



HOUSE BILL 187: Equality in Education.

2023-2024 General Assembly

Committee:	House Education - K-12. If favorable, re-refer to Rules, Calendar, and Operations of the House	Date:	March 14, 2023
Introduced by:	Reps. Torbett, Blackwell, Willis, Wheatley	Prepared by:	Brian Gwyn
Analysis of:	PCS to First Edition H187-CSBE-9		Committee Co-Counsel

OVERVIEW: HB 187 would do the following:

- *State the General Assembly's intent that students, teachers, administrators, and other school employees recognize the equality and rights of all persons.*
- *Prohibit public school units from promoting certain concepts that are contrary to the equality and rights of all persons.*
- *Require public school units to provide at least 30 days advance notice to the Department of Public Instruction (DPI) and members of the public prior to taking certain actions regarding the identified concepts.*
- *Exempt certain activities from the restrictions and advance notice requirements related to the identified concepts.*

The PCS would make a clarifying change and a technical change.

BILL ANALYSIS: The PCS would state the General Assembly's intent that students, teachers, administrators, and other school employees employ teaching methods and procedures that do the following:

- Respect the dignity of others.
- Acknowledge the right of others to express differing opinions.
- Foster and defend intellectual honesty, freedom of inquiry and instruction, and freedom of speech and association.

Public school units would be prohibited from promoting certain identified concepts. "Promote" would be defined as compelling students, teachers, administrators, or other school employees to affirm or profess belief in the identified concepts. The identified concepts would include the following:

- One race or sex is inherently superior to another race or sex.
- An individual, solely by virtue of his or her race or sex, is inherently racist, sexist, or oppressive.
- An individual should be discriminated against or receive adverse treatment solely or partly because of his or her race or sex.
- An individual's moral character is necessarily determined by his or her race or sex.
- An individual, solely by virtue of his or her race or sex, bears responsibility for actions committed in the past by other members of the same race or sex.
- Any individual, solely by virtue of his or her race or sex, should feel discomfort, guilt, anguish, or any other form of psychological distress.

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- A meritocracy is inherently racist or sexist.
- The United States was created by members of a particular race or sex for the purpose of oppressing members of another race or sex.
- The United States government should be violently overthrown.
- Particular character traits, values, moral or ethical codes, privileges, or beliefs should be ascribed 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.
- Governments should deny to any person within the government's jurisdiction the equal protection of the law.

Public school units would be required to provide at least 30 days advance notice to DPI and the public prior to any of the following:

- Providing instruction on any of the identified concepts.
- Engaging speakers, consultants, diversity trainers, or other persons for the purpose of discussing the identified concepts.
- Engaging speakers, consultants, diversity trainers, or other persons who have previously advocated for the identified concepts in (i) published material such as a book, periodical, or other similar medium, whether in print or online or (ii) a publicly available post on a social media account within the past three years.

The following would be exempt from the restrictions and advance notice requirements related to the identified concepts:

- Speech protected by the First Amendment.
- Materials used for instruction that include the following:
 - The history of an ethnic group, as described in textbooks and instructional materials adopted in accordance with State law.
 - 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.
 - Certain historical documents.
- Accessing materials for the purpose of research or independent study.
- Stating concepts or assigning materials that incorporate such concepts if it is made clear the public school unit does not sponsor, approve, or endorse the concepts or works.

EFFECTIVE DATE: The PCS would be effective when it becomes law.