

The Senate Committee on Education and Youth offered the following substitute to HB 1084:

A BILL TO BE ENTITLED  
AN ACT

1 To amend Title 20 of the Official Code of Georgia Annotated, relating to education, so as to  
2 prevent the use of and reliance upon curricula or training programs which advocate for  
3 certain concepts, with exceptions; to provide for such exceptions; to require local boards of  
4 education, local school superintendents, and the governing bodies of charter schools to  
5 prohibit discrimination on the basis of race; to require that curricula and training programs  
6 shall encourage such employees not to judge others based on race; to provide for statutory  
7 construction; to provide for complaint resolution policies and procedures; to provide for  
8 promulgation of a model policy by the State Board of Education; to provide for guidance to  
9 schools and local school systems by the Department of Education; to provide for a process  
10 by which certain individuals shall have access to certain records; to provide for penalties; to  
11 prohibit certain waivers; to prohibit basing certification and classification of certain  
12 professional personnel upon completion of training programs which advocate for certain  
13 concepts; to prohibit certain performance standards and the code of ethics for educators to  
14 require completion of training programs which advocate for certain concepts; to provide for  
15 definitions; to provide for a short title; to provide for construction; to provide for related  
16 matters; to repeal conflicting laws; and for other purposes.

17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

18 **SECTION 1.**

19 This Act shall be known and may be cited as the "Protect Students First Act."

20 **SECTION 2.**

21 Title 20 of the Official Code of Georgia Annotated, relating to education, is amended in  
22 Article 1 of Chapter 1, relating to general provisions, by adding a new Code section to read  
23 as follows:

24 "20-1-11.

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

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

28 (A) One race is inherently superior to another race;

29 (B) The United States of America is fundamentally racist;

30 (C) An individual, by virtue of his or her race, is inherently or consciously racist or  
31 oppressive toward individuals of other races;

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

34 (E) An individual's moral character is inherently determined by his or her race;

35 (F) An individual, solely by virtue of his or her race, bears individual responsibility for  
36 actions committed in the past by other individuals of the same race;

37 (G) An individual, solely by virtue of his or her race, should feel anguish, guilt, or any  
38 other form of psychological distress;

39 (H) Performance-based advancement or the recognition and appreciation of character  
40 traits such as a hard work ethic are racist or have been advocated for by individuals of  
41 a particular race to oppress individuals of another race; or

42 (I) Any other form of race scapegoating or race stereotyping.

43 (2) 'Espousing personal political beliefs' means an individual, while performing official  
44 duties as part of his or her employment or engagement with a school or local school  
45 system, intentionally encouraging or attempting to persuade or indoctrinate a student,  
46 school community member, or other school personnel to agree with or advocate for such  
47 individual's personal beliefs concerning divisive concepts.

48 (3) 'Race scapegoating' means assigning fault or blame to a race, or to an individual of  
49 a particular race because of his or her race. Such term includes, but is not limited to, any  
50 claim that an individual of a particular race, consciously and by virtue of his or her race,  
51 is inherently racist or is inherently inclined to oppress individuals of other races.

52 (4) 'Race stereotyping' means ascribing character traits, values, moral or ethical codes,  
53 status, or beliefs to an individual because of his or her race.

54 (b) Each local board of education, local school superintendent, and the governing body of  
55 each charter school shall prohibit employees from discriminating against students and other  
56 employees based on race.

57 (c)(1) Each local board of education, local school superintendent, and the governing  
58 body of each charter school shall ensure that curricula and training programs encourage  
59 employees and students to practice tolerance and mutual respect and to refrain from  
60 judging others based on race.

61 (2) Each school and local school system may provide curricula or training programs that  
62 foster learning and workplace environments where all students, employees, and school  
63 community members are respected; provided, however, that any curriculum, classroom  
64 instruction, or mandatory training program, whether delivered or facilitated by school  
65 personnel or a third party engaged by a school or local school system, shall not advocate  
66 for divisive concepts.

67 (d) Nothing in this Code section shall be construed or applied to:

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

70 (2) Infringe upon the intellectual vitality of students and employees of local boards of  
71 education, local school systems, or other schools;

72 (3) Prohibit a local board of education, local school system, or other school from  
73 promoting concepts such as tolerance, mutual respect, cultural sensitivity, or cultural  
74 competency; provided, however, that such efforts do not conflict with the requirements  
75 of this Code section and other applicable laws;

76 (4) Prohibit a school administrator, teacher, other school personnel, or an individual  
77 facilitating a training program from responding in a professionally and academically  
78 appropriate manner and without espousing personal political beliefs to questions  
79 regarding specific divisive concepts raised by students, school community members, or  
80 participants in a training program;

81 (5) Prohibit the discussion of divisive concepts, as part of a larger course of instruction,  
82 in a professionally and academically appropriate manner and without espousing personal  
83 political beliefs;

84 (6) Prohibit the full and rigorous implementation of curricula, or elements of a  
85 curriculum, that are required as part of advanced placement, international baccalaureate,  
86 or dual enrollment coursework; provided, however, that such implementation is done in  
87 a professionally and academically appropriate manner and without espousing personal  
88 political beliefs;

89 (7) Prohibit the use of curricula that addresses the topics of slavery, racial oppression,  
90 racial segregation, or racial discrimination, including topics relating to the enactment and  
91 enforcement of laws resulting in racial oppression, segregation, and discrimination in a  
92 professionally and academically appropriate manner and without espousing personal  
93 political beliefs;

94 (8) Create any right or benefit, substantive or procedural, enforceable at law or in equity,  
95 by any party against a local board of education, local school system, or other school, or  
96 the departments, agencies, entities, officers, employees, agents, or any other personnel  
97 affiliated with such local board of education, local school system, or other school; or

98 (9) Prohibit a state or federal court or agency of competent jurisdiction from ordering  
99 training or other remedial action that discusses divisive concepts due to a finding of  
100 discrimination, including discrimination based on race.

101 (e)(1) No later than August 1, 2022, each local board of education and the governing  
102 body of each charter school shall adopt a complaint resolution policy to address  
103 complaints alleging violations of any provision of subsections (b) through (d) of this  
104 Code section. The complaint resolution policy shall provide that:

105 (A) A school or local school system shall not be required to respond to a complaint  
106 made pursuant to this subsection unless it is made by:

107 (i) The parent of a student enrolled at the school where the alleged violation  
108 occurred;

109 (ii) A student who has reached the age of majority or is a lawfully emancipated minor  
110 and who is enrolled at the school where the alleged violation occurred; or

111 (iii) An individual employed as a school administrator, teacher, or other school  
112 personnel at the school where the alleged violation occurred;

113 (B) The complaint shall first be submitted in writing to the principal of the school  
114 where the alleged violation occurred;

115 (C) The complaint shall provide a reasonably detailed description of the alleged  
116 violation;

117 (D)(i) Within five school days of receiving such written complaint, the school  
118 principal or a designee of the charter school or local school system shall review the  
119 complaint and take reasonable steps to investigate the allegations in the complaint;

120 (ii) Within ten school days of receiving the complaint, unless another schedule is  
121 mutually agreed to by the complainant and the school principal or the designee of the  
122 charter school or local school system, the school principal or such designee shall  
123 confer with the complainant and inform the complainant whether a violation occurred,  
124 in whole or in part, and, if such a violation was found to have occurred, what remedial  
125 steps have been or will be taken; provided, however, that the confidentiality of student  
126 or personnel information shall not be violated; and

127 (iii) Following such conference, within three school days of a request by the  
128 complainant, the school principal or the designee of the charter school or local school  
129 system shall provide to the complainant a written summary of the findings of the  
130 investigation and a statement of remedial measures, if any; provided, however, that  
131 such written response shall not disclose any confidential student or personnel  
132 information;

133 (E) The determinations provided for in subparagraph (D) of this paragraph shall be  
134 reviewed by the governing body of a state charter school or the local school  
135 superintendent or his or her designee, as applicable, within ten school days of receiving  
136 a written request for such review by the complainant addressed to the governing body  
137 of a state charter school or the local school superintendent, as applicable; provided,  
138 however, that confidential student or personnel matters shall not be subject to review  
139 pursuant to this subparagraph; and

140 (F)(i) The local school superintendent's decision following the review provided for  
141 in subparagraph (E) of this paragraph shall be subject to review by the local board of  
142 education as provided in Code Section 20-2-1160; provided, however, that  
143 confidential student or personnel matters shall not be subject to review pursuant to  
144 this division; and

145 (ii) The decision of the governing body of a state charter school following the review  
146 provided for in subparagraph (E) of this paragraph shall be subject to review by the

147 State Charter Schools Commission, whereupon the State Charter Schools Commission  
148 shall take appropriate remedial measures, including, but not limited to, revocation of  
149 a state charter school's charter; provided, however, that confidential student or  
150 personnel matters shall not be subject to review pursuant to this division.

151 (2) Following a decision by a local board of education regarding a complaint made  
152 pursuant to paragraph (1) of this subsection, any party aggrieved by the decision of the  
153 local board of education shall have the right to appeal such decision to the State Board  
154 of Education for a hearing as provided in Code Section 20-2-1160.

155 (3) The State Board of Education shall, after hearing an appeal brought pursuant to  
156 paragraph (2) of this subsection, make written findings regarding whether any violations  
157 of any provision of subsections (b) through (d) of this Code section occurred at a school  
158 in such school system. If the State Board of Education finds that one or more such  
159 violations occurred, it shall direct the Department of Education to develop a corrective  
160 action plan to be provided to the local school system within ten days of such finding, and  
161 the local school system shall have 30 days to implement the corrective action plan. If the  
162 State Board of Education finds that such local school system has not implemented the  
163 corrective action plan:

164 (A)(i) In cases where the local school system at issue has been granted one or more  
165 waivers as provided in Article 4 of Chapter 2 of this title, Code Section 20-2-244, or  
166 Code Section 20-2-2065, the State Board of Education shall order the immediate  
167 suspension of one or more waivers included in the local school system's contract with  
168 the State Board of Education providing for such waivers;

169 (ii) The State Board of Education shall exercise discretion in determining which  
170 waivers shall be subject to such order of suspension and shall, as may be reasonable  
171 and practicable, narrowly tailor such order to address specific violations of provisions  
172 of subsections (b) through (d) of this Code section; and

173 (iii) An order suspending a local school system's waivers pursuant to division (i) of  
174 this subparagraph shall be in effect for no less than 12 months from the date of such  
175 order and, if the remainder of the current term of such local school system's contract  
176 with the State Board of Education providing for waivers is greater than 12 months,  
177 then no longer than such remainder; and

178 (B) In cases where the local school system at issue has not been granted a waiver as  
179 provided in Article 4 of Chapter 2 of this title, Code Section 20-2-244, or Code  
180 Section 20-2-2065, the State Board of Education shall refer the matter to the State  
181 School Superintendent to determine whether to exercise his or her suspension authority  
182 as provided in Code Section 20-2-34.

183 (4) No later than July 1, 2022, the State Board of Education shall promulgate a model  
184 policy to assist schools and local school systems with establishing a complaint resolution  
185 process that meets the requirements of paragraph (1) of this subsection. The Department  
186 of Education shall develop guidance for schools and local school systems for use when  
187 determining whether violations of subsections (b) through (d) of this Code section have  
188 occurred. The Department of Education shall be authorized to revise such guidance from  
189 time to time.

190 (5) Nothing in this subsection shall be construed to prohibit any cause of action available  
191 at law or in equity to a complainant who is aggrieved by a decision of a local board of  
192 education, the governing body of a charter school, or the State Charter Schools  
193 Commission made pursuant to subparagraph (F) of paragraph (1) of this subsection.

194 (f)(1) Any individual described in divisions (e)(1)(A)(i) through (iii) of this Code section  
195 shall have the right at any time, including prior to filing a complaint as provided in  
196 subsection (e) of this Code section, to request, in writing, from the local school  
197 superintendent or school principal nonconfidential records which he or she reasonably  
198 believes may substantiate a complaint under this Code section. The local school  
199 superintendent or school principal shall produce such records for inspection within a

200 reasonable amount of time not to exceed three business days of receipt of a request. In  
201 those instances where some, but not all, of the records requested are available for  
202 inspection within three business days, the local school superintendent or school principal  
203 shall make available within that period such records that are available for inspection. In  
204 any instance where some or all of such records are unavailable within three business days  
205 of receipt of the request, and such information exists, the local school superintendent or  
206 school principal shall, within such time period, provide the requester with a description  
207 of such records and a timeline for when the records will be available for inspection and  
208 shall provide the records or access thereto as soon as practicable but in no case later  
209 than 30 days after receipt of the request.

210 (2) If the local school superintendent or school principal denies a parent's request for  
211 records or does not provide existing responsive records within 30 days, the parent may  
212 appeal such denial or failure to respond to the local board of education or charter school  
213 governing board. The local board of education or charter school governing board must  
214 place such appeal on the agenda for its next public meeting. If it is too late for such  
215 appeal to appear on the next meeting's agenda, the appeal must be included on the agenda  
216 for the subsequent meeting.

217 (3) Nothing in this subsection shall be construed to prohibit any cause of action available  
218 at law or in equity to a parent who is aggrieved by a decision of a local board of  
219 education or the governing body of a charter school made pursuant to paragraph (2) of  
220 this subsection.

221 (g) This Code section shall not be subject to waivers pursuant to Code Section 20-2-82 for  
222 a strategic waivers school system; Code Section 20-2-244 for a local board of education;  
223 Code Section 20-2-2063.2 for a charter system; or Code Section 20-2-2065 for a charter  
224 school established pursuant to Article 31 or Article 31A of this chapter, a charter system,  
225 or schools within a charter system."

226

**SECTION 3.**

227 Said title is further amended in Subpart 1 of Part 6 of Article 6 of Chapter 2, relating to  
228 certificated professional personnel in elementary and secondary education, by revising  
229 subsection (a) and paragraph (1) of subsection (b) of Code Section 20-2-200, relating to  
230 regulation of certificated professional personnel by Professional Standards Commission,  
231 rules and regulations, and fees, as follows:

232 "(a) The Professional Standards Commission shall provide, by regulation, for certifying  
233 and classifying all certificated professional personnel employed in the public schools of  
234 this state, including personnel who provide virtual instruction to public schools of this state,  
235 whether such personnel are located within or outside of this state or whether such personnel  
236 are employed by a local unit of administration. Such certification and classification shall  
237 not be dependent in whole or in part upon an individual participating in or completing any  
238 training program in which divisive concepts, as such term is defined in Code  
239 Section 20-1-11, are advocated for. No such personnel shall be employed in the public  
240 schools of this state unless they hold certificates issued by the commission certifying their  
241 qualifications and classification in accordance with such regulations. The commission  
242 shall establish such number of classifications of other certificated professional personnel  
243 as it may find reasonably necessary or desirable for the operation of the public schools;  
244 provided, however, that such classifications shall be based only upon academic, technical,  
245 and professional training, experience, and competency of such personnel. The commission  
246 is authorized to provide for denying a certificate to an applicant, suspending or revoking  
247 a certificate, or otherwise disciplining the holder of a certificate for good cause after an  
248 investigation is held and notice and an opportunity for a hearing are provided the certificate  
249 holder or applicant in accordance with subsection (d) of Code Section 20-2-984.5. The  
250 commission shall designate and define the various classifications of professional personnel  
251 employed in the public schools of this state that shall be required to be certificated under  
252 this Code section or under Code Section 20-2-206. Without limiting the generality of the

253 foregoing, the term 'certificated professional personnel' means all professional personnel  
254 certificated by the commission and county or regional librarians.

255 (b)(1) The Professional Standards Commission shall establish rules and regulations for  
256 appropriate requirements and procedures to ensure high-quality certification standards  
257 for all Georgia educators while facilitating the interstate mobility of out-of-state certified  
258 educators; provided, however, that such rules, regulations, requirements, and procedures  
259 shall not require an individual to participate in or complete any training program in which  
260 divisive concepts, as such term is defined in Code Section 20-1-11, are advocated for."

261 **SECTION 4.**

262 Said title is further amended in Subpart 1A of Part 2 of Article 16 of Chapter 2, relating to  
263 improved student learning environment and discipline in elementary and secondary  
264 education, by revising Code Section 20-2-739, relating to conflict management and  
265 resolution and cultural diversity training programs, as follows:

266 "20-2-739.

267 On and after July 1, 2000, the Department of Education shall provide training programs in  
268 conflict management and resolution and in cultural diversity for voluntary implementation  
269 by local boards of education for school employees, parents and guardians, and students;  
270 provided, however, that after July 1, 2022, such training programs shall not advocate for  
271 divisive concepts, as such term is defined in Code Section 20-1-11."

272 **SECTION 5.**

273 Said title is further amended in Part 10 of Article 17 of Chapter 2, relating to professional  
274 standards in elementary and secondary education, by revising subsection (a) of Code  
275 Section 20-2-984, relating to Professional Standards Commission — authority to create and  
276 implement standards and procedures for certifying educational personnel, recommending

277 standards and procedures for certification, continuation of teaching certificates, and  
278 restrictions, as follows:

279 "(a) The commission shall create and implement standards and procedures for certifying  
280 educational personnel as qualified for a certificate to practice in the public schools of  
281 Georgia; provided, however, that such standards and procedures shall not require an  
282 individual to participate in or complete any training program in which divisive concepts,  
283 as such term is defined in Code Section 20-1-11, are advocated for; provided, further, that  
284 such standards shall include including the following:

285 (1) Procedures for limiting the number and types of certificates to the fewest possible  
286 consistent with providing qualified teachers for Georgia's schools;

287 (2) In-service training and related requirements needed to renew or maintain  
288 certification;

289 (3) Multiple or alternative routes to professional teacher certification, including, but not  
290 limited to, the alternative and nontraditional teacher certification programs provided for  
291 in Code Section 20-2-206; and

292 (4) Requirements, including appropriate examinations and assessments, for acquiring and  
293 maintaining certification pursuant to Code Section 20-2-200."

294

## SECTION 6.

295 Said title is further amended in Part 10 of Article 17 of Chapter 2, relating to professional  
296 standards in elementary and secondary education, by revising subsection (a) of Code  
297 Section 20-2-984.1, relating to Professional Standards Commission— adoption of standards  
298 of performance and a code of ethics, as follows:

299 "(a) It shall be the duty of the commission, by regulation, to adopt standards of  
300 performance and a code of ethics for educators. The standards of performance and code  
301 of ethics shall represent standards of performance and conduct which are generally  
302 accepted by educators of this state. In adopting regulations as provided in this Code

303 section, the commission shall seek the advice of educators of this state. The standards of  
304 performance and code of ethics adopted by the commission shall be limited to professional  
305 performance and professional ethics. The standards of performance and code of ethics  
306 adopted by the commission shall not require an individual to participate in or complete any  
307 training program in which divisive concepts, as such term is defined in Code  
308 Section 20-1-11, are advocated for."

309

**SECTION 7.**

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