

The Senate Committee on Education and Youth offered the following substitute to HB 1104:

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 provide for notification to parents and legal guardians of public school students of the right
3 to receive email notification each time their child obtains school library materials; to identify
4 materials that are subject to the complaint resolution policy for materials "harmful to
5 minors," as set forth in Code Section 20-2-324.6; to provide for definitions; to repeal Code
6 Section 20-2-720, relating to inspection of students' records by parents, for purposes of
7 conformity; to prohibit sex education for public school students in this state before sixth
8 grade; to provide that no public school or local school system shall be required to provide sex
9 education; to require revocable written consent from parents or guardians of students before
10 any sex education is provided; to require governing bodies of public schools and local school
11 systems to afford parents and guardians of all students and the public opportunity to review
12 and to provide comment on proposed sex education curricula before approval by such body;
13 to require the State Board of Education to approve age- and grade-appropriate content
14 standards for sex education curricula; to provide for definitions; to provide for construction;
15 to revise the "Parents Bill of Rights" to provide for parents to revocably opt-in to sex
16 education for their children; to authorize Georgia public schools to operate or facilitate
17 separate teams for members of each gender where selection for such teams is based upon
18 competitive fairness or student safety; to provide that it shall be unlawful for Georgia public

19 schools or participating private schools whose students or teams compete against a Georgia
20 public school to operate, sponsor, or facilitate athletic programs or activities that permit any
21 person whose sex is male but whose gender identity is female to participate in any
22 interscholastic athletics that are designated for females or permit persons of one gender to
23 use certain facilities designated for persons of the opposite gender in conjunction with
24 interscholastic athletics; to provide for a grievance procedure; to provide for private rights
25 of action and awards of attorney fees; to repeal a grant of discretionary authority to athletic
26 association executive oversight committees; to provide for legislative findings and intent; to
27 provide for state charter schools to hire employees of education service providers; to provide
28 for the ability of governing boards to dismiss such employees; to provide for governing
29 boards' responsibility for such employees' actions; to address mental health risks for student
30 athletes; to provide for guidelines and other relevant materials to inform and educate public
31 school student athletes, their parents or guardians, school personnel, and coaches about
32 suicide risk and prevention for student athletes and raising awareness of suicide risk and
33 prevention resources available to student athletes; to provide for definitions; to require annual
34 review by coaches; to provide for definitions; to provide for related matters; to repeal
35 conflicting laws; and for other purposes.

36 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

37 **PART I**
38 **SECTION 1-1.**

39 Title 20 of the Official Code of Georgia Annotated, relating to education, is amended in
40 Chapter 1, relating to general provisions regarding education, by adding a new Code section
41 to read as follows:

42 "20-1-12.

43 (a) As used in this Code section, the term 'parent' means a person who has legal authority
44 to act on behalf of a school-age child as a natural or adoptive parent or a legal guardian.

45 (b) Each local board of education or other public school governing body shall establish
46 policies and procedures to ensure that, by the start of each school year for currently
47 enrolled students or at any time during the school year upon the enrollment of a new
48 student, a parent of each student enrolled in public school shall be notified in writing of the
49 option to receive an email notification each time such student obtains material from a
50 library operated by the public school where the student is enrolled. For each parent who
51 elects to receive such email notifications, the public school where the student is enrolled
52 shall notify the parent by email each time the student obtains school library material, and
53 such email notice shall include, as applicable, the title, author, genre, and return date of the
54 school library material."

55 **SECTION 1-2.**

56 Said title is further amended in Part 15 of Article 6 of Chapter 2, relating to miscellaneous
57 provisions under the "Quality Basic Education Act," by adding a new subsection to Code
58 Section 20-2-324.6, relating to complaint resolution policy for materials "harmful to minors,"
59 to read as follows:

60 "(d) This Code section shall apply to any written or electronic materials made available to
61 students in a public school, including classroom materials, school library materials, or any
62 materials made available to a public school student as part of an extracurricular activity
63 offered or supervised by the public school."

64

SECTION 1-3.

65 Said title is further amended in Article 15 of Chapter 2, relating to student data privacy,
66 accessibility, and transparency, by revising paragraph (4) and adding a new paragraph to
67 Code Section 20-2-662, relating to definitions, to read as follows:

68 "(4) 'Education record' means an education record as defined in the Family Educational
69 Rights and Privacy Act (FERPA) and its implementing regulations, 20 U.S.C. Section
70 1232g; and 34 C.F.R. Part 99.3. Such term includes, without limitation, attendance
71 reports and records; test scores, grades, disciplinary records, counseling records, and
72 psychological records; applications for admission; health and immunization information;
73 student evaluations by teachers and school counselors; reports of behavioral patterns;
74 records relating to assistance provided for learning difficulties, including information
75 collected regarding any intervention strategies used with the student; and records relating
76 to any written or electronic materials made available to students enrolled in a public
77 school, including classroom materials, school library materials, or any materials made
78 available to a student as part of an extracurricular activity offered or supervised by the
79 public school. Such term ~~An education record~~ does not include the types of student data
80 excepted in FERPA, ~~does not include~~ student data collected by an operator when it is
81 used for internal operations purposes, ~~does not include~~ or student data that is not
82 formatted for or expected to be accessed by school, local board of education, or
83 department employees, ~~nor does it include~~ student data that a local board of education
84 determines cannot reasonably be made available to the parent or eligible student."

85 "(8.1) 'Parent' means a person who has legal authority to act on behalf of a school-age
86 child as a natural or adoptive parent or a legal guardian."

87 **SECTION 1-4.**

88 Said title is further amended in Part 1 of Article 16 of Chapter 2, relating to school
89 attendance, by repealing Subpart 3, relating to records, and Code Section 20-2-720, relating
90 to inspection of students' records by parents.

91 **PART II**92 **SECTION 2-1.**

93 Said title is further amended in Part 2 of Article 6 of Chapter 2, relating to competencies and
94 core curriculum under the "Quality Basic Education Act," by repealing Code Section
95 20-2-143, relating to sex education and AIDS prevention instruction, implementation, and
96 student exemption, and enacting a new Code section to read as follows:

97 "20-2-143.

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

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

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

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

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

112 (2) No public school or local school system shall be required to provide sex education.
113 (d) Before a public school or local school system provides sex education to any student:
114 (1) The public school or local school system shall make the sex education curricula
115 available to parents and guardians of all students and the public for review online and in
116 person as provided in subsection (e) of this Code section; and
117 (2) Such student's parent or guardian shall provide revocable written consent for his or
118 her child to receive sex education.
119 (e)(1) Beginning in the 2024-2025 school year and continuing each school year
120 thereafter, before a public school or local school system offers sex education to any
121 students, the governing body of such public school or local school system shall review
122 and approve the sex education curricula based on content standards prescribed by the
123 State Board of Education pursuant to subsection (g) of this Code section; provided,
124 however, that such governing body shall not approve any sex education curricula without
125 providing parents and guardians of all students and the public with a meaningful
126 opportunity to review and to provide input on any proposed sex education curricula, as
127 provided in paragraph (2) of this subsection, before such curricula is approved by such
128 governing body.
129 (2) Before approving any sex education curricula, the governing body of each public
130 school or local school system shall:
131 (A) Require that all meetings of such governing body, or any committee or
132 subcommittee thereof, that are authorized for the purposes of reviewing and approving
133 a sex education curricula be publicly noticed at least two weeks before occurring and
134 be open to the public pursuant to Chapter 14 of Title 50;
135 (B) Make any proposed sex education curricula available and accessible for review and
136 public comment, including, but not limited to, written comments, oral comments, and
137 comments submitted through email, for at least 45 days before approval of any such sex
138 education curricula by such governing body; and

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

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

146 (g) By July 1, 2024, the State Board of Education shall adopt age- and grade-appropriate
147 content standards for sex education curricula for students in grades six through 12.

148 (h) Nothing in this Code section shall be construed to prohibit age- and grade-appropriate
149 classroom instruction regarding:

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

151 (2) Menstruation."

152 **SECTION 2-2.**

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

157 "(b) Each local unit of administration shall be required to provide all professional
158 personnel certificated by the Professional Standards Commission 12 clock hours of
159 in-service or continuing education in each calendar year, or meet requirements of the
160 Southern Association of Colleges and Schools. Such in-service programs shall be
161 developed by the local unit of administration in conjunction with such agencies as regional
162 educational service agencies, colleges and universities, and other appropriate organizations.
163 These programs shall be designed to address identified needs determined by appropriate
164 personnel evaluation instruments. These programs shall also focus on improving the skills

165 of certificated personnel that directly relate to improving student achievement, as reflected
 166 in the revised certification renewal rules established by the Professional Standards
 167 Commission pursuant to paragraph (4.1) of subsection (b) of Code Section 20-2-200
 168 regarding the impact of professional learning on student achievement. These programs
 169 shall also include in-service training programs on sexual abuse and assault awareness and
 170 prevention for professional personnel who will be providing instruction in annual
 171 age-appropriate sexual abuse and assault awareness and prevention education ~~in~~
 172 ~~kindergarten through grade nine pursuant to subsection (b) of Code Section 20-2-143.~~
 173 Records of attendance shall be maintained by local units of administration and shall be
 174 monitored by appropriate Department of Education staff."

175

SECTION 2-3.

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

179 "(3)(A) Procedures which comply with the provisions of Code Section 20-2-143 for a
 180 parent to provide revocable written consent for his or her minor child to receive sex
 181 education; and
 182 (B) Procedures for a parent to withdraw or otherwise revoke his or her written consent
 183 for his or her minor child from the school's prescribed course of study in to receive sex
 184 education if the parent provides a written objection to his or her minor child's
 185 participation. Such procedures must provide for a parent to be notified in advance of
 186 such course content so that he or she may withdraw his or her minor child from the
 187 course; and"

188

PART III

189

SECTION 3-1.

190 The General Assembly recognizes there are inherent physical differences between males and
191 females. The General Assembly further recognizes that decisions regarding the regulation
192 of sports should be based on promoting integrity and safety. The General Assembly finds
193 that protecting students from harm and preserving the competitive fairness of sports are
194 important state interests. It is the intent of the General Assembly to ensure that students have
195 equal and safe opportunities to succeed in sports.

196

SECTION 3-2.

197 Said title is further amended in Part 14 of Article 6 of Chapter 2, relating to other educational
198 programs under the "Quality Basic Education Act," by revising Code Section 20-2-315,
199 relating to gender discrimination prohibited, authorized separate gender teams, equal athletic
200 opportunity, physical education classes, employee designated to monitor compliance,
201 grievance procedures, and reporting requirements, as follows:

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

203 (1) 'Gender identity' means a person's self-perceived, asserted, or claimed gender
204 regardless of the person's sex.

205 (2) 'Multiple occupancy restroom or changing area' means an area in a local school
206 system, public school, or participating private school building that is designed or
207 designated to be used by one or more individuals at the same time and in which one or
208 more individuals may be in various stages of undress in the presence of other individuals.

209 Such term includes, but shall not be limited to, the following:

210 (A) Restrooms;

211 (B) Locker rooms;

212 (C) Changing rooms; and

213 (D) Shower facilities.

214 (3) 'Participating private school' means a private school in this state whose students or
215 teams compete against students or teams from a public school or local school system in
216 this state.

217 (4) 'Sex' means a person's biological sex which shall be recognized solely based on a
218 person's reproductive biology and genetics at birth. For purposes of this subsection, a
219 statement of a student's biological sex on the student's official birth certificate shall be
220 deemed to have correctly stated the student's biological sex at birth if the statement was
221 included on such birth certificate at or near the time of the student's birth. 'Participating
222 private school' means a private school in this state whose students or teams compete
223 against students or teams from a public school or local school system in this state.

224 (b) No student shall, on the basis of ~~gender sex~~, be excluded from participation in, be
225 denied the benefits of, be treated differently from another student, or otherwise be
226 discriminated against in any interscholastic or intramural athletics offered by a local school
227 system, and no local school system shall provide any such athletics separately on such
228 basis.

229 ~~(b)(c) Notwithstanding the requirements of subsection (a) of this Code section, a~~ A local
230 school system may operate or sponsor separate teams for members of each gender sex
231 where selection for such teams is based upon competitive skill, competitive fairness,
232 student safety, or the activity involved is a contact sport. However, where a local school
233 system operates or sponsors a team in a particular sport for members of one gender sex but
234 operates or sponsors no such team for members of the other gender sex, and athletic
235 opportunities for members of that gender sex in that particular sport have previously been
236 limited, members of the excluded gender sex must be allowed to try out for the team
237 offered unless the sport involved is a contact sport. Nothing in this subsection shall be
238 construed to limit the authority of a local school system to operate or sponsor a single team
239 for a contact sport that includes members of both ~~genders~~ sexes. As used in this

240 subsection, the term 'contact sport' includes boxing, wrestling, rugby, ice hockey, football,
 241 basketball, and any other sport the purpose or major activity of which involves bodily
 242 contact.

243 ~~(c)~~(d) A local school system which operates or sponsors interscholastic or intramural
 244 athletics shall undertake all reasonable efforts to provide equal athletic opportunity for
 245 members of both ~~genders~~ sexes. In determining whether equal opportunities are available
 246 the following factors shall be considered:

- 247 (1) Whether the selection of sports and levels of competition effectively accommodate
- 248 the interests and abilities of members of both ~~genders~~ sexes;
- 249 (2) The provision of equipment and supplies;
- 250 (3) Scheduling of games and practice time;
- 251 (4) Travel allowance;
- 252 (5) Opportunity to receive coaching and academic tutoring;
- 253 (6) Assignment and compensation of coaches and tutors;
- 254 (7) Provision of locker rooms and practice and competitive facilities;
- 255 (8) Provision of medical and training facilities and services; and
- 256 (9) Publicity.

257 Unequal aggregate expenditures for members of each ~~gender~~ sex or unequal expenditures
 258 for male and female teams if a local school system operates or sponsors separate teams will
 259 not constitute noncompliance with this subsection, but the failure to provide essential funds
 260 for the basic operations of teams for one ~~gender~~ sex may be considered in assessing
 261 equality of opportunity for members of each ~~gender~~ sex. Nothing in Code Section
 262 20-2-411 shall be construed to limit the authority of a local school system to expend school
 263 tax funds as authorized by Article VIII, Section VI, Paragraph I(b) of the Constitution in
 264 order to comply with the requirements of this Code section.

265 ~~(d)~~(e) A local school system may provide separate ~~toilet, locker room, and shower facilities~~
 266 multiple occupancy restroom or changing areas on the basis of ~~gender~~ sex, but such

267 facilities shall be comparable to such facilities provided for students of the other ~~gender~~
268 sex.

269 ~~(e)~~(f) This Code section does not prohibit the grouping of students in physical education
270 classes by ~~gender~~ sex.

271 ~~(f)~~(g)(1) Subject to the provisions of paragraph (3) of this subsection, if a local school
272 system sponsors an athletic activity or sport at a particular school that is similar to a sport
273 for which an institution in the University System of Georgia offers an athletic
274 scholarship, it must sponsor the athletic activity or sport for which a scholarship is
275 offered at that school. This paragraph does not affect academic requirements for
276 participation nor prevent the local school system from sponsoring activities in addition
277 to those for which scholarships are provided.

278 (2) Two athletic activities or sports that are similar may be offered simultaneously.

279 (3) If a local school system demonstrates by a bona fide survey of eligible students at the
280 school, which is approved by the Department of Education for compliance with generally
281 accepted opinion survey principles regarding neutral wording and other matters, that there
282 is insufficient interest among students at the school to field a team described in paragraph
283 (1) of this subsection, then the local school system shall not be required to sponsor such
284 athletic activity or sport at that school. The exemption provided for by this paragraph
285 shall be valid for 24 months following the date when the most recent bona fide student
286 survey demonstrating a lack of student interest was completed, unless a new bona fide
287 student survey is conducted within the 24 month period that demonstrates sufficient
288 interest to field a team. If such a new bona fide student survey demonstrates such
289 sufficient interest, then the local school system must comply with paragraph (1) of this
290 subsection during the local school system's next fiscal year and until such time as a new
291 bona fide student survey demonstrates insufficient interest to field a team described in
292 paragraph (1) of this subsection. A local school system shall conduct the bona fide
293 student survey described in this paragraph regarding interest in a team described in

294 paragraph (1) of this subsection upon the request of nine students at the school, but no
295 more frequently than once every 12 months.

296 (4) Nothing in this subsection shall be construed to preclude the application of generally
297 applicable policies or rules regarding the cancellation of an athletic activity or sport due
298 to lack of student participation in scheduled practices or contests.

299 ~~(g)~~(h) Each local school system shall designate at least one employee to coordinate its
300 efforts to comply with and carry out its responsibilities under this Code section, including
301 the investigation of any complaint communicated to such local school system alleging its
302 noncompliance with this Code section. The employee designated under this subsection
303 may be the same person required to be designated under 34 C.F.R. Section 106.8. The
304 local school system annually shall notify all its students of the name, office address, and
305 office telephone number of the employee or employees appointed pursuant to this
306 subsection. Such notification may be included in a student handbook distributed pursuant
307 to Code Section 20-2-736.

308 ~~(h)~~(i) Each local school system shall adopt and publish grievance procedures providing for
309 prompt and equitable resolution of written student complaints, including complaints
310 brought by a parent or guardian on behalf of his or her minor child who is a student,
311 alleging any action which would be a violation of this Code section. Such procedures shall
312 require that:

313 (1) The employee designated under subsection ~~(g)~~(h) of this Code section shall render
314 his or her decision in writing no later than 30 days after receipt of the complaint, and such
315 decision shall set forth the essential facts and rationale for the decision;

316 (2) A copy of such decision shall be provided to the complainant within five days of the
317 date of the decision; and

318 (3) A complainant shall have a right to appeal such decision to the local board within 35
319 days of the date of the decision.

320 ~~(h)~~(j)(1) A complainant may appeal a decision of a local board that is rendered under
321 subsection ~~(h)~~(i) of this Code section in accordance with the procedures specified in Code
322 Section 20-2-1160. If the State Board of Education determines that a local school system
323 has failed to comply with this Code section, then the state board shall provide the local
324 school system with opportunities to prepare a corrective plan. If the state board
325 determines that a corrective plan of the local school system adequately plans and provides
326 for future compliance with this Code section, then the state board shall approve the plan
327 and direct the local school system to implement such plan.

328 (2) If, upon a complaint filed pursuant to subsection ~~(h)~~(i) of this Code section after one
329 year following the date of a state board order directing implementation of a corrective
330 plan pursuant to paragraph (1) of this subsection but within four years of the date of such
331 order, the state board determines that the local school system which was subject to such
332 order has willfully failed to comply with this Code section, the state board may, after
333 consideration of the local school system's efforts to implement the corrective plan
334 approved in the earlier proceeding and of any other corrective plan that may be submitted
335 by the local school system, transmit a certification of such determination to the
336 Department of Community Affairs. If the state board's determination of noncompliance
337 is later reversed or vacated upon appeal, the state board shall immediately notify the
338 Department of Community Affairs of such action.

339 (3) If, upon a complaint filed pursuant to subsection ~~(h)~~(i) of this Code section after one
340 year following the date of a state board certification to the Department of Community
341 Affairs pursuant to paragraph (2) of this subsection but within four years of the date of
342 such order, the state board determines that the local school system which was subject to
343 such order has willfully failed to comply with this Code section, the state board may,
344 after consideration of the local school system's efforts to implement a corrective plan
345 approved in an earlier proceeding and of any other corrective plan that may be submitted
346 by the local school system, order that a team or teams within the local school system or

347 school within the local school system shall not participate in interscholastic postseason
 348 athletic contests and that participation in violation of such an order may result in
 349 withholding of state funds allotted pursuant to Code Section 20-2-186. An order of the
 350 state board barring participation in interscholastic postseason athletic contests shall be
 351 made and announced before the beginning of a school year.

352 (4) If, upon a complaint filed pursuant to subsection ~~(h)~~(i) of this Code section after one
 353 year following the date of a state board order prohibiting participation in interscholastic
 354 postseason athletic contests pursuant to paragraph (3) of this subsection but within four
 355 years of the date of such order, the state board determines that the local school system
 356 which was subject to such order has willfully failed to comply with this Code section, the
 357 state board may, after consideration of the local school system's efforts to implement a
 358 corrective plan approved in an earlier proceeding and of any other corrective plan that
 359 may be submitted by the local school system, withhold state funds that are allotted
 360 pursuant to Code Section 20-2-186 in an amount that the state board determines is
 361 sufficient to secure the local school system's compliance with this Code section. In the
 362 event that state funds are withheld pursuant to this paragraph, such funds shall later be
 363 allotted to the local school system at such time as the state board determines that the local
 364 school system is in compliance with this Code section.

365 ~~(j)~~(k) The Department of Education may publish an annual report of local school systems
 366 to include information regarding expenditures and participation rates for each gender sex
 367 and such other information as the state board and department deem relevant.

368 (1)(1) No local school system, public school, or participating private school in this state
 369 shall operate interscholastic athletics that permit a person whose sex is male but whose
 370 gender identity is female to participate in any interscholastic athletics that are designated
 371 for females.

372 (2)(A) No local school system, public school, or participating private school in this
 373 state shall operate interscholastic athletics that permit a person whose sex is male to use

374 any multiple occupancy restroom or changing area designated for females in
375 conjunction with any interscholastic athletics.

376 (B) No local public school system, local public school, or participating private school
377 in this state shall operate interscholastic athletics that permit a person whose sex is
378 female to use any multiple occupancy restroom or changing area designated for males
379 in conjunction with any interscholastic athletics.

380 (3) A student who is aggrieved by an alleged violation or anticipated violation of this
381 subsection or his or her parent or guardian shall have a right to file a grievance complaint
382 with the employee designated in subsection (h) of this Code section for an immediate
383 preliminary determination of whether a violation of this subsection exists or is about to
384 occur. If an alleged violation or anticipated violation is preliminarily determined to have
385 occurred or is reasonably likely to occur, the employee designated in subsection (h) of
386 this Code section shall issue a decision immediately and may direct that the alleged
387 violation or anticipated violation cease and desist pending a final resolution of such
388 grievance complaint. If a grievance complaint is rejected, the complaining party shall
389 have the right of an immediate appeal to the local board of education for relief.

390 (4) In addition to any other rights or remedies otherwise provided by law, any aggrieved
391 student and any such student's parent or guardian shall have a private right of action to
392 enforce the provisions of this subsection through injunctive or declaratory relief in the
393 superior court of the county in which the relevant public school, local school system, or
394 participating private school is located. If an aggrieved student or such student's parent
395 or guardian is the prevailing party in such action, the student or student's parent or
396 guardian shall be entitled to an award of reasonable attorney fees, court costs, and
397 expenses of litigation, but shall not be entitled to any monetary damages.

398 (5) Nothing in this Code section shall override any requirements or protections
399 prescribed in the federal Americans with Disabilities Act, 42 U.S.C. Section 12101, et
400 seq."

401

SECTION 3-3.

402 Said title is further amended in said part by revising paragraph (1) of subsection (b) and
403 subparagraph (c)(1)(E) of Code Section 20-2-316, relating to involvement of athletic
404 association in high school athletics, as follows:

405 "(1) The athletic association shall comply with the requirements of subsections (a)
406 through ~~(f)~~(g) of Code Section 20-2-315, as those requirements relate to the athletic
407 association's functions of organizing, sanctioning, scheduling, or rule making for events
408 in which public high schools participate;"

409 "(E) The authority and duties of the executive oversight committee shall include:

- 410 (i) To meet in person or remotely not less than twice each school year;
- 411 (ii) To meet in person or remotely upon the call of the chairperson or a majority of
412 the executive oversight committee;
- 413 (iii) To establish policies and procedures for the executive oversight committee;
- 414 (iv) To conduct any independent audit, review, or investigation the executive
415 oversight committee deems necessary, including, but not limited to, the audit, review,
416 or investigation of the classifications of participating schools and ~~travel-related~~ travel
417 related issues of participating schools; and
- 418 ~~(v) If the athletic association determines that it is necessary and appropriate to~~
419 ~~prohibit students whose gender is male from participating in athletic events that are~~
420 ~~designated for students whose gender is female, then the athletic association may~~
421 ~~adopt a policy to that effect, provided, however, that such policy shall be applied to~~
422 ~~all of the athletic association's participating public high schools; and~~
- 423 ~~(vi)~~ (v) To conduct an annual evaluation of the athletic association as a whole and
424 present a report of its findings, recommendations, and conclusions to the General
425 Assembly's High School Athletics Overview Committee; and"

426

PART IV

427

SECTION 4-1.

428 Said title is further amended in Article 31A of Chapter 2, relating to state charter schools, by
 429 adding a new subsection to Code Section 20-2-2084, relating to petition for charter schools,
 430 requirements of school, governing board membership, annual training, and simultaneous
 431 service prohibited, to read as follows:

432 "(h)(1) As used in this subsection, the term 'education service provider' means any
 433 organization that contracts with a new or existing charter school to provide services
 434 including, but not limited to, curriculum design, professional development, student
 435 assessments, financial and operational management, facilities management, human
 436 resources management, or employee benefits.

437 (2) A state charter school may utilize teachers, other instructional staff, and
 438 noninstructional staff who are employees of an education service provider only if the
 439 governing board of such state charter school retains the authority to select and dismiss
 440 such teachers, other instructional staff, and noninstructional staff from service at the state
 441 charter school.

442 (3) The governing board of a state charter school shall remain responsible and
 443 accountable for all operations, compliance, and performance of any employees of an
 444 education service provider utilized by such state charter school."

445

PART V

446

SECTION 5-1.

447 Said title is further amended in Part 15 of Article 6 of Chapter 2, relating to miscellaneous
 448 provisions under the "Quality Basic Education Act," by adding a new Code section to read
 449 as follows:

450 "20-2-324.7.

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

452 (1) 'Athletic association' means any association of schools or any other similar
453 organization which acts as an organizing, sanctioning, scheduling, or rule-making body
454 for interscholastic athletic activities in which public schools in this state participate.

455 (2) 'Interscholastic athletic activity' means interscholastic athletics and practices and
456 scrimmages related to interscholastic athletics.

457 (3) 'Student athlete' means a public school student in grades six through 12 participating
458 in or desiring to participate in an interscholastic athletic activity.

459 (b) Each athletic association shall, in consultation with the Department of Behavioral
460 Health and Developmental Disabilities, develop and post on its public website guidelines
461 and other relevant materials, including, but not limited to, approved videos or links thereto,
462 to inform and educate student athletes, their parents or guardians, school personnel, and
463 coaches about suicide risk and prevention for student athletes and raising awareness of
464 suicide risk and prevention resources available to student athletes. In developing such
465 guidelines and materials, an athletic association may utilize educational videos available
466 at no cost to the state for the purpose of educating school personnel and coaches.

467 (c) Each public school which includes one or more grades from grades six through 12 shall
468 provide information to each student athlete's parent or guardian at least once each school
469 year regarding suicide risk and prevention for student athletes and to raise awareness of
470 suicide risk and prevention resources available to student athletes.

471 (d)(1) Once each school year, each coach of an interscholastic athletic activity shall
472 review the guidelines and other relevant materials, including, but not limited to, videos,
473 approved by each athletic association of which the coach's school is a member pursuant
474 to subsection (b) of this Code section.

475 (2) A coach shall not be eligible to coach an interscholastic athletic activity until he or
476 she completes the requirements contained in this subsection."

477

PART VI

478

SECTION 6-1.

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