

1 HB8
2 214376-1
3 By Representatives Pringle and Mooney
4 RFD: Education Policy
5 First Read: 11-JAN-22
6 PFD: 06/28/2021

8 SYNOPSIS: This bill would prohibit public K-12 schools
9 and public institutions of higher education from
10 teaching certain concepts regarding race or sex,
11 such as critical race theory.

12 This bill would prohibit a K-12 school or
13 public institution of higher education from
14 imposing any penalty upon or discriminating against
15 a student on account of his or her refusal to
16 support, believe, endorse, embrace, confess, act
17 upon, or otherwise assent to divisive concepts,
18 such as critical race theory.

19 This bill would also authorize a public K-12
20 school or public institution of higher education to
21 promote racial, cultural, or ethnic diversity or
22 inclusiveness, provided the efforts of the school
23 or institution are consistent with the requirements
24 of this bill.

26 A BILL
27 TO BE ENTITLED

1 AN ACT

2
3 Relating to education; to prohibit public K-12
4 schools and public institutions of higher education from
5 teaching certain concepts regarding race or sex.

6 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

7 Section 1. For the purposes of this act, the
8 following terms have the following meanings:

9 (1) a. DIVISIVE CONCEPT. Any of the following
10 concepts:

11 1. That one race or sex is inherently superior to
12 another race or sex.

13 2. That this state or the United States is
14 fundamentally racist or sexist.

15 3. That an individual, by virtue of his or her race
16 or sex, is inherently racist, sexist, or oppressive, whether
17 consciously or unconsciously.

18 4. That an individual should be discriminated
19 against or receive adverse treatment solely or partly because
20 of his or her race or sex.

21 5. That members of one race or sex cannot and should
22 not attempt to treat others without respect to race or sex.

23 6. That an individual's moral character is
24 necessarily determined by his or her race or sex.

25 7. That an individual, by virtue of his or her race
26 or sex, bears responsibility for actions committed in the past
27 by other members of the same race or sex.

1 8. That any individual should feel discomfort,
2 guilt, anguish, or any other form of psychological distress on
3 account of his or her race or sex.

4 9. That meritocracy or traits such as a hard work
5 ethic are racist or sexist, or were created by a particular
6 race to oppress another race.

7 b. This term includes any other form of race or sex
8 stereotyping or any other form of race or sex scapegoating.

9 (2) RACE OR SEX SCAPEGOATING. Assigning fault,
10 blame, or bias to a race or sex, or to members of a race or
11 sex, because of their race or sex. The term includes any claim
12 that, consciously or unconsciously, and by virtue of his or
13 her race or sex, members of any race are inherently racist or
14 are inherently inclined to oppress others, or that members of
15 a sex are inherently sexist or inclined to oppress others.

16 (3) RACE OR SEX STEREOTYPING. Ascribing character
17 traits, values, moral and ethical codes, privileges, status,
18 or beliefs to a race or sex or to an individual because of his
19 or her race or sex.

20 Section 2. (a) A public K-12 school or public
21 institution of higher education may not teach, instruct, or
22 train any student to adopt or believe divisive concepts.

23 (b) No student enrolled in or attending a public
24 K-12 school or public institution of higher education shall
25 face any penalty or discrimination on account of his or her
26 refusal to support, believe, endorse, embrace, confess, act
27 upon, or otherwise assent to divisive concepts.

1 Section 3. (a) Nothing in this act shall prevent a
2 public K-12 school or public institution of higher education
3 from promoting racial, cultural, or ethnic diversity or
4 inclusiveness, provided these efforts are consistent with the
5 requirements of this act.

6 (b) Nothing in this act shall be construed to
7 prohibit the discussion of divisive concepts in an objective
8 manner and without endorsement as part of a larger course of
9 academic instruction.

10 (c) If any provision of this act, or the application
11 of any provision to any individual or circumstance, is held to
12 be invalid, the remainder of this act and the application of
13 its provisions to any other individual or circumstance shall
14 not be affected thereby.

15 Section 4. It is the intent of the Legislature that
16 constitutionally created boards of trustees comply with the
17 requirements of this act.

18 Section 5. This act shall become effective on the
19 first day of the third month following its passage and
20 approval by the Governor, or its otherwise becoming law.