

Senate Bill 248

By: Senators Dixon of the 45th, Anavitarte of the 31st, Harbin of the 16th, Payne of the 54th and Hickman of the 4th

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 establish and provide for the Georgia Council on Library Materials Standards; to provide for
3 definitions, including definitions for the terms "harmful to minors," "restricted materials,"
4 and "sexually explicit materials"; to require the Georgia Council on Library Materials
5 Standards to establish standards for the designation of restricted materials by local boards of
6 education, standards for the use and restriction of instructional materials, and standards for
7 the use and restriction of public school library collection materials; to require the Georgia
8 Council on Library Materials Standards to annually update such standards; to require the
9 Department of Education to provide technical support to local boards of education for
10 implementing such standards; to require local boards of education to adopt and annually
11 update policies and procedures that comply with such standards; to provide for certain
12 instructional materials to include ratings which indicate whether any portion of such material
13 includes sexually explicit material; to prohibit local boards of education from acquiring
14 instructional materials from vendors who do not provide such ratings and other required
15 information; to require local boards of education to periodically publish lists of instructional
16 materials that include sexually explicit materials; to require periodic review of restricted
17 materials in public school library collection materials and determination of what restricted
18 materials should be retained; to require local boards of education to periodically provide to

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19 the Department of Education a list of restricted materials included in its school library
20 collection materials; to require the Department of Education to publish such lists; to provide
21 that existing complaint resolution policies for materials that are harmful to minors shall
22 apply, subject to an embargo provision; to revise and expand the definition of "harmful to
23 minors" regarding the complaint resolution policy for materials that are harmful to minors;
24 to prohibit sex education for public school students in this state before sixth grade; to prohibit
25 instruction or discussion of inappropriate sex based topics; to require revocable written
26 consent from parents or guardians of students before any sex education is provided; to
27 require governing bodies of public schools and local school systems to afford parents and
28 guardians of all students and the public opportunity to review and to provide comment on
29 proposed sex education curricula before approval by such body; to require the State Board
30 of Education to approve age- and grade-appropriate content standards for sex education
31 curricula; to provide for definitions; to provide for construction; to revise the "Parents Bill
32 of Rights" to provide for parents to revocably opt-in to sex education for their children; to
33 prohibit instruction and informal communication with an emphasis on sexual orientation or
34 gender identity for public school students in kindergarten through grade three under any
35 circumstances and for public school students in grades four through 12 with limited
36 exceptions; to provide for such exceptions; to require annual notification to parents of the
37 health services offered at their children's public schools; to provide for procedures for parents
38 to decline or withhold consent for health services to be provided to their children; to provide
39 for parental rights to access student education and health records; to provide for limitations
40 on the administration of well-being questionnaires or health screening forms to students in
41 kindergarten through grade three; to prohibit, either through policy or practice, public schools
42 and school personnel from discouraging or prohibiting parental notification of and
43 involvement in critical decisions affecting a student's mental, emotional, or physical health
44 or well-being; to require public schools to adopt policies and procedures for notifying parents
45 of changes to student support services, to student monitoring, to the school's ability to

46 provide a safe and supportive learning environment for a student, or to a student's observed
47 mental, emotional, or physical health or well-being; to provide for requirements for such
48 policies and procedures; to require public schools to adopt complaint resolution policies to
49 address complaints of violations of certain laws relating to prescribed instruction and to the
50 mental, emotional, or physical health or well-being of students; to provide for remedial
51 actions and sanctions; to provide for a model policy and guidance; to provide for statutory
52 construction; to prohibit certain waivers; to provide for definitions; to provide for short titles;
53 to provide for related matters; to provide for an effective date; to repeal conflicting laws; and
54 for other purposes.

55 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

56 **PART I**
57 **SECTION 1-1.**

58 Title 20 of the Official Code of Georgia Annotated, relating to education, is amended in
59 Chapter 1, relating to general provisions, by adding a new article to read as follows:

60 "ARTICLE 5

61 20-1-50.

62 This article shall be known and may be cited as the 'Clean Libraries Act.'

63 20-1-51.

64 As used in this article, the term 'council' means the Georgia Council on Library Materials
65 Standards established under this article.

66 20-1-52.

67 (a) There is established the Georgia Council on Library Materials Standards for the
68 purpose of establishing standards for school library programs and services in any public
69 school operated by a local board of education, for instructional materials used in any public
70 school operated by a local board of education, and for the designation of restricted
71 materials by local boards of education.

72 (b) The council shall work in partnership with the State Board of Education and the
73 Department of Education to implement the requirements of Code Section 20-2-324.7.

74 20-1-53.

75 (a)(1) The council shall be composed of ten members as follows:

76 (A) Four members appointed by the Governor;

77 (B) Two members appointed by the Lieutenant Governor;

78 (C) Two members appointed by the Speaker of the House of Representatives;

79 (D) One member appointed by the leader of the House of Representatives minority
80 caucus; and

81 (E) One member appointed by the leader of the Senate minority caucus.

82 (2) No more than two members of the council shall be current or former employees of
83 the Department of Education or a local education agency, as such term is defined in Code
84 Section 20-2-167.1, and no more than three members shall have any current or former
85 contractual, legal, or other official affiliation with the Department of Education or a local
86 education agency.

87 (b) Each nonlegislative member of the council shall be appointed to serve until his or her
88 successor is duly appointed. Legislative members of the council shall serve until
89 completion of their current terms of office. Any member may be appointed to succeed
90 himself or herself on the council. If a member of the council is an elected or appointed

91 official, such member, or his or her designee, shall be removed from the council if such
92 member no longer serves as such elected or appointed official.

93 (c) The council shall elect a chairperson from among its members and may elect other
94 officers as it deems necessary. The chairperson of the council may designate and appoint
95 committees from among the membership of the council as well as appoint other persons
96 to perform such functions as he or she may determine to be necessary as relevant to and
97 consistent with this article. The chairperson shall only vote to break a tie.

98 (d) The council shall be attached for administrative purposes only to the Department of
99 Education. The Department of Education shall provide staff support for the council and
100 shall hire an individual to serve as special advisor to the council who shall be responsible
101 for coordination of such staff support and for working in coordination with stakeholder
102 agencies and other interested parties. The Department of Education shall use any funds
103 specifically appropriated to support the work of the council for such purpose.

104 20-1-54.

105 (a) The council may conduct meetings at such places and times as it deems necessary or
106 convenient to enable it to fully and effectively exercise its powers, perform its duties, and
107 accomplish the objectives and purposes of this article; provided, however, that the council
108 shall meet not less than four times per year. The council shall hold meetings at the call of
109 the chairperson.

110 (b) A quorum for transacting business shall be a majority of the members of the council.

111 (c) Legislative members of the council shall receive the allowances provided for in Code
112 Section 28-1-8. Nonlegislative members of the council shall receive a daily expense
113 allowance in the amount specified in subsection (b) of Code Section 45-7-21 as well as the
114 mileage or transportation allowance authorized for state employees. Members of the
115 council who are state officials, other than legislative members, or state employees shall
116 receive no compensation for their services on the council, but shall be reimbursed for

117 expenses incurred by them in the performance of their duties as members of the council in
 118 the same manner as they are reimbursed for expenses in their capacities as state officials
 119 or state employees. The funds necessary for the reimbursement of the expenses of state
 120 officials, other than legislative members, and state employees shall come from funds
 121 appropriated to or otherwise available to their respective departments. All other funds
 122 necessary to carry out the provisions of this article shall come from funds appropriated to
 123 the Senate and the House of Representatives.

124 20-1-55.

125 The council shall be authorized to:

126 (1) Request and receive data from and review the records of appropriate state and local
 127 agencies to the greatest extent allowed by state and federal law;

128 (2) Seek and accept public or private grants, devises, and bequests;

129 (3) Enter into contracts or agreements necessary or incidental to the performance of its
 130 duties through the council's chairperson;

131 (4) Establish rules and procedures for conducting the business of the council;

132 (5) Conduct studies, hold public meetings, collect data, or take any other action the
 133 council deems necessary to fulfill its responsibilities; and

134 (6) Retain the services of attorneys, consultants, subject matter experts, economists,
 135 budget analysts, data analysts, statisticians, and other individuals or organizations as
 136 deemed appropriate by the council. Such services may be obtained through a request for
 137 proposal process conducted through the Office of Planning and Budget; provided,
 138 however, that any final selection shall be approved by the council."

139 **SECTION 1-2.**

140 Said title is further amended in Part 15 of Article 6 of Chapter 2, relating to miscellaneous
 141 provisions of the "Quality Basic Education Act," by revising subsection (a) of Code Section

142 20-2-324.6, relating to complaint resolution policy for materials "harmful to minors," as
 143 follows:

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

145 (1) 'Harmful to minors' means:

146 (A) Means that quality of description or representation, in whatever form, of nudity,
 147 sexual conduct, sexual excitement, or sadomasochistic abuse, when it:

148 ~~(1)~~(i) Taken as a whole, predominantly appeals to the prurient, shameful, or morbid
 149 interest of minors;

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

152 ~~(3)~~(iii) Is, when taken as a whole, lacking in serious literary, artistic, political, or
 153 scientific value for minors; and

154 (B) Includes 'sexually explicit material' excepting 'restricted material,' as such terms
 155 are defined in Code Section 20-2-324.8.

156 (2) 'Written consent' means individual and specific consent tailored to each individual
 157 requirement for consent from a student's parent or permanent guardian. Written consent
 158 does not constitute blanket consent."

159 **SECTION 1-3.**

160 Said title is further amended in said part by adding a new Code section to read as follows:

161 "20-2-324.8.

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

163 (1) 'Harmful to minors' shall have the same meaning as set forth in Code Section
 164 20-2-324.6.

165 (2) 'Local board of education' means the local board of education of each local school
 166 system or other public school governing body that receives state funding under this
 167 article.

168 (3) 'Primary instructional material' means instructional materials and content, as defined
169 by the State Board of Education pursuant to Code Section 20-2-1010, and locally
170 approved instructional materials and content, as defined in subsection (a) of Code Section
171 20-2-1017, in any medium, including physical, electronic, visual, and audible.

172 (4) 'Restricted material' means primary instructional material or school library collection
173 material that is so designated as provided in subsection (c) of this Code section
174 notwithstanding whether such material is or may be sexually explicit material.

175 (5) 'School library collection material' means any material in any medium, including
176 physical, electronic, visual, and audible, located within or accessible from a school library
177 that is available to a student or is made available to a student by school personnel.

178 (6) 'Sexually explicit material' means any primary instructional material, supplementary
179 instructional material, or school library collection material that describes, depicts,
180 renders, or portrays in any medium, including physical, electronic, visual, and audible,
181 sexually explicit conduct, as defined in Code Section 16-12-100, sadomasochistic abuse,
182 as defined in Code Section 16-12-102, sexual conduct, as defined in Code Section
183 16-12-102, or sexually explicit nudity, as defined in Code Section 16-12-102; provided,
184 however, that such term shall not include materials of great religious or historical
185 significance that do not describe, depict, render, or portray sexually explicit material in
186 a patently offensive way.

187 (7) 'Supplementary instructional material' means any materials other than primary
188 instructional materials in any medium, including physical, electronic, visual, and audible,
189 that are included, or are intended to be included, by a teacher or other school personnel
190 for use as part of a classroom discussion or other classroom activity or are recommended
191 by a teacher or other school personnel for review by one or more students.

192 (b)(1)(A) By December 1, 2025, each local board of education shall adopt policies and
193 procedures that comply with the standards established by the Georgia Council on

194 Library Materials Standards as provided in subsections (c) through (e) of this Code
195 section.

196 (B) By August 1, 2026, and each year thereafter, each local board of education shall
197 adopt or update policies and procedures that comply with any updated standards
198 established by the Georgia Council on Library Materials Standards provided in
199 paragraph (2) of subsection (c), paragraph (3) of subsection (d), and paragraph (3) of
200 subsection (e) of this Code section.

201 (2) Beginning December 1, 2025, and continuing thereafter, no local board of education
202 shall permit restricted material to:

203 (A) Include material that is harmful to minors;

204 (B) Be accessible by or otherwise available or disseminated in any manner to any
205 student in or below grade six; or

206 (C) Be accessible by or otherwise available or disseminated in any manner to any
207 student in or above grade seven without written consent from such student's parent or
208 permanent guardian.

209 (c)(1) By August 1, 2025, the Georgia Council on Library Materials Standards, working
210 in partnership with the State Board of Education and the Department of Education, shall
211 establish standards for the designation of restricted material by local boards of education.

212 Such standards shall include, but shall not be limited to, the following provisions:

213 (A) Obscenity in any medium, including physical, electronic, visual, and audible, in
214 public school primary instructional materials, supplementary instructional materials,
215 and school library collection materials is not protected under the Georgia Constitution
216 or the First Amendment to the United States Constitution;

217 (B) Sexually explicit material shall only be designated as restricted material to the
218 extent necessary:

- 219 (i) To provide adequate and grade-appropriate primary instructional materials to
220 satisfy standards established by the Georgia Council on Library Materials Standards;
221 or
222 (ii) For the full and rigorous implementation of curricula, or elements of a
223 curriculum, that are required as part of advanced placement, international
224 baccalaureate, or dual enrollment coursework; and
- 225 (C) Sexually explicit material that is designated as restricted material shall not:
226 (i) Include material that is harmful to minors;
227 (ii) Be accessible by or otherwise available or disseminated in any manner to any
228 student in or below grade six; and
229 (iii) Be accessible by or otherwise available or disseminated in any manner to any
230 student in or above grade seven without written consent from such student's parent or
231 permanent guardian.
- 232 (2) The standards provided for in paragraph (1) of this subsection shall be reviewed and
233 updated by June 1 each year by the Georgia Council on Library Materials Standards.
- 234 (3) The Department of Education shall provide technical assistance and develop and
235 promulgate model policies and procedures to aid public schools in implementing the
236 standards provided for in paragraph (1) of this subsection.
- 237 (d)(1) By August 1, 2025, the Georgia Council on Library Materials Standards, working
238 in partnership with the State Board of Education and the Department of Education, shall
239 establish standards for instructional materials used in any public school operated by a
240 local board of education. Such standards shall include, but shall not be limited to, the
241 following provisions:
- 242 (A) Obscenity in any medium, including physical, electronic, visual, and audible, in
243 public school primary or supplementary instructional materials is not protected under
244 the Georgia Constitution or the First Amendment to the United States Constitution;

- 245 (B) Each public school is permitted to exclude materials that are pervasively vulgar or
246 educationally unsuitable from its primary and supplementary instructional materials;
247 (C) No public school shall possess, intentionally acquire, or disseminate in any manner
248 primary or supplementary instructional material that is:
249 (i) Harmful to minors; or
250 (ii) Sexually explicit material except to the extent that such material that is designated
251 as restricted material as provided in subsection (c) of this Code section; and
252 (D) Restricted materials that are included in instructional materials shall not:
253 (i) Include material that is harmful to minors;
254 (ii) Be accessible by or otherwise available or disseminated in any manner to any
255 student in or below grade six; and
256 (iii) Be accessible by or otherwise available or disseminated in any manner to any
257 student in or above grade seven without written consent from such student's parent or
258 permanent guardian.
- 259 (2) The standards provided for in paragraph (1) of this subsection shall apply to each
260 public school's acceptable-use policy required by Code Section 20-2-324 and any primary
261 or supplementary instructional materials made available or disseminated in any manner
262 by the public school to students via the internet or any internet connected device,
263 including, but not limited to, online learning programs, interactive learning programs,
264 digital books, and audiobooks.
- 265 (3) The standards provided for in paragraph (1) of this subsection shall be reviewed and
266 updated by June 1 each year by the Georgia Council on Library Materials Standards.
- 267 (4) The Department of Education shall provide technical assistance and develop and
268 promulgate model policies and procedures to aid public schools in implementing the
269 standards provided for in paragraph (1) of this subsection.
- 270 (e)(1) By August 1, 2025, the Georgia Council on Library Materials Standards, working
271 in partnership with the State Board of Education and the Department of Education and

272 in consultation with the Georgia Public Library Service and the Georgia Archives, shall
273 establish standards for school library programs and services in any public school operated
274 by a local board of education. Such standards shall include, but shall not be limited to,
275 the following provisions:

276 (A) Obscenity in any medium, including physical, electronic, visual, and audible, in
277 public school libraries is not protected under the Georgia Constitution or the First
278 Amendment to the United States Constitution;

279 (B) Each public school is permitted to exclude materials that pervasively vulgar or
280 educationally unsuitable from its school library collection materials;

281 (C) No public school library shall possess, intentionally acquire, or disseminate in any
282 manner school library collection material that is:

283 (i) Harmful to minors; or

284 (ii) Sexually explicit material except to the extent that such material that is designated
285 as restricted material as provided in subsection (c) of this Code section; and

286 (D) Restricted materials that are included in school library collection materials:

287 (i) Shall not include material that is harmful to minors;

288 (ii) Shall be located and maintained in a restricted area which is not accessible by any
289 student in or below grade six and which may be accessed by a student in or above
290 grade seven only with written consent from such student's parent or permanent
291 guardian;

292 (iii) Shall not be accessible by or otherwise available or disseminated in any manner
293 to any student in or below grade six; and

294 (iv) Be accessible by or otherwise available or disseminated in any manner to any
295 student in or above grade seven without written consent from such student's parent or
296 permanent guardian.

297 (2) The standards provided for in paragraph (1) of this subsection shall apply to each
298 public school's acceptable use policy required by Code Section 20-2-324 and any school

299 library collection materials made available or disseminated in any manner by the public
300 school to students via the internet or any internet connected device, including, but not
301 limited to, online learning programs, interactive learning programs, digital books, and
302 audiobooks.

303 (3) The standards provided for in paragraph (1) of this subsection shall be reviewed and
304 updated by June 1 each year by the Georgia Council on Library Materials Standards.

305 (4) The Department of Education shall provide technical assistance and develop and
306 promulgate model policies and procedures to aid public schools in implementing the
307 standards provided for in paragraph (1) of this subsection.

308 (f)(1) Beginning December 1, 2025, each local board of education shall:

309 (A) Not accept possession of, acquire, or recommend the acquisition of, by any means,
310 any primary instructional material from any vendor unless such primary instructional
311 material has a rating which indicates whether any portion of such primary instructional
312 material includes sexually explicit material;

313 (B) Request to receive by June 1 each year from each vendor providing primary
314 instructional materials to such local board of education a list of each item provided by
315 such vendor during the preceding year that includes sexually explicit materials; and

316 (C) Not enter into any new or renewed contractual or other arrangement for acquiring
317 primary instructional materials with any vendor that does not agree to provide:

318 (i) Ratings for primary instructional materials which indicate whether any portion of
319 such primary instructional material includes sexually explicit material; and

320 (ii) The list provided for in paragraph (2) of this subsection.

321 (2) By June 15 each year, each local board of education shall post on its public website
322 a list of all primary instructional materials used during the preceding school year that
323 included sexually explicit material.

324 (g)(1) Beginning December 1, 2025, no school library operated by a local board of
325 education shall intentionally acquire by any means sexually explicit material or material
326 that is harmful to minors for inclusion in its school library collection materials.

327 (2) By July 1 each year, each local board of education shall review the contents of the
328 school library collection materials designated as restricted material and determine
329 whether such materials shall continue to be included in the school library collection
330 materials. A list of such restricted materials shall be published on the public website of
331 each local board of education.

332 (3) By August 1 each year, each local board of education shall provide a list to the
333 Department of Education of the restricted materials that will continue to be included in
334 its school library collection materials as provided in paragraph (2) of this subsection. The
335 Department of Education shall annually compile and publish such list on its public
336 website.

337 (h) The complaint resolution provisions of Code Section 20-2-324.6 shall apply to this
338 Code section; provided, however, that, while a complaint is pending, the associated
339 material shall be embargoed from use or accessibility by any student."

340

PART II

341

SECTION 2-1.

342 Said title is further amended in Part 2 of Article 6 of Chapter 2, relating to competencies and
343 core curriculum under the "Quality Basic Education Act," by repealing Code Section
344 20-2-143, relating to sex education and AIDS prevention instruction, implementation, and
345 student exemption, and enacting a new Code section to read as follows:

346 "20-2-143.

347 (a) This Code section shall be known and may be cited as the 'No Indoctrinating Children
348 in Elementary (NICE) Act.'

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

350 (1) 'Inappropriate sex based topics' means any of the following topics:

351 (A) A person's internal or deeply felt sense of his or her sex;

352 (B) Whether a person's internal sense of sex aligns with his or her sex;

353 (C) Pharmaceutical or medical treatment, hormone therapy, surgery, or removal of
354 genitalia when administered or performed for the purpose of intentionally changing the
355 body of such person to no longer correspond to his or her sex;

356 (D) Individual sexual conduct or experiences of a person responsible for teaching
357 children sex education;

358 (E) Exploring individual sexuality, including to whom a person feels sexually attracted;

359 (F) Respecting, exploring, and understanding the diversity of different sexual
360 attractions;

361 (G) Sexual expression and different ways to express one's sex; or

362 (H) Changing one's name, pronouns, or personal titles to conform to one's perceived
363 sex or identity.

364 (2) 'Sex' means the biological state of being male or female, in the context of
365 reproductive potential or capacity, based on the individual's sex organs, chromosomes,
366 naturally occurring sex hormones, gonads, and internal and external genitalia present at
367 birth, including secondary sex characteristics. An individual's sex can be observed or
368 clinically verified at or before birth.

369 (3) 'Sex education' includes any curricula or instruction that has the goal or purpose of
370 studying, exploring, or informing students about human reproduction, human sexuality,
371 sexual conduct, an internal or deeply felt sense of the student's sex, or sexual attraction
372 to one or more persons.

373 (c)(1) No public school or local school system shall provide sex education before the
374 sixth grade.

375 (2) Each local board of education shall prescribe a course of study in abstinence based
376 sex education and AIDS prevention instruction for grades six through 12 in the local
377 school system as shall be determined by the State Board of Education.

378 (3) The State Board of Education shall prescribe a minimum course of study in
379 abstinence based sex education and AIDS prevention instruction which may be included
380 as a part of a course of study in health education for grades six through 12.

381 (d)(1) Sex education provided by a public school or local school system shall include
382 instruction relating to the handling of peer pressure, promotion of high self-esteem, local
383 community values, and abstinence from sexual activity as an effective method of
384 preventing acquired immune deficiency syndrome and the only sure method of
385 preventing pregnancy and sexually transmitted diseases. Sex education shall emphasize
386 abstinence from sexual activity until marriage and fidelity in marriage as important
387 personal goals. Sex education shall include instruction concerning the legal
388 consequences of parenthood, including, without being limited to, the legal obligation of
389 both parents to support a child and legal penalties or restrictions upon failure to support
390 a child, including, without being limited to, the possible suspension or revocation of a
391 parent's driver's license and occupational or professional licenses. The course shall also
392 include annual age-appropriate sexual abuse and assault awareness and prevention
393 education.

394 (2) No education or curricula for students in kindergarten through grade 12 provided by
395 a public school or local school system shall include inappropriate sex based topics, and
396 if any information is provided on contraception, information on typical use and failure
397 rates for each contraception option shall be included to show the rates of contraceptive
398 failure as experienced by individuals under real-life conditions, including factors such as
399 inconsistent or incorrect use.

400 (e) Before a public school or local school system provides sex education to any student:

401 (1) The public school or local school system shall make the sex education curricula
402 available to parents and guardians of all students and the public for review online and in
403 person as provided in subsections (f) and (g) of this Code section;

404 (2) Any parent or guardian of a child to whom sex education is to be taught as set forth
405 in this Code section shall have the right to elect, in writing, that such child not receive sex
406 education.

407 (3) Any parent or guardian of a child to whom sex education is being taught shall have
408 the right to withdraw such child from receiving sex education at any time.

409 (f)(1) Beginning in the 2025-2026 school year and continuing each school year
410 thereafter, before a public school or local school system offers sex education to any
411 students, the governing body of such public school or local school system shall review
412 and approve the sex education curricula based on content standards prescribed by the
413 State Board of Education pursuant to subsection (h) of this Code section; provided,
414 however, that such governing body shall not approve any sex education curricula without
415 providing parents and guardians of all students and the public with a meaningful
416 opportunity to review and to provide input on any proposed sex education curricula, as
417 provided in paragraph (2) of this subsection, before such curricula is approved by such
418 governing body.

419 (2) Before approving any sex education curricula, the governing body of each public
420 school or local school system shall:

421 (A) Require that all meetings of such governing body, or any committee or
422 subcommittee thereof, that are authorized for the purposes of reviewing and approving
423 a sex education curricula be publicly noticed at least two weeks before occurring and
424 be open to the public pursuant to Chapter 14 of Title 50;

425 (B) Make any proposed sex education curricula available and accessible for review and
426 public comment, including, but not limited to, written comments, oral comments, and

427 comments submitted through email, for at least 45 days before approval of any such sex
428 education curricula by such governing body; and

429 (C) Conduct at least two public hearings within the 45 day review period provided for
430 in subparagraph (B) of this paragraph.

431 (g) At least two weeks before any sex education is offered by a public school or local
432 school system pursuant to this Code section, each such public school or local school system
433 shall make the sex education curricula approved by the governing body of such public
434 school or local school system as provided in subsection (f) of this Code section available
435 for meaningful review by parents and guardians of all students and the public.

436 (h) By July 1, 2025, the State Board of Education shall adopt age- and grade-appropriate
437 content standards for sex education curricula for students in grades six through 12, and
438 such standards shall not include any inappropriate sex based topics.

439 (i) Nothing in this Code section shall be construed to prohibit age- and grade-appropriate
440 classroom instruction regarding:

441 (1) Child abuse and assault awareness and prevention; and

442 (2) Menstruation."

443 **SECTION 2-2.**

444 Said title is further amended in Subpart 1 of Part 6 of Article 6 of Chapter 2, relating to
445 certificated professional personnel, by revising subsection (b) of Code Section 20-2-201,
446 relating to specific course requirements, in-service or continuing education, and online
447 offerings, as follows:

448 "(b) Each local unit of administration shall be required to provide all professional
449 personnel certificated by the Professional Standards Commission 12 clock hours of
450 in-service or continuing education in each calendar year, or meet requirements of the
451 Southern Association of Colleges and Schools. Such in-service programs shall be
452 developed by the local unit of administration in conjunction with such agencies as regional

453 educational service agencies, colleges and universities, and other appropriate organizations.
 454 These programs shall be designed to address identified needs determined by appropriate
 455 personnel evaluation instruments. These programs shall also focus on improving the skills
 456 of certificated personnel that directly relate to improving student achievement, as reflected
 457 in the revised certification renewal rules established by the Professional Standards
 458 Commission pursuant to paragraph (4.1) of subsection (b) of Code Section 20-2-200
 459 regarding the impact of professional learning on student achievement. These programs
 460 shall also include in-service training programs on sexual abuse and assault awareness and
 461 prevention for professional personnel who will be providing instruction in annual
 462 age-appropriate sexual abuse and assault awareness and prevention education in
 463 ~~kindergarten through grade nine pursuant to subsection (b) of Code Section 20-2-143.~~
 464 Records of attendance shall be maintained by local units of administration and shall be
 465 monitored by appropriate Department of Education staff."

466

SECTION 2-3.

467 Said title is further amended in Part 5 of Article 16 of Chapter 2, relating to review of
 468 removal, by revising paragraph (3) of subsection (f) of Code Section 20-2-786, the "Parents'
 469 Bill of Rights," as follows:

470 "(3)(A) Procedures which comply with the provisions of Code Section 20-2-143 for a
 471 parent to provide revocable written consent for his or her minor child to receive sex
 472 education; and
 473 (B) Procedures for a parent to withdraw or otherwise revoke his or her written consent
 474 for his or her minor child from the school's prescribed course of study in to receive sex
 475 education if the parent provides a written objection to his or her minor child's
 476 participation. Such procedures must provide for a parent to be notified in advance of
 477 such course content so that he or she may withdraw his or her minor child from the
 478 course; and"

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480

PART III
SECTION 3-1.

481 Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to elementary and
482 secondary education, is amended in Part 2 of Article 6, relating to competencies and core
483 curriculum under the "Quality Basic Education Act," by adding a new Code section to read
484 as follows:

485 "20-2-143.1.

486 (a) This Code section shall be known and may be cited as the 'Parents and Children
487 Protection Act of 2025.'

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

489 (1) 'Gender identity' means a person's internal sense of his or her gender which may or
490 may not correspond with his or her sex and which may or may not be apparent to others.

491 (2) 'Governing body' means the local board of education, governing council, governing
492 board, or other entity by whatever name that is responsible for the management and
493 control of a public school.

494 (3) 'Inappropriate sex based topics' means any of the following topics:

495 (A) A person's internal or deeply felt sense of his or her sex;

496 (B) Whether a person's internal sense of sex aligns with his or her sex;

497 (C) Pharmaceutical or medical treatment, hormone therapy, surgery, or removal of
498 genitalia when administered or performed for the purpose of intentionally changing the
499 body of such person to no longer correspond to his or her sex;

500 (D) Individual sexual conduct or experiences of a person responsible for teaching
501 children sex education;

502 (E) Exploring individual sexuality, including to whom a person feels sexually attracted;

503 (F) Respecting, exploring, and understanding the diversity of different sexual
504 attractions;

- 505 (G) Sexual expression and different ways to express one's sex; or
506 (H) Changing one's name, pronouns, or personal titles to conform to one's perceived
507 sex or identity.
- 508 (4) 'Informal communication' means any interaction of school personnel with one or
509 more students that is not part of instruction and when such personnel is acting in his or
510 her official capacity as an employee or representative of a public school or local school
511 system.
- 512 (5) 'Instruction' means the activities of school personnel engaged in the purposeful
513 direction and supervision of the learning process by students and includes discussion
514 involving students that is directed or supervised by school personnel in an instructional
515 setting, including, but not limited to, a classroom.
- 516 (6) 'Public school' or 'school' means a local school system, a school within a local school
517 system, a charter school subject to the provisions of Article 31 or 31A of this chapter, a
518 completion special school subject to the provisions of Article 31C of this chapter, or any
519 other public school.
- 520 (7) 'School personnel' means any person employed by a governing body, any person
521 employed by a local health department who is assigned to a public school, or any third
522 party engaged by or authorized to speak on behalf of a school.
- 523 (8) 'Sex' means the biological indication of male or female, including sex chromosomes,
524 naturally occurring sex hormones, gonads, and nonambiguous internal and external
525 genitalia present at birth, without regard to a person's gender identity or his or her
526 psychological, chosen, or subjective experience of gender.
- 527 (9) 'Student' means a student enrolled in a public school.
- 528 (c)(1) Notwithstanding any provision of Code Section 20-2-141, 20-2-143, or 20-2-786
529 or any other law to the contrary, no school personnel shall intentionally initiate any
530 instruction or informal communication with an emphasis on inappropriate sex based

531 topics involving any student in kindergarten through grade 12, excepting instruction for
532 students in grades four through 12 when such instruction is:

533 (A) Included as an express requirement in content standards established by the State
534 Board of Education; or

535 (B) Essential to the full and rigorous implementation of curricula, or elements of a
536 curriculum, that are required as part of advanced placement, international baccalaureate,
537 or dual enrollment coursework; provided, however, that such implementation is done
538 in a professional and academically appropriate manner.

539 (2) Except under the circumstances provided for in subparagraphs (A) and (B) of
540 paragraph (1) of this subsection, if, during instruction or informal communication, a
541 student or any other person initiates discussion with an emphasis on inappropriate sex
542 based topics with school personnel, such school personnel shall bring such discussion to
543 a prompt conclusion in a professional and academically appropriate manner; provided,
544 however, that such school personnel shall not be required to interrupt or otherwise
545 participate in a personal discussion exclusively by and between students that is not
546 disrupting instruction or the orderly operation of the school. Such school personnel may
547 refer such discussion to the school counselor; provided, however, that school personnel
548 shall notify the parent or guardian if a student asserts an identity that does not align with
549 his or her sex; provided, further, that before a school counselor addresses any such
550 discussion with a student, her or she shall inform the student's parent or guardian and
551 receive parental consent prior to discussing such topics.

552 (3) The State Board of Education shall create and publish guidance for local boards of
553 education to utilize in implementing the provisions of this subsection that includes, but
554 is not limited to, the following:

555 (A) No school employee or other person shall modify a child's official private or public
556 school record, including a charter school record, to reflect a change in the child's name,

557 sex, or gender without the written consent of all of the child's parents with custodial
 558 rights or legal guardians;

559 (B) No employee, contractor, or student of a public school or local school system shall
 560 be required to refer to another person using that person's preferred personal title or
 561 pronouns if such personal title or pronouns do not correspond to that person's sex or is
 562 not listed on that person's birth certificate;

563 (C) No employee or contractor of a public school or local school system shall refer to
 564 a student using that person's preferred personal title or pronouns if such personal title
 565 or pronouns do not correspond to that person's sex or is not listed on that person's birth
 566 certificate without the written consent of all of the child's parents with custodial rights
 567 or legal guardians;

568 (D) No student shall be asked by an employee or contractor of a public school or local
 569 school system to provide his or her preferred personal title or pronouns or be penalized
 570 or subjected to adverse or discriminatory treatment for not providing his or her
 571 preferred personal title or pronouns; and

572 (E) No employee or contractor of a public school or local school system shall provide
 573 to a student such employee's or contractor's preferred personal title or pronouns if such
 574 preferred personal title or pronouns do not correspond to his or her sex.

575 (d) This Code section shall not be subject to waiver pursuant to Code Section 20-2-82 for
 576 a strategic waivers school system, Code Section 20-2-2063.2 for a charter system, Code
 577 Section 20-2-2065 for a charter school, Code Section 20-2-2096.3 for a completion special
 578 school, or Code Section 20-2-244."

579 **SECTION 3-2.**

580 Said chapter is further amended in Part 3 of Article 16, relating to student health, by adding
 581 three new subsections to Code Section 20-2-773, relating to restrictions on student health
 582 services and utilization of state funds, to read as follows:

583 "(c) At the beginning of each school year, each public school shall notify the parent of each
584 enrolled student of the health services offered at the school. Such notice shall include clear
585 information and procedures for a parent to decline or withhold consent for any specified
586 health service to be provided to his or her child. Parental consent to a health service being
587 provided to his or her child does not waive the parent's right to access his or her child's
588 education or health records or to receive notifications regarding the mental, emotional, or
589 physical health or well-being of his or her child as required by law.

590 (d) Notwithstanding the provisions of Code Section 20-2-770 or 20-2-772 or any other law
591 to the contrary, before administering a well-being questionnaire or health screening form
592 to a public school student in kindergarten through grade three, the school shall provide such
593 questionnaire or health screening form to the student's parent and obtain the consent of the
594 parent for the administration of such questionnaire or health screening form.

595 (e) This Code section shall not be subject to waiver pursuant to Code Section 20-2-82 for
596 a strategic waivers school system, Code Section 20-2-2063.2 for a charter system, Code
597 Section 20-2-2065 for a charter school, Code Section 20-2-2096.3 for a completion special
598 school, or Code Section 20-2-244."

599 **SECTION 3-3.**

600 Said chapter is further amended in Part 5 of Article 16, relating to review of removal, by
601 adding a new Code section to read as follows:

602 "20-2-787.

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

604 (1) 'Governing body' means the local board of education, governing council, governing
605 board, or other entity by whatever name that is responsible for the management and
606 control of a public school.

607 (2) 'Minor child' means a person who is less than 18 years of age and who has not been
608 emancipated by operation of law or by court order pursuant to Code Section 15-11-727
609 or as otherwise provided by law.

610 (3) 'Parent' means a person who has legal authority to act on behalf of a minor child as
611 a natural or adoptive parent or a legal guardian.

612 (4) 'Public school' or 'school' means a local school system, a school within a local school
613 system, a charter school subject to the provisions of Article 31 or 31A of this chapter, a
614 completion special school subject to the provisions of Article 31C of this chapter, or any
615 other public school.

616 (5) 'School personnel' means any person employed by a governing body or any person
617 employed by a local health department who is assigned to a public school or any third
618 party engaged by or authorized to speak on behalf of a school.

619 (b)(1) No school or school personnel shall discourage or prohibit parental notification
620 of or involvement in critical decisions affecting his or her minor child's mental,
621 emotional, or physical health or well-being.

622 (2) No school shall adopt a policy or procedure or engage in a practice that:

623 (A) Prohibits school personnel from notifying a parent about his or her minor child's
624 observed mental, emotional, or physical health or well-being; or

625 (B) Encourages or has the effect of encouraging a student to withhold from his or her
626 parent information relating to:

627 (i) His or her mental, emotional, or physical health or well-being;

628 (ii) A change in student support services provided to the student by his or her school;
629 or

630 (iii) A change in the monitoring of the student by his or her school.

631 (3) Before administering a well-being questionnaire or health screening form to a public
632 school student in kindergarten through grade three, the school shall comply with the
633 requirements of subsection (d) of Code Section 20-2-773.

634 (c) On or before August 1, 2025, each governing body shall adopt policies and procedures
635 for notifying a student's parent if there is a change in the student support services provided
636 to the student by his or her school, the monitoring of the student by his or her school, the
637 school's ability to provide a safe and supportive learning environment for the student, or
638 the student's observed mental, emotional, or physical health or well-being. Such policies
639 and procedures:

640 (1) Shall not take any action to infringe on the fundamental right of a parent to make
641 decisions regarding the upbringing and education of his or her minor child without
642 demonstrating that such action is reasonable and necessary to achieve a compelling state
643 interest and that such action is narrowly tailored and is not otherwise served by less
644 restrictive means;

645 (2) Shall reinforce the fundamental right of a parent to make decisions regarding the
646 upbringing and education of his or her minor child by requiring school personnel to:

647 (A) Encourage a student to discuss issues relating to his or her well-being with his or
648 her parent; or

649 (B) Facilitate the discussion of issues relating to a student's well-being with the student
650 and his or her parent; and

651 (3) Shall not prohibit a parent from accessing any of his or her minor child's education
652 and health records created, maintained, or used by the school.

653 (d)(1) No later than August 1, 2025, each governing body shall adopt a complaint
654 resolution policy to address complaints alleging violations of any provision of Code
655 Section 20-2-143.1, Code Section 20-2-773, or subsections (b) and (c) of this Code
656 section. The complaint resolution policy shall provide that:

657 (A) A school shall not be required to respond to a complaint made pursuant to this
658 paragraph unless it is made by:

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

661 (ii) A student who has reached the age of majority or is a lawfully emancipated minor
662 and who is enrolled at the school where the alleged violation occurred; or
663 (iii) School personnel assigned or authorized to work at the school where the alleged
664 violation occurred;
665 (B) The complaint shall first be submitted in writing to the principal of the school
666 where the alleged violation occurred;
667 (C) The complaint shall provide a reasonably detailed description of the alleged
668 violation;
669 (D)(i) Within five school days of receiving such written complaint, the school
670 principal or his or her designee shall review the complaint and take reasonable steps
671 to investigate the allegations in the complaint.
672 (ii) Within ten school days of receiving the complaint, unless another schedule is
673 mutually agreed to by the complainant and the school principal or his or her designee,
674 the school principal or such designee shall confer with the complainant and inform
675 the complainant whether a violation occurred, in whole or in part, and, if such a
676 violation was found to have occurred, what remedial steps have been or will be taken;
677 provided, however, that the confidentiality of student or school personnel information
678 shall not be violated.
679 (iii) Following such conference, within three school days of a request by the
680 complainant, the school principal or his or her designee shall provide to the
681 complainant a written summary of the findings of the investigation and a statement
682 of remedial measures, if any; provided, however, that such written response shall not
683 disclose any confidential student or school personnel information;
684 (E) The written summary provided for in subparagraph (D) of this paragraph shall be
685 reviewed by the school's governing body within 30 school days of receiving a written
686 request for such review by the complainant addressed to the school's governing body;

687 provided, however, that confidential student or school personnel information shall not
688 be subject to review pursuant to this subparagraph; and

689 (F)(i) Following a decision by the school's governing body regarding a complaint
690 pursuant to subparagraph (E) of this paragraph, any party aggrieved by the decision
691 of the school's governing body shall have the right to appeal such decision to the State
692 Board of Education for a hearing as provided in Code Section 20-2-1160. For
693 purposes of the application of this subparagraph, the terms 'local board' and 'local
694 board of education' as used in subsections (b) through (e) of Code Section 20-2-1160
695 shall include the school's governing body regardless of whether such governing body
696 is a local board of education.

697 (ii) The State Board of Education shall, after hearing an appeal brought pursuant to
698 division (i) of this subparagraph, make written findings regarding whether any
699 violations of any provision of Code Section 20-2-143.1, Code Section 20-2-773, or
700 subsections (b) and (c) of this Code section occurred. If the State Board of Education
701 finds that one or more such violations occurred, it shall direct the Department of
702 Education to develop a corrective action plan to be provided to the school within ten
703 school days of such finding, and the school shall have 30 school days to implement
704 the corrective action plan. If the State Board of Education finds that such school has
705 not implemented the corrective action plan:

706 (I) In cases where the school at issue is covered under one or more waivers as
707 provided in Article 4 of this chapter, Code Section 20-2-244, or Code
708 Section 20-2-2065, the State Board of Education shall order the immediate
709 suspension of one or more waivers applicable to such school. The State Board of
710 Education shall exercise discretion in determining which waivers shall be subject
711 to such order of suspension and shall, as may be reasonable and practicable,
712 narrowly tailor such order to address specific violations found by the State Board
713 of Education to have occurred. An order suspending a school's waivers pursuant to

714 this subdivision shall be in effect for no less than 12 months from the date of such
715 order and, if the remainder of the current term of the applicable contract with the
716 State Board of Education providing for such waivers is greater than 12 months, then
717 no longer than such remainder; and

718 (II) In cases where the school at issue is not covered under a waiver as provided in
719 Article 4 of this chapter, Code Section 20-2-244, or Code Section 20-2-2065, the
720 State Board of Education shall refer the matter to the State School Superintendent
721 to recommend what appropriate remedial actions and sanctions should be
722 considered for implementation by the State Board of Education.

723 (2) No later than July 1, 2025, the State Board of Education shall promulgate a model
724 policy to assist schools with establishing a complaint resolution process that meets the
725 requirements of paragraph (1) of this subsection. The Department of Education shall
726 develop guidance for schools for use when determining whether violations of any
727 provision of Code Section 20-2-143.1, Code Section 20-2-773, or subsections (b) and (c)
728 of this Code section have occurred. The Department of Education shall be authorized to
729 revise such guidance from time to time.

730 (e) This Code section does not and shall not be construed to:

731 (1) Authorize a parent in this state to engage in conduct that is unlawful or to abuse or
732 neglect his or her minor child in violation of the law;

733 (2) Prohibit a governing body or a public school from adopting policies or procedures
734 that permit school personnel to withhold information regarding a minor child's mental,
735 emotional, or physical health or well-being from his or her parent if a reasonably prudent
736 person would believe that disclosure would result in child abuse, abandonment, or
737 neglect, as those terms are defined in Code Section 19-7-5;

738 (3) Prohibit a judge or officer of a court of competent jurisdiction, a law enforcement
739 officer, or any agent of a state or local government entity that is responsible for child

740 welfare from acting in his or her official capacity within the reasonable and prudent scope
741 of his or her authority;
742 (4) Prohibit a court of competent jurisdiction from issuing an order that is otherwise
743 permitted by law; or
744 (5) Apply to a parental action or decision that would end life.
745 (f) This Code section shall not be subject to waiver pursuant to Code Section 20-2-82 for
746 a strategic waivers school system, Code Section 20-2-2063.2 for a charter system, Code
747 Section 20-2-2065 for a charter school, Code Section 20-2-2096.3 for a completion special
748 school, or Code Section 20-2-244."

749 **PART IV**
750 **SECTION 4-1.**

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

753 **SECTION 4-2.**

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