

The House Committee on Judiciary Non-Civil offers the following substitute to SB 226:

A BILL TO BE ENTITLED
AN ACT

1 To amend Part 15 of Article 6 of Chapter 2 of Title 20 of the Official Code of Georgia
2 Annotated, relating to miscellaneous provisions of the "Quality Basic Education Act," so as
3 to require each local board of education to adopt a policy providing for a complaint
4 resolution process to be used by its local school system to address complaints submitted by
5 parents or guardians alleging that material that is harmful to minors has been provided or is
6 currently available to a student; to provide for policy requirements; to require the Department
7 of Education to develop a model policy for use by local school systems; to provide for public
8 review; to provide for a definition; to provide for related matters; to repeal conflicting laws;
9 and for other purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 **SECTION 1.**

12 Part 15 of Article 6 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated,
13 relating to miscellaneous provisions of the "Quality Basic Education Act," is amended by
14 adding a new Code section to read as follows:

15 "20-2-324.6.

16 (a) As used in this Code section, 'harmful to minors' means that quality of description or
17 representation, in whatever form, of nudity, sexual conduct, sexual excitement, or
18 sadomasochistic abuse, when it:

19 (1) Taken as a whole, predominantly appeals to the prurient, shameful, or morbid interest
20 of minors;

21 (2) Is patently offensive to prevailing standards in the adult community as a whole with
22 respect to what is suitable material for minors; and

23 (3) Is, when taken as a whole, lacking in serious literary, artistic, political, or scientific
24 value for minors.

25 (b) No later than January 1, 2022, each local board of education shall adopt a complaint
26 resolution policy for its local school system to be used to address complaints submitted by
27 parents or guardians alleging that material that is harmful to minors has been provided or
28 is currently available to a student enrolled in the local school system who is the child of
29 such parent or guardian. The complaint resolution process shall require that:

30 (1) Complaints be submitted in writing to the principal of the school where the student
31 is enrolled;

32 (2) The complaint shall provide a reasonably detailed description of the material that is
33 alleged to be harmful to minors;

34 (3) Within seven business days of receiving such written complaint, the school principal
35 or his or her designee shall review the complaint and take reasonable steps to investigate
36 the allegations in the complaint, including, but not limited to, reviewing the material that
37 is alleged to be harmful to minors, if it is available;

38 (4) The school principal or his or her designee shall determine whether the material that
39 is the subject of the complaint is harmful to minors;

40 (5) The school principal or his or her designee shall determine whether student access
41 to the material that is the subject of the complaint shall be removed or restricted;

42 (6) Within ten business days of receiving the complaint, unless another schedule is
43 mutually agreed to by the complainant and the school principal or his or her designee, the
44 school principal or his or her designee shall confer with the complainant and inform the
45 complainant whether the material that is the subject of the complaint was determined to
46 be harmful to minors, and whether student access to such material will be removed or
47 restricted;

48 (7) Appeals of the school's principal's or his or her designee's determinations provided
49 for in paragraphs (4) and (5) of this subsection shall be subject to full administrative and
50 substantive review by the local board of education. Unless another time frame is
51 mutually agreed upon by the appellant and the local board of education, the review and
52 final disposition of the appeal by the local board of education shall be completed within
53 30 calendar days of receiving the written appeal; and

54 (8) Any relevant text or graphical material submitted for appeal pursuant to paragraph (7)
55 of this subsection that is determined by the local board of education not to be harmful to
56 minors shall be made available for electronic review by any adult on the website of the
57 local board of education within 15 business days from the date of such determination and
58 shall remain on the website for such review for a period of not less than 48 months. Each
59 local board of education shall make accommodation in its material licensing agreements
60 that public access for electronic review of such material shall be made available to
61 accomplish the purposes of this paragraph.

62 (c) No later than September 1, 2021, the Department of Education shall promulgate a
63 model policy for a complaint resolution process that meets the requirements of subsection
64 (b) of this Code section."

65 **SECTION 2.**

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