

Senate Bill 377

By: Senators Hatchett of the 50th, Dugan of the 30th, Mullis of the 53rd, Miller of the 49th, Gooch of the 51st and others

**AS PASSED SENATE**

A BILL TO BE ENTITLED

AN ACT

1 To amend Titles 20 and 50 of the Official Code of Georgia Annotated, relating to education  
2 and state government, respectively, so as to require state agencies, local boards of education,  
3 and local school systems to take measures to prevent the use of curricula or training  
4 programs which act upon, promote, or encourage certain concepts, with exceptions; to  
5 provide for such exceptions; to provide for construction; to require such entities to prohibit  
6 discrimination on the basis of race, skin color or ethnicity; to require that diversity and  
7 inclusion training programs and similar efforts directed to the employees or students of such  
8 entities shall encourage such employees or students not to judge others based on skin color  
9 or ethnicity; to provide for a complaint resolution policy, process, and appeals for local  
10 school systems; to provide for promulgation of model policy and guidance by the State Board  
11 of Education; to provide for penalties; to provide for remedies; to provide for certain  
12 responsibilities of state agency heads; to provide for definitions; to provide for related  
13 matters; to repeal conflicting laws; and for other purposes.

14 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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15

**SECTION 1.**

16 Title 20 of the Official Code of Georgia Annotated, relating to education, is amended in  
17 Chapter 2, relating to elementary and secondary education, by adding a new Code section to  
18 read as follows:

19 "20-2-243.1.

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

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

23 (A) One race or ethnicity is inherently superior to another race or ethnicity;

24 (B) The United States of America and the State of Georgia are fundamentally or  
25 systemically racist;

26 (C) An individual, solely because of his or her race, skin color, or ethnicity, is  
27 inherently racist or oppressive, whether consciously or subconsciously;

28 (D) An individual should be discriminated against or receive adverse treatment solely  
29 or partly because of his or her race, skin color, or ethnicity;

30 (E) An individual's moral character is inherently determined by his or her race, skin  
31 color, or ethnicity;

32 (F) An individual, because of his or her race, skin color, or ethnicity, bears  
33 responsibility for actions committed by other individuals of the same race, skin color,  
34 or ethnicity, whether past or present;

35 (G) An individual should feel demeaned or caused to feel guilt by a teacher because  
36 of the individual's race, skin color, or ethnicity;

37 (H) Performance based advancement or traits such as a hard work ethic are racist or  
38 were created by individuals of a particular race to oppress individuals of another race;

39 or

40 (I) Any form of race or ethnic scapegoating or race or ethnic stereotyping.

41 (2) 'Race or ethnic scapegoating' means assigning fault, blame, or bias to a race or  
42 ethnicity or to an individual of a particular race or ethnicity because of his or her race or  
43 ethnicity. Such term includes, but is not limited to, any claim that an individual of a  
44 particular race or ethnicity is inherently racist or is inherently inclined to oppress others.

45 (3) 'Race or ethnic stereotyping' means ascribing character traits, values, moral and  
46 ethical codes, privileges, status, or beliefs to a race or ethnicity, or to an individual  
47 because of his or her race or ethnicity.

48 (b) Each local board of education and local school superintendent shall prohibit employees  
49 from discriminating against students and other employees based on race, skin color, or  
50 ethnicity.

51 (c)(1) Each local board of education and local school superintendent shall ensure that all  
52 diversity and inclusion efforts directed to the employees of their respective school  
53 systems shall encourage such employees not to judge students, other employees, or other  
54 individuals based on race, skin color, or ethnicity.

55 (2) Each local board of education and local school superintendent may provide for  
56 curricula and training programs that foster learning and workplace environments where  
57 all students, employees, and school community members are respected and that promote  
58 diversity and inclusiveness; provided, however, that any curriculum or mandatory  
59 training program, whether taught or facilitated by school personnel or a third party  
60 engaged by a local board of education or a local school system, shall not inculcate or  
61 advocate for implementation of divisive concepts; and provided, further, that this  
62 subsection shall not be construed to prohibit a school administrator, teacher, other school  
63 personnel, or an individual facilitating a training program from responding in an objective  
64 manner and without endorsement to questions regarding specific divisive concepts raised  
65 by students, school community members, or participants in a training program.

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

- 67 (1) Inhibit or violate the rights protected by the Constitutions of the United States of  
68 America and Georgia or undermine intellectual freedom and free expression;
- 69 (2) Infringe upon the intellectual vitality of students and employees of local boards of  
70 education and local school systems;
- 71 (3) Prevent a local board of education or local school system from promoting diversity  
72 or inclusiveness; provided, however, that such efforts do not conflict with the  
73 requirements of this Code section and other applicable laws;
- 74 (4) Prohibit the discussion of divisive concepts, as part of a larger course of instruction,  
75 in an objective manner and without endorsement;
- 76 (5) Prohibit the use of curriculum that addresses topics of slavery, racial or ethnic  
77 oppression, racial or ethnic segregation, or racial or ethnic discrimination, including  
78 topics relating to the enactment and enforcement of laws resulting in such oppression,  
79 segregation, and discrimination;
- 80 (6) Create any right or benefit, substantive or procedural, enforceable at law or in equity  
81 by any party against a local board of education or a local school system, or its  
82 departments, agencies, or entities, its officers, employees, or agents, or any other person;  
83 or
- 84 (7) Prohibit a state or federal court or agency of competent jurisdiction from ordering  
85 training or other remedial action that discusses divisive concepts due to a finding of  
86 discrimination, including discrimination based on race, skin color, or ethnicity.
- 87 (e)(1) No later than August 1, 2022, each local board of education shall adopt a  
88 complaint resolution policy for its local school system to address complaints alleging  
89 violations of any provision of subsections (b) through (d) of this Code section at a school  
90 in such school system. The complaint resolution policy shall provide that:
- 91 (A) A school or local school system shall not be required to respond to a complaint  
92 made pursuant to this subsection unless it is made by:

- 93 (i) The parent of a student enrolled at the school where the alleged violation  
94 occurred;
- 95 (ii) A student who has reached the age of majority or is a lawfully emancipated minor  
96 and who is enrolled at the school where the alleged violation occurred;
- 97 (iii) An individual employed as a school administrator, teacher, or other school  
98 personnel at the school where the alleged violation occurred;
- 99 (iv) The House Education Committee; or  
100 (v) The Senate Committee on Education and Youth.
- 101 (B) The complaint shall first be submitted in writing to the principal of the school  
102 where the alleged violation occurred;
- 103 (C) The complaint shall provide a reasonably detailed description of the alleged  
104 violation;
- 105 (D) Within three school days of receiving such written complaint, the school principal  
106 or his or her designee shall review the complaint and take reasonable steps to  
107 investigate the allegations in the complaint;
- 108 (E) The school principal shall determine whether the alleged violation occurred, in  
109 whole or in part;
- 110 (F) Within five school days of receiving the complaint, unless another schedule is  
111 mutually agreed to by the complainant and the school principal, the school principal  
112 shall confer with the complainant and inform the complainant whether a violation  
113 occurred, in whole or in part, and, if such a violation was found to have occurred, what  
114 remedial steps will be taken; provided, however, that the confidentiality of student or  
115 personnel information will not be violated;
- 116 (G) The school principal's determinations provided for in subparagraphs (E) and (F)  
117 of this paragraph shall be subject to timely administrative review by the local school  
118 superintendent or his or her designee upon a written request by the complainant to the  
119 local school superintendent; and

120 (H) The local school superintendent's decision following the administrative review  
121 provided for in subparagraph (G) of this paragraph shall be subject to review by the  
122 local board of education pursuant to Code Section 20-2-1160.

123 (2) Following a decision by a local board of education regarding a complaint made  
124 pursuant to paragraph (1) of this subsection, any party aggrieved by the decision of the  
125 local board of education shall have the right to appeal such decision to the State Board  
126 of Education pursuant to subsection (b) of Code Section 20-2-1160.

127 (3) The State Board of Education shall, after hearing an appeal brought pursuant to  
128 paragraph (2) of this subsection, make written findings regarding whether any violations  
129 of any provision of subsections (b) through (d) of this Code section occurred at a school  
130 in such school system. If the State Board of Education finds that one or more such  
131 violations occurred, it shall direct the Department of Education to develop a corrective  
132 action plan to be provided to the local school system within ten days of such finding, and  
133 the local school system shall have 30 days to implement the corrective action plan. If the  
134 State Board of Education finds that such local school system has not implemented the  
135 corrective action plan:

136 (A)(i) In cases where the local school system at issue has been granted one or more  
137 waivers as provided in Article 4 of Chapter 2 of this title, Code Section 20-2-244, or  
138 Code Section 20-2-2065, the State Board of Education shall order the immediate  
139 suspension of one or more waivers included in the local school system's contract with  
140 the State Board of Education providing for such waivers;

141 (ii) The State Board of Education shall exercise discretion in determining which  
142 waivers shall be subject to such order of suspension and shall, as may be reasonable  
143 and practicable, narrowly tailor such order to address specific violations of provisions  
144 of subsections (b) through (d) of this Code section; and

145 (iii) An order suspending a local school system's waivers pursuant to division (i) of  
146 this subparagraph shall be in effect for no less than 12 months from the date of such

147 order and, if the remainder of the current term of such local school system's contract  
148 with the State Board of Education providing for waivers is greater than 12 months,  
149 then no longer than such remainder; and

150 (B) In cases where the local school system at issue has not been granted a waiver as  
151 provided in Article 4 of Chapter 2 of this title, Code Section 20-2-244, or Code  
152 Section 20-2-2065, the State Board of Education shall refer the matter to the State  
153 School Superintendent to determine whether to exercise his or her suspension authority  
154 as provided in Code Section 20-2-34.

155 (4) No later than July 1, 2022, the State Board of Education shall promulgate a model  
156 policy for a complaint resolution process that meets the requirements of paragraph (1) of  
157 this subsection. The Department of Education shall develop and provide guidance for  
158 local school systems for use when determining whether violations of subsections (b)  
159 through (d) of this Code section have occurred. The Department of Education shall be  
160 authorized to revise such model policy and guidance from time to time and shall post  
161 such policy and guidance on its website in order to assist local school systems."

162 **SECTION 2.**

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

165 "50-1-11.

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

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

169 (A) One race or ethnicity is inherently superior to another race or ethnicity;

170 (B) The United States of America and the State of Georgia are fundamentally or  
171 systemically racist;

- 172 (C) An individual, solely because of his or her race, skin color, or ethnicity, is  
173 inherently racist or oppressive, whether consciously or subconsciously;
- 174 (D) An individual should be discriminated against or receive adverse treatment solely  
175 or partly because of his or her race, skin color, or ethnicity;
- 176 (E) An individual's moral character is inherently determined by his or her race, skin  
177 color, or ethnicity;
- 178 (F) An individual, because of his or her race, skin color, or ethnicity, bears  
179 responsibility for actions committed by other individuals of the same race, skin color,  
180 or ethnicity, whether past or present;
- 181 (G) An individual should feel discomfort, guilt, anguish, or any other form of  
182 psychological distress because of his or her race, skin color, or ethnicity;
- 183 (H) Meritocracy or traits such as a hard work ethic are racist or were created by  
184 individuals of a particular race to oppress individuals of another race; or
- 185 (I) Any form of race or ethnic scapegoating or race or ethnic stereotyping.
- 186 (2) 'Race or ethnic scapegoating' means assigning fault, blame, or bias to a race or  
187 ethnicity or to an individual of a particular race or ethnicity because of his or her race,  
188 skin color, or ethnicity. Such term includes, but is not limited to, any claim that an  
189 individual of a particular race or ethnicity, consciously or subconsciously, and by virtue  
190 of his or her race or ethnicity, is inherently racist or is inherently inclined to oppress  
191 others.
- 192 (3) 'Race or ethnic stereotyping' means ascribing character traits, values, moral and  
193 ethical codes, privileges, status, or beliefs to a race or ethnicity, or to an individual  
194 because of his or her race or ethnicity.
- 195 (4) 'State agency' or 'agency' means any department, division, board, bureau,  
196 commission, or other agency of the state government or any state authority.
- 197 (b) Each state agency shall prohibit its employees from discriminating against other  
198 employees based on race, skin color, or ethnicity.



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

200 (1) Ensure that his or her respective agency, agency employees while acting within the  
201 scope of their employment, and any contractors engaged by the agency to provide  
202 training programs to agency employees do not act upon, promote, or encourage divisive  
203 concepts in any training program for agency employees; provided, however, that this  
204 paragraph shall not be construed to prohibit an individual who facilitates an employee  
205 training program from responding in an objective manner and without endorsement to  
206 questions regarding specific divisive concepts raised by participants in a training  
207 program;

208 (2) Ensure that all agency diversity and inclusion training, workshops, programs, and  
209 other efforts encourage agency employees not to judge each other based on race, skin  
210 color, or ethnicity; and

211 (3) Take appropriate disciplinary action against any agency employee or contractor  
212 engaged by the agency who authorizes or approves a training program that acts upon,  
213 promotes, or encourages divisive concepts.

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

217 (2) This Code section shall not be construed to prohibit the discussion of divisive  
218 concepts, as part of a larger discussion related to workplace policies or training programs,  
219 in an objective manner and without endorsement."

220

### **SECTION 3.**

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