

Senate Bill 514

By: Senators Dixon of the 45th, Miller of the 49th, Gooch of the 51st, Albers of the 56th,  
Mullis of the 53rd and others

**AS PASSED**

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 provide that no local board of education, local  
3 school superintendent, or school administrator, teacher, or other school personnel shall make  
4 or enforce any rule that requires a student to wear a face mask or face covering while present  
5 on school property unless such rule provides that a parent or guardian of such student may  
6 elect for his or her child to be exempt from such rule; to provide that a parent or guardian  
7 making such election shall not be required to provide a reason or any certification of the  
8 child's health or education status; to provide that no student shall suffer any adverse  
9 disciplinary or academic consequences as a result of such election; to prohibit certain  
10 waivers; to provide for a short title; to provide for a sunset date; to provide for related  
11 matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

12 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

13 SECTION 1.

14 This Act shall be known and may be cited as the "Unmask Georgia Students Act."

15

**SECTION 2.**

16 Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to elementary and  
17 secondary education, is amended in Article 3, relating to local boards of education, by  
18 revising Code Section 20-2-59, relating to rules, as follows:

19 "20-2-59.

20 (a) ~~Except as provided in subsection (b) of this Code section, each local~~ ~~The county school~~  
21 ~~superintendent and county local~~ board of education shall make rules to govern ~~the county~~  
22 ~~schools of their county~~ their respective local school systems.

23 (b)(1) No local board of education shall make or enforce any rule pursuant to  
24 subsection (a) of this Code section that requires students to wear face masks or face  
25 coverings while present in any area of a school or school grounds or other property  
26 owned or operated by the local school system unless such rule provides that a parent or  
27 guardian of a child enrolled in such local school system may elect for his or her child to  
28 be exempt from such rule. A parent or guardian making such election shall not be  
29 required to provide a reason or any certification of the child's health or education status.  
30 No student shall suffer any adverse disciplinary or academic consequences as a result of  
31 such election by a parent or guardian.

32 (2) No local school superintendent shall make or enforce any rule pursuant to  
33 subsection (a) of this Code section that requires students to wear face masks or face  
34 coverings while present in any area of a school or school grounds or other property  
35 owned or operated by the local school system unless such rule provides that a parent or  
36 guardian of a child enrolled in such local school system may elect for his or her child to  
37 be exempt from such rule. A parent or guardian making such election shall not be  
38 required to provide a reason or any certification of the child's health or education status.  
39 No student shall suffer any adverse disciplinary or academic consequences as a result of  
40 such election by a parent or guardian.

41 (c) This Code section shall not be subject to waivers pursuant to Code Section 20-2-82 for  
42 a strategic waivers school system, Code Section 20-2-244 for a local board of education,  
43 Code Section 20-2-2063.2 for a charter system, or Code Section 20-2-2065 for a charter  
44 school established pursuant to Article 31 or Article 31A of this chapter, a charter system,  
45 or schools within a charter system."

46 **SECTION 3.**

47 Said chapter is further amended in Part 3 of Article 16, relating to student health, by adding  
48 a new Code section to read as follows:

49 "20-2-779.2.

50 (a) No administrator, teacher, or other school personnel while acting within the scope of  
51 his or her employment with a local school system shall make or enforce any rule that  
52 requires students to wear face masks or face coverings while present in any area of a school  
53 or school grounds or other property owned or operated by the local school system unless  
54 such rule provides that a parent or guardian of a child enrolled in such local school system  
55 may elect for his or her child to be exempt from such rule. A parent or guardian making  
56 such election shall not be required to provide a reason or any certification of the child's  
57 health or education status. No student shall suffer any adverse disciplinary or academic  
58 consequences as a result of such election by a parent or guardian.

59 (b) This Code section shall not be subject to waivers pursuant to Code Section 20-2-82 for  
60 a strategic waivers school system, Code Section 20-2-244 for a local board of education,  
61 Code Section 20-2-2063.2 for a charter system, or Code Section 20-2-2065 for a charter  
62 school established pursuant to Article 31 or Article 31A of this chapter, a charter system,  
63 or schools within a charter system."

64

**SECTION 4.**

65 Said chapter is further amended in Article 31, the "Charter Schools Act of 1998," by adding  
66 a new Code section to read as follows:

67 "20-2-2077.

68 (a) No governing body of a charter school established pursuant to this article or of a state  
69 chartered special school shall make or enforce any rule that requires students to wear face  
70 masks or face coverings while present in any area of a school or school grounds or other  
71 property owned or operated by the charter school unless such rule provides that a parent  
72 or guardian of a child enrolled in such charter school may elect for his or her child to be  
73 exempt from such rule. A parent or guardian making such election shall not be required  
74 to provide a reason or any certification of the child's health or education status. No student  
75 shall suffer any adverse disciplinary or academic consequences as a result of such election  
76 by a parent or guardian.

77 (b) No administrator, teacher, or other school personnel while acting within the scope of  
78 his or her employment with a charter school established pursuant to this article or a state  
79 chartered special school shall make or enforce any rule that requires students to wear face  
80 masks or face coverings while present in any area of a school or school grounds or other  
81 property owned or operated by the charter school unless such rule provides that a parent  
82 or guardian of a child enrolled in such charter school may elect for his or her child to be  
83 exempt from such rule. A parent or guardian making such election shall not be required  
84 to provide a reason or any certification of the child's health or education status. No student  
85 shall suffer any adverse disciplinary or academic consequences as a result of such election  
86 by a parent or guardian.

87 (c) This Code section shall not be subject to waivers pursuant to Code Section 20-2-82 for  
88 a strategic waivers school system, Code Section 20-2-244 for a local board of education,  
89 Code Section 20-2-2063.2 for a charter system, or Code Section 20-2-2065 for a charter

90 school established pursuant to this article or Article 31A of this chapter, a charter system,  
91 or schools within a charter system."

92 **SECTION 5.**

93 Said chapter is further amended in Article 31A, relating to state charter schools, by adding  
94 a new Code section to read as follows:

95 "20-2-2094.

96 (a) No governing body of a charter school established pursuant to this article shall make  
97 or enforce any rule that requires students to wear face masks or face coverings while  
98 present in any area of a school or school grounds or other property owned or operated by  
99 the charter school unless such rule provides that a parent or guardian of a child enrolled in  
100 such charter school may elect for his or her child to be exempt from such rule. A parent  
101 or guardian making such election shall not be required to provide a reason or any  
102 certification of the child's health or education status. No student shall suffer any adverse  
103 disciplinary or academic consequences as a result of such election by a parent or guardian.

104 (b) No administrator, teacher, or other school personnel while acting within the scope of  
105 his or her employment with a charter school established pursuant to this article shall make  
106 or enforce any rule that requires students to wear face masks or face coverings while  
107 present in any area of a school or school grounds or other property owned or operated by  
108 the charter school unless such rule provides that a parent or guardian of a child enrolled in  
109 such charter school may elect for his or her child to be exempt from such rule. A parent  
110 or guardian making such election shall not be required to provide a reason or any  
111 certification of the child's health or education status. No student shall suffer any adverse  
112 disciplinary or academic consequences as a result of such election by a parent or guardian.

113 (c) This Code section shall not be subject to waivers pursuant to Code Section 20-2-2065  
114 for a charter school established pursuant to this article."

115 **SECTION 6.**

116 This Act shall stand repealed in its entirety on June 30, 2027.

117 **SECTION 7.**

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

120 **SECTION 8.**

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