

1 HB188  
2 214753-1  
3 By Representative Sorrell  
4 RFD: Ways and Means Education  
5 First Read: 01-FEB-22

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.