

The Senate Committee on Education and Youth offered the following substitute to SB 266:

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 provide that it shall be unlawful for a public school or a private school whose students or
3 teams compete against a public school to operate, sponsor, or facilitate athletic programs or
4 activities that permit a person whose gender is male to participate in an athletic program or
5 activity that is designated for females; to provide for private rights of action and awards of
6 attorney fees; to provide for a definition; to provide for a short title; to provide for related
7 matters; to repeal conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 This Act shall be known and may be cited as the "Save Girls' Sports Act."

11 **SECTION 2.**

12 Title 20 of the Official Code of Georgia Annotated, relating to education, is amended in
13 Code Section 20-2-315, relating to gender discrimination prohibited, authorized separate
14 gender teams, equal athletic opportunity, physical education classes, employee designated

15 to monitor compliance, grievance procedures, and reporting requirements, by adding a new
16 subsection to read as follows:

17 "(k)(1) As used in this subsection, the term 'gender' shall mean a person's biological sex
18 and shall be solely recognized based on a person's reproductive biology and genetics at
19 birth.

20 (2) No local school system or private school in this state whose students or teams
21 compete against a local school system in this state shall operate, sponsor, or facilitate
22 interscholastic or intramural athletics that permit a person whose gender is male to
23 participate in any interscholastic or intramural athletics that are designated for females.

24 (3) A student who is aggrieved by an alleged violation or anticipated violation of this
25 subsection or his or her parent or guardian shall have a right to file a grievance complaint
26 with the employee designated in subsection (g) of this Code section for an immediate
27 determination of whether a violation of this subsection exists or is about to occur. If a
28 violation or anticipated violation is determined to exist or about to occur, the employee
29 designated in subsection (g) of this Code section shall issue a decision immediately and
30 may direct that such activity be terminated or adjusted to prevent further violations. If
31 such grievance is rejected, such complaining party shall have the right of an immediate
32 appeal to the local board of education for relief.

33 (4) In addition to any other rights or remedies otherwise provided by law, any aggrieved
34 student and any such student's parent or guardian shall have a private right of action to
35 enforce the provisions of this subsection through injunctive or declaratory relief in the
36 superior court of the county in which such local school system or private school is
37 located. If the student or any such student's parent or guardian is the prevailing party in
38 such action, the student or student's parent or guardian shall be entitled to an award of
39 reasonable attorney fees, court costs, and expenses of litigation, but shall not be entitled
40 to any monetary damages.

41 (5) Nothing in this Code section shall override any requirements or protections
42 prescribed in the federal Americans with Disabilities Act, 42 U.S.C. Section 12101, et
43 seq."

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SECTION 3.

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