

O.C.G.A. § 20-1-11:

Anatomy of a New Statue

Brian Dennison, July 13, 2022

Section (a):
Definition of terms

Defined Terms

O.C.G.A. § 20-1-11(a)

- (1) “Divisive concepts”
- (2) “Espousing personal political beliefs”
- (3) “Race scapegoating”
- (4) “Race stereotyping”

Section (b):

Requirement to prohibit employee
discrimination on the basis of race

Section (c): Curricular and training initiatives

Functional Tasks

O.C.G.A. § 20-1-11(c)

- (1) Each local board of education, local school superintendent, and the governing body of each charter school shall ensure that curricula and training programs encourage employees and students to practice tolerance and mutual respect and to refrain from judging others based on race.
- (2) Each school and local school system may provide curricula or training programs that foster learning and workplace environments where all students, employees, and school community members are respected; provided, however, that any curriculum, classroom instruction, or mandatory training program, whether delivered or facilitated by school personnel or a third party engaged by a school or local school system, shall not advocate for divisive concepts.

Section (d)
The “shall not’s”

Three key “not’s”

O.C.G.A. § 20-1-11(c)

- (1) Inhibit or violate the rights protected by the Constitutions of Georgia and the United States of America or undermine intellectual freedom and free expression;
- (2) Infringe upon the intellectual vitality of students and employees of local boards of education, local school systems, or other schools;
- (3) Prohibit a local board of education, local school system, or other school from promoting concepts such as tolerance, mutual respect, cultural sensitivity, or cultural competency; provided, however, that such efforts do not conflict with the requirements of this Code section and other applicable laws;

Section (e):
Complaint process

Complaint Policy Deadline

O.C.G.A. § 20-1-11(e)(1)

- (e)(1) No later than August 1, 2022, each local board of education and the governing body of each charter school shall adopt a complaint resolution policy to address complaints alleging violations of any provision of subsections (b) through (d) of this Code section.
- Note also per (e)(4): No later than July 1, 2022, the State Board of Education shall promulgate a model policy to assist schools and local school systems with establishing a complaint resolution process that meets the requirements of paragraph (1) of this subsection. The Department of Education shall develop guidance for schools and local school systems for use when determining whether violations of subsections (b) through (d) of this Code section have occurred. The Department of Education shall be authorized to revise such guidance from time to time.

Section (f)

Complainant's right to records

Section (g)
No waiver