

The Senate Committee on Education and Youth offered the following substitute to SB 88:

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 1 of Chapter 7 of Title 19 of the Official Code of Georgia Annotated,
2 relating to general provisions regarding parent and child relationship generally, so as to
3 prohibit the implementation of curriculum or instruction relating to gender identity, queer
4 theory, gender ideology, or gender transition by a private school or a person standing in loco
5 parentis without parental notice and consent; to provide for such notice and consent and for
6 inspection of curriculum and instructional material; to provide for definitions; to require local
7 boards of education and other public school governing bodies to adopt written policies
8 providing direction and guidance to school personnel regarding parental involvement and
9 child privacy on issues of gender identity and gender transition; to provide for such policies;
10 to require the State Board of Education to promulgate a model policy; to require the
11 Department of Education to provide guidance and technical assistance; to prohibit the
12 modification of a child's school records based on a change on the child's gender transition or
13 a change in the child's gender identity; to provide for statutory construction; to provide for
14 violations and sanctions; to provide for enforcement and to require the State Board of
15 Education to establish an administrative procedure to receive and address complaints; to
16 provide for related matters; to provide for legislative findings; to repeal conflicting laws; and
17 for other purposes.

18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

19 **SECTION 1.**

20 The General Assembly finds:

- 21 (1) That in recent years, there has been a significant increase in the number of children
22 struggling with gender dysphoria or exhibiting a gender identity other than that usually
23 associated with the child's sex;
- 24 (2) That a child's questions and concerns regarding his or her gender identity, including,
25 but not limited to, his or her desire to embark upon a gender transition or to express or
26 adopt a gender identity different than his or her biological sex, is an important issue of
27 which parents and guardians should be aware and in which parental involvement is critical;
- 28 (3) That given the sensitive nature of issues surrounding a child's gender identity and the
29 emotional impact that gender incongruence can have on a child, the child's parents in most
30 cases should be informed of and involved when adults discuss such issues with the child;
- 31 (4) That parents are presumed to have their children's best interests at heart and, unless
32 there are grounds to believe a child would suffer harm, the child's parents should be
33 involved in major decisions regarding the child; and
- 34 (5) That guidance for organizations exercising temporary parental authority over children
35 facing gender identity questions is needed.

36 **SECTION 2.**

37 Article 1 of Chapter 7 of Title 19 of the Official Code of Georgia Annotated, relating to
38 general provisions regarding parent and child relationship generally, is amended by adding
39 a new Code section to read as follows:

40 "19-7-7.

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

- 42 (1) 'Child' means an individual under the age of 16 years.

- 43 (2) 'Gender identity' means a person's self-perceived, asserted, or claimed gender,
44 regardless of the person's sex.
- 45 (3) 'Gender ideology' or 'queer theory' means and includes the beliefs that sex is fluid and
46 changing, that the male-female sex binary does not capture the complexity of the human
47 species, or that human individuals are properly described in terms of an internal sense of
48 gender or gender identity that may be incongruent with their sex.
- 49 (4) 'Gender transition' means and includes both medical transition and social transition.
- 50 (5) 'In loco parentis' means exercising control over a child pursuant to the performance
51 of services as an employee of a private school as defined by subsection (b) of Code
52 Section 20-2-690.
- 53 (6) 'Medical transition' means any medical, hormonal, or surgical intervention
54 undertaken to alter the body of a person in order to create or facilitate the development
55 of physiological or anatomical characteristics that resemble a sex different from the
56 person's sex.
- 57 (7) 'Parent' means a biological parent, legal guardian, custodian, or other person with
58 legal authority to act on behalf of a child.
- 59 (8) 'School personnel' means administrators, teachers, and all other persons employed
60 by a local board of education, a local school system, the governing body of a public
61 school, or a public school.
- 62 (9) 'Sex' means the organization of the body parts and gametes for reproduction in human
63 beings and other organisms. In human beings, there are exactly two sexes, male and
64 female, with two corresponding types of gametes. The sexes are determined by the
65 biological and genetic indication of male or female, including sex chromosomes,
66 naturally occurring sex chromosomes, gonads, and nonambiguous internal and external
67 genitalia present at birth, without regard to an individual's psychological, behavioral,
68 social, chosen, or subjective experience of gender.

69 (10) 'Social transition' means any action taken to affirm a person's gender identity that
70 is incongruent with their sex, including, but not limited to, decisions pertaining to the use
71 of sex-specific facilities and accommodations, participation in sex-segregated sports or
72 activities, pronoun and name usage, dress code guidelines, and arrangements for field
73 trips, including, but not limited to, travel, boarding, and sleeping.

74 (b)(1) No person standing in loco parentis nor the private school which employs him or
75 her shall implement any curriculum or instruction addressing issues of gender identity,
76 queer theory, gender ideology, or gender transition, without first providing notice of such
77 curriculum or instruction to and obtaining the express written permission from each
78 parent of each child who will participate in such curriculum or instruction. Parents shall
79 be informed of the intention of such person or such private school to implement such
80 curriculum or instruction and of the parent's right to inspect the curriculum or
81 instructional material.

82 (2)(A) The notice and request for consent required by this subsection shall:

83 (i) Be provided to each parent in such a manner that the document is physically
84 separate and not included among other forms;

85 (ii) Be delivered to each parent sufficiently in advance of the implementation of the
86 curriculum or instruction so as to allow each parent reasonable opportunity to review
87 such curriculum and instructional material before determining whether or not their
88 child may or may not participate in the curriculum and instruction;

89 (iii) Provide information as to any alternative instruction the child may receive in lieu
90 of participating in the curriculum or instruction; and

91 (iv) Provide a deadline by which consent from each parent must be returned to the
92 individual or private school.

93 (B) A representative of the person standing in loco parentis or private school that
94 employs him or her providing the instruction or instructional material for the
95 curriculum shall be physically present or available by phone during business hours to

96 explain the notice and address concerns or provide additional information to any parent
97 upon request.

98 (3) No child may engage in the curriculum or instruction provided for in this Code
99 section unless and until consent is provided pursuant to this subsection.

100 (c)(1) On or before January 1, 2025, each local board of education or other public school
101 governing body shall develop written policies providing direction and guidance to school
102 personnel regarding parental involvement and child privacy on issues of gender identity
103 and gender transition. Such policies shall be published on the local school system or
104 public school website and in any student or parent manual and shall include:

105 (A) Policies for school personnel to follow when addressing issues of gender identity
106 and gender transition;

107 (B) Policies for incorporating appropriate parental involvement when a student
108 approaches school personnel with questions or concerns about the student's gender
109 identity or gender transition or when a student expresses a desire to present a gender
110 identity other than that congruent with the student's biological sex while at school;

111 (C) Policies regarding parental notification of any discussion of gender identity or
112 gender transition initiated by school personnel; and

113 (D) Policies for when school personnel should refer students with gender identity or
114 gender transition questions to a designated school administrator, school counselor,
115 school social worker, or other professional for further discussion.

116 (2) The State Board of Education shall promulgate model policies to assist such local
117 boards of education and governing bodies in developing policies required under
118 paragraph (1) of this subsection.

119 (3) The Department of Education shall provide technical assistance and guidance to
120 public schools to assist with implementation of the requirements of this Code section.

121 (d) No person shall modify a child's official public or private school records based on the
122 child's gender transition or a change in the child's gender identity without the written
123 consent of each of the child's parents.

124 (e) This Code section shall not be construed to apply to:

125 (1) The Department of Human Services, the Department of Juvenile Justice, the
126 Department of Behavioral Health and Developmental Disabilities, the Department of
127 Early Care and Learning, or any organization or individual regulated by such agencies
128 or providing care or services pursuant to a contract with such agencies or equivalent
129 agencies of another state; or

130 (2) Any school or program operated by a religious institution to the extent that the
131 requirements of this Code section would be inconsistent with the religious tenets of the
132 institution.

133 (f) Nothing in this Code section shall be interpreted so as to relieve the reporting of child
134 abuse or neglect pursuant to Code Section 19-7-5 or to prevent action reasonably believed
135 necessary to prevent or eliminate a serious or substantial risk of imminent harm to a child.

136 (g) Any intentional violation of this Code section shall be subject to, as applicable:

137 (1) If the violation involves a public school student:

138 (A) Withholding of funds pursuant to Code Section 20-2-243, if the violation involves
139 a public school; and

140 (B) Ineligibility to participate in an athletic association, as defined by subsection (a)
141 of Code Section 20-2-316.1;

142 (2) If the violation involves a private school, ineligibility to be a qualified school or
143 program for purposes of participating in the Georgia Special Needs Scholarship Program
144 pursuant to Chapter 2A of Title 20; or

145 (3) If the violation is by an educator as such term is defined in Code Section 20-2-982.1,
146 the initiation of an investigation by the Professional Standards Commission of such
147 educator pursuant to Code Section 20-2-984.3.

148 (h) The State Board of Education is authorized to enforce this Code section and shall
149 establish an administrative procedure for receiving and addressing complaints regarding
150 violations of this Code section and of any policies created pursuant to this Code section."

151

SECTION 3.

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