

# HB 1084 & SB 377 Prohibition of Divisive Concepts in Schools

March 11, 2022

## Outline of HB 1084 & SB 377

The bills have six major sections:

1. Definitions of “divisive concepts,” “espousing personal political beliefs,” racial scapegoating,” and “racial stereotyping”
2. What *cannot* be taught or included in trainings
3. What *can* be taught
4. Complaint process for alleged violations
5. Penalty for violations
6. Teacher certification and other state agency requirements

## Questions About HB 1084 & SB 377

- What Georgia-specific problem are HB 1084 & SB 377 attempting to solve? Has input been gathered from parents, educators, and students regarding existing instructional transparency requirements, particularly those required by OCGA 20-2-1017?
- What recourse do educators and/or districts have if a parent makes multiple, frivolous, or unfounded allegations that a prohibited concept has been inappropriately discussed, taught or conveyed? Could a complainant lose the right to bring a claim if multiple prior claims are determined to be frivolous?
- Does the author believe that the complainant will believe they've been appropriately heard with any determination other than censure, reprimand or other action against the teacher?
- How will the effects of implementation of HB 1084 & SB 377, including increased administrator time spent on investigating allegations, effects on teacher recruitment and retention, and public tax dollars utilized to defend complaints be monitored and reported?
- The “espousing personal political beliefs” prohibition appears to prohibit educators from discussing divisive concepts with their colleagues in the absence of students, parents or other community members. Does this provision inappropriately bar communication between adult colleagues and violate their speech rights?
- What instructional, administrative, budgetary and other tasks should be removed from principals' current responsibilities so that they can investigate allegations that a divisive concept has been inappropriately discussed, taught, or conveyed?
- What should an educator do and how are schools protected if a student or parent promotes, endorses, or encourages other students and parents to adopt a divisive concept at school or a school-sponsored event?

## Recommended Changes to HB 1084 & SB 377

- An alternative to HB 1084 & SB 377 would be to designate OCGA 20-2-1017 as un-waiveable under charter system or strategic waiver system contracts. This would be less disruptive and confusing to educators, students, and parent than implementing a new

bureaucratic complaint process, and it would ensure that parents have ample opportunity to review curriculum materials.

- The complaint process requires additional details to clarify progression through each stage. A specific area where additional clarity is needed is what triggers review of a superintendent's review of a complaint determination made by a school principal. Another point of clarity needed is whether the complainant can seek review of the principal's (and subsequently superintendent and local board) decision regarding whether a violation has occurred, the principal's determination regarding remedial steps if a violation has occurred, or both.
- We recommend adding a limit to the timeline of how long after an incident occurs a complaint be brought forward, whether it is when complainant learns about the alleged incident or another clear timeline. For example, the complaint must be made within the school year or grading period during which the alleged violation occurred, or the school year in which the complainant learned or should have learned of the alleged violation.