

House Bill 372

By: Representatives Jasperse of the 11<sup>th</sup>, Ridley of the 6<sup>th</sup>, Cameron of the 1<sup>st</sup>, Williams of the 145<sup>th</sup>, Tarvin of the 2<sup>nd</sup>, and others

A BILL TO BE ENTITLED  
AN ACT

1 To amend Part 14 of Article 6 of Title 20 of the Official Code of Georgia Annotated, relating  
2 to other educational programs, so as to provide a definition for the term "gender"; to provide  
3 for the classification of athletic events or activities based on gender; to provide for a waiver  
4 process; to provide for remedies; to provide for related matters; to repeal conflicting laws;  
5 and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Part 14 of Article 6 of Title 20 of the Official Code of Georgia Annotated, relating to other  
9 educational programs, is amended in Code Section 20-2-315, relating to gender  
10 discrimination prohibited, authorized separate gender teams, equal athletic opportunity,  
11 physical education classes, employee designated to monitor compliance, grievance  
12 procedures, and reporting requirements, by revising subsection (a) as follows:

13 "(a) No student shall, on the basis of gender, be excluded from participation in, be denied  
14 the benefits of, be treated differently from another student, or otherwise be discriminated  
15 against in any interscholastic or intramural athletics offered by a local school system, and  
16 no local school system shall provide any such athletics separately on such basis. As used

17 in this Code section, the term 'gender' means a person's biological sex at birth and shall  
18 be recognized based on a person's reproductive organs at birth."

19 **SECTION 2.**

20 Said part is further amended by revising Code Section 20-2-316, relating to involvement of  
21 athletic association in high school athletics, as follows:

22 "20-2-316.

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

24 (1) 'Athletic association' means any association of schools or any other similar  
25 organization which acts as an organizing, sanctioning, scheduling, or rule-making body  
26 for interscholastic athletic events in which public high schools in this state participate.

27 (2) 'Gender' means a person's biological sex at birth and shall be recognized based on a  
28 person's reproductive organs at birth.

29 (b) No high school which receives funding under this article shall participate in, sponsor,  
30 or provide coaching staff for interscholastic sports events which are conducted under the  
31 authority of, conducted under the rules of, or scheduled by any athletic association unless  
32 the charter, bylaws, or other governing documents of such athletic association comply with  
33 this Code section. In order to comply with this Code section, such charter, bylaws, or other  
34 governing documents shall provide that:

35 (1) The athletic association shall comply with the requirements of subsections (a)  
36 through (f) of Code Section 20-2-315, as those requirements relate to the athletic  
37 association's functions of organizing, sanctioning, scheduling, or rule making for events  
38 in which public high schools participate;

39 (2)(A) Classifications to participate in any athletic event or activity based on gender  
40 shall require that such events or activities conducted exclusively for male students shall  
41 include only students whose gender is male and such events or activities conducted  
42 exclusively for female students shall include only students whose gender is female.

43 (B) A student age 18 or older, or a parent or guardian of a student under age 18, may  
44 request a waiver of the requirement provided for in subparagraph (A) of this paragraph  
45 from the governing body of the athletic association by submitting a written petition  
46 which shall include, at a minimum, information regarding the student's gender based  
47 on the student's reproductive organs, genetic makeup, and other medically relevant  
48 factors. The governing body of the athletic association shall appoint a panel of three  
49 physicians to review such petitions and make recommendations to the athletic  
50 association for responding to the petition. The athletic association shall ensure petitions  
51 are reviewed with due diligence and shall provide a written response to the petitioner  
52 so as to avoid undue delay;

53 (C) Any student who is deprived of an opportunity to participate in an athletic event  
54 or activity or suffers any direct or indirect harm as a result of the application of the  
55 provisions of this paragraph shall have a private cause of action for injunctive relief,  
56 damages, and any other relief available under law against such athletic association;  
57 provided, however, that no physician acting in a voluntary capacity shall be liable for  
58 civil damages or subject to disciplinary action under professional licensing regulations  
59 as a result of the activities authorized or required by this Code section when such acts  
60 are committed as an ordinarily reasonably prudent physician would have acted under  
61 the same or similar circumstances. Actions for relief brought pursuant to this  
62 subparagraph shall be initiated within one year after the right of action accrues;

63 (3) The athletic association shall comply with the requirements of Article 4 of Chapter  
64 18 of Title 50, relating to the inspection of public records, and Chapter 14 of Title 50,  
65 relating to open and public meetings, to the extent that such records and meetings relate  
66 to the athletic association's activities with respect to public high schools; provided,  
67 however, that such athletic association shall not be required to comply with such statutes  
68 or to conduct open and public meetings or provide inspection of records where the sole  
69 subject of such meeting or record pertains to the academic records or performance of an

70 individual student or the eligibility of an individual student to participate or to continue  
71 to participate in sponsored events or contests based on academics; provided, further,  
72 however, that where a meeting or record of such association is devoted in part to matters  
73 excepted in the preceding proviso, any portion of the meeting or record not subject to  
74 such exception shall be open to the public; and  
75 ~~(3)(4) Not The athletic association shall, no later than October 1 of each year, 2003, and~~  
76 ~~every year thereafter, the athletic association shall~~ submit a report to the General  
77 Assembly regarding its compliance with ~~paragraph~~ paragraphs (1) and (2) of this  
78 subsection. Such report shall address the number, type, and disposition of written  
79 requests for the association to organize and administer regional or state events for  
80 additional or different ~~sports~~ athletic events or activities; written requests for information  
81 regarding the types of athletic events or activities for public high school students that the  
82 association organizes and administers; written petitions for waivers provided for in  
83 subparagraph (b)(2)(B) of this Code section; and written inquiries and complaints  
84 received by the association with respect to gender discrimination in connection with  
85 public high school athletic events or activities. The report shall address all such written  
86 requests, inquiries, and complaints, regardless of whether such request, inquiry, or  
87 complaint is made by letter, ~~e-mail~~ email, memorandum, or any other form of written  
88 communication. Each report shall cover the time period beginning on July 1 of the  
89 previous year and ending on June 30 of the year in which the report is due. ~~The initial~~  
90 ~~report due on October 1, 2003, shall cover the time periods of July 1, 2000, through June~~  
91 ~~30, 2001; July 1, 2001, through June 30, 2002; and July 1, 2002, through June 30, 2003.~~  
92 In addition, the athletic association shall have in effect a policy requiring notification to  
93 persons who make such requests, inquiries, or complaints verbally that such request,  
94 inquiry, or complaint will not be included in the association's reporting to the General  
95 Assembly regarding compliance with this Code section unless such request, inquiry, or  
96 complaint is made in writing."

97

**SECTION 3.**

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