



HB 1084 Summary – LC 49 0887S

What Cannot be Taught?

If approved, HB 1084 would bar districts from teaching, promoting or encouraging “divisive concepts” in curriculum or mandatory training provided by school district personnel or a third party engaged by districts. The bill defines divisive concepts as the following ideas:

- One race is inherently superior to another race
- The US is fundamentally racist
- An individual, by virtue of his or her race, is inherently or consciously racist or oppressive toward individuals of other races
- An individual should be discriminated against or receive adverse treatment solely or partly because of his or her race
- An individual's moral character is inherently determined by his or her race
- An individual, by virtue of his or her race, bears individual responsibility for actions committed in the past by other individuals of the same race
- An individual should feel anguish or any other form of psychological distress because of his or her race
- Performance-based and merit-based advancement policies and practices are racist
- Any other form of race scapegoating or race stereotyping

The bill defines the following concepts:

- 'Espousing personal political beliefs' means an individual, while performing official duties as part of his or her school employment or engagement, intentionally encouraging or attempting to persuade or indoctrinate a student, school community member, or other school personnel to agree with, adopt, or promote such individual's personal beliefs concerning divisive concepts.
- 'Race scapegoating' means assigning fault or blame to a race, or to an individual of a particular race because of his or her race. Such term includes, but is not limited to, any claim that an individual of a particular race, consciously and by virtue of his or her race, is inherently racist or is inherently inclined to oppress individuals of other races.
- 'Race stereotyping' means ascribing character traits, values, moral or ethical codes, status, or beliefs to an individual because of his or her race.

What Can be Taught?

HB 1084 states that the divisive concepts prohibition should not be construed to:

- Inhibit or violate constitutionally protected rights or undermine intellectual freedom and free expression
- Infringe upon the intellectual vitality of students and employees of local boards of education, local school systems, or other schools
- 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
- Prohibit a school administrator, teacher, other school personnel, or an individual facilitating a training program from responding in a professionally and academically appropriate manner and without espousing personal political beliefs to questions regarding specific divisive concepts raised by students, school community members, or participants in a training program

- Prohibit discussion of divisive concepts as part of a larger course of instruction in a professionally and academically appropriate manner and without espousing personal political beliefs
- Prohibit full and rigorous implementation of curricula, or elements of a curriculum, that are required as part of advanced placement, international baccalaureate, or dual enrollment coursework; provided, however, that such implementation is done in a professionally and academically appropriate manner and without espousing personal political beliefs
- Prohibit use of curricula that addresses topics of slavery, racial oppression, racial segregation, or racial discrimination, including topics relating to the enactment and enforcement of laws resulting in racial oppression, segregation, and discrimination in a professionally and academically appropriate manner and without espousing personal political beliefs
- Create any right or benefit, substantive or procedural, enforceable at law or in equity, by any party against a local board of education, local school system, or other school, or the departments, agencies, entities, officers, employees, agents, or any other personnel affiliated with such local board of education, local school system, or other school
- Prohibit a state or federal court or agency of competent jurisdiction from ordering training or other remedial action that discusses divisive concepts due to a finding of discrimination, including discrimination based on race

Complaint Process

HB 1084 requires districts to develop a complaint resolution policy by August 2022. Under the policy, students of majority age, parents or employees at the school where the alleged violation occurred would file a written complaint with the principal. The bill outlines:

- A timeline of five days for the principal to investigate the complaint, determine whether a violation occurred, and, if so, take steps to address it
- The principal has ten days after the complaint is filed to confer with the complainant and inform the complainant if a violation occurred and what remedial steps will be taken
- The principal has three days to provide a written summary of findings and what remedial steps will be taken
- A local superintendent has ten days to review the principal's determination, if requested by the complainant
- A review process by the local board of education to the determination made by the superintendent, if requested by the complainantA process for the complainant to appeal a local board's determination to the State Board of Education (SBOE).
- Schools must provide complainants with records that a complainant believes would substantiate the allegation that a violation has occurred within three business days or within a timeframe not to exceed 30 days

Penalty

The SBOE could suspend a waiver issued to districts under their charter or strategic waiver contracts for a minimum of 12 months.

Georgia Professional Standards Commission Requirements

Under HB 1084, the Georgia Professional Standards Commission could not require an individual seeking teacher certification to participate in or complete a training program in which divisive concepts are taught, encouraged, or promoted. The bill places a similar ban on incorporating divisive concepts in the GaPSC's performance standards and code of ethics training requirements.

Learn more about PAGE's position on “divisive concept” legislation and recommended changes to the proposals [HERE](#) and [HERE](#).