

House Bill 1084

By: Representatives Wade of the 9th, Jones of the 47th, Dubnik of the 29th, Meeks of the 178th, Thomas of the 21st, and others

A BILL TO BE ENTITLED

AN ACT

1 To amend Title 20 of the Official Code of Georgia Annotated, relating to education, so as to
2 prevent the use of and reliance upon curricula or training programs which act upon, promote,
3 or encourage certain concepts, with exceptions; to provide for such exceptions; to require
4 local boards of education and local school superintendents to prohibit discrimination on the
5 basis of race; to require that curricula and training programs provided for by local school
6 systems to their respective employees shall encourage such employees not to judge others
7 based on race; to provide for statutory construction; to provide for a complaint resolution
8 policy, process, and appeals; to provide for promulgation of a model policy by the State
9 Board of Education; to provide for guidance to local school systems by the Department of
10 Education; to provide for penalties; to prohibit certain waivers; to prohibit basing
11 certification and classification of certain professional personnel upon completion of training
12 programs which act upon, promote, or encourage certain concepts; to prohibit certain
13 performance standards and the code of ethics for educators to require completion of training
14 programs which act upon, promote, or encourage certain concepts; to provide for definitions;
15 to provide for construction; to provide for related matters; to repeal conflicting laws; and for
16 other purposes.

17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

18 **SECTION 1.**

19 Title 20 of the Official Code of Georgia Annotated, relating to education, is amended in
20 Article 1 of Chapter 1, relating to general provisions, by adding a new Code section to read
21 as follows:

22 "20-1-11.

23 (a) As used in this Code section, the term:

24 (1) 'Divisive concepts' means any of the following concepts, including views espousing
25 such concepts:

26 (A) One race is inherently superior to another race;

27 (B) The United States of America is fundamentally racist;

28 (C) An individual, by virtue of his or her race, is inherently racist or oppressive toward
29 individuals of other races, whether consciously or subconsciously;

30 (D) An individual should be discriminated against or receive adverse treatment solely
31 or partly because of his or her race;

32 (E) An individual's moral character is inherently determined by his or her race;

33 (F) An individual, by virtue of his or her race, bears responsibility for actions
34 committed in the past by other individuals of the same race;

35 (G) An individual should feel discomfort, guilt, anguish, or any other form of
36 psychological distress because of his or her race;

37 (H) Meritocracy or traits such as a hard work ethic are racist or were created by
38 individuals of a particular race to oppress individuals of another race; or

39 (I) Any other form of race scapegoating or race stereotyping.

40 (2) 'Race scapegoating' means assigning fault, blame, or bias to a race, or to an individual
41 of a particular race because of his or her race. Such term includes, but is not limited to,
42 any claim that an individual of a particular race, consciously or subconsciously, and by

43 virtue of his or her race, is inherently racist or is inherently inclined to oppress individuals
44 of other races.

45 (3) 'Race stereotyping' means ascribing character traits, values, moral or ethical codes,
46 privileges, status, or beliefs to a race, or to an individual because of his or her race.

47 (b) Each local board of education and local school superintendent shall prohibit employees
48 from discriminating against students and other employees based on race.

49 (c)(1) Each local board of education and local school superintendent shall ensure that
50 curricula and training programs provided by the local school system encourage
51 employees and students to practice tolerance and mutual respect and to refrain from
52 judging others based on race.

53 (2) Each local school system may provide curricula or training programs that foster
54 learning and workplace environments where all students, employees, and school
55 community members are respected; provided, however, that any curriculum or mandatory
56 training program, whether taught or facilitated by school personnel or a third party
57 engaged by the local school system, may not act upon, promote, or encourage divisive
58 concepts.

59 (d) Nothing in this Code section shall be construed to:

60 (1) Inhibit or violate the rights protected by the Constitutions of Georgia and the United
61 States of America or undermine intellectual freedom and free expression;

62 (2) Infringe upon the intellectual vitality of students and employees of local boards of
63 education and local school systems;

64 (3) Prohibit a local board of education or local school system from promoting concepts
65 such as tolerance, mutual respect, cultural sensitivity, or cultural competency; provided,
66 however, that such efforts do not conflict with the requirements of this Code section and
67 other applicable laws;

68 (4) Prohibit a school administrator, teacher, other school personnel, or an individual
69 facilitating a training program from responding in an objective manner and without

70 endorsement to questions regarding specific divisive concepts raised by students, school
71 community members, or participants in a training program;

72 (5) Prohibit the discussion of divisive concepts, as part of a larger course of instruction,
73 in an objective manner and without endorsement;

74 (6) Prohibit the use of curricula that addresses the topics of slavery, racial oppression,
75 racial segregation, or racial discrimination, including topics relating to the enactment and
76 enforcement of laws resulting in racial oppression, segregation, and discrimination in an
77 objective manner and without endorsement;

78 (7) Create any right or benefit, substantive or procedural, enforceable at law or in equity,
79 by any party against a local board of education or a local school system or the
80 departments, agencies, entities, officers, employees, agents, or any other personnel
81 affiliated with such local board of education or such local school system; or

82 (8) Prohibit a state or federal court or agency of competent jurisdiction from ordering
83 training or other remedial action that discusses divisive concepts due to a finding of
84 discrimination, including discrimination based on race.

85 (e)(1) No later than August 1, 2022, each local board of education shall adopt a
86 complaint resolution policy for its local school system to address complaints alleging
87 violations of any provision of subsections (b) through (d) of this Code section at a school
88 in such school system. The complaint resolution policy shall provide that:

89 (A) A school or local school system shall not be required to respond to a complaint
90 made pursuant to this subsection unless it is made by:

91 (i) The parent of a student enrolled at the school where the alleged violation
92 occurred;

93 (ii) A student who has reached the age of majority or is a lawfully emancipated minor
94 and who is enrolled at the school where the alleged violation occurred;

95 (iii) An individual employed as a school administrator, teacher, or other school
96 personnel at the school where the alleged violation occurred; or

97 (iv) The district attorney for the county where the alleged violation occurred;
98 (B) The complaint shall first be submitted in writing to the principal of the school
99 where the alleged violation occurred;
100 (C) The complaint shall provide a reasonably detailed description of the alleged
101 violation;
102 (D) Within three school days of receiving such written complaint, the school principal
103 or his or her designee shall review the complaint and take reasonable steps to
104 investigate the allegations in the complaint. The school principal shall determine
105 whether the alleged violation occurred, in whole or in part. Within five school days of
106 receiving the complaint, unless another schedule is mutually agreed to by the
107 complainant and the school principal, the school principal shall confer with the
108 complainant and inform the complainant whether a violation occurred, in whole or in
109 part, and, if such a violation was found to have occurred, what remedial steps will be
110 taken; provided, however, that the confidentiality of student or personnel information
111 shall not be violated;
112 (E) The school principal's determinations provided for in subparagraph (D) of this
113 paragraph shall be reviewed by the local school superintendent or his or her designee
114 within 14 days of receiving a written request for such review by the complainant
115 addressed to the local school superintendent; and
116 (F) The local school superintendent's decision following the administrative review
117 provided for in subparagraph (E) of this paragraph shall be subject to review by the
118 local board of education as provided in Code Section 20-2-1160.
119 (2) Following a decision by a local board of education regarding a complaint made
120 pursuant to paragraph (1) of this subsection, any party aggrieved by the decision of the
121 local board of education shall have the right to appeal such decision to the State Board
122 of Education for a hearing as provided in Code Section 20-2-1160.

123 (3) The State Board of Education shall, after hearing an appeal brought pursuant to
124 paragraph (2) of this subsection, make written findings regarding whether any violations
125 of any provision of subsections (b) through (d) of this Code section occurred at a school
126 in such school system, and:

127 (A)(i) In cases where the local school system at issue has been granted one or more
128 waivers as provided in Article 4 of Chapter 2 of this title, Code Section 20-2-244, or
129 Code Section 20-2-2065, shall order the immediate suspension of one or more
130 waivers included in the local school system's contract with the State Board of
131 Education providing for such waivers.

132 (ii) The State Board shall exercise discretion in determining which waivers shall be
133 subject to such order of suspension and shall, as may be reasonable and practicable,
134 narrowly tailor such order to address specific violations of provisions of subsections
135 (b) through (d) of this Code section.

136 (iii) An order suspending a local school system's waivers pursuant to division (i) of
137 this subparagraph shall be in effect for no less than 12 months from the date of such
138 order and, if the remainder of the current term of such local school system's contract
139 with the State Board of Education providing for waivers is greater than 12 months,
140 then no longer than such remainder; and

141 (B) In cases where the local school system at issue has not been granted a waiver as
142 provided in Article 4 of Chapter 2 of this title, Code Section 20-2-244, or Code Section
143 20-2-2065, shall refer the matter to the State School Superintendent to determine
144 whether to exercise his or her suspension authority as provided in Code Section
145 20-2-34.

146 (4) No later than July 1, 2022, the State Board of Education shall promulgate a model
147 policy to assist local school systems with establishing a complaint resolution process that
148 meets the requirements of paragraph (1) of this subsection. The Department of Education
149 shall develop guidance for local school systems for use when determining whether

150 violations of subsections (b) through (d) of this Code section have occurred. The
151 Department of Education shall be authorized to revise such guidance from time to time.
152 (5) Nothing in this subsection shall be construed to prohibit any cause of action available
153 at law or in equity to a complainant who is aggrieved by a decision of a local board of
154 education made pursuant to subparagraph (F) of paragraph (1) of this subsection.
155 (f) This Code section shall not be subject to waiver pursuant to Code Section 20-2-82 for
156 a strategic waivers school system; Code Section 20-2-2063.2 for a charter system; Code
157 Section 20-2-2065 for a charter school, a charter system, or schools within a charter
158 system; or Code Section 20-2-244 for waiver requests by a local board of education."

159 **SECTION 2.**

160 Said title is further amended in Subpart 1 of Part 6 of Article 6 of Chapter 2, relating to
161 certificated professional personnel in elementary and secondary education, by revising
162 subsection (a) and paragraph (1) of subsection (b) of Code Section 20-2-200, relating to
163 regulation of certificated professional personnel by Professional Standards Commission,
164 rules and regulations, and fees, as follows:

165 "(a) The Professional Standards Commission shall provide, by regulation, for certifying
166 and classifying all certificated professional personnel employed in the public schools of
167 this state, including personnel who provide virtual instruction to public schools of this state,
168 whether such personnel are located within or outside of this state or whether such personnel
169 are employed by a local unit of administration. Such certification and classification shall
170 not be dependent in whole or in part upon an individual participating in or completing any
171 training program in which divisive concepts, as such term is defined in Code
172 Section 20-1-11, are acted upon, promoted, or encouraged. No such personnel shall be
173 employed in the public schools of this state unless they hold certificates issued by the
174 commission certifying their qualifications and classification in accordance with such
175 regulations. The commission shall establish such number of classifications of other

176 certificated professional personnel as it may find reasonably necessary or desirable for the
177 operation of the public schools; provided, however, that such classifications shall be based
178 only upon academic, technical, and professional training, experience, and competency of
179 such personnel. The commission is authorized to provide for denying a certificate to an
180 applicant, suspending or revoking a certificate, or otherwise disciplining the holder of a
181 certificate for good cause after an investigation is held and notice and an opportunity for
182 a hearing are provided the certificate holder or applicant in accordance with subsection (d)
183 of Code Section 20-2-984.5. The commission shall designate and define the various
184 classifications of professional personnel employed in the public schools of this state that
185 shall be required to be certificated under this Code section or under Code Section 20-2-206.
186 Without limiting the generality of the foregoing, the term 'certificated professional
187 personnel' means all professional personnel certificated by the commission and county or
188 regional librarians.

189 (b)(1) The Professional Standards Commission shall establish rules and regulations for
190 appropriate requirements and procedures to ensure high-quality certification standards
191 for all Georgia educators while facilitating the interstate mobility of out-of-state certified
192 educators; provided, however, that such rules, regulations, requirements, and procedures
193 shall not require an individual to participate in or complete any training program in which
194 divisive concepts, as such term is defined in Code Section 20-1-11, are acted upon,
195 promoted, or encouraged."

196 **SECTION 3.**

197 Said title is further amended in Subpart 1A of Part 2 of Article 16 of Chapter 2, relating to
198 improved student learning environment and discipline in elementary and secondary
199 education, by revising Code Section 20-2-739, relating to conflict management and
200 resolution and cultural diversity training programs, as follows:

201 "20-2-739.
202 On and after July 1, 2000, the Department of Education shall provide training programs in
203 conflict management and resolution and in cultural diversity for voluntary implementation
204 by local boards of education for school employees, parents and guardians, and students;
205 provided, however, that after July 1, 2022, such training programs shall not act upon,
206 promote, or encourage divisive concepts, as such term is defined in Code Section 20-1-11."

207 **SECTION 4.**

208 Said title is further amended in Part 10 of Article 17 of Chapter 2, relating to professional
209 standards in elementary and secondary education, by revising subsection (a) of Code
210 Section 20-2-984, relating to Professional Standards Commission — authority to create and
211 implement standards and procedures for certifying educational personnel, recommending
212 standards and procedures for certification, continuation of teaching certificates, and
213 restrictions, as follows:

214 "(a) The commission shall create and implement standards and procedures for certifying
215 educational personnel as qualified for a certificate to practice in the public schools of
216 Georgia; provided, however, that such standards and procedures shall not require an
217 individual to participate in or complete any training program in which divisive concepts,
218 as such term is defined in Code Section 20-1-11, are acted upon, promoted, or encouraged;
219 provided, further, that such standards shall include ~~including~~ the following:

- 220 (1) Procedures for limiting the number and types of certificates to the fewest possible
221 consistent with providing qualified teachers for Georgia's schools;
- 222 (2) In-service training and related requirements needed to renew or maintain
223 certification;
- 224 (3) Multiple or alternative routes to professional teacher certification, including, but not
225 limited to, the alternative and nontraditional teacher certification programs provided for
226 in Code Section 20-2-206; and

227 (4) Requirements, including appropriate examinations and assessments, for acquiring and
228 maintaining certification pursuant to Code Section 20-2-200."

229 **SECTION 5.**

230 Said title is further amended in Part 10 of Article 17 of Chapter 2, relating to professional
231 standards in elementary and secondary education, by revising subsection (a) of Code
232 Section 20-2-984.1, relating to Professional Standards Commission — adoption of standards
233 of performance and a code of ethics, as follows:

234 "(a) It shall be the duty of the commission, by regulation, to adopt standards of
235 performance and a code of ethics for educators. The standards of performance and code
236 of ethics shall represent standards of performance and conduct which are generally
237 accepted by educators of this state. In adopting regulations as provided in this Code
238 section, the commission shall seek the advice of educators of this state. The standards of
239 performance and code of ethics adopted by the commission shall be limited to professional
240 performance and professional ethics. The standards of performance and code of ethics
241 adopted by the commission shall not require an individual to participate in or complete any
242 training program in which divisive concepts, as such term is defined in Code
243 Section 20-1-11, are acted upon, promoted, or encouraged."

244 **SECTION 6.**

245 All laws and parts of laws in conflict with this Act are repealed.