

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 manner 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
Eric G. Mackey
State Superintendent of Education

Date Aug 3, 2021

REC'D & FILED

AUG 12 2021

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STATE DEPARTMENT OF EDUCATION

NOTICE OF INTENDED ACTION

AGENCY NAME: State Department of Education

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

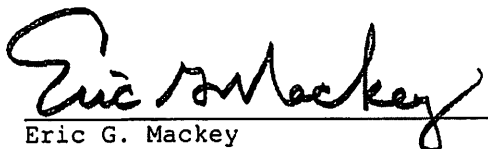
INTENDED ACTION: The Department of Education will amend Rule:
290-040-040-.02;

SUBSTANCE OF PROPOSED ACTION: The Alabama State Board of Education will be asked to update and amend Rule: 290-040-040-.02. The purpose of the amendment is to comply with Chapter 40 of Title 16, Code of Alabama 1975 regarding yoga and require K-12 instruction be consistent with the most current State Board resolution regarding intellectual freedom and non-discrimination.

TIME, PLACE, MANNER OF PRESENTING VIEWS: A public hearing will be held at 10:00 a.m., October 14, 2021, 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 October 4, 2021, in order 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: October 14, 2021

CONTACT PERSON AT AGENCY: Sean Stephens
Associate General Counsel
Alabama State Department of Education
Gordon Persons Building
P.O. Box 302101
Montgomery, Alabama 36130-2101
(334-694-4769)



Eric G. Mackey
State Superintendent of Education

STATE BOARD OF EDUCATION
STATE DEPARTMENT OF EDUCATION
ADMINISTRATIVE CODE

CHAPTER 290-040-040
AUDITS AND MANAGEMENT SERVICES

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290-040-040-.01 Student Services. The State Superintendent of Education shall prepare and disseminate materials designed to assist local education agencies (LEAs) in developing a comprehensive program of student services.

Author:

Statutory Authority: Const. of Ala. of 1901, Amend. No. 184, Code of Ala. 1975, §§ 16-3-11 through 13, 16-4-4.

History: Amended June 15, 1979.

cf. Bulletin 1979, No. 7, a Handbook for Comprehensive Guidance Programs, Alabama State Department of Education, Montgomery, AL 36130.

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 Alabama 1975. The State Board of Education is aware of concerns that certain techniques in some school materials or programs need clarification. The State Board of Education specifically prohibits the use of hypnosis and dissociative mental states. School personnel shall be prohibited from using any techniques that involve the induction of hypnotic states, guided imagery, meditation, or yoga. These terms are defined as follows:

~~he State Board of Education is aware of concerns that certain techniques in some school materials or~~

(a) ~~—Dissociative Mental State Another way of describing a hypnotic state. It refers to the separation or isolation of mental processes in such a way that they become split off from the main personality or lose their normal thought affect relationship. In such a state the boundary between the real and fantasy or illusion becomes blurred.~~

(b) Hypnosis—A dissociative or altered state of consciousness, usually artificially induced, characterized by a heightened responsiveness to suggestions and commands, suspension of disbelief with lowering of critical judgment, the potential of alteration of perceptions. A common induction technique is that of progressive relaxation. This involves the serial or sequential use, in some combination, of the following: turning off the lights, reclining, closing the eyes, counted measured deep breathing, exercises, counting backwards, alternate tensing and relaxing of muscle groups, or repeating a single word or phrase.

(c) Guided Imagery—Can be described with various terms or labels, such as visualization, visual imagery, guided imagery or guided fantasy. Guided imagery is used as an induction or deepening technique of hypnosis/meditation. It involves the communication or suggestion, describing a scene in which the student/subject is encouraged to experientially participate, normally following a progressive relaxation technique.

NOTE: Guided imagery, a common induction technique of hypnosis, should not be confused with the normal use of the imagination.

(d) Meditation—An altered or dissociative state, of consciousness often synonymous with hypnosis associated with or derived from the mystical traditions of the East, sometimes called transcendental meditation, normally induced by progressive relaxation (H. Benson's Relaxation Response), focusing on deep breaths and a mantra (repeated word or phrase).

NOTE: This is not to be confused with secular meditation which involves alert, reflective and cognitive contemplation.

(e) Yoga—A Hindu philosophy and method of religious training in which eastern meditation and contemplation are joined with physical exercises, allegedly to facilitate the development of body-mind-spirit.

(2) (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.

(2) (3) 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.

~~(3)~~ (4) 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: Bettye Fine Collins, Tazewell T. Shepard

Statutory Authority: Constitution of Alabama of 1901, amend 284, Code of Ala. 1975, §§16-3-12, 16-3-13.

History: New 1993

290-040-040-.03 Voluntary Prayer At School Related Events.(Repealed)

Author: Tazewell T. Shepard

Statutory Authority: Code of Ala. 1975, §§16-3-12, 16-3-13. History: New Rule: Filed September 18, 1993; December 3, 1993; effective January 7, 1994. Repealed: Filed June 20, 1997; effective July 25, 1997.

Authors: _____

Statutory Authority:

History: Amended: Filed _____; effective _____.