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# Wisconsin Legislative Council

## AMENDMENT MEMO

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**2021 Senate Bill 411**

**Senate Amendment 1**

### 2021 SENATE BILL 411

Senate Bill 411 prohibits school districts and independent charter schools from allowing teachers to teach race or sex stereotyping, including certain enumerated concepts. In addition to other race or sex stereotyping, the bill prohibits teaching any of the following:

- That one race or sex is inherently superior to another race or sex.
- That an individual, by virtue of the individual's race or sex, is inherently racist, sexist, or oppressive, whether consciously or unconsciously.
- That an individual should be discriminated against or receive adverse treatment because of the individual's race or sex.
- That individuals of one race or sex are not able to, and should not attempt to, treat others without respect to race or sex.
- That an individual's moral character is necessarily determined by the individual's race or sex.
- That an individual, by virtue of the individual's race or sex, bears responsibility for acts committed in the past by other individuals of the same race or sex.
- That an individual should feel discomfort, guilt, anguish, or any other form of psychological distress because of the individual's race or sex.
- That systems based on meritocracy or traits such as hard work ethic are racist or sexist or are created by individuals of a particular race to oppress individuals of another race.

The bill also prohibits school districts and independent charter schools from requiring employees to attend training that teaches, advocates, acts upon, or promotes race or sex stereotyping, including any of the prohibited concepts listed above.

Under the bill, the Department of Public Instruction (DPI) must withhold 10 percent of a district's or charter school's state aid distribution if DPI determines that the district or charter school taught race or sex stereotyping or required prohibited employee training. The bill also creates a private enforcement mechanism allowing a parent or guardian to bring a court action against a district or charter school that teaches race or sex stereotyping or requires prohibited training.

Finally, the bill requires school districts and independent charter schools to post all curricula on school websites and to provide a free, printed copy of any curriculum upon request.

### SENATE AMENDMENT 1

Senate Amendment 1 deletes one of the enumerated concepts that districts and independent charter schools are prohibited from teaching or including in required training. Specifically, the amendment deletes language stating that prohibited race or sex stereotyping includes teaching that an individual

should feel discomfort, guilt, anguish, or any other form of psychological distress because of the individual's race or sex.

## **BILL HISTORY**

Senate Amendment 1 was introduced by Senator Jacque on September 22, 2021. On November 30, 2021, the Senate Committee on Education recommended adoption of Senate Amendment 1 and passage of the bill, as amended, on votes of Ayes, 4; Noes, 3.

EH:jal