HB312
217223-1

By Representatives Oliver, Crawford, Lipscomb, Stringer, Stadthagen, Sorrell, Wadsworth, Smith, Sullivan, Treadaway, Kiel, Moore (P), Farley, Robertson, Wood (D), Shaver, Robbins, Easterbrook, Shedd, Brown (K), Lovvorn, Ledbetter, Marques, Brown (C), Sorrells, Mooney, Fincher, Holmes, Wingo, Dismukes, Clouse, Reynolds, Drake, Carns, Greer, McCutcheon, Garrett and Standridge

RFD: State Government

First Read: 08-FEB-22
SYNOPSIS: This bill would prohibit this state and any of its political subdivisions or agencies from promoting or advancing certain concepts regarding race, sex, or religion in certain teaching or training.

This bill would prohibit the state from teaching or training employees, contractors, teachers, or students to adopt or believe certain concepts regarding race, sex, or religion.

This bill would prohibit public institutions of higher education and their employees from promoting or advancing certain concepts regarding race, sex, or religion except as part of teaching about doctrines regarding race, sex, or religion as part of a larger course of academic instruction without compelling students to assent to the concepts.

This bill would prohibit public K-12 schools and public institutions of higher education and their employees from using or introducing courses
of instruction or units of study directing or
compelling students to adhere to or affirm certain
concepts regarding race, sex, or religion.

This bill would also authorize state
agencies, political subdivisions, public K-12
schools, and public institutions of higher
education to discipline or terminate the employment
of any employee who violates this act.

A BILL
TO BE ENTITLED
AN ACT

Relating to education and training; to prohibit this
state and any of its political subdivisions or agencies from
teaching certain concepts relating to race, sex, or religion
in certain training; to prohibit public K-12 schools from
teaching certain concepts relating to race, sex, or religion;
to prohibit public institutions of higher education from
compelling students to assent to certain concepts relating to
race, sex, or religion; and to authorize state agencies,
political subdivisions, public K-12 schools, and public
institutions of higher education to discipline or terminate
certain employees.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. For the purposes of this act, the
following terms have the following meanings:
(1) CONTRACTOR. Any person, individual, or entity that in any manner has entered into a contract, or that performs a subcontract pursuant to a contract, with this state.

(2) DIVISIVE CONCEPT. Any of the following concepts:
   a. That one race, sex, or religion is inherently superior to another race, sex, or religion.
   b. That this state or the United States is inherently racist or sexist.
   c. That an individual, solely by virtue of his or her race or sex, is inherently racist, sexist, or oppressive, whether consciously or unconsciously.
   d. That an individual should be discriminated against or receive adverse treatment solely on the basis of his or her race.
   e. That members of one race should attempt to treat others differently solely on the basis of race.
   f. That an individual's moral character is determined solely on the basis of his or her race, sex, or religion.
   g. That an individual, solely by virtue of his or her race, sex, or religion, bears responsibility for actions committed in the past by other members of the same race, sex, or religion.
   h. That fault, blame, or bias should be assigned to a race, sex, or religion, or to members of a race, sex, or religion, solely on the basis of their race, sex, or religion.
i. That any individual should be asked to accept, acknowledge, affirm, or assent to a sense of guilt, complicity, or a need to work harder solely on the basis of his or her race or sex.

j. That meritocracy or traits such as a hard work ethic are racist or sexist.

k. That with respect to American values, slavery and racism are anything other than deviations from, betrayals of, or failures to live up to the founding principles of the United States, which include liberty and equality.

(3) STATE. Includes agencies and political subdivisions of the State of Alabama, including school districts and public K-12 schools and institutions of higher education.

(4) STUDENT. Any individual enrolled in a state public K-12 school or institution of higher education.

Section 2. (a) No state agency nor any public K-12 school may teach, instruct, or train any employee, contractor, staff member, teacher, student, or any other individual or group of individuals to adopt or believe a divisive concept. A public institution of higher education or employee of a public institution of higher education may teach about doctrines pertaining to a divisive concept as part of a larger course of academic instruction, provided the institution or employee does not compel students to assent to the concept and the instruction follows the requirements of subsection (f).
(b) No employee, contractor, staff member, teacher, trainer, or student of the state shall face any penalty or discrimination on account of his or her refusal to support, believe, endorse, embrace, confess, act upon, or otherwise assent to a divisive concept.

(c) No state employee, contractor, staff member, teacher, or trainer shall be compelled by a policy of any subdivision of this state, public school district, or public K-12 school to share his or her personal point of view on widely debated and currently controversial issues of public policy or social affairs.

(d) The state shall not apply for or accept a federal grant or federal funding if the grant or funding is granted for the purpose of compelling assent to any divisive concept or practice, or if the grant or funding is granted for the purpose of training in any divisive concept or practice as described in subsection (f).

(e) The state shall not accept private funding for curriculum development, purchase, or choice of curricular materials, teacher training, or professional development that requires adherence to any divisive concept or practice as described in subsection (f).

(f) No state agency, employee, contractor, staff member, teacher, or trainer of a public K-12 school, or public institution of higher education, as part of any course work, for any class credit, or for professional training, may do any of the following:
(1) Promote or inculcate students of a public K-12 school with any divisive concept.

(2) Compel students of a public institution of higher education to assent to any divisive concept.

(3) Require students or trainees to participate in a practicum, action project, or similar activity that involves lobbying for legislation at the federal, state, or local level, or any activity involving social or public policy advocacy as part of the course work expressly related to any divisive concept.

Section 3. (a) The fair and equal treatment of individuals is an inviolable principle that must be maintained in the state workplace. Each agency shall continue all training that will foster a workplace that is respectful of all employees.

(b) The head of each state agency shall use his or her authority to ensure that the agency, agency employees while on duty status, and any contractors hired by the agency to provide required training, workshops, forums, or similar programming for purposes of training, do not teach, advocate, act upon, or promote to agency employees any divisive concept.

(c) Agency diversity and inclusion efforts shall encourage agency employees not to judge each other by their color, race, ethnicity, sex, religion, or any other characteristic protected by federal or state law.

Section 4. (a) Nothing in this act shall prevent agencies or contractors from promoting racial, cultural, or
ethic diversity or inclusiveness, provided these efforts are consistent with the requirements of this act.

(b) Nothing in this act shall be construed to prohibit a public institution of higher education from discussing any divisive concept in an objective manner and without endorsement as part of a larger course of academic instruction, provided the general provisions for all state employees in Section 2 are adhered to, in addition to the following conditions:

(1) The institution does not require a student, teacher, administrator, trainee, or other state employee to attend or participate in a class session, training seminar, continuing education course, orientation, or therapy session that compels assent to a divisive concept as described in Section 1.

(2) The institution expressly makes clear that it does not endorse these divisive concepts.

Section 5. It is the intent of the Legislature that all constitutionally created boards of trustees comply with the requirements of this act.

Section 6. All state agencies and political subdivisions, including public K-12 schools and public institutions of higher education, may discipline or terminate the employment of any employee or contractor who violates this act. Public K-12 school terminations remain subject to the appeal of the termination to the local board of education or State Board of Education if applicable, or, if applicable, the

Section 7. If any provision of this act, or the application of this act to any individual or circumstance, is held to be invalid, the remainder of this act and the application of this act to any other individual or circumstance shall not be affected thereby.

Section 8. This act shall become effective on the first day of the third month following its passage and approval by the Governor, or its otherwise becoming law.