

1 HB11
2 214753-1
3 By Representative Sorrell
4 RFD: State Government
5 First Read: 28-SEP-21

SYNOPSIS: This bill would require the State Board of Education, in consultation with the Alabama Department of Public Health, to adopt rules to ensure safety protocols for controlling the spread of COVID-19 in public K-12 schools that do not require the wearing of masks by schoolchildren or otherwise violate the ability of a parent to make health care decisions for his or her child.

 This bill would also require a reduction in Foundation Program Fund monies for those public K-12 schools that adopt mask mandates in violation of rules adopted pursuant to this bill.

A BILL
TO BE ENTITLED
AN ACT

 Relating to education; to require the State Board of Education to adopt rules pertaining to controlling the spread of COVID-19 in public K-12 schools; and to require a reduction

1 in funding for public K-12 schools for violations of those
2 rules.

3 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

4 Section 1. The Legislature finds and declares as
5 follows:

6 (1) A right to a normal education is imperative to
7 the growth and development of the children and adolescents of
8 this state.

9 (2) It is the parents' responsibility to weigh risk
10 and make decisions regarding the health of their children, not
11 the role of the government.

12 (3) Masking children may lead to negative health and
13 societal ramifications.

14 (4) Studies have shown that children are at a low
15 risk of contracting a serious illness due to COVID-19 and do
16 not play a significant role in the spread of the virus.

17 (5) Forcing children to wear masks could inhibit
18 breathing, lead to the collection of dangerous impurities
19 including bacteria, parasites, fungi, and other contaminants,
20 and adversely affect communications in the classroom and
21 student performance.

22 (6) Given the historical data on COVID-19 and the
23 ongoing debate over whether masks are more harmful than
24 beneficial to children and to school environments in general,
25 we should protect the freedoms and rights of students and
26 parents by resting with the parents the decision whether their
27 children should wear masks in school.

1 Section 2. (a) The State Board of Education, in
2 consultation with the Alabama Department of Public Health,
3 shall adopt rules to ensure safety protocols for controlling
4 the spread of COVID-19 in public K-12 schools that achieve all
5 of the following:

6 (1) Maintain the constitutional freedoms of
7 Alabamians.

8 (2) Retain parents' ability to make health care
9 decisions for their minor children, including whether to
10 require their children to wear masks in schools.

11 (3) Protect children with disabilities or health
12 conditions who would be harmed by certain protocols such as
13 face masking requirements.

14 (b) Nothing in this section shall affect a parent's
15 ability to choose to voluntarily require his or her child to
16 wear a mask in a public K-12 school.

17 (c) (1) If a public K-12 school violates any rule,
18 adopted by the State Board of Education pursuant to this
19 section, that prohibits a mandate requiring students to wear
20 masks in school, and does so by adopting a policy to enforce
21 such a mask mandate, the State Superintendent of Education
22 shall reduce by 5 percent in the succeeding fiscal year, the
23 portion of that local board of education's allotment from the
24 Foundation Program Fund to which that school would otherwise
25 be entitled. The reduction shall only apply to the violating
26 school and sufficient safeguards shall be implemented to
27 ensure that the reduction does not decrease or supplant

1 funding to any other school under the jurisdiction of the
2 local board of education.

3 (2) If a local board of education violates any rule,
4 adopted by the State Board of Education pursuant to this
5 section, that prohibits a mandate requiring students to wear
6 masks in school, and does so by adopting a policy to enforce
7 such a mask mandate, the State Superintendent of Education
8 shall reduce by 5 percent in the succeeding fiscal year, the
9 portion of that local board of education's allotment from the
10 Foundation Program Fund to which that local board of education
11 would otherwise be entitled.

12 Section 3. This act shall become effective on the
13 first day of the third month following its passage and
14 approval by the Governor, or its otherwise becoming law.