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HOUSE BILL NO. 781

Offered January 12, 2022

Prefiled January 11, 2022

A *BILL to amend the Code of Virginia by adding a section numbered 22.1-208.03, relating to public elementary and secondary schools; student citizenship skills; certain instructional policies prohibited; parental rights; disclosures; penalties; other remedies.*

Patron—Williams

Committee Referral Pending

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 22.1-208.03 as follows:

§ 22.1-208.03. Student citizenship skills; certain instructional policies prohibited; parental rights; disclosures; penalties; other remedies.

A. As used in this section, "divisive concept" means the concept that (i) one race, religion, ethnicity, or sex is inherently superior to another race, religion, ethnicity, or sex; (ii) an individual, by virtue of the individual's race, religion, ethnicity, or sex, is inherently racist, sexist, or oppressive, whether consciously or unconsciously; (iii) an individual should be discriminated against or receive adverse treatment solely or partly because of the individual's race, religion, ethnicity, or sex; (iv) members of one race, religion, ethnicity, or sex cannot and should not attempt to treat others without respect to race, religion, ethnicity, or sex; (v) an individual's moral character is necessarily determined by the individual's race, religion, ethnicity, or sex; (vi) an individual, by virtue of the individual's race, religion, ethnicity, or sex, bears responsibility for actions committed in the past by other members of the same race, religion, ethnicity, or sex; (vii) an individual should feel discomfort, guilt, anguish, or any other form of psychological distress on account of the individual's race, religion, ethnicity, or sex; (viii) meritocracy, punctuality, proper language usage, free markets, and traits such as strong work ethic are racist or sexist or were created by members of a particular race to oppress members of another race; (ix) the ideology of equity of outcomes is superior to the ideology of equality, a concept enshrined in the Constitution of the United States, of opportunities; (x) mathematics and scientific empiricism are products of western civilization and thus are rooted in racism; (xi) the Commonwealth or the United States is fundamentally or systemically racist or sexist; or (xii) capitalism, free markets, free industry, and other related economic systems are inherently racist.

B. The Board shall, in furtherance of the citizens skills portion of the 5 C's in the Profile of a Virginia Graduate, incorporate into each relevant Standard of Learning and associated curriculum framework a requirement that each student demonstrate the understanding of:

1. The fundamental moral, political, and intellectual foundations of the American experiment in self-government, as well as the history, qualities, traditions, and features of civic engagement in the United States;

2. The structure, function, and processes of government institutions at the federal, state, and local levels; and

3. The founding documents of the United States, including the Declaration of Independence, the United States Constitution, the Federalist Papers, including Essays 10 and 51, excerpts from Alexis de Tocqueville's *Democracy in America*, the first debate between Abraham Lincoln and Frederick Douglass, and the writings of the Founding Fathers of the United States.

C. No public school teacher or other instructional staff member shall be required to discuss any current event or widely debated and currently controversial issue of public policy or social affairs. Any such employee who chooses to discuss any such event or issue in the scope of his instructional duties shall, to the best of his ability, strive to explore such issues from diverse and contending perspectives, without giving deference to any one perspective.

D. Neither the Board or Department nor any local school board shall (i) teach, instruct, or train any school board employee, contractor, or consultant, any public elementary or secondary school student, or any other individual or group to support, believe, endorse, embrace, confess, act upon, or otherwise assent to a divisive concept; (ii) penalize or discriminate against any such individual or group for refusing to support, believe, endorse, embrace, confess, act upon, or otherwise assent to a divisive concept; or (iii) accept any funding from any source for (a) the development, purchase, or choice of curricula or curricular materials that include divisive concepts, pertain to social-emotional learning, or otherwise violate any provision of this section or (b) the training or professional development of teachers that includes divisive concepts, pertains to social-emotional learning, or otherwise violates any

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59 *provision of this section.*

60 *E. No school board or employee thereof shall:*

61 *1. Require, incorporate into any course or class, or award course or class grades or credit,*
62 *including extra credit, for student (i) work for, affiliation with, or service learning in association with*
63 *any organization engaged in lobbying for legislation at the local, state, or federal level or engaged in*
64 *social or public policy advocacy; (ii) political activism, lobbying, or efforts to persuade members of the*
65 *legislative or executive branch at the local, state, or federal level to take specific actions by direct*
66 *communications; or (iii) participation in any practicum or like activity involving social or public policy*
67 *advocacy. Nothing in this subdivision shall be construed to prohibit or prevent any student from*
68 *learning the process of government by firsthand observation;*

69 *2. Teach or incorporate into any course or class any divisive concept;*

70 *3. Be required to engage in training, orientation, or therapy that presents any form of race or sex*
71 *stereotyping or blame on the basis of sex or race; or*

72 *4. Create a position or hire a consultant with the job title of equity director or diversity director or*
73 *a substantially similar title and with a job description that includes any activity that would result in a*
74 *violation of a provision of this section.*

75 *F. The parent of each student enrolled in a public elementary or secondary school has the right to*
76 *be aware of all curricula, instructional materials, lessons, and other forms of instruction provided to his*
77 *child and may request that the student's teacher provide any such item for review. Each teacher who*
78 *receives such a request shall provide to the parent an electronic or paper copy of the requested item*
79 *within 48 hours of the request.*

80 *G. Each public school shall annually, no later than the July 1 preceding the upcoming school year,*
81 *prominently list on a publicly accessible portion of its website:*

82 *1. All instructional materials and activities to be used for student instruction at the school, organized*
83 *by grade and subject area. For the purpose of this disclosure, "instructional materials" includes*
84 *textbooks, reading materials, videos, digital materials, websites, and other online applications;*
85 *"activities" includes assemblies, guest lectures, and other educational events facilitated by school board*
86 *employees or outside individuals or organizations; and "activities" does not include student*
87 *presentations; and*

88 *2. All training, documentation, and review and approval processes performed by the principal or any*
89 *teacher or administrator in preparation for providing such instructional materials and activities to*
90 *students.*

91 *H. Any individual, including any school board member, who knowingly and intentionally violates any*
92 *provision of this section is guilty of a Class 4 misdemeanor and, in the case of a school board*
93 *employee, may be terminated or, as applicable, have his license revoked or suspended in accordance*
94 *with all relevant policies, regulations, and laws.*

95 *I. In the event that a local school board finds that a school board employee has persistently,*
96 *knowingly, and intentionally violated any provision of this act, the parent of any student affected by*
97 *such violations may request and the local school board shall provide a voucher in an amount equal to*
98 *all sums from any source that the local school board received for the education of such student, and the*
99 *parent shall use such voucher to provide for the education of his child in any setting set forth in*
100 *subsection A of § 22.1-254.*