

1 SB292
2 218344-1
3 By Senator Barfoot
4 RFD: Governmental Affairs
5 First Read: 03-MAR-22

8 SYNOPSIS: This bill would prohibit this state and any
9 of its political subdivisions or agencies from
10 promoting or advancing certain concepts regarding
11 race, sex, or religion in certain teaching or
12 training.

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

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

25 This bill would prohibit public K-12 schools
26 and public institutions of higher education and
27 their employees from using or introducing courses

1 of instruction or units of study directing or
2 compelling students to adhere to or affirm certain
3 concepts regarding race, sex, or religion.

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

9
10 A BILL
11 TO BE ENTITLED
12 AN ACT

13
14 Relating to education and training; to prohibit this
15 state and any of its political subdivisions or agencies from
16 teaching certain concepts relating to race, sex, or religion
17 in certain training; to prohibit public K-12 schools from
18 teaching certain concepts relating to race, sex, or religion;
19 to prohibit public institutions of higher education from
20 compelling students to assent to certain concepts relating to
21 race, sex, or religion; and to authorize state agencies,
22 political subdivisions, public K-12 schools, and public
23 institutions of higher education to discipline or terminate
24 certain employees.

25 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

26 Section 1. For the purposes of this act, the
27 following terms have the following meanings:

1 (1) CONTRACTOR. Any person, individual, or entity
2 that in any manner has entered into a contract, or that
3 performs a subcontract pursuant to a contract, with this
4 state.

5 (2) DIVISIVE CONCEPT. Any of the following concepts:

6 a. That one race, sex, or religion is inherently
7 superior to another race, sex, or religion.

8 b. That this state or the United States is
9 inherently racist or sexist.

10 c. That an individual, solely by virtue of his or
11 her race or sex, is inherently racist, sexist, or oppressive,
12 whether consciously or unconsciously.

13 d. That an individual should be discriminated
14 against or receive adverse treatment solely on the basis of
15 his or her race.

16 e. That members of one race should attempt to treat
17 others differently solely on the basis of race.

18 f. That an individual's moral character is
19 determined solely on the basis of his or her race, sex, or
20 religion.

21 g. That an individual, solely by virtue of his or
22 her race, sex, or religion, bears responsibility for actions
23 committed in the past by other members of the same race, sex,
24 or religion.

25 h. That fault, blame, or bias should be assigned to
26 a race, sex, or religion, or to members of a race, sex, or
27 religion, solely on the basis of their race, sex, or religion.

1 i. That any individual should be asked to accept,
2 acknowledge, affirm, or assent to a sense of guilt,
3 complicity, or a need to work harder solely on the basis of
4 his or her race or sex.

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

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

11 Section 2. (a) No state agency nor any public K-12
12 school may teach, instruct, or train any employee, contractor,
13 staff member, teacher, student, or any other individual or
14 group of individuals to adopt or believe a divisive concept. A
15 public institution of higher education or employee of a public
16 institution of higher education may teach about doctrines
17 pertaining to a divisive concept as part of a larger course of
18 academic instruction, provided the institution or employee
19 does not compel students to assent to the concept and the
20 instruction follows the requirements of subsection (f).

21 (b) No employee, contractor, staff member, teacher,
22 trainer, or student of the state shall face any penalty or
23 discrimination on account of his or her refusal to support,
24 believe, endorse, embrace, confess, act upon, or otherwise
25 assent to a divisive concept.

26 (c) No state employee, contractor, staff member,
27 teacher, or trainer shall be compelled by a policy of any

1 subdivision of this state, public school district, or public
2 K-12 school to share his or her personal point of view on
3 widely debated and currently controversial issues of public
4 policy or social affairs.

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

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

16 (f) No state agency, employee, contractor, staff
17 member, teacher, or trainer of a public K-12 school, or public
18 institution of higher education, as part of any course work,
19 for any class credit, or for professional training, may do any
20 of the following:

21 (1) Promote or inculcate students of a public K-12
22 school with any divisive concept.

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

25 (3) Require students or trainees to participate in a
26 practicum, action project, or similar activity that involves
27 lobbying for legislation at the federal, state, or local

1 level, or any activity involving social or public policy
2 advocacy as part of the course work expressly related to any
3 divisive concept.

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

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

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

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

23 (b) Nothing in this act shall be construed to
24 prohibit a public institution of higher education from
25 discussing any divisive concept in an objective manner and
26 without endorsement as part of a larger course of academic
27 instruction, provided the general provisions for all state

1 employees in Section 2 are adhered to, in addition to the
2 following conditions:

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

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

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

14 Section 6. All state agencies and political
15 subdivisions, including public K-12 schools and public
16 institutions of higher education, may discipline or terminate
17 the employment of any employee or contractor who violates this
18 act. Public K-12 school terminations remain subject to the
19 appeal of the termination to the local board of education or
20 State Board of Education if applicable, or, if applicable, the
21 Teacher Accountability Act, Chapter 24B of Title 16, Code of
22 Alabama 1975, and the Students First Act, Chapter 24C of Title
23 16, Code of Alabama 1975.

24 Section 7. If any provision of this act, or the
25 application of this act to any individual or circumstance, is
26 held to be invalid, the remainder of this act and the

1 application of this act to any other individual or
2 circumstance shall not be affected thereby.

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