

# KNOW YOUR RIGHTS



ALABAMA



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## WHAT EDUCATORS SHOULD KNOW ABOUT ALABAMA'S NEW ANTI-DEI LAW

In yet another attempt to divide Americans along social and racial lines, lawmakers and policymakers across the country are pushing legislation that seeks to censor classroom discussions on topics like inequity, racism, sexism, sexual orientation, and gender identity. Such censorship stifles students' freedom to learn and be their authentic selves.

Despite the rhetoric around them, these laws do not prohibit teaching the full sweep of U.S. history, including teaching about chattel slavery, the Civil War, Reconstruction, and white supremacy in all its forms. Nor should these laws and policies stifle efforts to ensure that all students, including historically marginalized students, feel seen in the classroom and benefit from culturally responsive and racially inclusive curricula and pedagogical tools that teach the truth and prepare students for the demands of a changing, increasingly globalized world.

In Alabama, these divisive efforts resulted in the enactment of Senate Bill 129 (2024). The following guide answers key questions about SB 129 and provides links to additional resources.

*These dangerous attempts to stoke fears and rewrite history not only diminish the injustices experienced by generations of Americans, they prevent educators from challenging our students to achieve a more equitable future.* - BECKY PRINGLE, PRESIDENT OF THE NATIONAL EDUCATION ASSOCIATION

## Q&A

### What does Alabama's new law do?

- o Senate Bill 129 restricts diversity, equity, and inclusion efforts and stifles meaningful discussions about justice and equality. The full text of SB 129 can be found [here](#). It takes effect on October 1, 2024.

### What do SB 129's diversity, equity, and inclusion (DEI) provisions do?

- o SB 129 prohibits state agencies, local school boards, and public institutions of higher education from:
  - Sponsoring DEI offices or programs;
  - Requiring students, employees, or contractors to attend or participate in DEI programs.
- o Under SB 129, a DEI program is "any program, class, training, seminar, or other event where attendance is based on an individual's race, sex, gender identity, ethnicity, national origin, or sexual orientation, or that otherwise violates" SB 129.

- However, that definition does not include "programs, classes, trainings, seminars, or other events that are necessary to comply with applicable state law, federal law, or court order."

### What do SB 129's "divisive concepts" provisions do?

- o SB 129 prohibits state agencies, local school boards, and public institutions of higher education from:
  - Directing or compelling a student, employee, or contractor to personally affirm, adopt, or adhere to a divisive concept;
  - Requiring students, employees, or contractors to attend or participate in any training, orientation, or course work that advocates for or requires assent to a divisive concept;
  - Requiring students, employees, or contractors to share their personal views on any divisive concept outside of an academic setting;
  - Requiring students, employees, or contractors to participate in any activity that involves

lobbying at the state or local level for legislation related to divisive concepts;

- Penalizing or discriminating against a student, employee, or contractor based on their refusal to support, believe, endorse, embrace, confess, or otherwise assent to a divisive concept or diversity statement;
- Authorizing or expending funding, or applying for or accepting a grant, federal funding, or private funding for the purpose of compelling assent to any divisive concept.
- o Under SB 129, a "divisive concept" can include any of the following:
  - That any race, color, religion, sex, ethnicity, or national origin is inherently superior or inferior;
  - That individuals should be discriminated against or adversely treated because of their race, color, religion, sex, ethnicity, or national origin;
  - That the moral character of an individual is determined by his or her race, color, religion, sex, ethnicity, or national origin;



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- That, 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;
- 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;
- That fault, blame, or bias should be assigned to members of a race, color, religion, sex, ethnicity, or national origin, on the basis of race, color, religion, sex, ethnicity, or national origin;
- That any individual should accept, acknowledge, affirm, or assent to a sense of guilt, complicity, or a need to apologize on the basis of his or her race, color, religion, sex, ethnicity, or national origin;
- That meritocracy or traits such as a hard work ethic are racist or sexist.

## What else does SB 129 do?

- o It prohibits state agencies, local school boards, and public institutions of higher education from conditioning enrollment or attendance in a class, training, or orientation solely on the basis of race or color.

## What does SB 129 not prevent higher education institutions from doing?

- o Providing instruction or taking any action in furtherance of satisfying accreditation standards or requirements;
- o Authorizing the teaching or discussion of divisive concepts 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 SB 129's provisions;
- o Collecting or reporting demographic data as required by public institutions of higher education;
- o Performing research, collecting data, engaging in recruiting and outreach, offering academic support services, engaging in clinical trials, or providing medical, mental, or any health care

or clinical services targeted to support individuals of a specific demographic;

- o Providing space or ancillary services to any student or employee on a non-discriminatory basis, including but not limited to, support and guidance to ensure compliance with applicable university policies and laws, assistance with security needs, and registration of events.

## What else does SB 129 not do?

- o It does not prevent state agencies from, consistent with the requirements of SB 129, promoting racial, cultural, or ethnic diversity or inclusiveness.
- o It does not inhibit or violate the First Amendment rights of any student or employee. Nor does it undermine the duty of public institutions of higher education to protect academic freedom, intellectual diversity, and free expression.
- o It does not affect or revise state law provisions requiring that membership of a state board, commission, or authority be inclusive and reflect the racial, gender, geographic, urban, rural, or economic diversity of the state.
- o It does not affect or limit the activities of the Alabama Office of Minority Affairs.

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## Can students, staff, or faculty organizations conduct DEI programs or host discussions involving divisive concepts on their own?

- o Yes! They can do so as long as no state funds are used to sponsor the programs and the organizers identify the program or event's sponsors at the event and in advertisements for the event.
- o And, unlike local school boards and higher education institutions, students, faculty, and staff organizations or associations may seek grants, federal funding, or private funding for those activities.

## Can I still teach the truth about race and American society?

- o Yes! SB 129 does not alter the *Alabama Course of Study: Social Studies*, which requires educators to teach students “essential knowledge regarding economics, geography, history, and civics and government” necessary for responsible, informed citizenship, as appropriate for each grade

level. Nor does it prohibit teaching topics or historical events in a historically accurate context.

## What if my students ask about current events that raise issues of race, racism, and racial inequity?

- o SB 129 does not prevent you from responding to student questions about divisive concepts or DEI in the course of your work responsibilities. And as an educator, you know how to handle challenging questions in professional and age-appropriate ways.
- o If you are planning a classroom lesson about a current event or controversial topic involving race, racism, sex, or sexism, be sure your curriculum is age-appropriate and aligned with the *Alabama Course of Study: Social Studies* and past practice. You may also consider consulting your school principal or administrator if a particular instructional approach is likely to be controversial in your classroom or the community.

## What if I am accused of promoting diversity, equity, and inclusion or “divisive concepts?”

- o SB 129 did not give parents the right to file lawsuits against educators or create a formal complaint process.
- o However, it did give local school boards and public institutions of higher education permission to discipline or terminate employees who knowingly violate SB 129's restrictions. Contractors may also face discipline or termination for knowing violations within the course of their contractual obligation.
- o But keep in mind that SB 129's discipline and termination provisions will not displace policies previously established by higher education institutions. Adverse decisions by local school boards also will remain subject to pre-existing state law and appeals processes.
- o If you are concerned about discipline or termination, and you are a member of the Alabama Education Association, you should contact your local representative to discuss your rights. Contact information for the AEA can be found [here](#).



# Know Your Rights

## How can I continue to foster an inclusive environment at my school?

- o We know that culturally responsive and inclusive curricula and pedagogical approaches work. They engage students and improve retention and achievement. Talk to your school principal or administrator about the importance of ensuring all students feel seen and supported in your classroom and school and how your school can make sure that happens.
- o If you plan on posting a symbol of inclusion and have not seen other educators posting similar items in their classroom, make sure to tell your school principal or administrator in advance so you can address any concerns they may have. If your school principal or administrator bars you from posting inclusive signage, consult your local Alabama Education Association (AEA) representative about how best to proceed. Their contact information can be found [here](#).

## How can I support students / oppose these laws outside of school?

- o Always remember that you have the greatest protection when you speak up during non-work time and outside of school – for example, by speaking at a school board meeting, church, or other local community group meeting; attending a rally; writing a letter to the editor; or posting on Facebook or other social media.
- o You can join your students at these out-of-school events, but you should not use your authority as their teacher to urge students to participate.
- o Sign NEA EdJustice's [Racial Justice in Education](#) and [Honesty in Education](#) pledges to show your support and stay current on the education justice movement.

## Where can I go for more information on these issues?

- o NEA's [Freedom to Learn Toolkit](#) and [Know Your Rights](#) page
- o African American Policy Forum #TruthBeTold Campaign Partnership for the Future of Learning's [Truth in Our Classrooms Bridges Divides Messaging Guide](#)
- o The Leadership Conference's [Toolkit for Local Advocates: Teaching Diverse and Inclusive Curricula Materials and Defending Diversity, Equity, and Inclusion](#)

**THIS RESOURCE WAS COLLABORATIVELY DEVELOPED BY THE NATIONAL EDUCATION ASSOCIATION AND AFRICAN AMERICAN POLICY FORUM, WITH ADDITIONAL CONTRIBUTIONS FROM AAPF'S #TRUTHBETOLD LITIGATION STRATEGY & LEGAL SUPPORT WORKING GROUP, INCLUDING LATCRIT, INC. AND THE NATIONAL YOUTH LAW CENTER.**



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