

Senate Bill 226

By: Senators Anavitarte of the 31st, Mullis of the 53rd, Miller of the 49th, Gooch of the 51st, Thompson of the 14th and others

AS PASSED SENATE

A BILL TO BE ENTITLED

AN ACT

1 To amend Part 15 of Article 6 of Chapter 2 of Title 20 of the Official Code of Georgia
2 Annotated, relating to miscellaneous provisions of the "Quality Basic Education Act," so as
3 to require each local board of education to adopt a policy providing for a complaint
4 resolution process to be used by its local school system to address complaints submitted by
5 parents or guardians alleging that material that is harmful to minors has been provided or is
6 currently available to a student; to provide for policy requirements; to require the Department
7 of Education to develop a model policy and guidance for use by local school systems; to
8 provide for a definition; to provide for related matters; to repeal conflicting laws; and for
9 other purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 **SECTION 1.**

12 Part 15 of Article 6 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated,
13 relating to miscellaneous provisions of the "Quality Basic Education Act," is amended by
14 adding a new Code section to read as follows:

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15 "20-2-324.6.

16 (a) As used in this Code section, 'harmful to minors' means that quality of description or
17 representation, in whatever form, of nudity, sexual conduct, sexual excitement, or
18 sadomasochistic abuse, when it:

19 (1) Taken as a whole, predominantly appeals to the prurient, shameful, or morbid interest
20 of minors;

21 (2) Is patently offensive to prevailing standards in the adult community as a whole with
22 respect to what is suitable material for minors; and

23 (3) Is, when taken as a whole, lacking in serious literary, artistic, political, or scientific
24 value for minors.

25 (b) No later than September 1, 2021, each local board of education shall adopt a complaint
26 resolution policy for its local school system to be used to address complaints submitted by
27 parents or guardians alleging that material that is harmful to minors has been provided or
28 is currently available to a student enrolled in the local school system who is the child of
29 such parent or guardian. The complaint resolution process shall require that:

30 (1) Complaints be submitted in writing to the principal of the school where the student
31 is enrolled;

32 (2) The complaint shall provide a reasonably detailed description of the material that is
33 alleged to be harmful to minors;

34 (3) Within seven business days of receiving such written complaint, the school principal
35 or his or her designee shall review the complaint and take reasonable steps to investigate
36 the allegations in the complaint, including, but not limited to, reviewing the material that
37 is alleged to be harmful to minors, if it is available;

38 (4) The school principal shall determine whether the material that is the subject of the
39 complaint is harmful to minors;

40 (5) The school principal shall determine whether student access to the material that is the
41 subject of the complaint shall be removed or restricted;

42 (6) Within ten business days of receiving the complaint, unless another schedule is
43 mutually agreed to by the complainant and the school principal, the school principal shall
44 confer with the complainant and inform the complainant whether the material that is the
45 subject of the complaint was determined to be harmful to minors, and whether student
46 access to such material will be removed or restricted;

47 (7) The school principal's determinations provided for in paragraphs (4) and (5) of this
48 subsection shall be subject to timely administrative review by the local school
49 superintendent; and

50 (8) The local school superintendent's decision provided for in paragraph (7) of this
51 subsection shall be subject to review by the local board of education pursuant to Code
52 Section 20-2-1160.

53 (c) No later than July 1, 2021, the Department of Education shall promulgate a model
54 policy for a complaint resolution process that meets the requirements of subsection (b) of
55 this Code section. The Department of Education shall develop guidance for local school
56 systems for use when determining whether material is harmful to minors. The Department
57 of Education shall be authorized to revise such model policy and guidance from time to
58 time and shall post such policy and guidance on its website in order to assist local school
59 systems."

60 **SECTION 2.**

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