

The Senate Committee on Education and Youth offered the following substitute to SB 532:

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to
2 elementary and secondary education, so as to prohibit sex education for public school
3 students in this state before sixth grade; to provide that no public school or local school
4 system shall be required to provide sex education; to require revocable written consent from
5 parents or guardians of students before any sex education is provided; to require governing
6 bodies of public schools and local school systems to afford parents and guardians of all
7 students and the public opportunity to review and to provide comment on proposed sex
8 education curricula before approval by such body; to require the State Board of Education
9 to approve age- and grade-appropriate content standards for sex education curricula; to
10 provide for definitions; to provide for construction; to revise the "Parents Bill of Rights" to
11 provide for parents to revocably opt-in to sex education for their children; to provide a short
12 title; to provide for an effective date; to provide for related matters; to repeal conflicting
13 laws; and for other purposes.

14 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

15

SECTION 1.

16 This Act shall be known and may be cited as the "No Indoctrinating Children in Elementary
17 (NICE) Act."

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SECTION 2.

19 Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to elementary and
20 secondary education, is amended in Part 2 of Article 6, relating to competencies and core
21 curriculum under the "Quality Basic Education Act," by repealing Code Section 20-2-143,
22 relating to sex education and AIDS prevention instruction, implementation, and student
23 exemption, and enacting a new Code section to read as follows:

24 "20-2-143.

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

26 (1) 'Sex' means the biological state of being male or female, in the context of
27 reproductive potential or capacity, based on the individual's sex organs, chromosomes,
28 naturally occurring sex hormones, gonads, and internal and external genitalia present at
29 birth, including secondary sex characteristics. An individual's sex can be observed or
30 clinically verified at or before birth.

31 (2) 'Sex education' includes any curricula or instruction that has the goal or purpose of
32 studying, exploring, or informing students about human reproduction, human sexuality,
33 sexual conduct, an internal or deeply felt sense of the student's sex, or sexual attraction
34 to one or more persons.

35 (b)(1) No public school or local school system shall provide sex education before the
36 sixth grade.

37 (2) No public school or local school system shall be required to provide sex education.

38 (c) Before a public school or local school system provides sex education to any student:

39 (1) The public school or local school system shall make the sex education curricula
40 available to parents and guardians of all students and the public for review online and in
41 person as provided in subsection (d) of this Code section; and

42 (2) Such student's parent or guardian shall provide revocable written consent for his or
43 her child to receive sex education.

44 (d)(1) Beginning in the 2024-2025 school year and continuing each school year
45 thereafter, before a public school or local school system offers sex education to any
46 students, the governing body of such public school or local school system shall review
47 and approve the sex education curricula based on content standards prescribed by the
48 State Board of Education pursuant to subsection (f) of this Code section; provided,
49 however, that such governing body shall not approve any sex education curricula without
50 providing parents and guardians of all students and the public with a meaningful
51 opportunity to review and to provide input on any proposed sex education curricula, as
52 provided in paragraph (2) of this subsection, before such curricula is approved by such
53 governing body.

54 (2) Before approving any sex education curricula, the governing body of each public
55 school or local school system shall:

56 (A) Require that all meetings of such governing body, or any committee or
57 subcommittee thereof, that are authorized for the purposes of reviewing and approving
58 a sex education curricula be publicly noticed at least two weeks before occurring and
59 be open to the public pursuant to Chapter 14 of Title 50;

60 (B) Make any proposed sex education curricula available and accessible for review and
61 public comment, including, but not limited to, written comments, oral comments, and
62 comments submitted through email, for at least 45 days before approval of any such sex
63 education curricula by such governing body; and

64 (C) Conduct at least two public hearings within the 45 day review period provided for
65 in subparagraph (B) of this paragraph.

66 (e) At least two weeks before any sex education is offered by a public school or local
67 school system pursuant to this Code section, each such public school or local school system
68 shall make the sex education curricula approved by the governing body of such public
69 school or local school system as provided in subsection (d) of this Code section available
70 for meaningful review by parents and guardians of all students and the public.

71 (f) By July 1, 2024, the State Board of Education shall adopt age- and grade-appropriate
72 content standards for sex education curricula for students in grades six through 12.

73 (g) Nothing in this Code section shall be construed to prohibit age- and grade-appropriate
74 classroom instruction regarding:

75 (1) Child abuse and assault awareness and prevention; and

76 (2) Menstruation."

77 **SECTION 3.**

78 Said chapter is further amended in Subpart 1 of Part 6 of Article 6, relating to certificated
79 professional personnel, by revising subsection (b) of Code Section 20-2-201, relating to
80 specific course requirements, in-service or continuing education, and online offerings, as
81 follows:

82 "(b) Each local unit of administration shall be required to provide all professional
83 personnel certificated by the Professional Standards Commission 12 clock hours of
84 in-service or continuing education in each calendar year, or meet requirements of the
85 Southern Association of Colleges and Schools. Such in-service programs shall be
86 developed by the local unit of administration in conjunction with such agencies as regional
87 educational service agencies, colleges and universities, and other appropriate organizations.
88 These programs shall be designed to address identified needs determined by appropriate
89 personnel evaluation instruments. These programs shall also focus on improving the skills
90 of certificated personnel that directly relate to improving student achievement, as reflected
91 in the revised certification renewal rules established by the Professional Standards

92 Commission pursuant to paragraph (4.1) of subsection (b) of Code Section 20-2-200
93 regarding the impact of professional learning on student achievement. These programs
94 shall also include in-service training programs on sexual abuse and assault awareness and
95 prevention for professional personnel who will be providing instruction in annual
96 age-appropriate sexual abuse and assault awareness and prevention education in
97 ~~kindergarten through grade nine pursuant to subsection (b) of Code Section 20-2-143.~~
98 Records of attendance shall be maintained by local units of administration and shall be
99 monitored by appropriate Department of Education staff."

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SECTION 4.

101 Said chapter is further amended in Part 5 of Article 16, relating to review of removal, by
102 revising paragraph (3) of subsection (f) of Code Section 20-2-786, the "Parents' Bill of
103 Rights," as follows:

104 "(3)(A) Procedures which comply with the provisions of Code Section 20-2-143 for a
105 parent to provide revocable written consent for his or her minor child to receive sex
106 education; and

107 (B) Procedures for a parent to withdraw or otherwise revoke his or her written consent
108 for his or her minor child from the school's prescribed course of study in to receive sex
109 education if the parent provides a written objection to his or her minor child's
110 participation. Such procedures must provide for a parent to be notified in advance of
111 such course content so that he or she may withdraw his or her minor child from the
112 course; and"

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SECTION 5.

114 This Act shall become effective upon its approval by the Governor or upon its becoming law
115 without such approval.

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SECTION 6.

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