

Senate Bill 523

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

AS PASSED

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 prohibit discrimination on the basis of race, ethnicity, national origin, or religion in public
3 schools and postsecondary educational institutions; to require the Department of Education
4 to establish a state-wide K-12 Title VI Coordinator; to require the Board of Regents of the
5 University System of Georgia and the State Board of the Technical College System of
6 Georgia to establish policies and procedures regarding discrimination complaints; 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 education, is amended by
13 adding a new Code section to Chapter 1, relating to general provisions, to read as follows:

14 "20-1-13.

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

16 (1) 'Georgia state school' means:

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- 17 (A) An institution of the University System of Georgia; or
 18 (B) A unit of the Technical College System of Georgia.
 19 (2) 'Public school' means and includes a Georgia state school, a local school system, and
 20 any public elementary and secondary school in this state.
 21 (b) No person in this state shall, on the basis of race, ethnicity, national origin, or religion,
 22 be excluded from participation in, denied the benefits of, or subjected to discrimination
 23 under any educational program or activity or in employment practices conducted by a
 24 public school that receives federal or state financial assistance.
 25 (c) Nothing in this Code section shall be construed to diminish or infringe upon any right
 26 protected under the First Amendment of the United States Constitution or Article I,
 27 Section I of the Georgia Constitution."

28 **SECTION 2.**

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

31 "20-2-324.10.

32 (a)(1) It is the intent of the General Assembly to ensure that no student, teacher, or
 33 employee in Georgia's public education system is subjected to discrimination or
 34 harassment on the basis of race, ethnicity, national origin, or religion.

35 (2) As used in this Code section, the term 'public school' means and includes a local
 36 school system and any public elementary and secondary school in this state.

37 (b) No later than September 29, 2026, the Department of Education shall designate a
 38 state-wide K-12 Title VI Coordinator dedicated to monitoring complaints of discrimination
 39 and harassment in public schools in accordance with Title VI of the federal Civil Rights
 40 Act of 1964, 42 U.S.C. Section 2000d, et seq., 34 C.F.R. Part 100, and other applicable
 41 federal and state nondiscrimination laws, rules, and regulations.

42 (c) The state-wide K-12 Title VI Coordinator shall:

- 43 (1) Establish, maintain, and publicize a uniform complaint submission process, available
44 electronically and in writing, whereby students, parents, teachers, and staff may report
45 alleged violations;
- 46 (2) Receive, document, and investigate complaints of discrimination and harassment
47 occurring in any public schools in this state and prepare written findings of fact and
48 recommendations for review by the Department of Education;
- 49 (3) Upon review of the coordinator's findings, if the Department of Education determines
50 a public school has failed to comply with the requirements of this Code section, the
51 coordinator shall assist the Department of Education in issuing a written notice of
52 noncompliance requiring corrective action within 30 days of receipt of such notice;
- 53 (4) Monitor the implementation of corrective action plans submitted by public schools
54 and provide recommendations to the Department of Education regarding compliance
55 status;
- 56 (5) Refer unresolved violations to the United States Department of Education's Office
57 for Civil Rights and the United States Department of Justice when corrective actions are
58 not taken within 30 days of notice;
- 59 (6) Submit an annual report no later than June 30 of each year to the State School
60 Superintendent, the Governor, the Lieutenant Governor, the Speaker of the House of
61 Representatives, and the chairpersons of the House Committee on Education and the
62 Senate Education Committee, including, but not limited to, the number and details of
63 complaints and enforcement actions taken; and
- 64 (7) In consultation with the Department of Education, develop policies and procedures
65 for the implementation of this Code section, which shall include, but not be limited to,
66 ensuring complaints and appeals are handled in a timely manner, kept confidential, and
67 investigated thoroughly and that retaliation is prohibited.

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

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

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

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

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

89 **SECTION 3.**

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

92 "20-3-40.1.

93 (a)(1) It is the intent of the General Assembly to ensure that no student, teacher, or
94 employee in a public institution of higher education is subjected to discrimination or
95 harassment on the basis of race, ethnicity, national origin, or religion.

96 (2) As used in this Code section, the term 'public institution of higher education' or
97 'institution' means any college or university under the management and control of the
98 Board of Regents of the University System of Georgia.

99 (b) No later than December 31, 2026, the board of regents shall ensure that all public
100 institutions of higher education comprising the University System of Georgia have
101 established policies and procedures to:

102 (1) Establish, maintain, and publicize a complaint submission process, available
103 electronically and in writing, whereby students, faculty, staff, or others may report
104 alleged violations of subsection (b) of Code Section 20-1-13;

105 (2) Develop procedures for the implementation of this Code Section, which shall include,
106 but not be limited to, ensuring complaints are handled in a timely manner, kept
107 confidential, and investigated thoroughly and that retaliation is prohibited; and

108 (3) Document and investigate complaints of discrimination and harassment and prepare
109 written findings and conclusions.

110 (c)(1) The board of regents shall be responsible for determining whether a public
111 institution of higher education has failed to comply with the requirements of this Code
112 section.

113 (2) The board of regents shall be authorized to take corrective action, including, but not
114 limited to, withholding state funding administered through the board of regents that
115 benefits a public institution of higher education if such institution fails to comply with the
116 provisions of this Code section or fails to correct noncompliance.

117 (3) The board of regents shall make and publish an annual report and provide a copy to
118 the Governor and Lieutenant Governor, Speaker of the House of Representatives, and

119 chairpersons of the House Committee on Higher Education and the Senate Higher
 120 Education Committee on July 1 of each year providing aggregate numbers of complaints,
 121 investigations, and findings related to enforcement of this Code section.

122 (d) Nothing in this Code section shall be interpreted as preventing the board of regents, or
 123 any institution thereof, from complying with federal laws prohibiting discrimination and
 124 harassment or the federal Family Educational Rights and Privacy Act, 20 U.S.C. 1232g."

125 **SECTION 4.**

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

128 "20-4-39.1.

129 (a)(1) It is the intent of the General Assembly to ensure that no student, teacher, or
 130 employee in a public institution of higher education is subjected to discrimination or
 131 harassment on the basis of race, ethnicity, national origin, or religion.

132 (2) As used in this Code section, the term 'public institution of higher education' or
 133 'institution' means any postsecondary technical school or other postsecondary branch of
 134 the Technical College System of Georgia.

135 (b) No later than December 31, 2026, the state board shall ensure that all units comprising
 136 the Technical College System of Georgia have established policies and procedures to:

137 (1) Establish, maintain, and publicize a complaint submission process, available
 138 electronically and in writing, whereby students, faculty, staff, or others may report
 139 alleged violations of subsection (b) of Code Section 20-1-13;

140 (2) Develop procedures for the implementation of this Code Section, which shall include,
 141 but not be limited to, ensuring complaints are handled in a timely manner, kept
 142 confidential, and investigated thoroughly and that retaliation is prohibited; and

143 (3) Document and investigate complaints of discrimination and harassment and prepare
 144 written findings and conclusions.

145 (c)(1) The state board shall be responsible for determining whether a public institution
146 of higher education has failed to comply with the requirements of this Code section.

147 (2) The state board shall be authorized to take corrective action, including, but not
148 limited to, withholding state funding administered through the state board that benefits
149 a public institution of higher education if such institution fails to comply with the
150 provisions of this Code section or fails to correct noncompliance.

151 (3) The state board shall make and publish an annual report and provide a copy to the
152 Governor and Lieutenant Governor, Speaker of the House of Representatives, and
153 chairpersons of the House Committee on Higher Education and the Senate Higher
154 Education Committee on July 1 of each year providing aggregate numbers of complaints,
155 investigations, and findings related to enforcement of this Code section.

156 (d) Nothing in this Code section shall be interpreted as preventing the state board, or any
157 institution thereof, from complying with federal laws prohibiting discrimination and
158 harassment or the federal Family Educational Rights and Privacy Act, 20 U.S.C. 1232g."

159 **SECTION 5.**

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

162 **SECTION 6.**

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