



## **Model School Board Language to Prohibit Critical Theory**

(updated on 12/13/23 to include additions on DEI)

### **Purpose**

The purpose of this resolution is to prohibit:

- The teaching and promotion of critical race theory;
- The practice and implementation of Diversity, Equity, and Inclusion (DEI) programs;
- The teaching and promotion of similar divisive concepts; and
- The implementation of other forms of government-sanctioned or -facilitated racism in our school district and to uphold the foundational American principle that all people are created equal and endowed by their Creator with unalienable rights to life, liberty, and the pursuit of happiness.

### **Section 1. Definitions**

A. “*Critical Race Theory*” means any theory or ideology that:

- (1) Derives or otherwise traces its origins and influences from, or pertinently overlaps with, the “Critical Theory” social philosophy espoused by the Frankfurt School;
- (2) Teaches or promotes that social problems are created by racist or patriarchal societal structures and systems;
- (3) Espouses the view or belief that one race is inherently racist, sexist, or intentionally or inadvertently oppressive; or
- (4) Espouses the view or belief that one race is inherently responsible for the intentional or inadvertent oppression of another race;
- (5) Espouses the view or belief that one race is inherently superior to another race or sex;

- (6) Espouses the view or belief that a person should be discriminated against because of the race or sex attributed to them or be treated differently based on that classification;
- (7) Espouses the view or belief that a person's moral character is determined by the race or sex attributed to them;
- (8) Espouses the view or belief that the race or sex attributed to a person makes them responsible for past transgressions of that race or sex;
- (9) Espouses the view or belief that a person should feel discomfort, guilt, anguish, or any other form of psychological, emotional, physical, or any other kind of distress on account of the race or sex attributed to them; and
- (10) Espouses the view or belief that work ethic or devotion to duty and obligations is inherently racist or sexist.

B. "*Divisive Concepts*" mean any concept that espouses:

- (1) One sex, race, ethnicity, religion, color, or national origin is inherently superior to another sex, race, ethnicity, color, or national origin;
- (2) The United States is fundamentally or systemically racist or sexist;
- (3) The Declaration of Independence, the Constitution of the United States, or The Federalist Papers are fundamentally racist or oppressive documents;
- (4) An individual, by virtue of the sex, race, ethnicity, religion, color, or national origin attributed to them is inherently racist, sexist, or otherwise prejudiced or oppressive, whether consciously or unconsciously;
- (5) An individual should be discriminated against or receive adverse treatment solely or partly because of the sex, race, ethnicity, religion, color, or national origin attributed to them;
- (6) An individual's moral character is necessarily determined by the sex, race, ethnicity, religion, color, or national origin attributed to them;
- (7) An individual, by virtue of the sex, race, ethnicity, religion, color, or national origin attributed to them bears responsibility for actions committed in the past by other members of the same (or any other) sex, race, ethnicity, religion, color, or national origin;
- (8) Any individual should be targeted and made to feel discomfort, guilt, anguish, or any other form of psychological distress due to the sex, race, ethnicity, religion, color, or national origin attributed to them;

- (9) An individual, by virtue of the sex, race, ethnicity, religion, color, or national origin attributed to them should be actively or passively discriminated against or receive adverse treatment to achieve diversity, equity, or inclusion;
- (10) Meritocracy or traits such as a hard work ethic or devotion to duty and obligations are racist or sexist, or were created or recognized by a particular race to oppress another race;
- (11) Any effort to promote racial diversity in any aspect of a program funded in whole or part by taxpayers;
- (12) Any reference to group differences within a given setting along cultural, ethnic, gender, gender identity, national origin, race, religion, and sexual orientation lines;
- (13) Any policies, practices, and procedures designed and/or implemented with reference to those group differences;
- (14) Any usage of “antiracism” as a concept that incorporates “equity” theory, which necessarily connotes a form of systemic racism, or any usage of “antiracism” that explicitly or implicitly promotes racial discrimination as necessary to advance equity and any form of justice; or
- (15) Any other form of race or sex stereotyping or any other form of race or sex scapegoating;
  - (a) “Race or sex stereotyping” means ascribing character traits, values, moral and ethical codes, privileges, status, or beliefs to a race or sex, or to an individual because of his or her race or sex;
  - (b) "Race or sex scapegoating" encompasses any claim that, consciously or unconsciously, and by virtue of his or her race or sex, members of any race are inherently racist or are inherently inclined to oppress others, or that members of a particular sex are inherently sexist or inclined to oppress others.

C. “*Government-sanctioned or -facilitated racism*” means any concept, theory, ideology, action, omission, custom, training, event, meeting, gathering, program, policy, or practice enacted by elected officials, government agencies, government employees, or entities and contractors funded in whole or in part by taxpayers that:

- (1) Supports, promotes, or affirms the adverse treatment of an individual by virtue of the race attributed to them;

- (2) Embraces, promotes, or teaches doctrines or practices associated directly or indirectly with Diversity, Equity, and Inclusion (DEI) initiatives or programs and related Diversity, Equity, Inclusion, and Belonging (DEIB) initiatives or programs.
- (3) Results in the affirmation, adoption, or adherence of viewpoints that treat individuals adversely by virtue of the race attributed to them;
- (4) Results in the hiring, recruitment, promotion, assignment, or other favorable treatment of an individual due to adherence, belief, implementation, practice, or adoption of such race-based theories referred to in Section 1(A) and Section 1(B).
- (5) Reinforces, supports, or affirms the ahistorical and racist ideas promoted by the *1619 Project* and like-minded endeavors and organizations or otherwise derives or can trace its origins to the essays, curricula, and writings of the *1619 Project* and similar endeavors.

## **Section 2. Prohibitions**

(A) The tenets outlined in section (1)(B), often found in "critical race theory," undermine a free society and sound education and otherwise exacerbate and inflame divisions on the basis of sex, race, ethnicity, religion, color, national origin, or other criteria in ways contrary to the unity of the nation, the founding principles of the nation, and the well-being of the citizens of [insert local school board jurisdiction].

(B) Therefore, no school district, or public school, including a public charter school, shall direct or otherwise compel students or employees to personally affirm, adopt, or adhere to any of the following tenets:

- (1) That any sex, race, ethnicity, religion, color, or national origin is inherently superior or inferior;
- (2) That individuals should be discriminated against or receive adverse treatment solely or partly because of the sex, race, ethnicity, religion, color, or national origin attributed to them;
- (3) That an individual, by virtue of the sex, race, ethnicity, religion, color, or national origin attributed to them is inherently responsible for actions committed in the past by other members of the same (or any other) sex, race, ethnicity, religion, color, or national origin;

- (4) That an individual, by virtue of the sex, race, ethnicity, religion, color, or national origin attributed to them is inherently racist, sexist, or oppressive, whether consciously or unconsciously;
- (5) That an individual's moral character is necessarily determined by the sex, race, ethnicity, religion, color, or national origin attributed to them;
- (6) That an individual should be targeted and made to feel discomfort, guilt, anguish, or any other form of psychological, emotional, physical, or any other kind of distress due to the sex, race, ethnicity, religion, color, or national origin attributed to them;
- (7) That meritocracy or traits such as a strong work ethic or devotion to duty and obligations are racist or sexist, or were created by a particular race to oppress another race;
- (8) That the United States is fundamentally or systemically racist or sexist; or
- (9) The Declaration of Independence, the Constitution of the United States, or The Federalist Papers are fundamentally racist or oppressive documents.

(C) No distinction or classification of students shall be made on account of race or color.

(D) No course of instruction, unit of study, or any other curricular or extracurricular offerings directing, facilitating, enabling, permitting, sponsoring, supporting, or otherwise compelling students to personally affirm, adopt, or adhere to any of the tenets identified in paragraph (B) of this subsection shall be used or introduced in any school within the jurisdiction of this board of education. Nor shall students, directly or indirectly, be encouraged or incentivized in any manner to do so.

(E) All training programs for school district employees relating to diversity, equity, inclusion, or belonging must adhere to the provisions outlined in section (2)(B) and shall, before being used, be reviewed by the board of education for full compliance with this subchapter. This review shall also be available for discussion in a public format to provide parents, guardians, and residents with a meaningful opportunity to participate, review, and provide input on any proposed guidelines relating to diversity, equity, inclusion, or belonging training for school district employees.

- (1) Any training program that embraces, promotes, or teaches doctrines or practices associated directly or indirectly with Diversity, Equity, Inclusion, and Belonging (DEIB) initiatives that do not adhere to the provisions outlined in section (2)(B) is

prohibited and the individuals, entities, and organizations involved in carrying out the training shall be subject to a right of action from participants who believe that their civil rights were violated.

(F) Notwithstanding any other provision of law, this section does not prohibit schools, or entities under the jurisdiction of the board of education, from including, as part of a course of instruction or in a curriculum or instructional program, or from allowing teachers or other employees 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 the approved curriculum;
- (2) The discussion of otherwise controversial aspects of history, only if done so without violating the provisions outlined in section (2)(B) and only if done so by presenting, from a holistic point of view, a complete, neutral, and unbiased perspective of the subject matter or prism;
- (3) The instruction on the historical oppression of a particular group of people based on race, ethnicity, class, nationality, religion, or geographic region; or
- (4) Primary source documents relevant to such a discussion if otherwise approved for use in curriculum or trainings, and otherwise comports with the provisions of the above sections.

### **Section 3. Applicability to School Districts**

Notwithstanding any other provision of law, the provisions outlined in section (2) shall also be applied to all employees at a covered school in the school district as outlined in section (2)(B).

(A) A covered school shall not teach, instruct, or train any employee, contractor, staff member, administrator, supervisor, assistant, part-time employee, parent volunteer, or any other individual or group, to adopt, support, or promote critical race theory, divisive concepts, or government-sanctioned or -facilitated racism as defined.

(B) No employee of the Board of education shall face any direct or indirect adverse consequences, penalty, or discrimination on account of his or her refusal to support, believe, endorse, embrace, confess, act upon, or otherwise assent to critical race theory, divisive concepts, or government-sanctioned or -facilitated racism as defined.

- (1) The fair and equal treatment of individuals is an inviolable principle that must be maintained in the state workplace.

(2) The administrative head of each school shall use his or her authority to ensure that the school employees during work hours, and any contractors hired by the school to provide training, workshops, forums, or similar programming, for purposes of this section, to school employees do not teach, advocate, act upon, or promote in any training to school employees critical race theory, divisive concepts, or government-sanctioned or -facilitated racism as defined.

(C) No funds shall be expended by the board of education, or any entity under the board of education's jurisdiction, for any purpose prohibited in section 2, section (3)(A), and section (3)(B).

#### **Section 4. Penalties**

Along with the board of education, the principal of each school subject to the provisions herein enacted must enforce these provisions. The principal may delegate some aspects of the responsibility of that enforcement so long as that principal remains active in the enforcement process. Notwithstanding any other provision of law, whenever a complaint concerning the potential violation of the provisions herein enacted by a covered school, school employee, or contractor is brought to the principal's attention or the principal has any cause to suspect a violation has occurred, is occurring, or may occur, the principal must notify the board of education in writing as expeditiously as reasonable but no later than 7 calendar days. The board of education then has 30 calendar days to complete an assessment of the covered school, school employee, or contractor's violation and make it publicly available to residents within the school district.

(A) If a covered school violates the provisions in section (2) or section (3), the board of education, notwithstanding any other provision of state or federal law, shall sanction the school by providing public notice to residents within 30 calendar days, enacting a prohibition on participation in athletic competition, or otherwise bar the covered school from any participation in local or state academic or athletic activities for a period up to 30 days.

(B) If a school employee violates the provisions in section (2) or section (3), the board of education, notwithstanding any other provision of state or federal law, shall require the school administrator to sanction the employee as follows:

- (1) Upon first offense, the employee shall be placed on 30 days of administrative leave without pay.
  - (2) Upon second offense, the employee shall be terminated, and the school shall issue a public statement reiterating its commitment to upholding the fundamental American idea that all men are created equal and endowed by their Creator with unalienable rights to life, liberty, and the pursuit of happiness.
- (C) If a contractor provides a training for school employees relating to diversity, equity, inclusion, or belonging that teaches, advocates, or promotes critical race theory, divisive concepts, and government-sanctioned or -facilitated racism as defined, and such action is in violation of the applicable contract, the school entity that contracted for such training shall evaluate within 30 calendar days whether to pursue debarment of that contractor, consistent with applicable law and regulations.
- (1) If a contractor is found to be in violation of the applicable contract through the teaching, advocacy, or promotion of critical race theory, divisive concepts, or government-sanctioned or -facilitated racism as defined, then the contractor shall be debarred with public notice provided within 7 calendar days of the debarment of that contractor.
- (D) If a board of education member violates the provisions in section (2) or section (3) or otherwise lends material or any other tangible or intangible support, aid, assistance or encouragement to critical race theory, divisive concepts, or government-sanctioned or -facilitated racism as defined, the board of education, notwithstanding any other provision of state or federal law, shall notify the public within 7 calendar days and provide notice of a public forum to be held no later than 30 calendar days after notification.
- (1) The public forum shall be used to formally consider removal of the board of education member through a special election consistent with state and local election law and must provide parents, guardians, and residents with a meaningful opportunity to participate, review, and provide input on the consideration of removal of the board of education member.



## **Section 5. Right of Action**

Notwithstanding any other provision of the law, the parent or guardian of a child, minor, or student or a school district employee exposed to concepts outlined in Section 1A, 1B, or 1C is hereby granted a right of action in accordance with [insert state law].

A. **LIABILITY.** Notwithstanding any other provision of the law and in addition to existing criminal or civil liability statutes that may be applicable—

(1) The school district or charter school that violates Section 2B, 2C, 2D, or 2E;

(2) School official, administrator, teacher, substitute teacher, coach, counselor, school employee, contractor, adult participating in a school-sponsored or school-affiliated event, or adult otherwise invited by a school official or school district to school grounds that willfully or intentionally violate Section 2B, 2C, 2D, or 2E shall be liable for—

(i) Violating the civil rights of the child, minor, or student exposed to concepts outlined in Section 1A, 1B, or Section 1C.

(ii) Violating the civil rights of the school employee exposed to concepts outlined in Section 1A, 1B, or Section 1C.

(3) **DETERMINATION OF AMOUNTS.** The liability under this subsection with regard to a (an):

(i) School district or charter school that violates Section 2B, 2C, 2D, and 2E shall be no less than the current combined state and federal per-pupil allocation per-pupil-allocation for the school district or \$250,000, whichever is greater.

(ii) School official, administrator, teacher, substitute teacher, coach, counselor, school employee, contractor, adult participating in a school-sponsored or school-affiliated event, or adult otherwise invited by a school official or school district on school grounds that willfully or intentionally violates Section 2B, 2C, 2D, and 2E shall be no less than half the annual salary (rounded up) of the individual or \$25,000, whichever is greater.

## **Section 6. Additional Terms**

Additional terms and concepts below that either wholly violate the above clauses, or which may if taught through the framework of any of the prohibited activities defined above, partially violate the above clauses in what is otherwise broadly defined as “critical race theory”:

(A) Critical Race Theory (CRT)

Action Civics  
Social Emotional Learning (SEL)  
Diversity, Equity, and Inclusion (DEI)  
Diversity, Equity, Inclusion, and Belonging (DEIB)  
Culturally responsive teaching  
Abolitionist teaching  
Anti-racism  
Anti-bias training  
Anti-blackness  
Belonging training  
Centering  
Climate justice  
Collective guilt  
Colorism  
Conscious and unconscious bias  
Critical ethnic studies  
Critical pedagogy  
Critical self-awareness  
Critical self-reflection  
Cultural competence  
Cultural relevance  
Cultural responsiveness  
Culturally responsive practices  
Decolonization  
Deconstruct knowledges  
Diversity focused  
Diversity training  
Dominant discourses  
Economic justice  
Educational justice  
Equitable  
Equity  
Examine “systems”  
Free radical therapy  
Free radical self/collective care

Hegemony  
Identity deconstruction  
Implicit/Explicit bias  
Inclusivity education  
Inclusivity training  
Internalized racial superiority  
Internalized racism  
Internalized white supremacy  
Interrupting racism  
Intersection  
Intersectionalism  
Intersectionality  
Intersectional identities  
Intersectional studies  
Land acknowledgment  
Marginalized identities  
Marginalized/Minoritized/Under-represented communities  
Multiculturalism  
Neo-segregation  
Normativity  
Oppressor vs. oppressed  
Patriarchy  
Protect vulnerable identities  
Race essentialism  
Racial healing  
Racialized identity  
Racial justice  
Racial prejudice  
Racial sensitivity training  
Reflective exercises  
Representation and inclusion  
Restorative justice  
Restorative practices  
Social justice  
Spirit murdering  
Structural racism  
Systemic bias  
Systemic racism  
Systems of power and oppression  
Unconscious bias

White fragility  
White privilege  
White social capital  
White supremacy