HB7 INTRODUCED

6Y8R1Z-1

By Representatives Oliver, Stadthagen, Marques, Brown C.,
Robertson C., Fidler, Kiel, Lipscomb, Garrett, Hulsey,
Wadsworth, Underwood, Woods, Colvin, Kitchens, Yarbrough,
Lomax, Cole, Stringer, Wood D., Hurst, DuBose

RFD: State Government

First Read: 07-Mar-23

PFD: 20-Jan-23
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
terms have the following meanings:

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

(2) DIVISIVE CONCEPTS. Any of the following concepts:
   a. That any race, color, religion, sex, ethnicity, or national origin is inherently superior or inferior.
   b. That individuals should be discriminated against or adversely treated solely because of their race, color, religion, sex, ethnicity, or national origin.
   c. That the individual moral character of an individual is solely determined by his or her race, color, religion, sex, ethnicity, or national origin.
   d. That solely by virtue of an individual's race, color, religion, sex, ethnicity, or national origin, the individual is inherently racist, sexist, or oppressive, whether consciously or subconsciously.
   e. That individuals, by virtue of race, color, religion, sex, ethnicity, or national origin, are inherently responsible for actions committed in the past by other members of the same race, color, religion, sex, ethnicity, or national origin.
   f. That fault, blame, or bias should be assigned to a race, color, religion, sex, ethnicity, or national origin, or to members of a race, color, religion, sex, ethnicity, or national origin, solely on the basis of race, color, religion, sex, ethnicity, or national origin.
   g. That any individual should be asked to accept,
acknowledge, affirm, or assent to a sense of guilt, complicity, or a need to apologize solely on the basis of his or her race, color, religion, sex, ethnicity, or national origin.

(3) PUBLIC INSTITUTION OF HIGHER EDUCATION. As defined under Section 16-5-1, Code of Alabama 1975. This term also includes all constitutionally created boards of trustees.

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

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

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

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

a. Attend or participate in any training, orientation, or course work that advocates, acts upon, or promotes divisive concepts.

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

c. Participate, as part of any course work or for any class credit or professional training, in an activity that involves lobbying for legislation at the federal, state, or local level.

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

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

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

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

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

(2) Termination of an employee or contractor of a local board of education remains subject to the appeal of the termination to the local board of education or State Board of Education if applicable, or, if applicable, the Teacher Accountability Act, Chapter 24B of Title 16, Code of Alabama 1975, and the Students First Act, Chapter 24C of Title 16, Code of Alabama 1975.

Section 4. Nothing in this act:

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

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

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

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

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

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

(5) May be construed to inhibit or violate the First
Amendment rights of any student or employee, or to undermine
the duty of a public institution of higher education to
protect, to the greatest degree, academic freedom,
intellectual diversity, and free expression.

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.