

End Political Litmus Tests in Education Act

A BILL

To prohibit the use of political litmus tests in public education.

WHEREAS freedom of expression and conscience are essential to fulfill the academic mission of discovery, preservation, and transmission of knowledge; and

WHEREAS public colleges and universities must conform to the First Amendment's protections of free expression; and

WHEREAS "First Amendment precedents have established the principle that freedom of speech prohibits the government from telling people what they must say;" and

WHEREAS, in recent years, public education has allowed and embraced the use of political litmus tests in institutional decision-making; and

WHEREAS the public educational institutions of [state] exist to serve all residents of the state without regard to politics,

Now, therefore,

Be it enacted by the [state legislature],

Section 1: Political Tests in Public Education Prohibited

A. No political test or qualification shall ever be required as a condition of admission into, or promotion within, any public educational institution of the state, as teacher, employee, or student.

B. For the purposes of this section, "political test":

1. Includes:

(a) Compelling or soliciting an applicant, teacher, employee, student, or pupil to identify commitment to or make a statement of personal belief in support of any ideology or movement

(i) That promotes the differential treatment of any individual or groups of individuals based on race or ethnicity, including either of the following:

1. Any initiative or formulation of diversity, equity and inclusion beyond upholding the equal protection of the laws guaranteed by the Fourteenth Amendment of the United States Constitution.

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2. Any theory or practice that holds that systems or institutions upholding the equal protection of the laws guaranteed by the Fourteenth Amendment of the United States Constitution are racist, oppressive or otherwise unjust.

(ii) That promotes a specific partisan, political, or ideological set of beliefs

(b) Giving preferable consideration to an applicant, teacher, employee, or student for opinions expressed or actions taken in support of

(i) another individual or a group of individuals, in which the institution's consideration is based on the race or ethnicity of those other individuals

(ii) any other specific partisan, political, or ideological set of beliefs

2. Does not include fidelity to, or an oath or effort taken to uphold, the Constitution of [State] or the Constitution of the United States.

C. The legislature shall prescribe a penalty for any willful violation of this section.

D. If any provision of this chapter, or the application of any provision to any person or circumstance, is held to be invalid, the remainder of this chapter and the application of its provisions to any other person or circumstance shall not be affected thereby.