

Senate Bill 613

By: Senators Summers of the 13th, Thompson of the 14th, Robertson of the 29th, Mullis of the 53rd, Hickman of the 4th 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
2 to change certain definitions; to provide for equal treatment of students in administration of
3 curricula in private and nonpublic schools and programs; to provide for transparency in
4 private and nonpublic school training and other curricula; to further qualify the definition of
5 a private or nonpublic school or program; to add provisions related to the teaching of
6 concepts based in critical theories; to strengthen the ability of parents of private school
7 students to know if their child is experiencing emotional issues; to deter developmentally
8 inappropriate classroom discussion of gender identity and sexual orientation; to provide for
9 legislative findings; to provide for applicability; to provide for a short title; to provide for
10 related matters; to provide for an effective date; to repeal conflicting laws; and for other
11 purposes.

12 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

13 **SECTION 1.**

14 This Act shall be known and may be cited as the "Common Humanity in Private Education
15 Act."

16

SECTION 2.

17 Title 20 of the Official Code of Georgia Annotated, relating to education, is amended by
18 revising paragraph (4) of Code Section 20-2-2112, relating to definitions applicable to
19 scholarships for special needs students, as follows:

20 "(4) 'Participating school' means a private school that meets the definition of a qualified
21 school in paragraph (2) of Code Section 20-2A-1 and that has notified the department of
22 its intention to participate in the program, and that complies with the department's
23 requirements."

24

SECTION 3.

25 Said title is further amended by revising subsection (a) of Code Section 20-2-2115, relating
26 to eligibility requirements for schools participating in the scholarships for special needs
27 children program, as follows:

28 "(a) To be eligible to enroll a scholarship student, a participating school shall:

29 (1) Have a physical location in Georgia where the scholarship students attend classes and
30 have direct contact with the school's teachers;

31 (2) Demonstrate fiscal soundness by having been in operation for one school year or by
32 submitting a financial information report for the school that complies with uniform
33 financial accounting standards established by the department and conducted by a certified
34 public accountant. The report must confirm that the school desiring to participate is
35 insured and the owner or owners have sufficient capital or credit to operate the school for
36 the upcoming school year serving the number of students anticipated with expected
37 revenues from tuition and other sources that may be reasonably expected. The report
38 shall be limited in scope to those records that are necessary for the department to make
39 a determination on fiscal soundness and to make payments to schools for scholarships;

40 (3) Comply with the antidiscrimination provisions of 42 U.S.C. Section 2000d;

41 (4) Comply with all health and safety laws or codes that apply to private schools;

- 42 (5) Comply with all provisions of Code Section 20-2-690 and any other state law
 43 applicable to private schools;
- 44 (6) Regularly report to the parent and the department on the student's academic progress,
 45 including the results of pre-academic assessments and post-academic assessments given
 46 to the student, in accordance with department guidelines; ~~and~~
- 47 (7) Employ or contract with teachers who hold a bachelor's degree or higher degree or
 48 have at least three years of experience in education or health and annually provide to the
 49 parents the relevant credentials of the teachers who will be teaching their students; and
- 50 (8) Maintain its status as a qualified school as defined by paragraph (2) of Code Section
 51 20-2A-1."

52

SECTION 4.

53 Said title is further amended by revising paragraph (2) of Code Section 20-2A-1, relating to
 54 definitions applicable to student scholarship organizations, as follows:

55 "(2) 'Qualified school or program' means a nonpublic pre-kindergarten program, primary
 56 school, or secondary school that:

57 (A) Is accredited or in the process of becoming accredited by one or more entities
 58 listed in subparagraph (A) of paragraph (6) of Code Section 20-3-519; ~~and~~

59 (B) Is located in this state, adheres to the provisions of the federal Civil Rights Act of
 60 1964, and satisfies the requirements prescribed by law for private schools in this state; ~~;~~

61 (C) Gives annual written assurances that the school in no way directs, promotes,
 62 encourages, or compels students to personally affirm, adopt, or adhere to any of the
 63 following tenets:

64 (i) That any sex, race, ethnicity, color, or national origin is inherently superior or
 65 inferior;

66 (ii) That individuals should be adversely treated on the basis of their sex, race,
 67 ethnicity, color, or national origin; or

68 (iii) That individuals, by virtue of sex, race, ethnicity, color, or national origin, are
69 inherently responsible for actions committed in the past by other members of the same
70 sex, race, ethnicity, color, or national origin; and
71 (D) Gives annual written assurances and documents that, in the administration of its
72 student, parent, and administrative programs, the school does not segregate students,
73 parents, or employees by color, race, ethnicity, or national origin."

74 **SECTION 5.**

75 Said title is further amended by adding a new chapter to read as follows:

76 "CHAPTER 2B

77 20-2B-1.

78 The General Assembly finds as follows:

79 (1) That in recent years, a growing number of Georgia's private and nonpublic schools
80 have embraced curricula and programs based in critical theory. In practice, these
81 developments have caused private schools to segregate students, staff, and parents by
82 ethnicity, color, race, and national origin; to compel students to adopt language and
83 attitudes that promote racial division and discrimination; and to promote the concept that
84 there is a hierarchy of oppressor and oppressed and that one's race, gender, sexual
85 orientation, color, or national origin irrevocably determines his or her place in that
86 hierarchy;

87 (2) Additionally, some teachers and other personnel in private and nonpublic schools and
88 programs have inappropriately discussed gender identity with children who have not yet
89 reached the age of discretion;

90 (3) That such a focus on racial and gender identity and its resulting discrimination on the
91 basis of color, race, ethnicity, and national origin is destructive to the fabric of American
92 society;

93 (4) That a private or nonpublic school's actions promoting the segregation, separation,
94 or stereotyping of individuals based upon their color, race, ethnicity, or national origin
95 damage the ability of individuals to freely exercise their rights under the First
96 Amendment of the United States Constitution;

97 (5) That pursuant to paragraph (2) of Code Section 20-2A-1, private and nonpublic
98 schools which seek to be qualified schools eligible to receive funds associated with
99 Georgia's GOAL scholarships must comply with the Civil Rights Act of 1964;

100 (6) That the Office of Civil Rights of the United States Department of Education has
101 found, in Case No. OCR #05-19-1395, that segregating parents, students, and staff by
102 race, color, or ethnicity, and that compelling students to adhere to a belief in the hierarchy
103 of identities based on race, gender, sexual orientation, or ethnicity, violates Title VI of
104 the Civil Rights Act of 1964; and

105 (7) That the State of Georgia has an interest in ensuring that all private and nonpublic
106 schools receiving state or federal funding, or participating in an athletic association with
107 public and charter schools, treat students of all racial and ethnic backgrounds equally and
108 individually, that such schools emphasize the common humanity and equal dignity and
109 worth of all individuals, and that students, staff, and parents at such schools do not feel
110 pressured or compelled to separate, segregate, or identify themselves by their color, race,
111 ethnicity, or national origin.

112 20-2B-2.

113 (a) For purposes of this chapter, the term 'private or nonpublic school or program' shall
114 carry the definition found in subsection (b) of Code Section 20-2-690.

115 (b) This chapter shall apply to:

- 116 (1) All private or nonpublic schools or programs that receive state or federal funding;
117 (2) All qualified schools or programs as defined by paragraph (2) of Code Section
118 20-2A-1, as a condition for the school to participate in Georgia's Special Needs
119 Scholarship Program; and
- 120 (3) All private or nonpublic schools or programs that participate in an athletic
121 association, as defined by subsection (a) of Code Section 20-2-316.1, of which any public
122 or public charter school is a member.
- 123 (c) No private or nonpublic school or program subject to this chapter shall expend funds
124 on any program, curriculum, project, or activity that:
- 125 (1) Compels training, orientation, or therapy that directs, promotes, encourages, or
126 compels any form of race or sex stereotyping or blame on the basis of race, color,
127 ethnicity, or national origin;
- 128 (2) Directs, promotes, encourages, or compels students to personally affirm, adopt, or
129 adhere to any of the following tenets:
- 130 (A) That one race or sex is inherently superior to another race or sex;
131 (B) That an individual, by virtue of the individual's race or sex, is inherently racist,
132 sexist, or oppressive, whether consciously or unconsciously;
- 133 (C) That an individual should be discriminated against or receive adverse treatment
134 solely or partly because of the individual's race, color, ethnicity, or national origin;
- 135 (D) That members of one race or sex cannot and should not attempt to treat others
136 without respect to race or sex;
- 137 (E) That an individual's moral character, standing, or worth is necessarily determined
138 by the individual's race, color, ethnicity, national origin, or sex;
- 139 (F) That an individual, solely by virtue of the individual's race or sex, bears
140 responsibility for actions committed in the past by other members of the same race or
141 sex;

142 (G) That an individual should feel discomfort, guilt, anguish, or any other form of
143 psychological distress solely on account of the individual's race or sex;

144 (H) That meritocracy or traits such as a hard work ethic are racist or sexist or were
145 created by members of a particular race to oppress members of another race;

146 (I) That the advent of slavery in the territory that is now the United States constituted
147 the true founding of the United States; or

148 (J) That with respect to their relationship to American values, slavery and racism are
149 anything other than deviations from, betrayals of, or failures to live up to, the authentic
150 founding principles of the United States, which include liberty and equality;

151 (3) No private or nonpublic school or program to which this chapter applies shall
152 establish, fund, or administer any student group or association that admits or excludes
153 members based on color, national origin, ethnicity, or descent from ancestors of a
154 particular color, national origin, or ethnicity; and

155 (4) No private or nonpublic school or program to which this chapter applies shall
156 establish or operate any class, student discussion group, or student assembly that limits
157 or excludes participation based on color, national origin, ethnicity, or descent from
158 ancestors of a particular color, national origin, or ethnicity.

159 (d) No private or nonpublic school or program to which this chapter applies shall adopt
160 procedures or student support forms that require school district personnel to withhold from
161 a parent information about his or her student's mental, emotional, or physical health or
162 well-being, or a change in related services or monitoring, or that encourage or have the
163 effect of encouraging a student to withhold from a parent such information, unless a
164 reasonably prudent person would believe that such disclosure would result in abuse,
165 abandonment, or neglect, as those terms are defined in Code Section 15-11-2. School or
166 program personnel may not discourage or prohibit parental notification of and involvement
167 in critical decisions affecting a student's mental, emotional, or physical health or
168 well-being.

169 (e) No private or nonpublic school or program to which this chapter applies shall promote,
170 compel, or encourage classroom discussion of sexual orientation or gender identity in
171 primary grade levels or in a manner that is not appropriate for the age and developmental
172 stage of the student.

173 (f) No private or nonpublic school or program to which this chapter applies shall take any
174 retaliatory action against any person as a result of that person, or any other person related
175 to or associated with that person, exercising any right under this Code section.

176 (g) No private or nonpublic school or program to which this chapter applies shall take any
177 retaliatory action against any person as a result of that person, or any other person related
178 to or associated with that person, reporting an alleged violation of this Code section to the
179 school, local educational agency, or any other governmental authority, or alleging a
180 violation of this Code section in any civil action authorized under this Code section.

181 (h) Any person aggrieved by a violation of this chapter by a private or nonpublic school
182 or program shall have the right to bring a civil action against the private or nonpublic
183 school or program in an appropriate court for declaratory or injunctive relief. In an action
184 under this subsection, the court shall ordinarily award reasonable attorneys' fees, including
185 expert fees, and other court costs to the prevailing plaintiff, unless special circumstances
186 would render such an award unjust. Actions under this Code section shall be brought
187 within one year of the date of the violation."

188 **SECTION 6.**

189 This Act shall become effective on July 1, 2022.

190 **SECTION 7.**

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