Your Question:

You asked about legislation related to multicultural education.

Our Response:

We have split the information in this request into two categories: 1) legislative action requiring new instruction and 2) legislative action prohibiting instruction.

Requiring Instruction:

Most legislative action related to multicultural education requires instruction on the perspectives and history of specific racial and ethnic groups. This legislation may also include changes to required instruction around such issues as ethnic studies/multicultural education generally, gender, the Holocaust and other genocides, religious freedom and LGBTQI+ issues.

Some bills, however, do address the topics of racism and oppression more broadly and require teaching diversity and inclusion, anti-racism or the country’s racist history. Below are some examples of introduced and enacted legislation addressing multicultural education. We’ve included examples of legislation that is broader and legislation that is narrower in its focus. To see all enacted and vetoed bills on this topic and others, visit our State Education Policy Tracking resource.

Broad Legislation

- Massachusetts H. 3718 (pending, May 6, 2021) would create a permanent commission on anti-racist education to develop anti-racist curriculum, and outlines topics to be included in the curriculum. The curriculum would be mandatory for elementary and secondary public and charter schools.
- Minnesota H.F. 217 (pending, March 25, 2021) would require school board plans to include strategies for improving instruction and curriculum by increasing access for all students to ethnic studies curriculum using culturally responsive methodologies. The bill would also require the integration of “curriculum that is rigorous, accurate, anti-racist, and culturally sustaining” and would seek to “retain qualified, racially and ethnically diverse staff effective at working with diverse students.” The bill provides definitions for “ethnic studies curriculum,” “anti-racist,” “culturally sustaining” and “institutional racism,” specifically around how each of those terms shall be applied to education.
- New Jersey A. 4454 (enacted, 2021) makes amendments to current law regarding curriculum to require students in grades kindergarten through 12 to receive instruction on diversity and inclusion in an appropriate place in the curriculum. Previously, instruction was required for students in grades 9 through 12 as part of comprehensive health and physical education curriculum.
- Oregon S.B. 683 (pending, March 10, 2021) would require each school district to provide instruction on the “racist history of this country and state.” The bill would require the department of education to consult with an advisory group to recommend requirements for instruction and recommend appropriate curricula.

Narrow Legislation

- Arkansas S.B. 160 (enacted, 2021) requires Holocaust education to be taught in all public schools beginning in the 2022-23 school year. The bill also requires the state board of education, in consultation with local, statewide and national experts in Holocaust education, to develop and distribute curricula, standards,
materials and units relating to Holocaust education for grade-appropriate 5-12 instruction in all public schools.

- **Colorado H.B. 1192** (enacted, 2019) appropriates funds for instruction in public schools of history and civil government of the United States and Colorado, including but not limited to the history, culture and social contributions of American Indians, Latinos, African Americans and Asian Americans, the lesbian, gay, bisexual and transgender individuals within these groups, and the intersectionality of significant social and cultural features within these communities.

- **Connecticut H.B. 7082** (enacted, 2019) adds African American, Puerto Rican, and Latino studies to the required programs of study in social studies for public schools and requires all local and regional boards of education to include these topics in their curriculum beginning with the 2021-22 school year. The bill also requires a course in Black and Latino studies to be offered at the high school level and notes that local or regional boards of education can accept gifts, grants and donations for the development and implementation of the required curriculum and course.

- **Illinois H.B. 2170** (enacted, 2021) requires the state board of education to “adopt revised social science learning standards that are inclusive and reflective of all individuals in this country” on or before July 1, 2021. The bill also creates the Inclusive American History Commission to provide assistance to the state board of education in revising the standards.

- **New Jersey S. 1569** (enacted, 2019) requires each board of education to provide instruction on the political, economic and social contributions of persons with disabilities and lesbian, gay, bisexual and transgender people in an appropriate place in the curriculum of middle school and high school students as part of the district’s implementation of the New Jersey Student Learning Standards. The bill also requires the board of education to have policies and procedures in place regarding the selection of these materials. The bill does not specify the subject in which instruction must be included.

- **New Mexico H.B. 43** (enacted, 2021) requires the Black Education Liaison and the Black Education Advisory Council to, among other things, recommend curricula and instructional materials that include the history and culture of Black people in New Mexico, America and the world.

- **Washington S.B. 6066** (enacted, 2020) amends the existing law to expand the requirement that the superintendent of public instruction identify resources and materials to be used in ethnic studies for students in kindergarten to grade 12 and encourages public schools with grades K-6 to incorporate such materials. The bill amends the requirements of the ethnic studies advisory committee to include developing a framework for ethnic studies for students in kindergarten through grade 12, and to consider the need to pilot ethnic studies materials and provide professional development.

**Prohibiting Instruction:**

In addition to bills requiring instruction on the perspectives and history of specific populations, or legislation requiring instruction on racism and oppression more broadly, some legislation in the current session prohibits instruction on related concepts. As of June 2021, we are aware of at least 26 bills and two resolutions introduced in 20 states that aim to prohibit teaching the concepts below or prohibit teaching related concepts. At least five of these bills and one resolution have been enacted. Generally, this legislation prohibits teaching some or all of the following concepts:

- One race or sex is inherently superior to another;
- The United States is inherently racist or sexist;
- An individual is inherently racist, sexist or oppressive;
- An individual should be discriminated against solely or partly because of their race or sex;
- Members of one race or sex cannot and should not attempt to treat others without respect to race or sex;
- That an individual’s moral character is determined by their race or sex;
• An individual, by virtue of their race or sex, bears responsibility for actions committed in the past by other members of the same race or sex;
• Any individual should feel discomfort, guilt, anguish or any other form of psychological distress on account of their race or sex;
• Meritocracy or traits such as a hard work ethic are racist or sexist or were created by a particular race to oppress another race; or
• Any other form of race or sex scapegoating or any form of race or sex stereotyping.