

House Bill 3408

Sponsored by Representatives RESCHKE, LEVY; Representatives BONHAM, BOSHART DAVIS, LEIF, LEWIS, OWENS, POST, SMITH DB, SMITH G, WEBER, WRIGHT, ZIKA

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Prohibits public institution of education or educational employee from requiring, compelling, coercing or otherwise directing student to acknowledge, affirm, declare, confess, state or in any way act in accordance with belief that any race, ethnicity, color, sex, gender, religion or national origin is inherently superior or inferior to another, that individual may be discriminated against or treated in different manner on basis of individual's membership in particular group or classification, or that any individual, by virtue of individual's membership in particular group or classification, endorses, benefits uniquely from or is inherently responsible for actions that other individuals with membership in same group or classification have taken.

Prohibits public institution of education from providing, withholding or conditioning grading, academic credit or other educational benefits on basis of student's compliance with prohibited actions. Prohibits distinguishing between, classifying or assigning benefits or detriments to student on basis of student's membership in particular group or classification. Prohibits using public moneys for prohibited purposes.

Permits any person to bring action to enjoin educational employee or public institution of education from taking prohibited action.

Declares emergency, effective on passage.

A BILL FOR AN ACT

Relating to nondiscrimination in public education; and declaring an emergency.

Be It Enacted by the People of the State of Oregon:

SECTION 1. (1) The Legislative Assembly intends in section 2 of this 2021 Act to require that educational institutions in this state, including public schools and public school districts, education service districts, public charter schools and public institutions of higher education, and all administrators, faculty members, employees and students who work at or attend educational institutions in this state respect the dignity of others, acknowledge the rights others have to express differing opinions and to foster and defend intellectual honesty, freedom of inquiry and instruction and freedom of speech and association.

(2) The provisions of section 2 of this 2021 Act must be construed liberally to effect the purposes set forth in this section.

SECTION 2. (1) As used in this section:

(a) "Educational employee" means an administrator, faculty member, employee or other person that for compensation performs administrative or instructional services for, or under contract on behalf of, a public institution of education.

(b) "Public institution of education" means:

(A) A common school, union school or similar educational institution that offers instruction for grade levels kindergarten through grade 12 and that receives funding, directly or indirectly, from the State Treasury or from ad valorem property taxation;

(B) An educational service district;

(C) A public charter school or virtual public charter school, as defined in ORS 338.005;

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 (D) A private entity that provides educational services under contract with or under the
2 authority of a public charter school or district school board;

3 (E) A community college or community college district, as defined in ORS 341.005; or

4 (F) A public university listed in ORS 352.002 or the Oregon Health and Science University.

5 (2) A public institution of education or an educational employee may not in any instruc-
6 tional or other context:

7 (a) Require, compel, coerce or otherwise direct a student at the public institution of ed-
8 ucation to acknowledge, affirm, declare, confess, state or in any way act in accordance with
9 a belief that:

10 (A) Any race, ethnicity, color, sex, gender, religion or national origin is inherently supe-
11 rior or inferior to another;

12 (B) An individual may be discriminated against or treated in a different manner on the
13 basis of the individual's membership in a group or classification listed in subparagraph (A)
14 of this paragraph; or

15 (C) Any individual, by virtue of the individual's membership in a group or classification
16 listed in subparagraph (A) of this paragraph, endorses, benefits uniquely from or is inher-
17 ently responsible for actions that other individuals with membership in the same group or
18 classification have taken;

19 (b) Provide, withhold or condition grading, academic credit or other educational benefits
20 on the basis of the student's compliance with an action prohibited under paragraph (a) of this
21 subsection; or

22 (c) Distinguish between, classify or assign benefits or detriments to a student on the
23 basis of the student's membership in a group or classification listed in paragraph (a)(A) of
24 this subsection.

25 (3) A public institution of education may not expend any public moneys for a purpose that
26 subsection (2) of this section prohibits.

27 (4) Any person may bring an action in a court of this state to enjoin an educational em-
28 ployee or a public institution of education from taking an action prohibited under subsection
29 (2) or (3) of this section. The court shall award reasonable attorney fees and costs to a
30 plaintiff that prevails in an action under this subsection.

31 (5) This section does not prohibit collecting or reporting demographic information that
32 a public institution of education must collect or report under applicable law.

33 **SECTION 3.** This 2021 Act being necessary for the immediate preservation of the public
34 peace, health and safety, an emergency is declared to exist, and this 2021 Act takes effect
35 on its passage.

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