



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB5505

Introduced 1/31/2022, by Rep. Adam Niemerg - Blaine Wilhour

SYNOPSIS AS INTRODUCED:

New Act

Creates the Parental Access and Curriculum Transparency Act, which may be referred to as PACT. Makes findings. Provides that no public school district or public institution of higher education shall direct, require, or otherwise compel a student to personally affirm, adopt, or adhere to specified tenets. Provides that, notwithstanding any other provision of law or administrative rule to the contrary, a school board, parent, legal guardian, or student has the right to object to and refuse any unit of instruction or required course of study that directs, requires, or otherwise compels a student to personally affirm, adopt, or adhere to any of the specified tenets. Provides that school boards have to review and resolve objections to school curriculum. Provides a list of ways to resolve objections. Provides that a school board may submit a certified question to the applicable board of elections to approve or disapprove of funding certain curriculum. Provides that, notwithstanding any provision of law to the contrary, no distinction or classification of students shall be made on account of race or color, but nothing in this Section shall be construed to prohibit the required collection or reporting of demographic data by public school districts or public institutions of higher education. Effective immediately.

LRB102 25065 RJT 34325 b

1 AN ACT concerning education.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 1. Short title; references to Act.

5 (a) Short title. This Act may be cited as the Parental
6 Access and Curriculum Transparency Act.

7 (b) References to Act. This Act may be referred to as PACT.

8 Section 5. Findings. The General Assembly finds:

9 (1) Administrators, educators, support staff, and students
10 in all public elementary and secondary schools and in all
11 public institutions of higher education shall respect the
12 dignity of others, acknowledge the right of others to express
13 differing opinions, and foster and defend intellection
14 honesty, freedom of inquiry and instruction, freedom of
15 speech, freedom of association, and the pursuit of rational,
16 objective truths.

17 (2) Instructional pedagogies that exacerbate divisions in
18 society on the basis of race, biological sex, ethnicity,
19 religion, color, national origin, or other criteria that are
20 contrary to the unity of the nation, are counterproductive to
21 the well-being of this State, its citizens, and its students.

22 (3) Under Article X of the Illinois Constitution, the
23 State shall provide for an efficient system of high quality

1 public educational institutions and services. The State has
2 the primary responsibility for financing the system of public
3 education.

4 (4) A high quality educational institution and service is
5 fundamentally undermined when parents cannot trust the quality
6 of education provided to their children. When a parent or
7 legal guardian of a student identifies curriculum in public
8 schools that they believe undermines the ability of the
9 student to succeed and thrive, or where curriculum established
10 is fostering division, or factually inaccurate, that can
11 prevent a school from meeting the State's constitutional goals
12 for education for each student.

13 (5) The curriculum needs of students will necessarily be
14 diverse, and that learning standards and guidance set at the
15 state level may be incapable of fully serving student needs
16 within an individual school district.

17 (6) Parents and legal guardians for students need to be
18 further empowered to ensure that they have full access to and
19 transparency regarding the curriculum their students are
20 receiving in the classroom. School boards need to be more
21 responsive regarding curriculum access, transparency, and
22 oversight when a parent, legal guardian, or student has raised
23 concerns regarding the substance of curriculum being presented
24 in the classroom so that students are able to realize their
25 best potential and so that classroom settings are not adopting
26 curriculum that fosters hate and division among current

1 students, or which encourages students to hate or despise
2 their nation.

3 Section 10. Prohibitions.

4 (a) No public school district or public institution of
5 higher education shall direct, require, or otherwise compel a
6 student to personally affirm, adopt, or adhere to any of the
7 following tenets:

8 (1) That any sex, race, ethnicity, religion, color or
9 natural origin is inherently superior or inferior.

10 (2) That individuals should be adversely treated on
11 the basis of their sex, race, ethnicity, religion, color,
12 or national origin.

13 (3) That individuals, by virtue of their sex, race,
14 ethnicity, religion, color, or national origin are
15 inherently responsible for actions committed in the past
16 by other members of their same sex, race, ethnicity,
17 religion, color, or national origin.

18 (b) Notwithstanding any other provision of law or
19 administrative rule to the contrary, a school board, parent,
20 legal guardian, or student has the right to object to and
21 refuse any unit of instruction or required course of study
22 that directs, requires, or otherwise compels a student to
23 personally affirm, adopt, or adhere to any of the tenets
24 identified in paragraphs (1), (2), or (3) of subsection (a) in
25 any public school district or public institution of higher

1 education.

2 (c) The school board has the duty to ensure that parents,
3 legal guardians, students, and members of the public can
4 access public school curriculum in a manner that provides
5 clear access, immediacy, and transparency to curriculum in
6 public schools.

7 (d) The school board to which a student is subject shall
8 have the ultimate obligation to review and resolve objections
9 to the curriculum in a manner that is open and transparent to
10 the parent, legal guardian, student, instructor, and the
11 public. The wishes of parents and legal guardians for a
12 student shall take priority wherever and whenever possible. To
13 remedy objections, a school board may, but is not limited to,
14 offer the following:

15 (1) That the instructor remove the offending
16 curriculum, provide additional balance or factual basis,
17 or correct any factual bases found to be incorrect or
18 biased.

19 (2) That an alternative curriculum be offered to the
20 student in replacement of the objected-to curriculum.

21 (3) That the objected-to curriculum be excluded from a
22 student's grade or be independently graded.

23 (4) That the objected-to curriculum, or the course as
24 a whole, undergo curriculum review, with the final
25 curriculum and learning standards to be approved by the
26 school board.

1 (5) If objections are sufficiently pervasive or
2 numerous for a class that is designed to fulfill local,
3 State, or federal requirements, a directive may be issued
4 that an alternative classroom or course curriculum be
5 prepared that will comply with the legal requirement that
6 can resolve the objections of the parent, legal guardian,
7 or student.

8 (6) That administrators or faculty members prepare an
9 improvement plan for curriculum quality or justify to the
10 school board the continued use of the objected-to
11 curriculum.

12 (e) No retaliation may occur against the student in
13 connection with any curriculum objections raised by the
14 student, parent, or legal guardian. Retaliation may include,
15 but is not limited to: ostracism in class, singling out a
16 student in class, harsher grading, transfer, isolation, or any
17 other tactics associated with bullying.

18 (f) School boards shall also prepare a policy to ensure
19 parental involvement in curriculum decisions particularly if
20 contentious issues are to be taught and to ensure that
21 providers of curriculum and those with responsibility for
22 curriculum oversight are not abusing their positions of trust
23 at the expense of parents and students.

24 Section 15. Referendum. Notwithstanding any provision of
25 law to the contrary, for any school whose annual operational

1 expenses use in part non-state funds, a school board:

2 (1) by majority vote of the current elected membership
3 of the board; or

4 (2) upon receipt of a petition submitted to the school
5 board with either: (i) 250 signatures of individuals who
6 live within the school board's taxpaying district; or (ii)
7 a number of signatures that exceeds 10% of the total
8 number of students who are attending the school, as
9 measured by the 10th day attendance numbers of the school
10 year preceding the election period, whichever is less,
11 may submit to the applicable board of elections a certified
12 question to approve or to disapprove the use of taxpayer
13 funding for the curriculum at the next election where members
14 of the school board are up for election for an elected school
15 board or at the next general election, if the school board is
16 not elected. If taxpayer funds are disapproved for such
17 curriculum it shall be improper for the school board to use any
18 such funds in support of the curriculum or the instructor who
19 seeks to present it.

20 Section 20. Permissible activity. Notwithstanding any
21 provision of law to the contrary, no distinction or
22 classification of students shall be made on account of race or
23 color, but nothing in this Section shall be construed to
24 prohibit the required collection or reporting of demographic
25 data by public school districts or public institutions of

1 higher education. Nothing in this section may be construed to
2 prohibit the use of federal dollars for federal programs.

3 Section 97. Severability. The provisions of this Act are
4 severable under Section 1.31 of the Statute on Statutes.

5 Section 99. Effective date. This Act takes effect upon
6 becoming law.