

Senate Bill 261

By: Senators Dolezal of the 27<sup>th</sup>, Dixon of the 45<sup>th</sup>, Goodman of the 8<sup>th</sup>, Setzler of the 37<sup>th</sup>, Harbin of the 16<sup>th</sup> and others

A BILL TO BE ENTITLED  
AN ACT

1 To amend Article 1 of Chapter 1 of Title 20 of the Official Code of Georgia Annotated,  
2 relating to general provisions for education, so as to prohibit the use of political litmus tests  
3 in postsecondary educational institutions, local school systems, and elementary and  
4 secondary schools; to prohibit such entities from passing certain tests or meeting certain  
5 qualifications as a condition of admission into, or promotion within, any public educational  
6 institution of the state, as teacher, employee, or student; to provide for penalties; to provide  
7 for such tests and conditions; to provide for definitions; to provide for legislative findings  
8 and intent; to provide for a short title; to provide for related matters; to repeal conflicting  
9 laws; and for other purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 **SECTION 1.**

12 (a) The General Assembly finds that:

13 (1) Freedom of expression and conscience are essential to fulfill the academic mission of  
14 discovery, preservation, and transmission of knowledge;

15 (2) Public colleges and universities must conform to the First Amendment's protections  
16 of free expression;

17 (3) First Amendment precedents have established the principle that freedom of speech  
18 prohibits the government from telling people what they must say; and

19 (4) In recent years, public education has allowed and embraced the use of political litmus  
20 tests in institutional decision-making.

21 (b) It is the intent of the General Assembly that the public educational institutions of Georgia  
22 exist to serve all residents of the state without regard to politics.

23 **SECTION 2.**

24 Article 1 of Chapter 1 of Title 20 of the Official Code of Georgia Annotated, relating to  
25 general provisions for education, is amended by adding a new Code section to read as  
26 follows:

27 "20-1-12.

28 (a) This Code section shall be known and may be cited as the 'End Political Litmus Tests  
29 in Education Act.'

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

31 (1) 'Political test' means and includes:

32 (A) Compelling or soliciting an applicant, teacher, employee, student, or pupil to  
33 identify a commitment to or make a statement of personal belief in support of any  
34 ideology or movement:

35 (i) That promotes the differential treatment of any individual or groups of individuals  
36 based on race or ethnicity, including either of the following:

37 (I) Any initiative or formulation of diversity, equity, and inclusion beyond  
38 upholding the equal protection of the laws guaranteed by the Fourteenth  
39 Amendment of the United States Constitution and Article I, Section I, Paragraph II  
40 of the Georgia Constitution; or

41 (II) Any theory or practice that holds that systems or institutions upholding the  
42 equal protection of the laws guaranteed by the Fourteenth Amendment of the United  
43 States Constitution are racist, oppressive, or otherwise unjust; or  
44 (ii) That promotes a specific partisan, political, or ideological set of beliefs; or  
45 (B) Giving preferable consideration to an applicant, teacher, employee, or student for  
46 opinions expressed or actions taken in support of any specific partisan, political, or  
47 ideological set of beliefs;  
48 provided, however, that such term shall not include fidelity to, or an oath or effort taken  
49 to uphold, the Georgia Constitution or the United States Constitution.  
50 (2) 'Postsecondary educational institution' means a school which is:  
51 (A) A unit of the University System of Georgia;  
52 (B) A unit of the Technical College System of Georgia; or  
53 (C) An independent or private college or university located in Georgia and eligible to  
54 be deemed an 'approved school' pursuant to paragraph (2) of Code Section 20-3-411.  
55 (c) No political test or qualification shall ever be required as a condition of admission into,  
56 promotion within, or any tenure status with any public educational institution of the state,  
57 as teacher, employee, or student.  
58 (d)(1) Any postsecondary educational institution that violates subsection (c) of this Code  
59 section shall be subject to the withholding of state funding or state administered federal  
60 funding. Such withholding of state funding shall include funds provided to the  
61 postsecondary institution directly as well as funding for scholarships, loans, and grants  
62 pursuant to this chapter for students of such postsecondary educational institution.  
63 (2) Any public elementary or secondary school or local school system that violates  
64 subsection (c) of this Code section shall be subject to the withholding of state funding or  
65 state administered federal funding."

66

**SECTION 3.**

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