

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 permanent guardians alleging that material that is harmful to minors has been
6 provided or is currently available to a student; to provide for policy requirements; to require
7 the Department of Education to develop a model policy for use by local school systems; to
8 provide for public review; to provide for a definition; to provide for related matters; to repeal
9 conflicting laws; 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, 2023, 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 permanent guardians alleging that material that is harmful to minors has been
28 provided or is currently available to a student enrolled in the local school system who is the
29 child of such parent or permanent guardian. The complaint resolution process shall require
30 that:

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

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

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

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

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

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

49 (7) Appeals of the school's principal's or his or her designee's determinations provided
50 for in paragraphs (4) and (5) of this subsection shall be subject to full administrative and
51 substantive review by the local board of education, which shall also include the ability
52 of the parent or permanent guardian to provide input during public comment at a
53 regularly scheduled board meeting. Unless another time frame is mutually agreed upon
54 by the parent or permanent guardian and the local board of education, the review and
55 final disposition of the appeal by the local board of education shall be completed within
56 30 calendar days of receiving the written appeal; and

57 (8) The title of the material submitted for appeal pursuant to paragraph (7) of this
58 subsection that is determined by the local board of education to be not harmful to minors
59 shall be published on the website of the local board of education within 15 business days
60 from the date of such determination and shall remain on the website for a period of not
61 less than 12 months. A parent or permanent guardian may request access to appealed
62 materials that are physical in nature and accessible to their student in the student's school
63 media center. A parent or permanent guardian must abide by the school's policies and
64 procedures when requesting and reviewing such material.

65 (c) No later than September 1, 2022, the Department of Education shall promulgate a
66 model policy for a complaint resolution process that meets the requirements of subsection
67 (b) of this Code section."

68

SECTION 2.

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