

Model Bill #1: Fiscal Accountability and Transparency

I. Definitions:

- A. “Department” shall mean [State Department of Education].
- B. “Covered program” shall mean any teaching, training, instruction, clubs, or activities implemented by a public school district that directly or indirectly addresses any of the following concepts: diversity, equity, and inclusion (DEI); antiracism and abolitionist teaching; social-emotional learning (SEL); culturally responsive teaching; critical theory, including critical race theory or critical gender theory; gender and gender identity; ethnic studies; Black Lives Matter and Black Lives Matter at School
 1. Diversity, Equity, and Inclusion: Efforts designed to emphasize an individual’s immutable characteristics, like race or sex. Equity requires that “access, resources, and opportunities are provided for all to succeed and grow,” giving special attention or extra services to “those who are underrepresented and have been historically disadvantaged.”¹
 2. Antiracism: Opposing racism on individual, interpersonal, institutional, and structural levels. Requires individuals to acknowledge one’s privileges based on race, sex or gender identity, sexual orientation, religion, ethnicity, disability status, or other characteristics.²
 3. Social-emotional learning: The promotion and education of soft-skills like self-awareness, self-control, empathy, and cooperation,³ at times to the same degree as fundamental subjects like English, math, science, and history. Can include elements of “transformative” social-emotional learning, which requires as part of self-awareness an analysis of one’s identity as a member of various groups based on race, sex or gender identity, sexual orientation, religion, ethnicity, disability status, or other characteristics.³ One’s belonging to one or more group “may subject them to multiple oppressions simultaneously.”⁴
 4. Culturally responsive teaching: A pedagogy that “center[s] the knowledge of traditionally marginalized communities in classroom

¹ <https://www.washington.edu/research/or/office-of-research-diversity-equity-and-inclusion/dei-definitions/>

² <https://nmaahc.si.edu/learn/talking-about-race/topics/being-antiracist>

³ <https://casel.s3.us-east-2.amazonaws.com/CASEL-Gateway-Transformative-SEL-Toward-Service-of-Ed-Equity.pdf>

⁴ <https://defendinged.org/resources/sel101/>

instruction. Focuses on “student learning,” “cultural competence,” and “critical consciousness”—which teaches students “how to identify, analyze, and solve real-world problems, especially those that result in social inequities against marginalized groups.”⁵

5. Critical Studies: Philosophy focused on critiquing, challenging, and overcoming existing societal and cultural institutions “through which people are dominated and oppressed.”⁶ Critical race theory and critical gender theory respectively critique institutions said to perpetuate racism and sexism.⁶
6. Ethnic Studies: Specifically “liberated” or “critical” ethnic studies. A course of study which divides groups of people into groups of “oppressor” and “victim” and analyzes one’s victimhood or oppressor status based on intersections of race, sex, “gender” or “gender identity,” religion, and other personal characteristics. Liberated ethnic studies often casts Jews as “oppressors” and Israel as a “settler colonial state.”
7. Black Lives Matter, including Black Lives Matter at School: An organization that pushes critical studies, antiracism, gender ideology, Ethnic Studies, and other divisive ideologies on race and gender at schools. This includes any lessons created by the Black Lives Matter at School organization.
8. Gender: The social and cultural aspects related to being a man or woman, but separate from one’s biological sex as male or female.⁷
9. Gender Identity: An individual’s understanding of his or her self as a man, woman, both, or neither, which can be congruent or incongruent with his or her biological sex.⁷

C. “Public school district” shall mean any school district, charter school, specialized school, or magnet school that receives state funding.

D. “Child” means a person under age of majority who is not legally emancipated by the state.

II. Mandatory Reporting

- A. All public school districts shall be required to submit annually, by [date] of each calendar year, an itemized report on all public expenditures for the preceding school year dedicated to implementing and administering a covered program. The report shall be submitted annually to the

⁵ [edweek.org/teaching-learning/culturally-responsive-teaching-culturally-responsive-pedagogy/2022/04](https://www.edweek.org/teaching-learning/culturally-responsive-teaching-culturally-responsive-pedagogy/2022/04)

⁶ <https://www.britannica.com/topic/critical-theory>

⁷ https://www.who.int/health-topics/gender#tab=tab_1

Department and shall be made publicly available on the Department's website.

- B. The Department shall establish a reporting system for all public school districts to report information required by this section. The information submitted through the reporting system shall be made available and accessible to the public through the Department's website.
- C. The Department's electronic portal shall include all information submitted by public schools pursuant to subsection (III) and (IV) and shall provide a means by which the public may search information for each individual school district.
- D. All public school districts in this state shall be required to report annually, as prescribed in this section, the following information, which shall be made publicly available through the Department's website:
 - 1. Number of employees whose partial or primary job function involves covered programs as defined in this section.
 - 2. Salaries for each employee
 - 3. Job description for each employee
 - 4. Total budgetary amount the school district allocates and expends on covered programs, including a report itemized by individual expenditures, including all programs and activities, and the amount expended on each activity
 - 5. Total number of employee training sessions, professional development, classes, courses, or sessions that constitute covered programs
 - 6. Total number of student training sessions, classes, courses, or sessions that constitute covered programs.
- E. Number of students subjected to counseling, discipline, or any other remedial measure for violation of any policies adopted or implemented by the public school district related to covered programs.
- F. All public school districts in this state shall be required to submit the following information annually as required in section 1. This information shall be made publicly available through the Department:
 - 1. A copy, if one exists, of any policy adopted by the public school district intended to maintain, address, or improve any specific initiative defined as a covered program in this section.
 - 2. The school district's student and employee handbooks and a written statement listing the following information:
 - a) Any provisions in the public school district's handbooks that enforce the public school district's policies related to

covered programs.

- b) Any provisions in the public school district's handbooks that address the penalties or disciplinary measures that may be imposed for failing to comply with the public school district's policies related to covered programs.
- c) Any provisions in the public school district's handbooks that address the due process procedures for disciplining students for violations of the public school district's policies related to covered programs.
- d) Any provisions in the public school district's handbooks that address the rights of parents, students, or school employees, to withdraw or opt out of voluntary or mandated classes, lessons, educational activities, or any program or activity related to covered programs.
- e) Any contract the public school district executed to provide professional development, training, or any other classes or coursework related to covered programs.
- f) A written statement specifying the amount expended on contracts, agreements, memorandums of understanding, or memorandums of agreement related to covered programs, disaggregated by the amount expended on each individual contract agreement
- g) Any contract the public school district executed for the performance of conducting any evaluation, analysis, or audit of any covered program, including any contract for the assessment or the development of a covered program. As part of this requirement, the public school district must:
 - (1) Attach and submit any bid, proposal, or offer received for this purpose
 - (2) Attach and submit any contract executed for this purpose
 - (3) Attach any work product or report generated as a result of the public contract; and
 - (4) Report the amount the school district expended on each contract, disaggregated by contract.

G. All public school districts in this state shall be required to publish the information in Section E, 1-2 on its website. If a school district does not have a website, then all information must be made available to the public at the district's central office.

H. Penalties: The Department shall have enforcement authority to ensure the provisions of this law are met.

III. Foreign governments

- A. All public school districts within [state] must submit an annual report on [date] to the [State Department of Education] that details financial ties, partnerships, programming, or any other monetary or nonmonetary connection to a foreign government or a foreign entity. This report shall include:
1. The nation and foreign entity involved.
 2. Any intermediaries operating on behalf of the foreign nation that operate the foreign entity, including nonprofit organizations or for-profit businesses
 3. Domestic and foreign addresses of the foreign entity or intermediary entity
 4. Name of contact(s) within the foreign entity.
 5. Name of contact(s) within the intermediaries operating on behalf of the foreign nation for, with, or leading the foreign entity
 6. The program(s) provided to the public school by the foreign entity
 7. Sums of, and purpose for, all financial exchanges between the foreign entity and the public school district.
 8. All contracts between foreign entity and public school district. Neither the foreign entity or the public school may redact any information from the contract.
- B. A public school must post this report on its website, along with any contracts between the foreign entity and the public school. Paper copies must also be available in the school district's central office.
1. Neither the foreign entity or the public school may redact any information from the contract.
 2. A public school may not remove past contracts or reports from its website. Copies of all contracts or reports should be kept available for public access in the district's central office.
- C. All lessons, programming, training, or any other material exchanged between the foreign entity and public school is subject to a public records request, in accordance with [state public records law].
- D. Penalties:
1. Establish clear penalties for failure to comply with this Section.
 2. Empower the public with tools to enforce provisions.

IV. Contracting Transparency

- A. This section applies to public school districts that enter into any

agreement or contract with an individual, business, company, or corporation for the assessment, evaluation, or audit of programs or for the provision of any services involving the public school district's initiatives to establish, improve, address, or maintain a covered program as defined in this section. Any agreement or contract executed by a public school district pursuant to this section must meet the following requirements:

1. Public school districts in this state shall comply with all requirements of [State Central Purchasing Act, State Open Meetings Act, and State Competitive Bidding Laws] in awarding contracts described in this section. These requirements include but are not limited to the operation of an open and competitive bid process, the objective evaluation of timely submitted bids, the public awarding of contracts, and public access to all relevant contractual documents including the final contract and scope of work.
2. Any contract issued pursuant to this section must include provisions that require the contractor to prepare and deliver a public presentation of the contractor's audit and analysis, and final work product. The presentation of the findings and/or work product must be made in an open meeting held in compliance with the [State Open Meetings Act] and members of the public must be given an opportunity to question and obtain information regarding the work product and/or scope of work from the contractor and any public official or public body involved in or overseeing the administration of the contract.
 - a) Any contract executed pursuant to this section shall require evaluations describing the public school district's progress towards meeting the contractual measurable objectives and periodic benchmarks. The evaluation shall include a statement clarifying whether the public school district's failure to meet measurable objectives or periodic benchmarks has resulted in discriminatory conduct. Evaluations performed pursuant to this subsection and the executed contract shall be made publicly available and posted on the public school district's website.
 - b) Any contract executed pursuant to this section shall require evaluations describing the public school district's progress towards meeting the contractual measurable objectives and

periodic benchmarks. The evaluation shall include a statement clarifying whether the public school district's failure to meet measurable objectives or periodic benchmarks has resulted in discriminatory conduct. Evaluations performed pursuant to this subsection and the executed contract shall be made publicly available and posted on the public school district's website.

- B. Any public school district that enters into any contract pursuant to this section with an individual, business, company, or corporation to provide services that include an assessment, evaluation, or audit of the public school district's status or initiatives to improve or to address covered program must make the contractor's bids, the executed contract and any work produced the public school district receives as a result of the contract available on the public school district's website. This includes the production of any work product such as reports, analysis, plans, or recommendations produced by the contractor.
 - C. Before implementing new policies, programs, or initiatives in response to any assessment, evaluation, or audit to address concerns or findings identified by a contractor under this section, a public school district must:
 - 1. Make all relevant materials publicly available on its website; and
 - 2. Ensure all the materials have been presented, discussed, and approved by a majority vote of the public school district's governing body at an open meeting, in accordance with [State Open Meetings Act].
 - D. Penalties: The Department shall have enforcement authority to ensure the provisions of this law are met.
- V. The Posting of Public Information and General Transparency
- A. Any public school district that develops a plan, initiative, or any other program to establish, improve, address, or maintain a covered program within the public school district shall be required to publicly post the plan on the public school district's website. This includes training, professional development, or other services the public school district intends to implement for staff, contractors, employees, students, and any other individual or group.
 - 1. Before implementing new policies, programs, or initiatives in response to any assessment, evaluation, or audit to address concerns or findings identified by a contractor under this section, a public school district must:
 - 1. Make all relevant materials publicly available on its website; and

2. Ensure all the materials have been presented, discussed, and approved by a majority vote of the public school district's governing body at an open meeting, in accordance with [State Open Meetings Act].
- B. General Transparency: All public school districts in this state shall be required to make publicly available on its website all training and educational materials, including presentations, curriculum, handouts, activities, and agendas, used to train or educate any employee, student, or any other individual on any aspect of a covered program as defined in this section. This requirement includes materials used as part of professional development, training sessions, seminars, or courses for teachers or students that involve covered programs.
 - C. If a public school district uses professional development or training materials that are copyrighted, such copyright shall not supersede this provision of state law.
 - D. It is the obligation of the public school district to ensure the negotiation of public contracts that any public school district, person, company, or corporation contracting with the public school district to provide such services is aware of this posting requirement.
 - E. Penalties: The Department shall have enforcement authority to ensure the provisions of this law are met.

Model #2: Parents Bill of Rights

I. Definitions:

- A. "Department" shall mean [State Department of Education].
- B. "Covered program" shall mean any teaching, training, instruction, clubs, or activities implemented by a public school district that directly or indirectly addresses any of the following concepts: diversity, equity, and inclusion (DEI); antiracism and abolitionist teaching; social-emotional learning (SEL); culturally responsive teaching; critical theory, including critical race theory or critical gender theory; gender and gender identity; ethnic studies; Black Lives Matter and Black Lives Matter at School
 1. Diversity, Equity, and Inclusion: Efforts designed to emphasize an individual's immutable characteristics, like race or sex. Equity requires that "access, resources, and opportunities are provided for all to succeed and grow," giving special attention or extra services to "those who are underrepresented and have been

historically disadvantaged.”⁸

2. Antiracism: Opposing racism on individual, interpersonal, institutional, and structural levels. Requires individuals to acknowledge one’s privileges based on race, sex or gender identity, sexual orientation, religion, ethnicity, disability status, or other characteristics.⁹
3. Social-emotional learning: The promotion and education of soft-skills like self-awareness, self-control, empathy, and cooperation,³ at times to the same degree as fundamental subjects like English, math, science, and history. Can include elements of “transformative” social-emotional learning, which requires as part of self-awareness an analysis of one’s identity as a member of various groups based on race, sex or gender identity, sexual orientation, religion, ethnicity, disability status, or other characteristics.¹⁰ One’s belonging to one or more group “may subject them to multiple oppressions simultaneously.”¹¹
4. Culturally responsive teaching: A pedagogy that “center[s] the knowledge of traditionally marginalized communities in classroom instruction. Focuses on “student learning,” “cultural competence,” and “critical consciousness”—which teaches students “how to identify, analyze, and solve real-world problems, especially those that result in social inequities against marginalized groups.”¹²
5. Critical Studies: Philosophy focused on critiquing, challenging, and overcoming existing societal and cultural institutions “through which people are dominated and oppressed.”⁶ Critical race theory and critical gender theory respectively critique institutions said to perpetuate racism and sexism.¹³
6. Ethnic Studies: Specifically “liberated” or “critical” ethnic studies. A course of study which divides groups of people into groups of “oppressor” and “victim” and analyzes one’s victimhood or oppressor status based on intersections of race, sex, “gender” or “gender identity,” religion, and other personal characteristics.

⁸ <https://www.washington.edu/research/or/office-of-research-diversity-equity-and-inclusion/dei-definitions/>

⁹ <https://nmaahc.si.edu/learn/talking-about-race/topics/being-antiracist>

¹⁰ <https://casel.s3.us-east-2.amazonaws.com/CASEL-Gateway-Transformative-SEL-Toward-Service-of-Ed-Equity.pdf>

¹¹ <https://defendinged.org/resources/SEL101/>

¹² edweek.org/teaching-learning/culturally-responsive-teaching-culturally-responsive-pedagogy/2022/04

¹³ <https://www.britannica.com/topic/critical-theory>

Liberated ethnic studies often casts Jews as “oppressors” and Israel as a “settler colonial state.”

7. Black Lives Matter, including Black Lives Matter at School: An organization that pushes critical studies, antiracism, gender ideology, Ethnic Studies, and other divisive ideologies on race and gender at schools. This includes any lessons created by the Black Lives Matter at School organization.
8. Gender: The social and cultural aspects related to being a man or woman, but separate from one’s biological sex as male or female.⁷
9. Gender Identity: An individual’s understanding of his or her self as a man, woman, both, or neither, which can be congruent or incongruent with his or her biological sex.¹⁴

C. “Public school district” shall mean any school district, charter school, specialized school, or magnet school that receives state funding.

D. “Child” means a person under age of majority who is not legally emancipated by the state.

II. Parental Rights in Education

A. Public school districts shall not infringe the fundamental right of parents to direct the upbringing, education, health care and mental health care of the parents’ child without demonstrating that the compelling government interests as applied to the child involved is of the highest order, is narrowly tailored, and is not otherwise served by a less restrictive means.

B. Aligned with the fundamental rights of parents outlined in Section II Subsection A, parents retain the following rights in the context of their child’s education and schooling:

1. All rights of parents identified in [State education and parental rights laws]
2. The right to access and review all school records relating to the minor child, including any school medical records. This includes copies of records maintained by the school district or any agencies it contracts with to keep and maintain records, aligned with the Family Educational Rights and Privacy Act¹⁵
3. The right to direct the moral or religious training of the minor child
4. The right to make healthcare decisions for the minor child, unless otherwise prohibited by law or court order, including the right to

14 https://www.who.int/health-topics/gender#tab=tab_1

15 <https://www2.ed.gov/policy/gen/guid/fpco/ferpa/index.html>

make healthcare decisions involving the minor child's biological sex or gender

5. The right to consent in writing before a biometric scan of the minor child is made, shared, or stored
6. The right to consent in writing before any record of the minor child's blood or deoxyribonucleic acid (DNA) is created, stored, or shared, except as [required by state law] or unless otherwise prohibited by law or court order
7. The right to consent before a public school district makes a video or voice recording of the minor child, unless the video or voice recording is made during or as part of a court proceeding, by law enforcement officers during or as part of a law enforcement investigation, during or as part of a forensic interview in a criminal or Department of Human Services investigation or to be used solely for any of the following:
 - a) Safety demonstrations, including the maintenance of order and discipline in the common areas of a school or of student transportation vehicles
 - b) A purpose related to a legitimate academic or extracurricular activity
 - c) A purpose related to regular classroom instruction
 - d) Security or surveillance of buildings or grounds
 - e) A photo identification card.
8. The right to be notified promptly if an employee of the public school district suspects that a criminal offense has been committed against the minor child by someone other than a parent, unless the incident has first been reported to law enforcement and notification of the parent would impede a law enforcement or Department of Human Services investigation. This paragraph does not create any new obligation for school districts and charter schools to report misconduct between students at school, such as fighting or aggressive play, that is routinely addressed as a student disciplinary matter by the school.
9. This section does not authorize or allow a parent to engage in conduct that is unlawful or to abuse or neglect a child in violation of the laws of this state. This section shall not be construed to apply to a parental action or decision that would end life. This section does not prohibit courts, law enforcement officers, or employees of a government agency responsible for child welfare

from acting in their official capacity within the reasonable and prudent scope of their authority. This section does not prohibit a court from issuing an order that is otherwise permitted by law.

10. Any attempt to encourage or coerce a minor child to withhold information from the child's parent shall be grounds for discipline of an employee of this state, any political subdivision of this state or any other governmental entity including public school districts, except for law enforcement personnel.

11. Unless those rights have been legally waived or legally terminated, parents have inalienable rights that are more comprehensive than those listed in this section. The Parents' Bill of Rights does not prescribe all rights of parents. Unless otherwise required by law, the rights of parents of minor children shall not be limited or denied. The Parents' Bill of Rights shall not be construed to apply to a parental action or decision that would end life.

C. The board of education of a school district, in consultation with parents, teachers, and administrators, shall develop and adopt a policy to promote the involvement of parents and guardians of children enrolled in the schools within the school district. The policy shall be made publicly available on the school district's website and shall include the following:

1. A plan for parent participation in schools which is designed to improve parent and teacher cooperation in areas such as homework, attendance, and discipline
2. Procedures by which parents may learn about, access, and review all courses of study for their children, as well as coursework, curriculum, classroom activities, and assignments
3. Procedures by which parents can learn about the content of, will be notified in advance of, and given an opportunity to choose whether to allow their minor child to participate in any program or activity offered by the school that involves or relates to covered programs
4. Procedures by which parents can learn about the content of, will be notified in advance of, and given an opportunity to choose whether to allow their minor child to participate in any sex or gender education curricula pursuant to [state law] or pursuant to any rules adopted by the [State Board of Education, State Department of Education].

a) Absent a parent's affirmative written consent, a minor child shall not participate in sex or gender education curricula, programs or activities. This does not include sex abuse

prevention programming.

5. Procedures by which parents may learn about the nature and purpose of, and given the opportunity to choose whether to allow their minor child to participate in, extracurricular clubs and activities that have been approved by the school.
 6. Procedures by which parents will be notified in advance of and given the opportunity to choose whether to allow their minor child to participate in any informal or formal data collection instrument used within the school or school district, including polls, questionnaires, samplings, or surveys.
- D. The plan and procedures outlined in the Subsection C shall be made publicly available on the school district's website.
- E. Parents have the right to be notified of, review any and all materials associated with, and provide affirmative written consent before the parents' child participates in discussions, classes, lessons, assemblies, extracurricular activities, clubs, or any other programming provided by the public school district or a third party contractor hired by the public school district that involves covered programs.
- F. Districts must provide individual opt-in or consent forms to parents for each planned discussion, class, lesson, assembly, extracurricular activity, club, or any other programming provided by the public school district or a third party contractor that discusses covered programs. Schools may not give parents an annual opt-in or consent form for all activities to be conducted in a school year that involve or relate to covered programs.
1. Public school districts must give parents [number] weeks' advance notice of instruction, activity, or training relating to a covered program.
 2. Parents have [number] days prior to the instruction, activity, or training to submit their opt-in or consent forms for each covered activity.
- G. All public school districts as defined in this section must receive affirmative written consent from a child's parents before providing instruction, issuing assignments or surveys, or requiring a student to engage in activity involving covered programs.
- H. Parents will be notified in advance of and given the opportunity to allow their minor child to participate in any informal or formal data collection instrument used within the school or school district, including polls, questionnaires, samplings, surveys, or other data collections about the student.

- I. Minor children may not sign any form, pledge, agreement, or any other document without at least one parent present.
- J. Upon notification, parents may refuse to consent to their children's participation in coursework, classroom activities, assignments, programs, or activities that relate to covered programs. Parents who object to any learning material or any school activity on the basis that it is harmful may withdraw their children from the activity or from the class or program in which the material is used. Objection to a learning material or activity on the basis that it is harmful includes objection to a material or activity because it objects to a family's practices, beliefs, or religious views.

III. Mental Health in Schools

- A. Except as otherwise provided by law or a court order, employees of public school districts may not procure, solicit to perform, arrange for the performance of or perform an assessment for mental health therapy on a minor without first obtaining the written consent of a parent or legal guardian of the minor child.
- B. If written consent is provided to a school district for assessment or treatment, such consent shall be effective for the school year for which it is granted and shall be renewed annually each subsequent school year.
 1. A parent shall be immediately notified by a public school district if the parent's minor child has inquired about, is seeking, or has requested information or therapy relating to any mental or behavioral health disorder. This includes mental health services, behavioral health services, any matters of gender identity or gender identity counseling, services, or treatments, substance abuse treatment, or suicide prevention programs.
- C. This section does not apply when an emergency exists that requires a person to perform mental health screening or provide mental health treatment to prevent serious injury or to save the life of a minor child.
- D. Employees of public school districts may not use a name, nickname, or pronouns for a child other than the name, nickname, and pronouns provided to the school by the child's parent. A school must obtain affirmative written consent from a child's parent before using another name or pronouns for the child.
- E. Employees of public school districts may not otherwise allow for the social or medical gender transitioning of a child without a parent's affirmative written consent. This includes providing the child access to locker rooms, bathrooms, or other sex-separated facilities or changing the child's name or sex marker on any school paperwork.