

MAINE STATE LEGISLATURE

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130th MAINE LEGISLATURE

FIRST REGULAR SESSION-2021

Legislative Document

No. 550

H.P. 395

House of Representatives, February 24, 2021

**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**

Received by the Clerk of the House on February 22, 2021. Referred to the Committee on Education and Cultural Affairs pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative CARMICHAEL of Greenbush.
Cosponsored by Representatives: DOLLOFF of Milton Township, DUCHARME of Madison,
GRIFFIN of Levant, MASON of Lisbon, POIRIER of Skowhegan.

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 think,
5 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

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

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

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

28 **Sec. 2. Rules criteria. Resolved:** That the rules adopted under section 1 must
29 prohibit a teacher in a public school during class time or while otherwise operating within
30 the scope of employment as a teacher from doing the following:

31 1. Endorsing, supporting or opposing any candidate or nominee for public office or
32 any elected or appointed official regardless of whether the official is a member of the local,
33 state or federal government;

34 2. Endorsing, supporting or opposing any pending, proposed or enacted legislation or
35 regulation regardless of whether the legislation or regulation is pending or proposed or has
36 been enacted at the local, state or federal level;

37 3. Endorsing, supporting or opposing any pending, proposed or decided court case or
38 judicial action regardless of whether the court case or judicial action is at the local, state or
39 federal level;

40 4. Endorsing, supporting or opposing any pending, proposed or executed executive
41 action by an executive or executive branch agency at the local, state or federal level;

1 5. Introducing any controversial subject matter that is not germane to the topic of the
2 course being taught;

3 6. Endorsing, supporting or engaging in any activity that hampers or impedes the
4 lawful access of a military recruiter to the school campus;

5 7. Endorsing, supporting or engaging in any activity that hampers or impedes the
6 actions of local, state or federal law enforcement;

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

12 9. Segregating students according to race or singling out one racial group of students
13 as responsible for the suffering or inequities experienced by another racial group of
14 students.

15 **Sec. 3. Violations; notice; training. Resolved:** That rules adopted under section
16 1 must contain clear guidelines for enforcement and provide penalties for violations up to
17 and including termination. The State Board of Education shall provide written notice to all
18 affected teachers, parents and students of their respective rights and responsibilities under
19 the rules and shall provide at least 3 hours of annual continuing teacher education to
20 affected teachers to instruct the teachers in the teacher responsibilities required by the rules.

21 **Sec. 4. Voluntary adoption of educator's code of ethics. Resolved:** That the
22 Department of Education request all state professional teacher organizations and unions to
23 voluntarily adopt an educator's code of ethics and professional responsibility that
24 incorporates the rules adopted under section 1 and that specifically prohibits teachers in
25 kindergarten to grade 12 instruction from using the classroom for political indoctrination.

26 **Sec. 5. Major substantive rules. Resolved:** That rules adopted under section 1
27 are major substantive rules as defined by the Maine Revised Statutes, Title 5, chapter 375,
28 subchapter 2-A.

29 SUMMARY

30 This resolve directs the State Board of Education to adopt major substantive rules
31 prohibiting teachers in public schools from engaging in political, religious or ideological
32 advocacy in the classroom or from introducing any controversial subject matter that is not
33 germane to the topic of the course being taught, with penalties for violations up to and
34 including termination of the teacher. This resolve requires the State Board of Education to
35 provide written notice of the rules to all affected teachers, parents and students and for
36 teachers to receive annually at least 3 hours of continuing teacher education to instruct the
37 teachers on the rules. Finally, this resolve directs the Department of Education to request
38 professional teacher organizations and unions to voluntarily adopt an educator's code of
39 ethics and professional responsibility that incorporates the rules and that specifically
40 prohibits teachers in kindergarten to grade 12 instruction from using the classroom for
41 political indoctrination.