

Senate Bill 375

By: Senators Mullis of the 53rd, Dixon of the 45th, Albers of the 56th, Hickman of the 4th, Gooch of the 51st and others

A BILL TO BE ENTITLED

AN ACT

1 To amend Titles 20, 36, and 50 of the Official Code of Georgia Annotated, relating to  
2 education, local government, and state government, respectively, so as to require state  
3 agencies and certain local government entities to take measures to prevent the use of  
4 curricula or training programs which act upon, promote, or encourage certain concepts, with  
5 exceptions; to require state agencies and certain local government entities to prohibit  
6 discrimination on the basis of race, sex, and other characteristics protected by law; to require  
7 that diversity and inclusion training programs and similar efforts directed to the employees  
8 of state agencies and certain local government entities shall encourage such employees not  
9 to judge each other based on race, sex, or any characteristic protected by federal or state law;  
10 to provide for certain responsibilities of state agency heads, governing authorities of counties  
11 and municipal corporations, local boards of education, and local school superintendents; to  
12 provide for annual compliance reviews and annual compliance reports by heads of state  
13 agencies; to provide for the designation of at least one official of each state agency to be  
14 responsible for ensuring compliance; to provide for appropriate disciplinary action for  
15 noncompliance; to provide for review by the Department of Administrative Services of all  
16 state agency diversity and inclusion training programs; to require contracts with state  
17 agencies and certain local government entities entered into or renewed after a certain date to  
18 include a provision allowing for the termination of such contract if the contractor provides

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19 a workforce training program which acts upon, promotes, or encourages certain concepts; to  
20 require contractors to provide certification before entering into or renewing contacts with  
21 state agencies and certain local government entities; to provide for reporting contractor  
22 violations and for penalties relating to such violations; to provide for definitions; to provide  
23 for statutory construction; to provide for related matters; to repeal conflicting laws; and for  
24 other purposes.

25 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

26 SECTION 1.

27 Title 20 of the Official Code of Georgia Annotated, relating to education, is amended by  
28 adding a new Code section to read as follows:

29 "20-1-11.

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

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

33 (A) One race or sex is inherently superior to another race or sex;

34 (B) The United States of America is fundamentally racist or sexist;

35 (C) An individual, by virtue of his or her race or sex, is inherently racist, sexist, or  
36 oppressive, whether consciously or subconsciously;

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

39 (E) Members of one race or sex cannot and should not attempt to treat others without  
40 respect to race or sex;

41 (F) An individual's moral character is inherently determined by his or her race or sex;

42 (G) An individual, by virtue of his or her race or sex, bears responsibility for actions  
43 committed in the past by other individuals of the same race or sex;

44 (H) An individual should feel discomfort, guilt, anguish, or any other form of  
45 psychological distress because of his or her race or sex;

46 (I) Meritocracy or traits such as a hard work ethic are racist or sexist or were created  
47 by individuals of a particular race to oppress individuals of another race; or

48 (J) Any other form of race or sex scapegoating or race or sex stereotyping.

49 (2) 'Race or sex scapegoating' means assigning fault, blame, or bias to a race or sex, or  
50 to an individual of a particular race or sex because of his or her race or sex. The term  
51 includes, but is not limited to, any claim that an individual of a particular race or sex,  
52 consciously or subconsciously, and by virtue of his or her race or sex, is inherently racist,  
53 inherently sexist, or is inherently inclined to oppress others.

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

57 (b) Each local board of education and local school superintendent shall prohibit employees  
58 from discriminating against students and other employees based on race, sex, or any  
59 characteristic protected by federal or state law.

60 (c)(1) Each local board of education and local school superintendent shall ensure that all  
61 diversity and inclusion efforts directed to the employees of their respective local school  
62 systems shall encourage such employees not to judge each other based on race, sex, or  
63 any characteristic protected by federal or state law.

64 (2) Each local board of education or local school superintendent may provide for  
65 curricula or training programs that foster learning and workplace environments where all  
66 students, employees, and school community members are respected and that promote  
67 diversity and inclusiveness; provided, however, that any curriculum or mandatory  
68 training program, whether taught or facilitated by school personnel or a third party  
69 engaged by the local school system, may not teach, act upon, promote, or encourage  
70 divisive concepts, race or sex scapegoating, or race or sex stereotyping; and provided,

71 further, that this subsection shall not be construed to prohibit a school administrator,  
72 teacher, other school personnel, or an individual facilitating a training program from  
73 responding in an objective manner and without endorsement to questions regarding  
74 specific divisive concepts raised by students, school community members, or participants  
75 in a training program.

76 (d)(1) Any contract for goods or services entered into or renewed by or on behalf of a  
77 local board of education or local school system on or after January 1, 2023, must contain  
78 a provision that allows for the termination of the contract at the option of the awarding  
79 entity if the contractor has during the previous year provided a workforce training  
80 program to its employees or subcontractors which acted upon, promoted, or encouraged  
81 divisive concepts, race or sex scapegoating, or race or sex stereotyping.

82 (2) At the time a contractor submits a bid or proposal for a contract or before the  
83 contractor enters into or renews a contract for goods or services with a local board of  
84 education or local school system, the contractor must certify that the contractor will not  
85 provide workforce training programs that act upon, promote, or encourage divisive  
86 concepts, race or sex scapegoating, or race or sex stereotyping for the duration of the  
87 contract.

88 (e) Nothing in this Code section shall be construed to do any of the following:

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

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

93 (3) Prevent a local board of education or local school system from promoting diversity  
94 or inclusiveness; provided, however, that such efforts do not conflict with the  
95 requirements of this Code section and other applicable laws;

96 (4) Prohibit the discussion of divisive concepts, as part of a larger course of instruction,  
97 in an objective manner and without endorsement;

98 (5) Prohibit the use of curriculum that addresses topics of sexism, slavery, racial  
99 oppression, racial segregation, or racial discrimination, including topics relating to the  
100 enactment and enforcement of laws resulting in such sexism, oppression, segregation, and  
101 discrimination;

102 (6) Create any right or benefit, substantive or procedural, enforceable at law or in equity  
103 by any party against a local board of education or a local school system, or its  
104 departments, agencies, or entities, its officers, employees, or agents, or any other person;  
105 or

106 (7) Prohibit a state or federal court or agency of competent jurisdiction from ordering  
107 training or other remedial action that discusses divisive concepts due to a finding of  
108 discrimination, including discrimination based on race or sex."

109 **SECTION 2.**

110 Title 36 of the Official Code of Georgia Annotated, relating to local government, is amended  
111 by adding a new Code section to read as follows:

112 "36-60-30.

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

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

116 (A) One race or sex is inherently superior to another race or sex;

117 (B) The United States of America is fundamentally racist or sexist;

118 (C) An individual, by virtue of his or her race or sex, is inherently racist, sexist, or  
119 oppressive, whether consciously or subconsciously;

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

122 (E) Members of one race or sex cannot and should not attempt to treat others without  
123 respect to race or sex;

- 124 (F) An individual's moral character is inherently determined by his or her race or sex;  
125 (G) An individual, by virtue of his or her race or sex, bears responsibility for actions  
126 committed in the past by other individuals of the same race or sex;  
127 (H) An individual should feel discomfort, guilt, anguish, or any other form of  
128 psychological distress because of his or her race or sex;  
129 (I) Meritocracy or traits such as a hard work ethic are racist or sexist or were created  
130 by individuals of a particular race to oppress individuals of another race; or  
131 (J) Any other form of race or sex scapegoating or race or sex stereotyping.  
132 (2) 'Race or sex scapegoating' means assigning fault, blame, or bias to a race or sex, or  
133 to an individual of a particular race or sex because of his or her race or sex. The term  
134 includes, but is not limited to, any claim that an individual of a particular race or sex,  
135 consciously or subconsciously, and by virtue of his or her race or sex, is inherently racist,  
136 inherently sexist, or is inherently inclined to oppress others.  
137 (3) 'Race or sex stereotyping' means ascribing character traits, values, moral and ethical  
138 codes, privileges, status, or beliefs to a race or sex, or to an individual because of his or  
139 her race or sex.  
140 (b) The governing authority of each county and municipal corporation shall prohibit  
141 employees from discriminating against other employees based on race, sex, or any  
142 characteristic protected by federal or state law.  
143 (c)(1) The governing authority of each county and municipal corporation shall ensure  
144 that all diversity and inclusion efforts directed to their respective employees shall  
145 encourage such employees not to judge each other based on race, sex, or any  
146 characteristic protected by federal or state law.  
147 (2) Counties and municipal corporations may provide for employee training programs  
148 that foster a workplace environment where all employees are respected and that promote  
149 diversity and inclusiveness; provided, however, that any mandatory employee training  
150 program, whether facilitated by an employee of the county or the municipal corporation

151 or a third party engaged by the county or municipal corporation, may not act upon,  
152 promote, or encourage divisive concepts, race or sex scapegoating, or race or sex  
153 stereotyping; and provided, further, that this subsection shall not be construed to prohibit  
154 an individual who facilitates employee training programs from responding in an objective  
155 manner and without endorsement to questions regarding specific divisive concepts raised  
156 by participants in the training program.

157 (d)(1) Any contract for goods or services entered into or renewed by or on behalf of a  
158 county or municipal corporation on or after January 1, 2023, must contain a provision that  
159 allows for the termination of the contract at the option of the awarding entity if the  
160 contractor has during the previous year provided a workforce training program to its  
161 employees or subcontractors which acted upon, promoted, or encouraged divisive  
162 concepts, race or sex scapegoating, or race or sex stereotyping.

163 (2) At the time a contractor submits a bid or proposal for a contract or before the  
164 contractor enters into or renews a contract for goods or services with a county or  
165 municipal corporation, the contractor must certify that the contractor will not provide  
166 workforce training programs that act upon, promote, or encourage divisive concepts, race  
167 or sex scapegoating, or race or sex stereotyping for the duration of the contract.

168 (e) Nothing in this Code section shall be construed to do any of the following:

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

171 (2) Infringe upon the intellectual vitality of employees of counties and municipal  
172 corporations;

173 (3) Prevent a county or municipal corporation from promoting diversity or inclusiveness;  
174 provided, however, that such efforts do not conflict with the requirements of this Code  
175 section and other applicable laws;

176 (4) Prohibit the discussion of divisive concepts, as part of a larger course of instruction,  
177 in an objective manner and without endorsement;

178 (5) Create any right or benefit, substantive or procedural, enforceable at law or in equity  
179 by any party against a county or municipal corporation, its departments, agencies, or  
180 entities, its officers, employees, or agents, or any other person; or  
181 (6) Prohibit a state or federal court or agency of competent jurisdiction from ordering  
182 training or other remedial action that discusses divisive concepts due to a finding of  
183 discrimination, including discrimination based on race or sex."

184 **SECTION 3.**

185 Title 50 of the Official Code of Georgia Annotated, relating to state government, is amended  
186 by adding a new Code section to read as follows:

187 "50-1-11.

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

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

191 (A) One race or sex is inherently superior to another race or sex;

192 (B) The United States of America is fundamentally racist or sexist;

193 (C) An individual, by virtue of his or her race or sex, is inherently racist, sexist, or  
194 oppressive, whether consciously or subconsciously;

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

197 (E) Members of one race or sex cannot and should not attempt to treat others without  
198 respect to race or sex;

199 (F) An individual's moral character is inherently determined by his or her race or sex;

200 (G) An individual, by virtue of his or her race or sex, bears responsibility for actions  
201 committed in the past by other individuals of the same race or sex;

202 (H) An individual should feel discomfort, guilt, anguish, or any other form of  
203 psychological distress because of his or her race or sex;

204 (I) Meritocracy or traits such as a hard work ethic are racist or sexist or were created  
205 by individuals of a particular race to oppress individuals of another race; or

206 (J) Any other form of race or sex scapegoating or race or sex stereotyping.

207 (2) 'Race or sex scapegoating' means assigning fault, blame, or bias to a race or sex, or  
208 to an individual of a particular race or sex because of his or her race or sex. The term  
209 includes, but is not limited to, any claim that an individual of a particular race or sex,  
210 consciously or subconsciously, and by virtue of his or her race or sex, is inherently racist,  
211 inherently sexist, or is inherently inclined to oppress others.

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

215 (4) 'State agency' or 'agency' means any department, division, board, bureau,  
216 commission, or other agency of the state government or any state authority.

217 (b) Each state agency shall prohibit its employees from discriminating against other  
218 employees based on race, sex, or any characteristic protected by federal or state law.

219 (c) The head of each state agency shall:

220 (1) Ensure that his or her respective agency, agency employees while acting within the  
221 scope of their employment, and any contractors hired by the agency to provide training  
222 programs to agency employees do not act upon, promote, or encourage divisive concepts,  
223 race or sex scapegoating, or race or sex stereotyping in any training program for agency  
224 employees; provided, however, that this paragraph shall not be construed to prohibit an  
225 individual who facilitates employee training programs from responding in an objective  
226 manner and without endorsement to questions regarding specific divisive concepts raised  
227 by participants in the training program;

228 (2) Ensure that all agency diversity and inclusion training, workshops, programs, and  
229 other efforts encourage agency employees not to judge each other based on race, sex, or  
230 any other characteristic protected by federal or state law;

231 (3) Ensure that a review of his or her agency's compliance with the requirements of this  
232 Code section is conducted each calendar year, and, by no later than February 1 each year,  
233 submit a report to the inspector general of this state detailing the findings of such review  
234 for the preceding calendar year;

235 (4) Designate responsibility for ensuring compliance with the requirements of this Code  
236 section to at least one agency official; and

237 (5) Take appropriate disciplinary action against any agency employee or contractor  
238 engaged by the agency who is responsible for promoting diversity and inclusion if such  
239 employee or contractor either authorizes or approves a training program that acts upon,  
240 promotes, or encourages divisive concepts, race or sex scapegoating, or race or sex  
241 stereotyping.

242 (d) All employee training programs relating to diversity or inclusion must be reviewed by  
243 the Department of Administrative Services to ensure compliance with the requirements  
244 provided in paragraphs (1) and (2) of subsection (c) of this Code section.

245 (e) By October 1, 2022, each agency shall report to the Office of Planning and Budget all  
246 expenditures in the 2021-2022 fiscal year on employee training programs relating to  
247 diversity or inclusion and whether such training programs were conducted internally or by  
248 contractors. In addition to providing aggregate expenditure totals, the report must delineate  
249 awards to each individual contractor.

250 (f)(1) Any contract for goods or services entered into or renewed by or on behalf of a  
251 state agency on or after January 1, 2023, must contain a provision that allows for the  
252 termination of the contract at the option of the awarding entity if the contractor has during  
253 the previous year provided a workforce training program that acts upon, promotes, or  
254 encourages divisive concepts, race or sex scapegoating, or race or sex stereotyping.

255 (2)(A) At the time a contractor submits a bid or proposal for a contract or before the  
256 contractor enters into or renews a contract for goods or services with a state agency, the  
257 contractor must certify that the contractor will not provide workforce training programs

258 that act upon, promote, or encourage divisive concepts, race or sex scapegoating, or  
259 race or sex stereotyping for the duration of the contract.

260 (B) If a contractor submits a false certification or violates the term of the contract by  
261 providing a workforce training program that acts upon, promotes, or encourages  
262 divisive concepts, race or sex scapegoating, or race or sex stereotyping, the state agency  
263 may terminate the contract in accordance with contract terms and conditions and shall  
264 report any such violation to the Department of Administrative Services for  
265 investigation. In addition to possible termination of the contract, the contractor may be  
266 considered for placement on the Department of Administrative Services list of  
267 suspended or debarred vendors.

268 (g)(1) This Code section shall not be construed to prohibit any state agency from  
269 promoting diversity or inclusiveness, so long as such efforts do not conflict with the  
270 requirements of this Code section.

271 (2) This Code section shall not be construed to prohibit the discussion of divisive  
272 concepts, as part of a larger course of instruction, in an objective manner and without  
273 endorsement."

274 **SECTION 4.**

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