

2022 Regular Session

HOUSE BILL NO. 1014

BY REPRESENTATIVE GAROFALO

EDUCATION: Provides relative to equality and transparency in education and prohibits the inclusion of certain concepts related to race, ethnicity, religion, color, or national origin

1 AN ACT

2 To amend and reenact R.S. 17:111(A), 261, 265(B), and 4041(7) and to enact Subpart C-2

3 of Part III of Chapter 1 of Title 17 of the Louisiana Revised Statutes of 1950, to be

4 comprised of R.S. 17:255.1, and R.S. 17:262(A)(3) and 3996(B)(67) and (68),

5 relative to education; provide relative to the treatment of race and other individual

6 traits and beliefs in public education; to prohibit compelling any individual to affirm,

7 adopt, adhere to, profess, or promote certain concepts; to prohibit the inclusion of

8 certain concepts in public elementary and secondary education; to provide for a

9 complaint resolution policy and process; to provide for legislative findings and

10 intent; to provide for definitions; to provide for penalties; to provide for remedies;

11 to provide for effectiveness; and to provide for related matters.

12 Be it enacted by the Legislature of Louisiana:

13 Section 1. This Act shall be known and may be cited as the "Equality in Education
14 Act."

15 Section 2.(A) The legislature recognizes that:

16 (1) The First Amendment of the United States Constitution and Article I, Section 7
17 of the Constitution of Louisiana protect freedom of speech.

1 (2) The Fourteenth Amendment of the United States Constitution and Article I,
2 Section 3 of the Constitution of Louisiana provide that no person shall be denied the equal
3 protection of the laws.

4 (3) No provision in the United States Constitution or the Constitution of Louisiana
5 enables either the United States government or the government of this state to compel
6 persons to affirm, adopt, adhere to, profess, or promote specific beliefs.

7 (B) The legislature finds that:

8 (1) Slavery, racial discrimination under the law, and racism in general are so
9 inconsistent with the founding principles of the United States that Americans fought a civil
10 war to eliminate the first, waged long-standing political campaigns to eradicate the second,
11 and rendered the third unacceptable in the court of public opinion, all of which dispels the
12 idea that the United States and its institutions are systemically racist and confutes the notion
13 that slavery, racial discrimination under the law, and racism should be at the center of public
14 elementary, secondary, and postsecondary education institutions.

15 (2) Democratic societies built on the ideals of individual freedom and the self-driven
16 pursuit of prosperity with a dedication to equal opportunity for all will thrive in perpetuity,
17 while societies built on the false promises of equity and equal outcomes for all have
18 consistently ended in failed states.

19 (3) The Preamble of Article VIII of the Constitution of Louisiana provides that the
20 goal of the public educational system is to provide learning environments and experiences,
21 at all stages of human development, that are humane, just, and designed to promote
22 excellence in order that every individual may be afforded an equal opportunity to develop
23 to his full potential.

24 (C) It is the intent of the legislature:

25 (1) That the State Board of Elementary and Secondary Education, the state
26 Department of Education, local public school governing authorities, and administrators,
27 teachers, and other personnel of the public elementary and secondary schools maintain
28 policies in accordance with Title IV and Title VI of the Civil Rights Act of 1964, Title IX
29 of the federal Education Amendments of 1972, and R.S. 17:111.

1 (2) In order to promote and protect the intellectual freedom of students, faculty, and
 2 other personnel at public postsecondary education institutions and to promote and protect
 3 the free exchange of ideas, individual students, faculty, and other personnel of the public
 4 postsecondary education institutions shall be free to take individual positions on public
 5 policy issues and that such students, faculty, or other personnel shall not face discipline,
 6 sanction, or other adverse action of any kind by a postsecondary education institution solely
 7 for taking an individual position on any public policy issue. It is further the intent of the
 8 legislature that public postsecondary education institutions should strive to maintain a
 9 neutral institutional position on any public policy issue that is not directly related to the
 10 operation of such institutions and should not directly or indirectly compel students, faculty,
 11 or other personnel to publicly express a particular position on a public policy issue.

12 Section 3. R.S. 17:111(A), 261, 265(B), and 4041(7) are hereby amended and
 13 reenacted and Subpart C-2 of Part III of Chapter 1 of Title 17 of the Louisiana Revised
 14 Statutes of 1950, comprised of R.S. 17:255.1, and R.S. 17:262(A)(3) and 3996(B)(67) and
 15 (68) are hereby enacted to read as follows:

16 §111. Discrimination in public schools prohibited; pupil assignment; religious
 17 educational institutions

18 A. No person shall be refused admission into or be excluded from any public
 19 school in the state of Louisiana, or assigned any distinction or classification within
 20 any such public school, on account of race, ethnicity, creed, color, disability, as
 21 defined in R.S. 51:2232, or national origin.

22 * * *

23 SUBPART C-2. EDUCATION EQUALITY AND TRANSPARENCY

24 §255.1. Education equality and transparency; prohibited concepts; complaint
 25 resolution

26 A. As used in this Subpart, the following terms have the following meanings
 27 unless the context clearly indicates otherwise:

28 (1) "Department" means the state Department of Education.

1 (2) "Primary instructional material" means systematically designed material
2 in any medium, including digital instructional materials and content and any
3 computer hardware, software, and technical equipment necessary to support such
4 instructional materials and content, that constitutes the principal source of study for
5 a course.

6 (3) "Public school governing authority" means a city, parish, or other local
7 public school board or the governing authority of any other public school, including
8 charter schools and special schools.

9 (4) "School" means a public elementary or secondary school.

10 (5) "State board" means the State Board of Elementary and Secondary
11 Education.

12 (6) "Student" means a public elementary or secondary student.

13 (7) "Supplementary or ancillary material" means material that is not primary
14 instructional material and is included or intended to be included by a teacher for use
15 as part of classroom discussion or other classroom activity or is recommended by a
16 teacher for review by one or more students. Supplementary or ancillary materials
17 include but are not limited to articles, online simulations, worksheets, novels,
18 biographies, speeches, videos, music, and similar resources in any medium,
19 including both physical and digital.

20 B. The state board, the department, a public school governing authority, or
21 a school administrator, teacher, or other personnel shall not compel any individual
22 to affirm, adopt, adhere to, profess, or promote concepts in violation of Title IV and
23 Title VI of the federal Civil Rights Act of 1964, Title IX of the federal Education
24 Amendments of 1972, or R.S. 17:111, including but not limited to the following:

25 (1) That individuals of any race, ethnicity, religion, color, or national origin
26 are inherently superior or inferior.

27 (2) That individuals should be adversely or advantageously treated on the
28 basis of their race, ethnicity, religion, color, or national origin.

1 (3) That individuals, by virtue of their race, ethnicity, religion, color, or
2 national origin bear collective guilt and are inherently responsible for actions
3 committed in the past by other members of the same race, ethnicity, religion, color,
4 or national origin.

5 (4) That governing systems or programs that were designed to identify,
6 select, or promote participants on the basis of merit or work ethic are discriminatory
7 or were created by members of a particular race, ethnicity, religion, color, or national
8 origin to oppress members of another race, ethnicity, religion, color, or national
9 origin.

10 (5) That any individual should feel discomfort, guilt, anguish, or any other
11 form of psychological distress on account of the individual's race, ethnicity, religion,
12 color, or national origin.

13 (6) That an individual's moral character is necessarily determined by the
14 individual's race, ethnicity, religion, color, or national origin.

15 (7) That the United States is a systemically racist country.

16 C. The state board, the department, a public school governing authority, or
17 a school shall not include, promote, or allow school administrators, teachers, or other
18 school personnel to use any content standards, course, curriculum, or instructional
19 plan, practice, program, or material that compels students to affirm, adopt, adhere to,
20 profess, or promote any concept identified in Paragraphs (B)(1) through (7) of this
21 Section.

22 D. The state board, the department, a public school governing authority, or
23 school shall not require or facilitate professional development or training programs
24 for school administrators, teachers, or other personnel that compel such individuals
25 to affirm, adopt, adhere to, profess, or promote any concept identified in Paragraphs
26 (B)(1) through (7) of this Section.

27 E. No school administrator, teacher, or other personnel shall compel or
28 attempt to compel any individual to engage in or observe a discussion of any public
29 policy issue.

1 F.(1) The state board, the department, a public school governing authority,
2 or a school shall not require the following of any student in order for such student to
3 receive course credit or to successfully complete a course assignment:

4 (a) Participation or association with the activities of any organization
5 engaged in lobbying efforts relating to federal, state, or local legislation.

6 (b) Participation or association with the activities of any organization
7 engaged in social or public policy advocacy.

8 (c) Participation or association with any activity that involves lobbying
9 efforts relating to federal, state, or local legislation.

10 (d) Participation or association with any partisan activity relating to social
11 or public policy advocacy.

12 (2) Nothing in this Subsection shall be construed to prohibit individuals from
13 observing or participating in lawful government processes or volunteering support
14 for the lawful operations of federal, state, or local government agencies and
15 organizations, including agencies and organizations of a legislative branch, judicial
16 branch, or executive branch of a government entity.

17 G. The state board, the department, a public school governing authority, or
18 a school shall not use public funds to contract with, hire, or otherwise engage
19 speakers, consultants, trainers, and other persons to do any of the following:

20 (1) Communicate with students, school administrators, teachers, or other
21 personnel for the purpose of professing or promoting any concept identified in
22 Paragraphs (B)(1) through (7) of this Section.

23 (2) Communicate with students, school administrators, teachers, or other
24 personnel for the purpose of compelling or encouraging them to affirm, adopt, adhere
25 to, profess, or promote any concept identified in Paragraphs (B)(1) through (7) of
26 this Section.

27 H.(1) Beginning with the 2022-2023 school year, each school shall include
28 and maintain on the homepage of its website a link that provides a detailed list of
29 primary instructional materials used in all courses available at the school, including

1 but not limited to the title, author, creator, and publisher of any book, periodical,
2 treatise, article, recording, software, webpage, or paper.

3 (2) Each school shall review primary instructional materials of each course
4 and update the online list of primary instructional materials on a semi-annual basis
5 or more frequently as determined necessary by the local school system or school
6 administration; however, before a new course may be made available to students, the
7 online list of primary instructional materials shall be updated to include the primary
8 instructional materials for the new course.

9 (3) Each school shall make all primary instructional materials and
10 supplementary or ancillary materials used or proposed for use by such school
11 available for review on site upon request by any parent or guardian of a student who
12 is or will be enrolled in such school or to a student who has reached the age of
13 majority or is a lawfully emancipated minor and who is enrolled at such school.
14 Each school may specify reasonable hours for such review; however, upon a timely
15 request, such review must be accommodated by the school no less than twenty-four
16 hours prior to the use of the primary instructional materials or supplementary or
17 ancillary materials.

18 I.(1) No later than August 1, 2022, each public school governing authority
19 shall adopt a complaint resolution policy for its local school system to address
20 complaints alleging violations of any provision of Subsections B through H of this
21 Section at a school in such school system. The complaint resolution policy shall
22 provide that:

23 (a) A school or local school system shall not be required to respond to a
24 complaint made pursuant to this Subsection unless it is made by any of the
25 following:

26 (i) The parent of a student enrolled at the school where the alleged violation
27 occurred.

1 (ii) A student who has reached the age of majority or is a lawfully
2 emancipated minor and who is enrolled at the school where the alleged violation
3 occurred.

4 (iii) An individual employed as a school administrator, teacher, or other
5 school personnel at the school where the alleged violation occurred.

6 (iv) The district attorney for the county where the alleged violation occurred.

7 (v) The attorney general.

8 (b) The complaint shall first be submitted in writing to the principal of the
9 school where the alleged violation occurred.

10 (c) The complaint shall provide a reasonably detailed description of the
11 alleged violation.

12 (d) Within three school days of receiving such written complaint, the school
13 principal or his or her designee shall review the complaint and take reasonable steps
14 to investigate the allegations in the complaint.

15 (e) The school principal shall determine whether the alleged violation
16 occurred, in whole or in part.

17 (f) Within five school days of receiving the complaint, unless another
18 schedule is mutually agreed to by the complainant and the school principal, the
19 school principal shall confer with the complainant and inform the complainant
20 whether a violation occurred, in whole or in part, and, if such a violation was found
21 to have occurred, what remedial steps will be taken; however, the confidentiality of
22 student or personnel information shall not be violated.

23 (g) The school principal's determinations provided for in Subparagraphs (e)
24 and (f) of this Paragraph shall be subject to timely administrative review by the local
25 superintendent or his designee upon a written request by the complainant to the local
26 school superintendent.

27 (h) The local superintendent's decision following the administrative review
28 provided for in Subparagraph (g) of this Paragraph shall be subject to review by the
29 public school governing authority.

1 (2) Not later than July 1, 2022, the department shall promulgate a model
2 policy for a complaint resolution process that meets the requirements of Paragraph
3 (1) of this Subsection. The department shall develop guidance for local school
4 systems for use when determining whether violations of Subsections B through H of
5 this Section have occurred. The department may revise such model policy and
6 guidance from as needed and shall post such policy and guidance on its website in
7 order to assist local school systems.

8 J.(1) Following a decision by a public school governing authority regarding
9 a complaint made pursuant to Subsection I of this Section, any party aggrieved by
10 the decision of the public school governing authority shall have the right to appeal
11 such decision to the state board, and any party aggrieved by the decision of the state
12 board may appeal such decision to the district court of the parish where the public
13 school governing authority is located.

14 (2) In any action brought before a district court pursuant to this Subsection,
15 the court may award court costs and reasonable attorney's fees to the prevailing
16 party.

17 (3) Nothing in this Subsection shall be construed to prohibit, restrict, or limit
18 in any manner any cause of action or administrative procedure otherwise provided
19 for by law and available to any individual, including but not limited to any student
20 or school administrator, teacher, or other personnel.

21 K.(1) Beginning September 30, 2023, and by September thirtieth each year
22 thereafter, the state superintendent of education shall provide a report to the state
23 board identifying each local school system and each school in which a violation of
24 any of the provisions of Subsections B through H of this Section has been found to
25 have occurred by the state board or a court of competent jurisdiction as provided in
26 Subsection J of this Section, whereupon:

27 (a) The state board shall withhold twenty percent of the state share of
28 Minimum Foundation Program funds allotted to the local school system or school.

1 (b) The department shall develop a corrective action plan for the local school
2 system or school to remediate each violation found to have occurred by the state
3 board or a court of competent jurisdiction as provided in Subsection J of this Section.

4 (2) A local school system or school whose allotment of Minimum
5 Foundation Program funds has been withheld as provided for in Subparagraph (1)(a)
6 of this Subsection shall have such allotment fully restored within forty-five days of
7 demonstrating to the satisfaction of the state board substantial compliance with the
8 corrective action plan provided for in Subparagraph (1)(b) of this Subsection.

9 (3) Beginning November 1, 2023, and by November first each year
10 thereafter, the state superintendent of education shall submit a report to the House
11 Committee on Education and the Senate Committee on Education that includes the
12 following:

13 (a) A list of each local school system and school in which a violation of any
14 of the provisions of Subsections B through H of this Section has been found to have
15 occurred by the state board or a court of competent jurisdiction as provided in
16 Subsection J of this Section during the immediately preceding school year.

17 (b) A list of each local school system and school whose allotment of
18 Minimum Foundation Program funds was withheld for any period of time during the
19 immediately preceding school year, including the amount withheld and the length of
20 time such funds were withheld.

21 L.(1) Nothing in this Section shall be construed to prohibit the state board,
22 the department, a public school governing authority, or a school from including or
23 allowing school administrators, teachers, or other personnel to use, as part of any
24 content standard, course, curriculum, or instructional program, instructional
25 materials that include the following:

26 (a) The impartial and politically nonpartisan presentation of the
27 research-based history of a particular race or ethnic group, as described in textbooks
28 and instructional materials adopted in accordance with state law and local policies.

1 (b) The impartial and politically nonpartisan discussion of controversial
2 aspects of history.

3 (c) The impartial and politically nonpartisan instruction on the historical
4 treatment of a particular group of people based on race, ethnicity, class, nationality,
5 religion, or geographic region.

6 (2) Nothing in this Section shall be construed to prohibit any individual
7 employed by the state board, the department, a public school governing authority,
8 or a school, when acting in his or her individual capacity and not within the scope
9 of his employment, from discussing the concepts provided for in Paragraphs (B)(1)
10 through (7) of this Section.

11 (3) Except as provided in Subsections B through E of this Section, nothing
12 in this Section shall be construed to prohibit students, school administrators,
13 teachers, or other school personnel from voluntarily engaging in or observing a
14 politically nonpartisan discussion of public policy issues or other issues which some
15 individuals may find unwelcome, disagreeable, or offensive.

16 M. Any elementary and secondary school instruction provided pursuant to
17 this Title, any policy of the state board, or any policy of a public school governing
18 authority shall be subject to the provisions of this Section.

19 * * *

20 §261. Constitution of the United States; Constitution of Louisiana

21 A. Regular courses of study on the Constitution of the United States and the
22 Constitution of Louisiana shall be given, beginning with the eighth grade and
23 continuing thereafter, in all the public schools, high schools, colleges, universities
24 and other educational institutions supported wholly or in part with the public funds
25 of the state or of any political subdivision thereof.

26 B. The ~~state board of education~~ State Board of Elementary and Secondary
27 Education or the governing authority of the educational institution shall enforce the
28 provisions of this Section.

1 §262. Flag and patriotic customs of the United States; Louisiana flag; required
2 instruction

3 A.

4 * * *

5 (3) Instruction shall also be provided on the Louisiana flag.

6 * * *

7 §265. The Founding Principles of the United States of America and other aspects
8 of American history and society; required instruction

9 * * *

10 B. Such instruction shall include but need not be limited to providing
11 students with information on the following:

12 (1) The Creator-endowed unalienable rights of the people.

13 (2) Structure of government and separation of powers with checks and
14 balances.

15 (3) Frequent and free elections in a representative government.

16 (4) Rule of law, with frequent and free elections in a representative
17 government which governs by majority vote within a constitutional framework.

18 (5) Equal justice under the law.

19 (6) Private property rights.

20 (7) Federalism, including government as close to the people as possible,
21 limited federal government, and strong state and local government.

22 (8) Due process.

23 (9) Individual rights as set forth in the Bill of Rights.

24 (10) Individual responsibility.

25 (11) The purposes of limited government, which is to protect the inalienable
26 rights of the people and to protect the people from violence and fraud.

27 (12) The innocence of any crime until proven guilty, with right of habeas
28 corpus, and no unreasonable searches, seizures, or cruel and unusual punishment.

1 (13) A virtuous and moral people educated in the philosophy and principles
2 of government for a free people.

3 (14) The principles of economy in spending, constitutional limitations on
4 government power to tax and spend, and prompt payment of public debt.

5 (15) Economic system of money with intrinsic value.

6 (16) Peace, commerce, and honest friendship with all nations, entangling
7 alliances with none.

8 (17) All laws concise and understandable by the people and not ex post facto
9 laws.

10 (18) Eternal vigilance by "We the People".

11 (19) Transformational movements in American history, to include at least
12 the following the antislavery movement, the civil rights movement, women's
13 suffrage, the contributions of immigrants to American society, and the history of the
14 Native American population.

15 * * *

16 §3996. Charter schools; exemptions; requirements

17 * * *

18 B. Notwithstanding any state law, rule, or regulation to the contrary and
19 except as may be otherwise specifically provided for in an approved charter, a
20 charter school established and operated in accordance with the provisions of this
21 Chapter and its approved charter and the school's officers and employees shall be
22 exempt from all statutory mandates or other statutory requirements that are
23 applicable to public schools and to public school officers and employees except for
24 the following laws otherwise applicable to public schools with the same grades:

25 * * *

26 (67) Concepts relative to race, ethnicity, religion, color, or national origin,
27 R.S. 17:255.

28 (68) Instruction on the United States flag and Louisiana flag, R.S. 17:262.

29 * * *

1 §4041. Definitions

2 As used in this Chapter, unless otherwise clearly indicated, the following
3 terms mean:

4 * * *

5 (7) "Waiver" means a waiver granted pursuant to and in accordance with this
6 Chapter which exempts the recipient district from any provision of this Title or from
7 any rule, regulation, or policy of the board that is applicable to public schools and
8 to public school officers and employees. A waiver may be granted for any
9 combination of such laws, rules, regulations, or policies, including but not limited
10 to those related to instructional time, curriculum, funding, personnel, student-to-
11 personnel ratios, and student support; however, Subpart B and Subpart C-2 of Part
12 III of Chapter 1 of Title 17 of the Louisiana Revised Statutes of 1950, R.S. 17:158,
13 416.2, 3902 and laws, rules, and regulations identified in R.S. 17:3996(B) and those
14 related to matters identified in R.S. 17:3996(A) shall not be waived. Also, any
15 limitation or restriction on outsourcing of food, clerical, custodial, or
16 paraprofessional services shall not be waived.

17 Section 4. The provisions of this Act shall supersede and control to the extent of any
18 conflict with any other provision of law.

19 Section 5. This Act shall become effective upon signature by the governor or, if not
20 signed by the governor, upon expiration of the time for bills to become law without signature
21 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
22 vetoed by the governor and subsequently approved by the legislature, this Act shall become
23 effective on the day following such approval.

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 1014 Original

2022 Regular Session

Garofalo

Abstract: Provides relative to equality and transparency in public education and prohibits the inclusion of certain concepts related to race, ethnicity, religion, color, or national origin.

Proposed law provides relative to equality and transparency in public education and prohibits the inclusion of certain concepts related to race, ethnicity, religion, color, or national origin. Provide for a complaint resolution policy and process and for penalties and remedies. Expands the topics included in required instruction to include additional founding principles of the U.S. and other aspects of American history and society.

Proposed law provides that proposed law shall supersede and control to the extent of any conflict with any other provision law.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Amends R.S. 17:111(A), 261, 265(B), and 4041(7); Adds R.S. 17:255, 262(A)(3), and 3996(B)(67) and (68))