

## **The Teaching Racial and Universal Equality (“TRUE”) Act**

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AN ACT prohibiting use of state funds to teach or communicate theories that promote one race over another or one sex over another, and preventing government entities and contractors from communicating or forcing upon employees a racist or sexist concept.

*Be it enacted by the Legislature of the State of [State]:*

### **Sec. 1. Definitions.** As used in this act:

(a) “Contractor” means any person, individual, group of persons, organization, corporation, or business of any kind that enters into a contract, or enters into a subcontract pursuant to a contract, with any state, county, municipal, or public school district entity, or public postsecondary educational institution.

(b) “Racist or sexist concept” means the concept that:

- (1) One race or sex is inherently superior to another race or sex;
- (2) An individual, by virtue of his or her race or sex, is inherently racist, sexist, or oppressive, whether consciously or unconsciously;
- (3) An individual should be discriminated against or receive adverse treatment because of his or her race or sex;
- (4) An individual should receive favorable treatment because of his or her race or sex;
- (5) Individuals or institutions cannot or should not treat individuals without regard to race or sex;
- (6) An individual’s moral character is determined by his or her race or sex;
- (7) An individual, by virtue of his or her race or sex, bears responsibility for actions committed in the past by members of the same race or sex;
- (8) Meritocracy or merit-based systems are either racist or sexist; or
- (9) The State of [State] or the United States of America is fundamentally racist or sexist;

### **Sec. 2. Communication and actions by public entities.**

(a) No communication by any state, county, municipal, or school district entity, or public post-secondary institution, or official representative thereof, shall adopt, express, or promote any racist or sexist concept defined in Section 1.

(b) No employee, contractor, staff member, or student in any state, county, municipal, or school district entity, or public post-secondary institution shall face any penalty or adverse treatment on account of his or her refusal to support, believe, endorse, embrace, confess, act upon, or otherwise assent to any racist or sexist concept defined in Section 1.

(c) No state, county, municipal, or school district entity, or public post-secondary institution shall expend any funds to express, publish, advertise, or promote any racist or sexist concept defined in Section 1.

### **Sec. 3. Educational instruction at schools and post-secondary institutions receiving public funds.**

(a) No instructor, teacher, or professor at any public school district or public post-secondary institution receiving any funding from the State of [State] shall teach, advocate, or encourage the adoption of any racist or sexist concept defined in Section 1 while instructing students.

(b) No public school district or public post-secondary institution receiving any funding from the State of [State] shall host, pay, or provide a venue for a speaker who espouses, advocates, or promotes any racist or sexist concept defined in Section 1.

(c) No public school district or public post-secondary institution receiving any funding from the State of [State] shall require a student to read, view, or listen to any book, article, video presentation, digital presentation, or other learning material that espouses, advocates, or promotes any racist or sexist concept defined in Section 1.

(d) No instructor, teacher, or professor at any public school district or public post-secondary institution receiving any funding from the State of [State] shall penalize or treat adversely any student who refuses to adopt or express any racist or sexist concept defined in Section 1.

#### **Sec. 4. Requirements for public contractors.**

(a) All contracts entered into by any state, county, municipal, school district, public postsecondary educational institution or other public entity on or after the effective date of this section with any contractor shall include the following provision:

“During the performance of this contract, the contractor shall not engage in any workplace training that teaches or encourages in its employees any form of the following racist or sexist concepts:

- (1) One race or sex is inherently superior to another race or sex;
- (2) An individual, by virtue of his or her race or sex, is inherently racist, sexist, or oppressive, whether consciously or unconsciously;
- (3) An individual should be discriminated against or receive adverse treatment because of his or her race or sex;
- (4) An individual should receive favorable treatment because of his or her race or sex;
- (5) Individuals or institutions cannot or should not treat individuals without regard to race or sex;
- (6) An individual’s moral character is determined by his or her race or sex;
- (7) An individual, by virtue of his or her race or sex, bears responsibility for actions committed in the past by members of the same race or sex; or
- (8) Meritocracy or merit-based systems are either racist or sexist.”

(b) In the event of the government contractor’s noncompliance with the requirements of this section, or with any rules, regulations, or policies that may be promulgated in accordance with this section, the contract may be canceled, terminated, or suspended in whole or in part, and the contractor may be declared ineligible for further government contracts.

(c) Contractors shall include the provisions of this section in every subcontract, so that such provisions shall be binding upon each subcontractor.

#### **Sec. 5. Enforcement.**

(a) The attorney general shall investigate any complaint by any resident of the state that a state, county, municipal, or school district entity, or public post-secondary institution has violated any provision of Sections 1 through 4.

(b) If the attorney general, after conducting an investigation of a complaint, concludes that the state, county, municipal, or school district entity, or public post-secondary institution has not violated any provision of Sections 1 through 4, the attorney general shall publish its conclusion and underlying findings.

(c) If the attorney general, after conducting an investigation of a complaint, concludes that the state, county, municipal, or school district entity, or public post-secondary institution has violated any provision of Sections 1 through 4, the attorney general shall publish its conclusion and underlying findings. The attorney general shall thereafter order the cessation of the transfer of any state funds to the violating entity or institution for the remainder of the fiscal year and for the entirety

of the next fiscal year. The violating entity or institution shall be ineligible to receive any funding from the state for that period.

(d) The violating entity may appeal the attorney general's determination in the relevant district court of the State of *[State]*, with all normal rights of appeal thereafter.

**Sec. 6. Private cause of action.**

(a) Any taxpayer in this state shall have standing and a private cause of action to file a civil complaint in a district court of this state against any state, county, municipal, or school district entity, or public post-secondary institution claiming that such entity or institution has violated any provision of Sections 1 through 4.

(b) If the court finds that the state, county, municipal, or school district entity, or public post-secondary institution has violated any provision of Sections 1 through 4, the court shall enjoin the violating entity or institution from receiving any funding from the state in the following fiscal year, and shall award costs and attorney's fees to the complainant.

**Sec. 7. Severability.**

The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.