

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

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, the Board of Regents of
3 the University System of Georgia, the State Board of the Technical College System of
4 Georgia, units of the University System of Georgia, units of the Technical College System
5 of Georgia, local boards of education, and local school systems to take measures to prevent
6 the use of curricula or training programs which act upon, promote, or encourage certain
7 concepts, with exceptions; to provide for such exceptions; to provide for construction; to
8 require such entities to prohibit discrimination on the basis of race, skin color, or ethnicity;
9 to require that diversity and inclusion training programs and similar efforts directed to the
10 employees or students of such entities shall encourage such employees or students not to
11 judge others based on skin color, or ethnicity; to provide for a complaint resolution policy,
12 process, and appeals for local school systems; to provide for promulgation of model policy
13 and guidance by the State Board of Education; to require the board of regents and the State
14 Board of the Technical College System of Georgia to adopt complaint resolution policies;
15 to provide for penalties; to provide for remedies; to provide for certain responsibilities of
16 state agency heads; to provide for definitions; to provide for related matters; to repeal
17 conflicting laws; and for other purposes.

S. B. 377

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18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

19 **SECTION 1.**

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

23 "20-2-243.1.

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

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

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

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

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

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

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

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

39 (G) An individual should feel discomfort, guilt, anguish, or any other form of
40 psychological distress because of his or her race, skin color, or ethnicity;

41 (H) Meritocracy or traits such as a hard work ethic are racist or were created by
42 individuals of a particular race to oppress individuals of another race; or

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

44 (2) 'Race or ethnic scapegoating' means assigning fault, blame, or bias to a race or
45 ethnicity or to an individual of a particular race or ethnicity because of his or her race or
46 ethnicity. Such term includes, but is not limited to, any claim that an individual of a
47 particular race or ethnicity, consciously or subconsciously, and by virtue of his or her race
48 or ethnicity, is inherently racist or is inherently inclined to oppress others.

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

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

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

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

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

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

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

124 superintendent or his or her designee upon a written request by the complainant to the
125 local school superintendent; and

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

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

133 (3) The State Board of Education may, after hearing an appeal brought pursuant to
134 paragraph (2) of this subsection, withhold up to 10 percent of the state contributed
135 Quality Basic Education Program funds allotted to the local school system or public
136 elementary or secondary school in accordance with the provisions of Code
137 Section 20-2-243; provided, however, that upon such withholding, the Department of
138 Education shall develop and provide a corrective action plan to the local school system
139 or public elementary or secondary school to remediate each violation found to have
140 occurred by the State Board of Education; and provided, further, that a local school
141 system or public elementary or secondary school whose allotment of state contributed
142 Quality Basic Education Program funds has been withheld pursuant to this paragraph
143 shall have such allotment restored within 45 days of demonstrating to the satisfaction of
144 the State School Superintendent substantial compliance with the corrective action plan
145 provided for in this paragraph.

146 (4) No later than July 1, 2022, the Department of Education shall promulgate a model
147 policy for a complaint resolution process that meets the requirements of paragraph (1) of
148 this subsection. The Department of Education shall develop and provide guidance for
149 local school systems for use when determining whether violations of subsections (b)
150 through (d) of this Code section have occurred. The Department of Education shall be

151 authorized to revise such model policy and guidance from time to time and shall post
152 such policy and guidance on its website in order to assist local school systems."

153 **SECTION 2.**

154 Said title is further amended in Chapter 3, relating to postsecondary education, by adding a
155 new Code section to read as follows:

156 "20-3-65.1.

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

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

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

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

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

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

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

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

172 (G) An individual should feel discomfort, guilt, anguish, or any other form of
173 psychological distress because of his or her race, skin color, or ethnicity;

174 (H) Meritocracy or traits such as a hard work ethic are racist or were created by
175 individuals of a particular race to oppress individuals of another race; or

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

177 (2) 'Race or ethnic scapegoating' means assigning fault, blame, or bias to a race or
178 ethnicity or to an individual of a particular race or ethnicity because of his or her race or
179 ethnicity. Such term includes, but is not limited to, any claim that an individual of a
180 particular race or ethnicity, consciously or subconsciously, and by virtue of his or her race
181 or ethnicity, is inherently racist or is inherently inclined to oppress others.

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

185 (b) The Board of Regents of the University System of Georgia shall prohibit employees
186 from discriminating against students and other employees based on race, skin color, or
187 ethnicity.

188 (c)(1) The Board of Regents of the University System of Georgia shall ensure that all
189 diversity and inclusion efforts directed to the employees of the board of regents or of any
190 unit of the University System of Georgia shall encourage such employees not to judge
191 students, other employees, or other individuals based on race, skin color, or ethnicity.

192 (2) The Board of Regents of the University System of Georgia may provide for curricula
193 and training programs that foster learning and workplace environments where all
194 students, employees, and school community members are respected and that promote
195 diversity and inclusiveness; provided, however, that any curriculum or mandatory
196 training program, whether taught or facilitated by school personnel or a third party
197 engaged by the board or a unit of the University System of Georgia may not teach, act
198 upon, promote, or encourage divisive concepts; and provided, further, that this subsection
199 shall not be construed to prohibit administrators, faculty members, instructors, or other
200 individuals facilitating a training program from responding in an objective manner and
201 without endorsement to questions regarding specific divisive concepts raised by students,
202 school community members, or participants in a training program.

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

- 204 (1) Inhibit or violate the rights protected by the Constitutions of the United States of
205 America and Georgia or undermine intellectual freedom and free expression;
- 206 (2) Infringe upon the intellectual vitality of students and employees of the board of
207 regents or any unit of the University System of Georgia;
- 208 (3) Prevent the board of regents or any unit of the University System of Georgia from
209 promoting diversity or inclusiveness; provided, however, that such efforts do not conflict
210 with the requirements of this Code section and other applicable laws;
- 211 (4) Prohibit the discussion of divisive concepts, as part of a larger course of instruction,
212 in an objective manner and without endorsement;
- 213 (5) Prohibit the use of curriculum that addresses topics of slavery, racial or ethnic
214 oppression, racial or ethnic segregation, or racial or ethnic discrimination, including
215 topics relating to the enactment and enforcement of laws resulting in such oppression,
216 segregation, and discrimination;
- 217 (6) Create any right or benefit, substantive or procedural, enforceable at law or in equity
218 by any party against the board of regents or any unit of the University System of Georgia,
219 or their respective departments, agencies, or entities, officers, employees, or agents, or
220 any other person; or
- 221 (7) Prohibit a state or federal court or agency of competent jurisdiction from ordering
222 training or other remedial action that discusses divisive concepts due to a finding of
223 discrimination, including discrimination based on race, skin color, or ethnicity.
- 224 (e)(1) No later than August 1, 2022, the board of regents shall adopt a complaint
225 resolution policy to address complaints alleging violations of any provision of
226 subsections (b) through (d) of this Code section at a unit of the University System of
227 Georgia.
- 228 (f) Any entity, organization, or postsecondary institution that violates any provision of
229 subsections (b) through (e) of this Code section shall be subject to the withholding of
230 state funding or state administered federal funding. Such withholding of state funding

231 may include funds provided to one or more postsecondary institutions directly, as well
232 as funding for scholarships, loans, and grants pursuant to this chapter for students of such
233 postsecondary institutions."

234

SECTION 3.

235 Said title is further amended in Chapter 4, relating to vocational, technical, and adult
236 education, by adding a new Code section to read as follows:

237 "20-4-16.1.

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

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

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

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

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

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

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

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

253 (G) An individual should feel discomfort, guilt, anguish, or any other form of
254 psychological distress because of his or her race, skin color, or ethnicity;

255 (H) Meritocracy or traits such as a hard work ethic are racist or were created by
256 individuals of a particular race to oppress individuals of another race; or

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

258 (2) 'Race or ethnic scapegoating' means assigning fault, blame, or bias to a race or
259 ethnicity or to an individual of a particular race or ethnicity because of his or her race or
260 ethnicity. Such term includes, but is not limited to, any claim that an individual of a
261 particular race or ethnicity, consciously or subconsciously, and by virtue of his or her race
262 or ethnicity, is inherently racist or is inherently inclined to oppress others.

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

266 (b) The State Board of the Technical College System of Georgia shall prohibit employees
267 from discriminating against students and other employees based on race, skin color, or
268 ethnicity.

269 (c)(1) The State Board of the Technical College System of Georgia shall ensure that all
270 diversity and inclusion efforts directed to the employees of the state board or of any unit
271 of the Technical College System of Georgia shall encourage such employees not to judge
272 students, other employees, or other individuals based on race, skin color, or ethnicity.

273 (2) The State Board of the Technical College System of Georgia may provide for
274 curricula and training programs that foster learning and workplace environments where
275 all students, employees, and school community members are respected and that promote
276 diversity and inclusiveness; provided, however, that any curriculum or mandatory
277 training program, whether taught or facilitated by school personnel or a third party
278 engaged by the state board or a unit of the Technical College System of Georgia may not
279 teach, act upon, promote, or encourage divisive concepts; and provided, further, that this
280 subsection shall not be construed to prohibit administrators, faculty members, instructors,
281 or other individuals facilitating a training program from responding in an objective
282 manner and without endorsement to questions regarding specific divisive concepts raised
283 by students, school community members, or participants in a training program.

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

285 (1) Inhibit or violate the rights protected by the Constitutions of the United States of
286 America and Georgia or undermine intellectual freedom and free expression;

287 (2) Infringe upon the intellectual vitality of students and employees of the State Board
288 of the Technical College System of Georgia or any unit of the Technical College System
289 of Georgia;

290 (3) Prevent the State Board of the Technical College System of Georgia or any unit of
291 the Technical College System of Georgia from promoting diversity or inclusiveness;
292 provided, however, that such efforts do not conflict with the requirements of this Code
293 section and other applicable laws;

294 (4) Prohibit the discussion of divisive concepts, as part of a larger course of instruction,
295 in an objective manner and without endorsement;

296 (5) Prohibit the use of curriculum that addresses topics of slavery, racial or ethnic
297 oppression, racial or ethnic segregation, or racial or ethnic discrimination, including
298 topics relating to the enactment and enforcement of laws resulting in such oppression,
299 segregation, and discrimination;

300 (6) Create any right or benefit, substantive or procedural, enforceable at law or in equity
301 by any party against the State Board of the Technical College System of Georgia or any
302 unit of the Technical College System of Georgia, or their respective departments,
303 agencies, or entities, officers, employees, or agents, or any other person; or

304 (7) Prohibit a state or federal court or agency of competent jurisdiction from ordering
305 training or other remedial action that discusses divisive concepts due to a finding of
306 discrimination, including discrimination based on race, skin color, or ethnicity.

307 (e)(1) No later than August 1, 2022, the State Board of the Technical College System of
308 Georgia shall adopt a complaint resolution policy to address complaints alleging
309 violations of any provision of subsections (b) through (d) of this Code section at a unit
310 of the Technical College System of Georgia.

311 (f) Any entity, organization, or postsecondary institution that violates any provision of
312 subsections (b) through (e) of this Code section shall be subject to the withholding of
313 state funding or state administered federal funding. Such withholding of state funding
314 may include funds provided to one or more postsecondary institutions directly, as well
315 as funding for scholarships, loans, and grants pursuant to this chapter for students of such
316 postsecondary institutions."

317 **SECTION 4.**

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

320 "50-1-11.

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

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

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

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

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

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

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

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

336 (G) An individual should feel discomfort, guilt, anguish, or any other form of
337 psychological distress because of his or her race, skin color, or ethnicity;

338 (H) Meritocracy or traits such as a hard work ethic are racist or were created by
339 individuals of a particular race to oppress individuals of another race; or

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

341 (2) 'Race or ethnic scapegoating' means assigning fault, blame, or bias to a race or
342 ethnicity or to an individual of a particular race or ethnicity because of his or her race,
343 skin color, or ethnicity. Such term includes, but is not limited to, any claim that an
344 individual of a particular race or ethnicity, consciously or subconsciously, and by virtue
345 of his or her race or ethnicity, is inherently racist or is inherently inclined to oppress
346 others.

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

350 (4) 'State agency' or 'agency' means any department, division, board, bureau,
351 commission, or other agency of the state government or any state authority.

352 (b) Each state agency shall prohibit its employees from discriminating against other
353 employees based on race, skin color, or ethnicity.

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

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

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

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

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

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

375

SECTION 5.

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