

ASSEMBLY, No. 783

STATE OF NEW JERSEY

220th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2022 SESSION

Sponsored by:

Assemblyman GERRY SCHARFENBERGER

District 13 (Monmouth)

Assemblyman ROBERT AUTH

District 39 (Bergen and Passaic)

Co-Sponsored by:

Assemblymen Wirths, Space and Assemblywoman McCarthy Patrick

SYNOPSIS

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

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



(Sponsorship Updated As Of: 5/2/2022)

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

5

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

8

9 1. The Legislature finds and declares that:

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

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

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

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

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

26

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

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

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

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

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

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

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

- 1 (7) a meritocracy is inherently racist or sexist, or designed by a
2 particular race or sex to oppress members of another race or sex;
- 3 (8) the State or the United States is fundamentally or
4 irredeemably racist or sexist;
- 5 (9) promoting or advocating the violent overthrow of the United
6 States government;
- 7 (10) promoting division between, or resentment of, a race, sex,
8 religion, creed, nonviolent political affiliation, social class, or class
9 of people;
- 10 (11) ascribing character traits, values, moral or ethical codes,
11 privileges, or beliefs to a race or sex, or to an individual because of
12 the individual's race or sex;
- 13 (12) the rule of law does not exist, but instead is a series of
14 power relationships and struggles among racial or other groups;
- 15 (13) all Americans are not created equal and are not endowed by
16 their Creator with certain unalienable rights, including, life, liberty,
17 and the pursuit of happiness; or
- 18 (14) governments should deny to any person within the
19 government's jurisdiction the equal protection of the law.
- 20 b. Notwithstanding the provisions of subsection a. to the
21 contrary, this section does not prohibit a school district from
22 including, as part of a course of instruction or in a curriculum or
23 instructional program, or from allowing teachers in a school district
24 to use supplemental instructional materials that include:
- 25 (1) the history of an ethnic group, as described in textbooks and
26 instructional materials adopted in accordance with approved
27 curriculum;
- 28 (2) the impartial discussion of controversial aspects of history;
- 29 (3) the impartial instruction on the historical oppression of a
30 particular group of people based on race, ethnicity, class,
31 nationality, religion, or geographic region; or
- 32 (4) historical documents.
- 33 c. The Commissioner of Education may withhold State funds
34 from a school district that knowingly violates the provisions of this
35 section until the commissioner finds that the school district is no
36 longer in violation of this section.
- 37
- 38 3. a. The State Board of Education shall adopt rules and
39 regulations prohibiting public school teachers from engaging in
40 political, ideological, or religious advocacy in the classroom. Rules
41 and regulations adopted pursuant to this section shall, at minimum
42 prohibit the following:
- 43 (1) endorsing, supporting, or opposing any candidate or
44 nominee for public office or any elected or appointed official
45 regardless of whether the official is a member of the local, state, or
46 federal government;
- 47 (2) endorsing, supporting, or opposing any pending, proposed,
48 or enacted legislation at the local, state, or federal level;

- 1 (3) endorsing, supporting, or opposing any pending, proposed,
2 or executed executive action by an executive or executive branch
3 agency at the local, state, or federal level;
- 4 (4) endorsing, supporting, or opposing any pending or decided
5 court case or judicial action at the local, state, or federal level;
- 6 (5) introducing any controversial issue that is not germane to the
7 topic of the course being taught;
- 8 (6) advocating in a partisan manner for any side of a
9 controversial issue; and
- 10 (7) segregating students according to race or singling out one
11 racial group of students as responsible for the suffering or inequities
12 experienced by another racial group of students.

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

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

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

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

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35 STATEMENT

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

- 44 • one race or sex is inherently superior to another race or sex;
- 45 • an individual, by virtue of the individual's race or sex, is
46 inherently privileged, racist, sexist, or oppressive, whether
47 consciously or subconsciously;

- 1 • an individual should be discriminated against or receive
2 adverse treatment because of the individual's race or sex;
- 3 • an individual's moral character is determined by the
4 individual's race or sex;
- 5 • an individual, by virtue of the individual's race or sex, bears
6 responsibility for actions committed in the past by other
7 members of the same race or sex;
- 8 • an individual should feel discomfort, guilt, anguish, or
9 another form of psychological distress solely because of the
10 individual's race or sex;
- 11 • a meritocracy is inherently racist or sexist, or designed by a
12 particular race or sex to oppress members of another race or
13 sex;
- 14 • the State or the United States is fundamentally or
15 irredeemably racist or sexist;
- 16 • promoting or advocating the violent overthrow of the United
17 States government;
- 18 • promoting division between, or resentment of, a race, sex,
19 religion, creed, nonviolent political affiliation, social class,
20 or class of people;
- 21 • ascribing character traits, values, moral or ethical codes,
22 privileges, or beliefs to a race or sex, or to an individual
23 because of the individual's race or sex;
- 24 • the rule of law does not exist, but instead is a series of power
25 relationships and struggles among racial or other groups;
- 26 • all Americans are not created equal and are not endowed by
27 their Creator with certain unalienable rights, including, life,
28 liberty, and the pursuit of happiness; or
- 29 • governments should deny to any person within the
30 government's jurisdiction the equal protection of the law.

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

44 This bill also requires the State Board of Education to adopt
45 rules and regulations prohibiting public school teachers from
46 engaging in political, ideological, or religious advocacy in the
47 classroom. The State board would further be required to adopt rules

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1 and regulations requiring that a teacher provide students with
2 materials supporting both sides of a controversial issue being
3 addressed and to present both sides in a fair-minded and
4 nonpartisan manner.