

Senate Bill 523

By: Senators Goodman of the 8th, Cowser of the 46th, Kirkpatrick of the 32nd, Albers of the 56th, Tillery of the 19th and others

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 authorize public schools and postsecondary educational institutions to consider antisemitism
3 in the same manner as discrimination based on religion; to require the Department of
4 Education to establish a state-wide K-12 Title VI Coordinator; to require the Board of
5 Regents of the University System of Georgia and the State Board of the Technical College
6 System of Georgia to establish a state-wide Higher Education Title VI Coordinator; to
7 authorize withholding of funds for noncompliance; to provide for notice and appeal
8 procedures; to provide for definitions; to provide for an effective date; to provide for annual
9 reporting; to provide for related matters; to repeal conflicting laws; and for other purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 **SECTION 1.**

12 Title 20 of the Official Code of Georgia Annotated, relating to general provisions of
13 education, is amended by adding a new Code section to Chapter 1, relating to general
14 provisions, to read as follows:

15 "20-1-13.

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

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17 (1) 'Antisemitism' shall have the same meaning as set forth in Code Section 50-1-12.

18 (2) 'Georgia state school' means:

19 (A) An institution of the University System of Georgia; or

20 (B) A unit of the Technical College System of Georgia.

21 (3) 'Public school' means and includes a Georgia state school, a local school system, and
 22 any public elementary and secondary school in this state.

23 (b) Discrimination on the basis of race, ethnicity, national origin, sex, disability, religion,
 24 or marital status against a public school student or employee is prohibited. No person in
 25 this state shall, on such basis, be excluded from participation in, denied the benefits of, or
 26 subjected to discrimination under any educational program or activity or in employment
 27 practices conducted by a public school that receives or benefits from federal or state
 28 financial assistance.

29 (c) Each public school shall consider harassment or discrimination against students or
 30 employees motivated by or including antisemitism in the same manner as discrimination
 31 motivated by religion.

32 (d) Nothing in this Code section shall be construed to diminish or infringe upon any right
 33 protected under the First Amendment of the United States Constitution or Article I, Section
 34 I of the Georgia Constitution."

35 **SECTION 2.**

36 Said title is further amended in Chapter 2, relating to elementary and secondary education,
 37 by adding a new Code section to read as follows:

38 "20-2-324.10.

39 (a)(1) It is the intent of the General Assembly to ensure that no student, parent, teacher,
 40 or employee in Georgia's public education system is subjected to discrimination or
 41 harassment on the basis of race, ethnicity, national origin, sex, disability, religion, or
 42 marital status.

- 43 (2) As used in this Code section, the term 'public school' means and includes a local
44 school system and any public elementary and secondary school in this state.
- 45 (b) No later than September 29, 2026, the Department of Education shall designate a
46 state-wide K-12 Title VI Coordinator dedicated to monitoring complaints of discrimination
47 and harassment in public schools in accordance with Title VI of the federal Civil Rights
48 Act of 1964, 42 U.S.C. Section 2000d, et seq., 34 C.F.R. Part 100, and other applicable
49 federal and state nondiscrimination laws, rules, and regulations.
- 50 (c) The state-wide K-12 Title VI Coordinator shall:
- 51 (1) Establish, maintain, and publicize a uniform complaint submission process, available
52 electronically and in writing, whereby students, parents, teachers, and staff may report
53 alleged violations;
- 54 (2) Receive, document, and investigate complaints of discrimination and harassment
55 occurring in any public schools in this state and prepare written findings of fact and
56 recommendations for review by the Department of Education;
- 57 (3) Upon review of the coordinator's findings, if the Department of Education determines
58 a public school has failed to comply with the requirements of this Code section, the
59 coordinator shall assist the Department of Education in issuing a written notice of
60 noncompliance requiring corrective action within 30 days of receipt of such notice;
- 61 (4) Monitor the implementation of corrective action plans submitted by public schools
62 and provide recommendations to the Department of Education regarding compliance
63 status;
- 64 (5) Refer unresolved violations to the United States Department of Education's Office
65 for Civil Rights and the United States Department of Justice when corrective actions are
66 not taken within 30 days of notice; and
- 67 (6) Submit an annual report no later than June 30 of each year to State School
68 Superintendent, the Governor, the Lieutenant Governor, the Speaker of the House of
69 Representatives, and the chairpersons of the House Committee on Education and the

70 Senate Education Committee, including, but not limited to, the number and details of
71 complaints and enforcement actions taken.

72 (d)(1) The Department of Education shall be responsible for conducting or supervising
73 investigations and making written determinations as to whether a public school has failed
74 to comply with the requirements of this Code section.

75 (2) If the Department of Education determines that a public school has failed to comply
76 with the requirements of this Code section, it shall provide a written notice of
77 noncompliance to the public school, and the public school shall have 30 days from the
78 receipt of such notice to correct such noncompliance and to develop a corrective action
79 plan for preventing future recurrences. The Department of Education may extend such
80 30 day period upon a showing of good cause by the public school.

81 (3)(A) The state board shall be authorized to take corrective action, including, but not
82 limited to, withholding a portion of state funding to a public school, as provided for in
83 Code Section 20-2-243, if such public school fails to comply with the provisions of this
84 Code section or fails to correct the identified noncompliance.

85 (B) If the state board notifies the public school that it is subject to the withholding of
86 state funding pursuant to subparagraph (A) of this paragraph, such public school may
87 bring an action against the board seeking appropriate relief from the superior court of
88 the county where the public school is headquartered.

89 (4) Upon any enforcement action, the K-12 Title VI Coordinator shall promptly notify
90 the Governor, Lieutenant Governor, Speaker of the House of Representatives, and
91 chairpersons of the House Committee on Education and the Senate Education
92 Committee."

93 **SECTION 3.**

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

96 "20-3-40.1.

97 (a)(1) It is the intent of the General Assembly to ensure that no student, parent, teacher,
98 or employee in a Georgia state school is subjected to discrimination or harassment on the
99 basis of race, ethnicity, national origin, sex, disability, religion, or marital status.

100 (2) As used in this Code section, the term 'Georgia state school' means a postsecondary
101 educational institution which is:

102 (A) An institution of the University System of Georgia; or

103 (B) A unit of the Technical College System of Georgia.

104 (b) No later than September 29, 2026, the board of regents, in consultation with the State
105 Board of the Technical College System of Georgia, shall designate a state-wide Higher
106 Education Title VI Coordinator.

107 (c) The state-wide Higher Education Title VI Coordinator shall:

108 (1) Establish, maintain, and publicize a uniform complaint submission process, available
109 electronically and in writing, whereby students, faculty, and staff may report alleged
110 violations;

111 (2) Receive, document, and investigate complaints of discrimination and harassment
112 occurring in any Georgia state schools and prepare written findings and recommendations
113 for review by the board of regents or the State Board of the Technical College System of
114 Georgia;

115 (3) Upon review of the coordinator's findings, if the board of regents or Technical
116 College System of Georgia determines that a Georgia state school has failed to comply
117 with the requirements of this Code section, the coordinator shall assist the board of
118 regents or the State Board of the Technical College System of Georgia in issuing a
119 written notice of noncompliance requiring corrective action within 30 days of receipt of
120 such notice;

121 (4) Monitor the implementation of corrective action plans submitted by Georgia state
122 schools and provide recommendations to the board of regents or the State Board of the
123 Technical College System of Georgia regarding compliance status;

124 (5) Refer unresolved violations to the United States Department of Education's Office
125 for Civil Rights and the United States Department of Justice when corrective actions are
126 not taken within 30 days of such notice; and

127 (6) Submit an annual report no later than June 30 of each year to the Chancellor of the
128 University System of Georgia, the Governor, the Lieutenant Governor, the Speaker of the
129 House of Representatives, and the chairpersons House Committee on Higher Education
130 and the Senate Higher Education Committee, including, but not limited to, the number
131 and details of complaints and enforcement actions taken.

132 (d)(1) The board of regents or the State Board of the Technical College System of
133 Georgia, as applicable, shall be responsible for conducting or supervising investigations
134 and making written determinations as to whether a Georgia state school has failed to
135 comply with the requirements of this Code section.

136 (2) If the board or the State Board of the Technical College System of Georgia
137 determines that a Georgia state school has failed to comply with the requirements of this
138 Code section, it shall provide a written notice of noncompliance to such Georgia state
139 school, and the Georgia state school shall have 30 days from the receipt of such notice
140 to correct such noncompliance and to develop a corrective action plan for preventing
141 future recurrences. The board of regents or the State Board of the Technical College
142 System of Georgia may extend such 30 day period upon a showing of good cause by the
143 Georgia state school.

144 (3)(A) The board of regents or the State Board of the Technical College System of
145 Georgia shall be authorized to take corrective action, including, but not limited to,
146 withholding state funding administered through the board of regents or the Technical
147 College System of Georgia that benefit such Georgia state school, if the Georgia state

148 school fails to comply with the provisions of this Code section or fails to correct the
149 identified noncompliance.

150 (B) If the board of regents or the State Board of the Technical College System of
151 Georgia notifies the Georgia state school that it is subject to the withholding or
152 suspension of funds pursuant to subparagraph (A) of this paragraph, such Georgia state
153 school may bring an action against the board of regents or the State Board of the
154 Technical College System of Georgia seeking appropriate relief from the superior court
155 of the county where the Georgia state school is headquartered.

156 (4) Upon any enforcement action, the Higher Education Title VI Coordinator shall
157 provide written notice of any enforcement action to the Governor, Lieutenant Governor,
158 Speaker of the House of Representatives, and chairpersons of the House Committee on
159 Higher Education and the Senate Higher Education Committee."

160 **SECTION 4.**

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

163 **SECTION 5.**

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