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Senate Bill 460 (as introduced 5-20-21)
Sponsor: Senator Lana Theis
Committee: Education and Career Readiness

Date Completed: 10-5-21

CONTENT

The bill would amend the Revised School Code to do the following:

- **Require the board of a school district or board of directors of a public school academy (PSA) to ensure that the curriculum provided to pupils did not include critical race theory, the 1619 Project, or other specified theories.**
- **Require the Michigan Department of Education (MDE), by September 30, 2021, and by September 30 of each year thereafter, to determine each district and PSA that violated the bill and withhold 5% of the total funds that were due to that district or PSA under the State School Aid Act.**
- **Require the MDE, by November 1, 2021, and by November 1 of each year thereafter, to submit a report to the House and Senate standing committees responsible for education legislation that listed all districts and PSAs that were not in compliance with the bill during the immediately preceding school year and a breakdown of districts and PSAs that had their funding withheld.**
- **Prohibit a district or PSA from directing or otherwise compelling pupils to affirm, adopt, or adhere to specified tenets.**

Under the bill, notwithstanding any other provision of law under the Code to the contrary, beginning with the 2021-2022 school year, the board of a district or the board of directors of a PSA would have to ensure that the curriculum provided to all pupils enrolled in the district or PSA did not include cover of the critical race theory, the 1619 Project, or any of the following theories:

- That any race is inherently superior or inferior to any other race.
- That the United State is a fundamentally racist country.
- That the Declaration of Independence or the US Constitution are fundamentally racist documents.
- That an individual's moral character or worth is determined by his or her race.
- That an individual, by virtue of his or her race, is inherently racist or oppressive, whether consciously or unconsciously.

"Critical race theory" would mean anti-American and racist theories, reading guides, lesson plans, activities, guided discussions, and other resources that promote that the United States is a fundamentally racist document, and that certain races are fundamentally oppressive or oppressed. The bill would define "1619 Project" as an initiative of *The New York Times* that attempts to reframe American history by regarding 1619 as America's birth year. This would include curriculum reading guides, lesson plans, activities, guided discussions, and other

resources developed by the Pulitzer Center on Crisis Reporting based on the initiative described in this definition.

By no later than September 30, 2021, and by no later than September 30 of each year thereafter, the MDE would have to determine each district and PSA that was in violation of the bill and would have to withhold 5% of the total funds that were due to that district or PSA under the State School Aid Act.

By no later than November 1, 2021, and by no later than November 1 of each year thereafter, the MDE would have to submit a report to the House and Senate standing committees responsible for education legislation that included both of the following:

- A list of all of the districts and PSAs that were in noncompliance with the bill during the immediately preceding school year.
- A breakdown of districts and PSAs that had their funding withheld.

A district or PSA could not direct, or otherwise compel, pupils to personally affirm, adopt, or adhere to any of the following tenets:

- That any sex, race, ethnicity, religion, color, or national origin is inherently superior or inferior.
- That individuals should be adversely treated on the basis of their sex, race, ethnicity, religion, color, or national origin.
- That individuals, by virtue of sex, race, ethnicity, religion, color, or national origin, are inherently responsible for actions committed in the past by other members of the same sex, race, ethnicity, religion, color, or national origin.

Proposed MCL 380.1167

Legislative Analyst: Dana Adams

FISCAL IMPACT

The bill would have a negative fiscal impact on the MDE and local school districts and PSAs. The Department would experience additional administrative costs to review all curricula for every district and PSA. Since all subjects and grade levels would be included under the bill, the MDE would need to review all curricula. The additional costs would include staff costs to review curricula and information technology costs to track school curricula. Costs also could increase if the MDE had to arbitrate challenges from school districts or PSAs as to its determinations or if the MDE had to review modified curricula. These costs likely would be in addition to current appropriations, which could include a new unit or expansions to the units that oversee school curricula.

Local school districts and PSAs would experience additional costs to review all curricula to ensure compliance with the bill and to make any necessary modifications.

Fiscal Analyst: Cory Savino

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.