HB 2281 (2010) – codified at

15-111. Declaration of policy

The legislature finds and declares that public school pupils should be taught to treat and value each other as individuals and not be taught to resent or hate other races or classes of people.

15-112. Prohibited courses and classes; enforcement

A. A school district or charter school in this state shall not include in its program of instruction any courses or classes that include any of the following:

1. Promote the overthrow of the United States government.

2. Promote resentment toward a race or class of people.

3. Are designed primarily for pupils of a particular ethnic group.

4. Advocate ethnic solidarity instead of the treatment of pupils as individuals.

B. If the state board of education or the superintendent of public instruction determines that a school district or charter school is in violation of subsection A, the state board of education or the superintendent of public instruction shall notify the school district or charter school that it is in violation of subsection A. If the state board of education or the superintendent of public instruction determines that the school district or charter school has failed to comply with subsection A within sixty days after a notice has been issued pursuant to this subsection, the state board of education or the superintendent of public instruction may direct the department of education to withhold up to ten per cent of the monthly apportionment of state aid that would otherwise be due the school district or charter school.  The department of education shall adjust the school district or charter school's apportionment accordingly.  When the state board of education or the superintendent of public instruction determines that the school district or charter school is in compliance with subsection A, the department of education shall restore the full amount of state aid payments to the school district or charter school.

C. The department of education shall pay for all expenses of a hearing conducted pursuant to this section.

D. Actions taken under this section are subject to appeal pursuant to title 41, chapter 6, article 10.

E. This section shall not be construed to restrict or prohibit:

1. Courses or classes for Native American pupils that are required to comply with federal law.

2. The grouping of pupils according to academic performance, including capability in the English language, that may result in a disparate impact by ethnicity.

3. Courses or classes that include the history of any ethnic group and that are open to all students, unless the course or class violates subsection A.

4. Courses or classes that include the discussion of controversial aspects of history.

F. Nothing in this section shall be construed to restrict or prohibit the instruction of the holocaust, any other instance of genocide, or the historical oppression of a particular group of people based on ethnicity, race, or class.