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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-THIRD SESSION

H. F. No. 2019

02/20/2023 Authored by Quam
The bill was read for the first time and referred to the Committee on Education Policy

1.1 A bill for an act
1.2 relating to education; prohibiting the teaching of racist or sexist concepts; creating
1.3 private rights of action; proposing coding for new law in Minnesota Statutes,
1.4 chapters 120B; 136F.

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. [120B.2351] TEACHING RACIAL, GENDER, AND UNIVERSAL
1.7 EQUITY.

1.8 Subdivision 1. Definition. For purposes of this section, "racist or sexist concept" includes
1.9 any of the following concepts:

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

1.11 (2) an individual, by virtue of race or sex, is inherently racist, sexist, or oppressive,
1.12 whether consciously or unconsciously;

1.13 (3) an individual should be discriminated against or receive adverse treatment due to
1.14 the individual's race or sex;

1.15 (4) an individual should receive favorable treatment due to the individual's race or sex;

1.16 (5) an individual or institution cannot or should not treat individuals without regard to
1.17 race or sex;

1.18 (6) an individual's moral character is determined by the individual's race or sex;

1.19 (7) an individual, by virtue of the individual's race or sex, bears responsibility for actions
1.20 committed in the past by members of the individual's race or sex;

1.21 (8) meritocracy or merit-based systems are either racist or sexist; and

2.1 (9) the United States or the state is fundamentally racist or sexist.

2.2 Subd. 2. **Instructional prohibitions.** No school district or charter school may:

2.3 (1) teach, advocate, or encourage the adoption of a racist or sexist concept while
2.4 instructing students;

2.5 (2) penalize or treat adversely a student who refuses to adopt or express any racist or
2.6 sexist concept;

2.7 (3) host, pay, or provide a venue for a speaker who espouses, advocates, or promotes
2.8 any racist or sexist concept;

2.9 (4) require a student to read, view, or listen to a book, article, video presentation, digital
2.10 presentation, or other learning material that espouses, advocates, or promotes a racist or
2.11 sexist concept; or

2.12 (5) contract with a company, nonprofit organization, or state or local government entity
2.13 to take any action prohibited in clauses (1) to (4).

2.14 Subd. 3. **Private cause of action.** A resident of the state has standing and a private cause
2.15 of action to file a civil complaint in a district court against a school district or charter school
2.16 claiming that it has violated a provision of this act. If a court finds that the school district
2.17 or charter school has violated a provision of this act, the court shall enjoin the violating
2.18 school district or charter school from receiving funding from the state in the following fiscal
2.19 year and shall award costs and attorney fees to the complainant.

2.20 Subd. 4. **Severability.** The provisions of this section are severable. If any provision of
2.21 this section or its application to any person or circumstance is held invalid, the invalidity
2.22 shall not affect other provisions or applications of this section which can be given effect
2.23 without the invalid provision or application.

2.24 Sec. 2. **[136F.33] TEACHING RACIAL, GENDER, AND UNIVERSAL EQUITY.**

2.25 Subdivision 1. **Definition.** For purposes of this section, "racist or sexist concept" includes
2.26 any of the following concepts:

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

2.28 (2) an individual, by virtue of race or sex, is inherently racist, sexist, or oppressive,
2.29 whether consciously or unconsciously;

2.30 (3) an individual should be discriminated against or receive adverse treatment due to
2.31 the individual's race or sex;

3.1 (4) an individual should receive favorable treatment due to the individual's race or sex;

3.2 (5) an individual or institution cannot or should not treat individuals without regard to
 3.3 race or sex;

3.4 (6) an individual's moral character is determined by the individual's race or sex;

3.5 (7) an individual, by virtue of the individual's race or sex, bears responsibility for actions
 3.6 committed in the past by members of the individual's race or sex;

3.7 (8) meritocracy or merit-based systems are either racist or sexist; and

3.8 (9) the United States or the state is fundamentally racist or sexist.

3.9 Subd. 2. **Instructional prohibitions.** (a) No faculty at a Minnesota state college or
 3.10 university may:

3.11 (1) teach, advocate, or encourage the adoption of a racist or sexist concept while
 3.12 instructing students; or

3.13 (2) penalize or treat adversely a student who refuses to adopt or express any racist or
 3.14 sexist concept.

3.15 (b) No Minnesota state college or university may:

3.16 (1) host, pay, or provide a venue for a speaker who espouses, advocates, or promotes
 3.17 any racist or sexist concept; or

3.18 (2) require a student to read, view, or listen to a book, article, video presentation, digital
 3.19 presentation, or other learning material that espouses, advocates, or promotes a racist or
 3.20 sexist concept.

3.21 (c) No Minnesota state college or university may contract with a company, nonprofit
 3.22 organization, or state or local government entity to take any action prohibited in paragraph
 3.23 (a) or (b).

3.24 Subd. 3. **Private cause of action.** A resident of the state has standing and a private cause
 3.25 of action to file a civil complaint in a district court against a Minnesota state college or
 3.26 university claiming that it has violated a provision of this act. If a court finds that the
 3.27 Minnesota state college or university has violated a provision of this act, the court shall
 3.28 enjoin the violating institution from receiving funding from the state in the following fiscal
 3.29 year and shall award costs and attorney fees to the complainant.

3.30 Subd. 4. **Severability.** The provisions of this section are severable. If any provision of
 3.31 this section or its application to any person or circumstance is held invalid, the invalidity

- 4.1 shall not affect other provisions or applications of this section which can be given effect
- 4.2 without the invalid provision or application.