class, or class of people;
- ascribing character traits, values, moral or ethical codes, privileges, or beliefs to a race or sex, or to an individual because of the individual's race or sex;
- the rule of law does not exist, but instead is a series of power relationships and struggles among racial or other groups;
- all Americans are not created equal and are not endowed by their Creator with certain unalienable rights, including, life, liberty, and the pursuit of happiness; or
- governments should deny to any person within the government's jurisdiction the equal protection of the law.

A school district would not be prohibited from including, as part of a course of instruction or in a curriculum or instructional program, or from allowing teachers in a school district to use supplemental instructional materials that include the history of an ethnic group, the impartial discussion of controversial aspects of history, the impartial instruction on the historical oppression of a particular group of people based on race, ethnicity, class, nationality, religion, or geographic region, or historical documents. The Commissioner of Education would be permitted to withhold State funds from a school district that knowingly violates the provisions of this bill and would be able to continue withholding such funds until the commissioner finds that the school district is in compliance.

This bill also requires the State Board of Education to adopt rules and regulations prohibiting public school teachers from engaging in political, ideological, or religious advocacy in the classroom. The State board would further be required to adopt rules and regulations requiring that a teacher provide students with materials supporting both sides of a controversial issue being addressed and to present both sides in a fair-minded and nonpartisan manner.

Prohibits teaching of critical race theory in public schools; prohibits public school teachers from engaging in political, ideological, or religious advocacy in classroom.