

SB247 INTRODUCED



1 CPXXJW-1

2 By Senators Barfoot, Elliott, Roberts, Chambliss, Kelley,
3 Carnley, Hovey, Sessions, Stutts, Bell, Albritton, Melson,
4 Scofield, Weaver, Allen, Butler, Orr, Chesteen, Shelnut,tt,
5 Livingston, Gudger

6 RFD: State Governmental Affairs

7 First Read: 25-Apr-23

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9 2023 Regular Session



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SYNOPSIS:

This bill would prohibit certain public entities, including state agencies, local boards of education, and public institutions of higher education, from promoting or endorsing, or requiring affirmation of, certain divisive concepts relating to race, sex, or religion.

This bill would prohibit certain public entities from conditioning enrollment or attendance in certain classes or trainings on the basis of race or color.

This bill would also authorize certain public entities to discipline or terminate employees or contractors who violate this act.

A BILL
TO BE ENTITLED
AN ACT

Relating to education; to provide prohibitions on the promotion, endorsement, and affirmation of certain divisive concepts in certain public settings; and to authorize certain penalties for violation.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. For the purposes of this act, the following



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29 terms have the following meanings:

30 (1) CONTRACTOR. Any individual or entity that has
31 entered into a public contract pursuant to Title 39 or Title
32 41, Code of Alabama 1975.

33 (2) DIVISIVE CONCEPTS. Any of the following concepts:

34 a. That any race, color, religion, sex, ethnicity, or
35 national origin is inherently superior or inferior.

36 b. That individuals should be discriminated against or
37 adversely treated solely because of their race, color,
38 religion, sex, ethnicity, or national origin.

39 c. That the individual moral character of an individual
40 is solely determined by his or her race, color, religion, sex,
41 ethnicity, or national origin.

42 d. That solely by virtue of an individual's race,
43 color, religion, sex, ethnicity, or national origin, the
44 individual is inherently racist, sexist, or oppressive,
45 whether consciously or subconsciously.

46 e. That individuals, by virtue of race, color,
47 religion, sex, ethnicity, or national origin, are inherently
48 responsible for actions committed in the past by other members
49 of the same race, color, religion, sex, ethnicity, or national
50 origin.

51 f. That fault, blame, or bias should be assigned to a
52 race, color, religion, sex, ethnicity, or national origin, or
53 to members of a race, color, religion, sex, ethnicity, or
54 national origin, solely on the basis of race, color, religion,
55 sex, ethnicity, or national origin.

56 g. That any individual should accept, acknowledge,



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57 affirm, or assent to a sense of guilt, complicity, or a need
58 to apologize solely on the basis of his or her race, color,
59 religion, sex, ethnicity, or national origin.

60 h. That meritocracy or traits such as a hard work ethic
61 are racist or sexist.

62 i. Anything contrary to the fact that, with respect to
63 American values, slavery and racism are deviations from,
64 betrayals of, and failures to live up to the founding
65 principles of the United States, which include liberty and
66 equality.

67 (3) PUBLIC INSTITUTION OF HIGHER EDUCATION. As defined
68 under Section 16-5-1, Code of Alabama 1975, which includes all
69 universities governed by constitutionally created boards of
70 trustees.

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

73 Section 2. A state agency, local board of education, or
74 public institution of higher education may not do any of the
75 following:

76 (1) Direct or compel a student, employee, or contractor
77 to personally affirm, adopt, or adhere to a divisive concept.

78 (2) Require its students, employees, or contractors to
79 do any of the following:

80 a. Attend or participate in any training, orientation,
81 or course work that advocates for or requires assent to a
82 divisive concept.

83 b. Share his or her personal point of view on any
84 divisive concept.



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85 c. Participate, as part of any required curriculum or
86 mandatory professional training, in an activity that involves
87 lobbying at the state or local level for legislation related
88 to a divisive concept.

89 (3) Penalize or discriminate against a student,
90 employee, or contractor on the basis of his or her refusal to
91 support, believe, endorse, embrace, confess, or otherwise
92 assent to a divisive concept.

93 (4) Condition enrollment or attendance in a class,
94 training, or orientation solely on the basis of race or color.

95 (5) Authorize or expend funding, or apply for or accept
96 a grant, federal funding, or private funding, for the purpose
97 of compelling assent to any divisive concept or any other
98 purpose prohibited in this act.

99 Section 3. All state agencies and political
100 subdivisions, including local boards of education and public
101 institutions of higher education, may discipline or terminate
102 the employment of any employee or contractor who knowingly
103 violates this act, provided that:

104 (1) Any disciplinary action or termination of an
105 employee of a public institution of higher education shall
106 remain subject to relevant policies established by the
107 institution.

108 (2) Termination of an employee or contractor of a local
109 board of education remains subject to the appeal of the
110 termination to the local board of education or State Board of
111 Education if applicable, or, if applicable, the Teacher
112 Accountability Act, Chapter 24B of Title 16, Code of Alabama



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113 1975, and the Students First Act, Chapter 24C of Title 16,
114 Code of Alabama 1975.

115 Section 4. Nothing in this act:

116 (1) Prevents an employee or a contractor of a state
117 agency, local board of education, or public institution of
118 higher education who provides mandatory orientation, course
119 work, or training from responding to questions that are raised
120 by participants in the orientation, course work, or training
121 and that pertain to divisive concepts.

122 (2)a. Prohibits a public institution of higher
123 education from providing any instruction in furtherance of
124 satisfying any accreditation standard.

125 b. Prohibits a public institution of higher education
126 from authorizing the teaching or discussion of any divisive
127 concept in an objective manner and without endorsement as part
128 of a larger course of academic instruction, provided the
129 institution and its employees do not compel assent to any
130 divisive concept and otherwise comply with the provisions of
131 this act.

132 c. Prohibits the required collection or reporting of
133 demographic data by public institutions of higher education.

134 (3) Prohibits the teaching of topics or historical
135 events in a historically accurate context.

136 (4) Prevents state agencies from promoting racial,
137 cultural, or ethnic diversity or inclusiveness, provided these
138 efforts are consistent with the requirements of this act.

139 (5) May be construed to inhibit or violate the First
140 Amendment rights of any student or employee, or to undermine



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141 the duty of a public institution of higher education to
142 protect, to the greatest degree, academic freedom,
143 intellectual diversity, and free expression.

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

147 Section 6. This act shall become effective on the first
148 day of the third month following its passage and approval by
149 the Governor, or its otherwise becoming law.