

Senate Bill 552

By: Senators Watson of the 1st, Strickland of the 42nd, Cowser of the 46th, Anavitarte of the 31st, Walker III of the 20th and others

**AS PASSED**

A BILL TO BE ENTITLED  
AN ACT

1 To amend Subpart 2A of Part 1 of Article 16 of Chapter 2 of Title 20 of the Official Code  
2 of Georgia Annotated, relating to clubs and organizations, so as to provide for equal access  
3 to public schools for students engaging in political or philosophical expression; to authorize  
4 the organization of partisan and nonpartisan student groups and gatherings; to provide for  
5 school disclaimers of sponsorship; to prohibit discrimination based on the content of student  
6 speech within a limited open forum; to provide for the maintenance of order and discipline;  
7 to provide for a short title; to provide for definitions; to provide for related matters; to repeal  
8 conflicting laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 **SECTION 1.**

11 This Act shall be known and may be cited as the "True Patriotism and Universal Student  
12 Access (TPUSA) Act."

**SECTION 2.**

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Subpart 2A of Part 1 of Article 16 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to clubs and organizations, is amended by adding a new Code section to read as follows:

"20-2-706.

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

(1) 'Meeting' means and includes those activities of student groups which are permitted under a public school's limited open forum and are not directly related to the school curriculum.

(2) 'Noninstructional time' means time set aside by a public school before actual classroom instruction begins or after actual classroom instruction ends.

(3) 'Sponsor' means an individual who is in whole or in part responsible for the sponsorship of a meeting. Such term shall not include a school administrator, teacher, or other school personnel who has been assigned to attend a meeting for custodial purposes.

(4) 'Sponsorship' means the act of promoting, leading, or participating in a meeting.

(b)(1) Students enrolled in public schools in this state shall be permitted to engage in political activities and expression before, during, and after the school day in the same manner and to the same extent that students may engage in nonpolitical activities and expression.

(2) Students enrolled in public schools in this state may organize partisan or nonpartisan political activities and groups before, during, and after school to the same extent that students are permitted to organize other noncurricular student activities and groups during noninstructional time.

(c)(1) It shall be unlawful for any public school which has a limited open forum to deny equal access or a fair opportunity to, or discriminate against, any students enrolled in such public school who wish to conduct a meeting within such limited open forum on the basis

40 of the political, philosophical, ideological, or other content of the speech at such  
41 meetings.

42 (2) Nothing in this Code section shall be construed or applied to require a public school  
43 to establish a limited open forum; provided, however, that a public school shall be  
44 deemed to have established a limited open forum whenever such school grants an  
45 offering to or opportunity for one or more noncurricular related student groups to meet  
46 on school premises during noninstructional time.

47 (3) Public schools shall be deemed to offer a fair opportunity to students enrolled in such  
48 school who wish to conduct a meeting within its limited open forum if such school  
49 uniformly provides that:

50 (A) The meeting is voluntary and student initiated;

51 (B) There is no sponsorship of the meeting by the school or any governmental entity  
52 or its employees or agents acting in an official capacity;

53 (C) The meeting does not materially and substantially interfere with the orderly  
54 conduct of educational activities and discipline within the school;

55 (D) The meeting does not infringe on the rights of other students; and

56 (E) Individuals not affiliated with the school may not direct, conduct, control, or  
57 regularly attend activities of student groups.

58 (d)(1) Partisan and nonpartisan political groups shall be given the same access to public  
59 school facilities for assembling as is given to other noncurricular groups without  
60 discrimination based on the political content of the expression of such groups.

61 (2) Partisan and nonpartisan political groups shall be given the same opportunity to  
62 advertise or announce meetings and activities as is given to other noncurricular groups  
63 without discrimination based on the political content of the students' expression.

64 (e) A public school shall only disclaim school sponsorship of noncurricular student groups  
65 and related events in a manner that neither favors nor disfavors student groups that meet  
66 to engage in political activity or political speech.

67 (f) Students enrolled in public schools shall be permitted to wear clothing, accessories, and  
68 jewelry that display political messages or political symbols in the same manner and to the  
69 same extent that other types of clothing, accessories, and jewelry that display messages or  
70 symbols are permitted under the school dress code.

71 (g) Nothing in this Code section shall be construed to authorize the state or any political  
72 subdivision thereof to:

73 (1) Influence the form or content of any political, philosophical, or ideological activity;

74 (2) Require any person to participate in politics or political activity;

75 (3) Expend public funds beyond the incidental cost of providing the space for student  
76 initiated meetings;

77 (4) Compel any public school employee or agent to attend a meeting if the content of the  
78 speech at the meeting is contrary to the beliefs of the employee or agent;

79 (5) Sanction meetings that are otherwise unlawful; or

80 (6) Abridge the constitutional rights of any individual.

81 (h) Nothing in this Code section shall be construed to limit the authority of a public school  
82 or its employees or agents to:

83 (1) Maintain order and discipline on school premises;

84 (2) Protect the well-being of students and staff;

85 (3) Assure that attendance of students at meetings is voluntary;

86 (4) Prohibit or restrict conduct that either causes or could reasonably be forecast to cause  
87 a material and substantial disruption of the work and discipline of the school;

88 (5) Prohibit or restrict conduct that either causes or could reasonably be forecast to cause  
89 an infringement on the rights of other students;

90 (6) Prohibit or restrict conduct involving violence, threats, or harassment; and

91 (7) Enforce student attendance policies, rules, and requirements."

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**SECTION 3.**

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