

APA-1
07/04

TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION

Control No. 290 Department or Agency State Department of Education
Chapter No. 290-040-.040-.02

Chapter Title: Certain Teaching Techniques

 New Amend Repeal Adopt by Reference

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety? Yes

Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare? No

Is there another less restrictive method of regulation available that could adequately protect the public? No

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved and, if so, to what degree? No

Is the increase in cost, if any, more harmful to the public than the harm that might result from the absence of the proposed rule? No

Are all facets of the rulemaking process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public? Yes

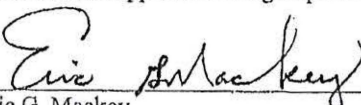
Does the proposed action relate to or affect in any matter any litigation which the agency is a party to concerning the subject matter of the proposed rule? No

Does the proposed rule have an economic impact? No

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of Section 41-22-23, Code of Alabama 1975.

Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Reference Service.

Signature of certifying officer: 
Eric G. Mackey
State Superintendent of Education

Date 6-30-2022

REC'D & FILED

JUL 13 2022

LEGISLATIVE SVC AGENCY

APA-2
07/04

STATE DEPARTMENT OF EDUCATION

NOTICE OF INTENDED ACTION

AGENCY NAME: State Department of Education

RULE NO. & TITLE: 290-040-040-.02, Certain Teaching Techniques

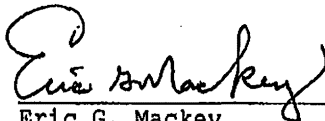
INTENDED ACTION: The Department of Education proposes to amend Rule 290-040-040-.02

SUBSTANCE OF PROPOSED ACTION: The Alabama State Board of Education will amend Rule 290-040-040-.02 to clarify appropriate age for engaging in classroom discussion regarding sexual orientation or gender identity.

TIME, PLACE, MANNER OF PRESENTING VIEWS: A public hearing will be held at 10:00 a.m., on September 8, 2022, at the Auditorium, Plaza Level, Gordon Persons Building, 50 North Ripley Street, Montgomery, Alabama. All persons wishing to express their views should contact the State Superintendent of Education (334-694-4900) no later than August 29, 2022, to be scheduled on the agenda. All persons wishing to express their views in writing to the State Superintendent of Education should address all written comments to the State Superintendent of Education, Gordon Persons Building, P.O. Box 302101, Montgomery, Alabama 36130-2101.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE: September 8, 2022

CONTACT PERSON AT AGENCY: Mr. Sean J. Stevens, Program Coordinator
Instructional Services
P.O. Box 302101
Montgomery, Alabama 36130-2101
(334-694-4768)



Eric G. Mackey
State Superintendent of Education

STATE BOARD OF EDUCATION
STATE DEPARTMENT OF EDUCATION
ADMINISTRATIVE CODE

RULE 290-040-040

AUDITS AND MANAGEMENT SERVICES

290-040-040-.02 Certain Teaching Techniques

(1) Each local board of education may offer instruction in yoga to students in grades K-12, subject to the provisions of Chapter 40 of title 16, Code of Ala. 1975.

(2) The State Board of Education specifically prohibits each local board of education from offering K-12 instruction that indoctrinates students in social or political ideologies or theories that promote one race or sex above another. All K-12 instruction, Alabama Courses of Study standards, professional development, and other activities shall be in accordance with the most current State Board resolution regarding intellectual freedom and non-discrimination.

(3) An individual or group of individuals providing classroom instruction to students in kindergarten through the fifth grade at a public K-12 school shall not engage in classroom discussion or provide classroom instruction regarding sexual orientation or gender identity in a manner that is not age appropriate or developmentally appropriate for students in accordance with state standards. In determining age or developmental appropriateness, local education agencies may consider, but not be limited to, the Alabama Core Teaching Standards, Rule 290-3-3.04, or any derivation thereof, and the Alabama Educator Code of Ethics.

(a) A violation of this subdivision which results in any local education agency employee, who holds an Alabama certificate or license, being terminated, non-renewed, resigning, being placed on administrative leave, or receiving any other disciplinary action shall be reported to the State Superintendent of Education in accordance with the provisions of Rule 290-3-2.04 or other law pertaining to the revocation or suspension of certificates and unsuitability determinations.

~~(3)~~ (4) Consistent with state law, all school personnel charged with the responsibility of teaching students should take great care to emphasize that conduct prohibited by law is not appropriate in a civilized society. School personnel should also emphasize the consequences of conduct that is prohibited by law or that is highly likely to result in harmful consequences to the health of a person. Such conduct shall not be presented to students as legitimate options for their consideration. Nothing contained herein shall be interpreted as requiring the teaching of and/or about alternative lifestyles and/or illegal conduct.

(4) ~~(5)~~ Local boards of education should make great efforts to identify parental concerns. Specifically, local boards of education shall, at a minimum, afford parents access to instructors and the opportunity to review the programs and materials to be utilized. For programs and materials not otherwise subject to state or local review processes, local boards should make every effort to seek the support of school patrons.

Authors: _____
Statutory Authority: _____
History: Amended: Filed _____; effective _____.