

- 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, Shelnutt,
- 5 Livingston, Gudger
- 6 RFD: State Governmental Affairs
- 7 First Read: 25-Apr-23
- 8
- 9 2023 Regular Session



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4	SYNOPSIS:
5	This bill would prohibit certain public
6	entities, including state agencies, local boards of
7	education, and public institutions of higher education,
8	from promoting or endorsing, or requiring affirmation
9	of, certain divisive concepts relating to race, sex, or
10	religion.
11	This bill would prohibit certain public entities
12	from conditioning enrollment or attendance in certain
13	classes or trainings on the basis of race or color.
14	This bill would also authorize certain public
15	entities to discipline or terminate employees or
16	contractors who violate this act.
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19	A BILL
20	TO BE ENTITLED
21	AN ACT
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23	Relating to education; to provide prohibitions on the
24	promotion, endorsement, and affirmation of certain divisive
25	concepts in certain public settings; and to authorize certain
26	penalties for violation.
27	BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:
28	Section 1. For the purposes of this act, the following



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: a. That any race, color, religion, sex, ethnicity, or 34 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, religion, sex, ethnicity, or national origin. 38 39 c. That the individual moral character of an individual is solely determined by his or her race, color, religion, sex, 40 ethnicity, or national origin. 41 d. That solely by virtue of an individual's race, 42 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. f. That fault, blame, or bias should be assigned to a 51 52 race, color, religion, sex, ethnicity, or national origin, or 53 to members of a race, color, religion, sex, ethnicity, or national origin, solely on the basis of race, color, religion, 54 sex, ethnicity, or national origin. 55 56 g. That any individual should accept, acknowledge,



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.

h. That meritocracy or traits such as a hard work ethicare racist or sexist.

i. Anything contrary to the fact that, with respect to
American values, slavery and racism are deviations from,
betrayals of, and failures to live up to the founding
principles of the United States, which include liberty and
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 contractor77 to personally affirm, adopt, or adhere to a divisive concept.

78 (2) Require its students, employees, or contractors to79 do any of the following:

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

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



c. Participate, as part of any required curriculum or
mandatory professional training, in an activity that involves
lobbying at the state or local level for legislation related
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.

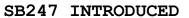
93 (4) Condition enrollment or attendance in a class,94 training, or orientation solely on the basis of race or color.

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:

(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.

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



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

115 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 comply with the provisions of this act.

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

134 (3) Prohibits the teaching of topics or historical135 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.

139 (5) May be construed to inhibit or violate the First140 Amendment rights of any student or employee, or to undermine



the duty of a public institution of higher education to 141 142 protect, to the greatest degree, academic freedom, 143 intellectual diversity, and free expression. Section 5. It is the intent of the Legislature that all 144 145 constitutionally created boards of trustees comply with the 146 requirements of this act. Section 6. This act shall become effective on the first 147 148 day of the third month following its passage and approval by

149 the Governor, or its otherwise becoming law.