

**SENATE, No. 4166**

**STATE OF NEW JERSEY**  
**219th LEGISLATURE**

INTRODUCED NOVEMBER 22, 2021

**Sponsored by:**

**Senator MICHAEL L. TESTA, JR.**

**District 1 (Atlantic, Cape May and Cumberland)**

**Senator JOSEPH PENNACCHIO**

**District 26 (Essex, Morris and Passaic)**

**SYNOPSIS**

Prohibits teaching of critical race theory in public schools; prohibits public school teachers from engaging in political, ideological, or religious advocacy in classroom.

**CURRENT VERSION OF TEXT**

As introduced.



1 AN ACT concerning the teaching of critical race theory in public  
2 schools and issue advocacy by public school teachers, and  
3 supplementing chapter 35 of Title 18A of the New Jersey  
4 Statutes.

5  
6 **BE IT ENACTED** *by the Senate and General Assembly of the State*  
7 *of New Jersey:*

8  
9 1. The Legislature finds and declares that:

10 a. The purpose of public education in America is to produce  
11 knowledgeable and competent adults who will be able to participate  
12 as informed citizens in the democratic process.

13 b. Providing an education in a democracy is best done by  
14 teaching students how to think, rather than telling them what they  
15 should think.

16 c. Recent experience has shown that teachers in public schools  
17 are now more willing to engage in political and ideological  
18 indoctrination by pressuring students into adopting their own views.

19 d. Such indoctrination has no place in public schools and  
20 threatens their ability to provide students with a high-quality  
21 education.

22 e. Parents and taxpayers have a right to expect that taxpayer  
23 resources will be spent providing students with instruction on  
24 foundational concepts such as mathematics, science, English,  
25 history, and civics and not on political or ideological indoctrination.

26  
27 2. a. A school district shall not include, as part of a course of  
28 instruction or in a curriculum or instructional program, or allow  
29 teachers or other employees of the school district to use  
30 supplemental instructional materials that promote concepts related  
31 to critical race theory. For purposes of this act, "critical race  
32 theory" includes, but shall not be limited to, any of the following  
33 concepts:

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

35 (2) an individual, by virtue of the individual's race or sex, is  
36 inherently privileged, racist, sexist, or oppressive, whether  
37 consciously or subconsciously;

38 (3) an individual should be discriminated against or receive  
39 adverse treatment because of the individual's race or sex;

40 (4) an individual's moral character is determined by the  
41 individual's race or sex;

42 (5) an individual, by virtue of the individual's race or sex, bears  
43 responsibility for actions committed in the past by other members  
44 of the same race or sex;

45 (6) an individual should feel discomfort, guilt, anguish, or  
46 another form of psychological distress solely because of the  
47 individual's race or sex;

- 1 (7) a meritocracy is inherently racist or sexist, or designed by a  
2 particular race or sex to oppress members of another race or sex;
- 3 (8) the State or the United States is fundamentally or  
4 irredeemably racist or sexist;
- 5 (9) promoting or advocating the violent overthrow of the United  
6 States government;
- 7 (10) promoting division between, or resentment of, a race, sex,  
8 religion, creed, nonviolent political affiliation, social class, or class  
9 of people;
- 10 (11) ascribing character traits, values, moral or ethical codes,  
11 privileges, or beliefs to a race or sex, or to an individual because of  
12 the individual's race or sex;
- 13 (12) the rule of law does not exist, but instead is a series of  
14 power relationships and struggles among racial or other groups;
- 15 (13) all Americans are not created equal and are not endowed by  
16 their Creator with certain unalienable rights, including, life, liberty,  
17 and the pursuit of happiness; or
- 18 (14) governments should deny to any person within the  
19 government's jurisdiction the equal protection of the law.
- 20 b. Notwithstanding the provisions of subsection a. to the  
21 contrary, this section does not prohibit a school district from  
22 including, as part of a course of instruction or in a curriculum or  
23 instructional program, or from allowing teachers in a school district  
24 to use supplemental instructional materials that include:
- 25 (1) the history of an ethnic group, as described in textbooks and  
26 instructional materials adopted in accordance with approved  
27 curriculum;
- 28 (2) the impartial discussion of controversial aspects of history;
- 29 (3) the impartial instruction on the historical oppression of a  
30 particular group of people based on race, ethnicity, class,  
31 nationality, religion, or geographic region; or
- 32 (4) historical documents.
- 33 c. The Commissioner of Education may withhold State funds  
34 from a school district that knowingly violates the provisions of this  
35 section until the commissioner finds that the school district is no  
36 longer in violation of this section.
- 37
- 38 3. a. The State Board of Education shall adopt rules and  
39 regulations prohibiting public school teachers from engaging in  
40 political, ideological, or religious advocacy in the classroom. Rules  
41 and regulations adopted pursuant to this section shall, at minimum  
42 prohibit the following:
- 43 (1) endorsing, supporting, or opposing any candidate or  
44 nominee for public office or any elected or appointed official  
45 regardless of whether the official is a member of the local, state, or  
46 federal government;
- 47 (2) endorsing, supporting, or opposing any pending, proposed,  
48 or enacted legislation at the local, state, or federal level;

1 (3) endorsing, supporting, or opposing any pending, proposed,  
2 or executed executive action by an executive or executive branch  
3 agency at the local, state, or federal level;

4 (4) endorsing, supporting, or opposing any pending or decided  
5 court case or judicial action at the local, state, or federal level;

6 (5) introducing any controversial issue that is not germane to the  
7 topic of the course being taught;

8 (6) advocating in a partisan manner for any side of a  
9 controversial issue; and

10 (7) segregating students according to race or singling out one  
11 racial group of students as responsible for the suffering or inequities  
12 experienced by another racial group of students.

13 b. In addition to the rules and regulations adopted pursuant to  
14 subsection a. of this section, the State board shall require that a  
15 teacher provide students with materials supporting both sides of a  
16 controversial issue being addressed and to present both sides in a  
17 fair-minded and nonpartisan manner.

18 For purposes of this section, “controversial issue” means an issue  
19 that is part of an electoral party platform at the local, state, or  
20 federal level.

21 c. The rules and regulations adopted by the State board  
22 pursuant to subsections a. and b. of this section shall contain clear  
23 guidelines for enforcement and provide penalties for violations up  
24 to and including termination of employment. The State board shall  
25 provide written notice to teachers, parents, and students of their  
26 respective rights and responsibilities under the rules and shall  
27 provide at least 3 hours of professional development instruction to  
28 inform affected teachers of their responsibilities pursuant to this  
29 section.

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31 4. This act shall take effect immediately and shall first apply to  
32 the first full school year following the date of enactment.

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STATEMENT

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37 This bill prohibits a school district from including, as part of a  
38 course of instruction or in a curriculum or instructional program, or  
39 allowing teachers or other employees of the school district to use  
40 supplemental instructional materials that promote concepts related  
41 to critical race theory. For purposes of the bill, “critical race  
42 theory” includes, but would not be limited to, any of the following  
43 concepts:

- 44 • one race or sex is inherently superior to another race or sex;
- 45 • an individual, by virtue of the individual's race or sex, is  
46 inherently privileged, racist, sexist, or oppressive, whether  
47 consciously or subconsciously;

- 1       • an individual should be discriminated against or receive  
2       adverse treatment because of the individual's race or sex;
- 3       • an individual's moral character is determined by the  
4       individual's race or sex;
- 5       • an individual, by virtue of the individual's race or sex, bears  
6       responsibility for actions committed in the past by other  
7       members of the same race or sex;
- 8       • an individual should feel discomfort, guilt, anguish, or  
9       another form of psychological distress solely because of the  
10      individual's race or sex;
- 11      • a meritocracy is inherently racist or sexist, or designed by a  
12      particular race or sex to oppress members of another race or  
13      sex;
- 14      • the State or the United States is fundamentally or  
15      irredeemably racist or sexist;
- 16      • promoting or advocating the violent overthrow of the United  
17      States government;
- 18      • promoting division between, or resentment of, a race, sex,  
19      religion, creed, nonviolent political affiliation, social class,  
20      or class of people;
- 21      • ascribing character traits, values, moral or ethical codes,  
22      privileges, or beliefs to a race or sex, or to an individual  
23      because of the individual's race or sex;
- 24      • the rule of law does not exist, but instead is a series of power  
25      relationships and struggles among racial or other groups;
- 26      • all Americans are not created equal and are not endowed by  
27      their Creator with certain unalienable rights, including, life,  
28      liberty, and the pursuit of happiness; or
- 29      • governments should deny to any person within the  
30      government's jurisdiction the equal protection of the law.

31      A school district would not be prohibited from including, as part  
32      of a course of instruction or in a curriculum or instructional  
33      program, or from allowing teachers in a school district to use  
34      supplemental instructional materials that include the history of an  
35      ethnic group, the impartial discussion of controversial aspects of  
36      history, the impartial instruction on the historical oppression of a  
37      particular group of people based on race, ethnicity, class,  
38      nationality, religion, or geographic region, or historical documents.  
39      The Commissioner of Education would be permitted to withhold  
40      State funds from a school district that knowingly violates the  
41      provisions of this bill and would be able to continue withholding  
42      such funds until the commissioner finds that the school district is in  
43      compliance.

44      This bill also requires the State Board of Education to adopt  
45      rules and regulations prohibiting public school teachers from  
46      engaging in political, ideological, or religious advocacy in the  
47      classroom. The State board would further be required to adopt rules

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1 and regulations requiring that a teacher provide students with  
2 materials supporting both sides of a controversial issue being  
3 addressed and to present both sides in a fair-minded and  
4 nonpartisan manner.