HB8

214376-1

By Representatives Pringle and Mooney

RFD: Education Policy

First Read: 11-JAN-22

PFD: 06/28/2021
SYNOPSIS: This bill would prohibit public K-12 schools and public institutions of higher education from teaching certain concepts regarding race or sex, such as critical race theory.

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

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

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

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

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

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

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

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

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

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

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

7. That an individual, by virtue of his or her race or sex, bears responsibility for actions committed in the past by other members of the same race or sex.
8. That any individual should feel discomfort, guilt, anguish, or any other form of psychological distress on account of his or her race or sex.

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

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

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

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

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

(b) No student enrolled in or attending a public K-12 school or public institution of higher education 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 divisive concepts.
Section 3. (a) Nothing in this act shall prevent a public K-12 school or public institution of higher education from promoting racial, cultural, or ethnic diversity or inclusiveness, provided these efforts are consistent with the requirements of this act.

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

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

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

Section 5. 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.