



SAMPLE STATE INCLUSIVE CURRICULAR STANDARDS LEGISLATION

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1 Legislative Purpose and Findings

POLICY OBJECTIVES

- Explain the context and need for the legislation.
- Apply research that informs legislative components.
- If appropriate, mention particular local needs for developing inclusive curriculum.

This statement explains why inclusive curricular standards legislation is critical to engendering long-term well being and educational attainment for youth in K-12 learning communities. It outlines the legislative intent of the law that can serve as reference in the context of relevant court cases. The inclusion of this section — which describes the importance of teaching a curriculum that reflects the fullness of students’ identities and lived experiences and the impact of access to inclusive curriculum — can help in the implementation of the law.

Recommendation

Include data on the benefits of inclusive curriculum, when available. [GLSEN State Research Snapshots](#) are available for most states and include data on the availability of LGBTQ+ inclusive curriculum.

MODEL LANGUAGE

Be it enacted by the Legislature of the State of _____:

Section 1.

This Act, henceforth known as the Inclusive Curricular Standards Act, shall hereby be enacted to read as follows.

A. The Legislature finds and declares that:

- 1) Access to an inclusive curriculum that consists of affirming representation of the historical contributions and lived experiences of LGBTQ+ people, people who are Black, Indigenous, and people of color (BIPOC), people with disabilities, and all marginalized communities, contributes to school climates where youth are at minimum safe from harm, and in which ultimately, schools are places where young people can thrive and reach their full potential;
- 2) Curriculum can serve as a mirror when it reflects individuals and their experiences back to themselves;
- 3) Curriculum can also serve as a window when it introduces and provides the opportunity for students to understand other people's experiences and perspectives;
- 4) According to GLSEN's 2021 National School Climate Survey¹:
 - a) More than two-thirds (71.6%) of students reported that their classes did not include representations of LGBTQ+ people, history, or events;
 - b) Compared to their peers without access to inclusive curriculum, students in schools with positive LGBTQ+ inclusion in curriculum were less likely to feel unsafe at school based on their sexual orientation, gender expression, or gender; were less likely to report having missed at least one day of school due to feeling unsafe or uncomfortable; heard biased language less frequently; reported less severe in-person and online victimization based on their sexual orientation, gender expression, or gender; were more likely to report a higher than average GPA; were more than twice as likely to report that peers intervened most or all of the time when hearing biased remarks about sexual orientation or gender expression; and reported higher levels of self-esteem, lower levels of depression, and were less likely to have seriously considered suicide in the past year;
- 5) According to GLSEN's [State] Research Snapshot, only [%] of LGBTQ+ secondary students in [State] were taught any positive representations of LGBTQ people, history, or events in the past year;
- 6) According to the Museum of disABILITY History, as of 2014, 24 States had established disability awareness curriculum for public schools or were in the process of passing legislation to do so.²
- 7) According to the National Women's History Alliance, only 3 States (Illinois, Florida, and Louisiana) have mandated that women's history be taught in elementary, middle, and high schools;³ and
- 8) Students, parents, educators, and lawmakers have come together to call for leadership and action to implement inclusive curriculum in our schools.

¹ Kosciw, J. G., Clark, C. M., & Menard, L. (2022). The 2021 National School Climate Survey: The experiences of LGBTQ+ youth in our nation's schools. New York: GLSEN.

² LGBTQI+ and Women's History Education Act of 2022, H.R. 8445, 117th Cong. (2022). <https://www.congress.gov/bill/117th-congress/house-bill/8445/text>.

³ Ibid.

2 Definitions and Scope of Required and Proscribed Conduct

POLICY OBJECTIVES

- Make the Act applicable to all K-12 local education agencies (LEAs) and, where appropriate, charter schools.
- Communicate clear standards for the inclusion of the contributions, perspectives, and experiences of LGBTQ+ people and other communities that experience marginalization to support local curriculum development and the selection of appropriate instructional materials.
- Enumerate specific core academic subjects to which the Act applies.

Where states have existing laws that set standards for the inclusion of one or more communities that experience marginalization, legislators should consider citing those statutes in addition to separately enumerating those communities in the statute. Similarly, where states have existing laws on nondiscrimination on the basis of sexual orientation and gender identity, legislators should consider citing those statutes in Section 2(B) as do California and Illinois⁴.

⁴ California SB-48 (2011), https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201120120SB48; Illinois Public Act 101-0227 (2019), <https://www.ilga.gov/legislation/publicacts/fulltext.asp?Name=101-0227&GA=101>.

MODEL LANGUAGE

Section 2.

A. (1) Instruction shall be provided using an intersectional educational approach to pupils enrolled in kindergarten through grade 12 in each public school within the LEA or in the charter school, as applicable, in core academic subjects, including history, geography, economics, civics, science, and the arts, on the contributions, perspectives, and experiences of individuals who are:

- (a) Lesbian, Gay, Bisexual, Transgender, Queer, Intersex and other LGBTQI+ persons;
- (b) Persons who are of African, American Indian/Alaskan Native, Asian, Pacific Islander/Native Hawaiian, Chicano, Latino, or Middle Eastern descent;
- (c) Persons with disabilities;
- (e) Persons from economically disadvantaged backgrounds;
- (f) Women;
- (g) Immigrants and refugees; and
- (h) Persons from underrepresented religious backgrounds.

(2) In this act:

- (a) INTERSECTIONAL EDUCATIONAL APPROACH.—The term “intersectional educational approach” means a teaching approach that acknowledges, includes, and affirms the unique and compounded forms of discrimination experienced by those who live at the intersection of two or more marginalized identities enumerated in Subsection (A)(1) of this section.
- (b) LGBTQI+ PERSONS.—The term “LGBTQI+ persons” means sexual and gender minority populations, including but not limited to individuals who are lesbian, gay, bisexual, transgender, queer, nonbinary, Two-Spirit, and intersex.
- (c) AMERICAN INDIAN / ALASKA NATIVE.— “American Indian or Alaskan Native” means persons having origins in any of the original peoples of North and South America (including Central American) and who maintain tribal affiliation or community attachment.

B. Textbooks and other instructional materials authorized to be purchased are limited without exception to textbooks and instructional materials that are non-discriminatory as to the group of persons enumerated in Subsection (A)(1) of this section.

C. Subsections (A) and (B) of this section take effect on [date].

3 State Education Agency Responsibilities

POLICY OBJECTIVES

- Clarify the responsibilities of the State Education Agency (SEA).
- Establish timeline and outline supports for LEAs on implementation of curricular standards.

Each SEA must be actively engaged in supporting LEAs on implementation of this Act. Technical assistance resources for LEAs should include information on the process for selection of instructional materials, professional development training for educators, and overall supports on developing model curriculum and curricular resources. Legislators should consider using the sample language below where possible to guide the process of implementations. Oregon Revised Statute 329.045 provides an example of a state law that outlines a more comprehensive approach.⁵

In some states, SEAs play a key role in the selection of textbooks and other instructional materials that adhere to curricular standards; in other states, LEAs are exclusively responsible for selecting instructional materials.⁶ The sample language in Section (3)(B) below is adapted for states where SEAs play a key role⁷ and may otherwise be omitted.

In states where authority on inclusive curricular standards is delegated administratively to SEAs, Chief State School Officers should consider adopting components of this legislation into regulations, guidance, and technical assistance to LEAs.

⁵ Oregon Revised Statutes 329.045, "Revision of Common Curriculum Goals, performance indicators, diploma requirements, Essential Learning Skills and academic content standards," https://oregon.public.law/statutes/ors_329.045.

⁶ Education Commission of the States, "Response to Information Request," (January 1, 2022), https://www.ecs.org/wp-content/uploads/State-Information-Request_Textbook-Adoption-Policies.pdf.

⁷ For example, South Carolina is statutorily required to approve textbooks and Rhode Island is statutorily required to provide at least five examples of "high quality curricula and materials" from which LEAs will typically select final materials.

South Carolina Code of Laws Section 59-5-60(7). <https://www.scstatehouse.gov/code/t59c005.php>. Rhode Island. Gen. Laws § 16-22-32. High quality curriculum and materials. <http://webserver.rilegislature.gov/Statutes/TITLE16/16-22/16-22-32.htm>.

MODEL LANGUAGE

Section 3.

- A. Notwithstanding the effective date set forth in Section (2)(C) of this Act, the State Education Agency (SEA) no later than [effective date less 2 years], shall:
- (1) Review existing academic content standards to determine if the academic content standards comply with the requirements of Section (2)(A)(1);
 - (2) If applicable, adopt or revise any academic content standards as necessary to ensure compliance with the requirements of Section (2)(A)(1);
- B. Notwithstanding the effective date set forth in Section (2)(C) of this Act, the SEA, no later than [effective date less 1 year], shall:
- (1) Review existing [approved/model] instructional materials, including textbooks, to ensure compliance with the requirements of Section (2)(B); and
 - (2) If applicable, approve new instructional materials, including textbooks, as necessary to ensure compliance with the requirements of Section (2)(B).]
- C. (1) During the [school year inclusive of the effective date] and [the year following the school year inclusive of the effective date], the State Education Agency shall provide professional development and technical assistance to all LEAs and school staff on:
- (a) The academic content standards adopted pursuant to Section 2(A)(1); and
 - (b) The textbook and other instructional materials standards adopted pursuant to (2)(B).
- (2) The State Education Agency may contract for the provision of professional development and technical assistance services required by this Subsection.

4 Local Education Agency Responsibilities

POLICY OBJECTIVES

- Clarify the responsibilities of LEAs.
- Establish a timeline and specific actions required for implementation.

LEAs are responsible for reviewing state curricular standards, developing inclusive curriculum for schools that will be reflected in classroom instruction, and adopting textbooks and other instructional materials that adhere to state curricular and instructional materials standards. Legislators should consider the sample language below to support LEAs in developing inclusive curriculum and selecting instructional material. Further, legislators can reference New Jersey Statutes 18A:35-4.35 and 18A:35-4.36a for examples where the LEA is exclusively responsible for selection of approved instructional materials.⁸

⁸ New Jersey P.L. 2019, CHAPTER 6, approved January 31, 2019, Senate, No. 1569 (Second Reprint), https://pub.njleg.state.nj.us/Bills/2018/AL19/6_.PDF.

New Jersey P.L. 2021, CHAPTER 32, approved March 1, 2021
Assembly, No. 4454 (Second Reprint), https://pub.njleg.state.nj.us/Bills/2020/AL21/32_.PDF.

MODEL LANGUAGE

Section 4.

- A. Notwithstanding the effective date set forth in Section (2)(C) of this Act, Local Education Agencies (LEAs), no later than [effective date less 1 year], shall:
 - (1) Review its existing approved curriculum to determine if the academic content standards comply with the requirements of Section 2(A);
 - (2) If applicable, revise curriculum to ensure compliance with the requirements of Section 2(A).
 - (3) Review existing approved instructional materials, including textbooks, to determine if the academic content standards comply with the requirements of Section 2(B); and
 - (4) If applicable, approve new instructional materials, including textbooks, as necessary to ensure compliance with the requirements of Section 2(B).
- B. A school district must first offer instruction that meets the academic content standards of Section (2)(A)(1) no later than the [school year inclusive of the effective date].
- C. Nothing in paragraph (a) of this subsection prevents a school district from first offering instruction that meets the academic content standards of Section 2(a), at any time prior to the effective date set forth in Section (2)(C).

