



## **129th MAINE LEGISLATURE**

## FIRST REGULAR SESSION-2019

**Legislative Document** 

No. 589

H.P. 433

House of Representatives, February 5, 2019

Resolve, Directing the State Board of Education To Adopt Rules Prohibiting Teachers in Public Schools from Engaging in Political, Ideological or Religious Advocacy in the Classroom

Reference to the Committee on Education and Cultural Affairs suggested and ordered printed.

R(+ B. Hunt

ROBERT B. HUNT Clerk

Presented by Representative LOCKMAN of Bradley. Cosponsored by Senator GUERIN of Penobscot and Representatives: ARATA of New Gloucester, BRADSTREET of Vassalboro, CAMPBELL of Orrington, O'CONNOR of Berwick, PERKINS of Oakland.

- 1 **Preamble. Whereas,** the purpose of public education in America is to produce 2 knowledgeable and competent adults able to participate as informed citizens in the 3 democratic process; and
- 4 **Whereas**, education in a democracy is best served by teaching students how to 5 think, not telling them what to think; and
- 6 Whereas, our country is divided over many issues affecting its citizens; and
- 7 **Whereas,** it has been established through surveys that a majority of kindergarten to 8 grade 12 teachers discuss controversial issues in their classrooms; and

9 **Whereas,** it has been established that some teacher training institutions, teacher 10 licensing agencies, state education departments and professional teacher organizations 11 have condoned and even encouraged this behavior under the guise of "teaching for social 12 justice" and other sectarian doctrines; and

Whereas, time spent on political or ideological indoctrination takes time away from instruction in the academic subjects taught by public educational institutions including the foundational subjects of mathematics, science, English, history and civics and prevents students from receiving the best possible public education as funded by the taxpayers of the State; and

18 **Whereas,** parents and taxpayers have a right to expect that taxpayer resources will 19 be spent on education, not political or ideological indoctrination; now, therefore, be it

Sec. 1. State Board of Education to adopt rules prohibiting teachers in 20 public schools from engaging in political, ideological or religious advocacy in 21 the classroom. Resolved: That the State Board of Education shall adopt rules 22 prohibiting teachers in public schools from engaging in political, ideological or religious 23 advocacy in the classroom. Rules adopted under this resolve must be clear and provide 24 enforcement mechanisms for appropriate and professional ethical behavior by teachers 25 licensed in the State in tax-supported schools to prohibit teachers using the classroom to 26 27 engage in political, ideological or religious advocacy.

- Sec. 2. Rules criteria. Resolved: That the rules required by this resolve must
   prohibit a teacher in a public school during class time or while otherwise operating within
   the scope of employment as a teacher from doing the following:
- Endorsing, supporting or opposing any candidate or nominee for public office or
   any elected or appointed official regardless of whether the official is a member of the
   local, state or federal government;
- 2. Endorsing, supporting or opposing any pending, proposed or enacted legislation or regulation regardless of whether the legislation or regulation is pending or proposed or has been enacted at the local, state or federal level;

- 1 3. Endorsing, supporting or opposing any pending, proposed or decided court case or 2 judicial action regardless of whether the court case or judicial action is at the local, state 3 or federal level;
- 4 4. Endorsing, supporting or opposing any pending, proposed or executed executive 5 action by an executive or executive branch agency at the local, state or federal level;
- 5. Introducing any controversial subject matter that is not germane to the topic of the
  course being taught;
- 8 6. Endorsing, supporting or engaging in any activity that hampers or impedes the
  9 lawful access of a military recruiter to the school campus;
- 10 7. Endorsing, supporting or engaging in any activity that hampers or impedes the 11 actions of local, state or federal law enforcement;

8. Advocating in a partisan manner for any side of a controversial issue; the rules must require a teacher to provide students with materials supporting both sides of a controversial issue being addressed and to present both sides in a fair-minded, nonpartisan manner. For purposes of this paragraph, "controversial issue" means an issue that is a point made in an electoral party platform at the local, state or federal level; or

- 9. Segregating students according to race or singling out one racial group of students
  as responsible for the suffering or inequities experienced by another racial group of
  students.
- Sec. 3. Violations; notice; training. Resolved: That rules adopted under this resolve must contain clear guidelines for enforcement and provide penalties for violations up to and including termination. The State Board of Education shall provide written notice to all affected teachers, parents and students of their respective rights and responsibilities under the rules and shall provide at least 3 hours of annual continuing teacher education to affected teachers to instruct the teachers in the teacher responsibilities required by the rules.
- Sec. 4. Voluntary adoption of educator's code of ethics. Resolved: That all state professional teacher organizations and unions be requested to voluntarily adopt an educator's code of ethics and professional responsibility that incorporates the rules adopted pursuant to this resolve and that specifically prohibit teachers in kindergarten to grade 12 instruction from using the classroom for political indoctrination.
- 32 Sec. 5. Major substantive rules. Resolved: That rules adopted pursuant to this 33 resolve are major substantive rules as defined by the Maine Revised Statutes, Title 5, 34 chapter 375, subchapter 2-A.
- 35 SUMMARY
- This resolve directs the State Board of Education to adopt major substantive rules prohibiting teachers in public schools from engaging in political, religious or ideological advocacy in the classroom or from introducing any controversial subject matter that is not

germane to the topic of the course being taught, with penalties for violations up to and 1 including termination of the teacher. This resolve requires the State Board of Education to 2 provide written notice of the rules to all affected teachers, parents and students and for 3 teachers to receive annually at least 3 hours of continuing teacher education to instruct the 4 teachers on the rules. Finally, this resolve requests professional teacher organizations and 5 unions to voluntarily adopt an educator's code of ethics and professional responsibility 6 that incorporates the rules and that specifically prohibits teachers in kindergarten to grade 7 12 instruction from using the classroom for political indoctrination. 8