

Senate Bill 514

By: Senators Dixon of the 45th, Miller of the 49th, Gooch of the 51st, Albers of the 56th,
Mullis of the 53rd and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to
2 elementary and secondary education, so as to provide that no local board of education, local
3 school superintendent, or school administrator, teacher, or other school personnel shall make
4 or enforce any rule that requires a student to wear a face mask or face covering while present
5 on school property unless such rule provides that a parent or guardian of such student may
6 elect for his or her child to be exempt from such rule; to provide that a parent or guardian
7 making such election shall not be required to provide a reason or any certification of the
8 child's health or education status; to provide that no student shall suffer any adverse
9 disciplinary or academic consequences as a result of such election; to prohibit certain
10 waivers; to provide for a short title; to provide for a sunset date; to provide for related
11 matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

12 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

13 SECTION 1.

14 This Act shall be known and may be cited as the "Unmask Georgia Students Act."

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SECTION 2.

16 Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to elementary and
17 secondary education, is amended in Article 3, relating to local boards of education, by
18 revising Code Section 20-2-59, relating to rules, as follows:

19 "20-2-59.

20 (a) ~~Except as provided in subsection (b) of this Code section, each local~~ ~~The county school~~
21 ~~superintendent and county local~~ board of education shall make rules to govern ~~the county~~
22 ~~schools of their county~~ their respective local school systems.

23 (b)(1) No local board of education shall make or enforce any rule pursuant to
24 subsection (a) of this Code section that requires students to wear face masks or face
25 coverings while present in any area of a school or school grounds or other property
26 owned or operated by the local school system unless such rule provides that a parent or
27 guardian of a child enrolled in such local school system may elect for his or her child to
28 be exempt from such rule. A parent or guardian making such election shall not be
29 required to provide a reason or any certification of the child's health or education status.
30 No student shall suffer any adverse disciplinary or academic consequences as a result of
31 such election by a parent or guardian.

32 (2) No local school superintendent shall make or enforce any rule pursuant to
33 subsection (a) of this Code section that requires students to wear face masks or face
34 coverings while present in any area of a school or school grounds or other property
35 owned or operated by the local school system unless such rule provides that a parent or
36 guardian of a child enrolled in such local school system may elect for his or her child to
37 be exempt from such rule. A parent or guardian making such election shall not be
38 required to provide a reason or any certification of the child's health or education status.
39 No student shall suffer any adverse disciplinary or academic consequences as a result of
40 such election by a parent or guardian.

41 (c) This Code section shall not be subject to waivers pursuant to Code Section 20-2-82 for
42 a strategic waivers school system, Code Section 20-2-244 for a local board of education,
43 Code Section 20-2-2063.2 for a charter system, or Code Section 20-2-2065 for a charter
44 school established pursuant to Article 31 or Article 31A of this chapter, a charter system,
45 or schools within a charter system."

46 **SECTION 3.**

47 Said chapter is further amended in Part 3 of Article 16, relating to student health, by adding
48 a new Code section to read as follows:

49 "20-2-779.2.

50 (a) No administrator, teacher, or other school personnel while acting within the scope of
51 his or her employment with a local school system shall make or enforce any rule that
52 requires students to wear face masks or face coverings while present in any area of a school
53 or school grounds or other property owned or operated by the local school system unless
54 such rule provides that a parent or guardian of a child enrolled in such local school system
55 may elect for his or her child to be exempt from such rule. A parent or guardian making
56 such election shall not be required to provide a reason or any certification of the child's
57 health or education status. No student shall suffer any adverse disciplinary or academic
58 consequences as a result of such election by a parent or guardian.

59 (b) This Code section shall not be subject to waivers pursuant to Code Section 20-2-82 for
60 a strategic waivers school system, Code Section 20-2-244 for a local board of education,
61 Code Section 20-2-2063.2 for a charter system, or Code Section 20-2-2065 for a charter
62 school established pursuant to Article 31 or Article 31A of this chapter, a charter system,
63 or schools within a charter system."

64

SECTION 4.

65 Said chapter is further amended in Article 31, the "Charter Schools Act of 1998," by adding
66 a new Code section to read as follows:

67 "20-2-2077.

68 (a) No governing body of a charter school established pursuant to this article or of a state
69 chartered special school shall make or enforce any rule that requires students to wear face
70 masks or face coverings while present in any area of a school or school grounds or other
71 property owned or operated by the charter school unless such rule provides that a parent
72 or guardian of a child enrolled in such charter school may elect for his or her child to be
73 exempt from such rule. A parent or guardian making such election shall not be required
74 to provide a reason or any certification of the child's health or education status. No student
75 shall suffer any adverse disciplinary or academic consequences as a result of such election
76 by a parent or guardian.

77 (b) No administrator, teacher, or other school personnel while acting within the scope of
78 his or her employment with a charter school established pursuant to this article or a state
79 chartered special school shall make or enforce any rule that requires students to wear face
80 masks or face coverings while present in any area of a school or school grounds or other
81 property owned or operated by the charter school unless such rule provides that a parent
82 or guardian of a child enrolled in such charter school may elect for his or her child to be
83 exempt from such rule. A parent or guardian making such election shall not be required
84 to provide a reason or any certification of the child's health or education status. No student
85 shall suffer any adverse disciplinary or academic consequences as a result of such election
86 by a parent or guardian.

87 (c) This Code section shall not be subject to waivers pursuant to Code Section 20-2-82 for
88 a strategic waivers school system, Code Section 20-2-244 for a local board of education,
89 Code Section 20-2-2063.2 for a charter system, or Code Section 20-2-2065 for a charter

90 school established pursuant to this article or Article 31A of this chapter, a charter system,
91 or schools within a charter system."

92 **SECTION 5.**

93 Said chapter is further amended in Article 31A, relating to state charter schools, by adding
94 a new Code section to read as follows:

95 "20-2-2094.

96 (a) No governing body of a charter school established pursuant to this article shall make
97 or enforce any rule that requires students to wear face masks or face coverings while
98 present in any area of a school or school grounds or other property owned or operated by
99 the charter school unless such rule provides that a parent or guardian of a child enrolled in
100 such charter school may elect for his or her child to be exempt from such rule. A parent
101 or guardian making such election shall not be required to provide a reason or any
102 certification of the child's health or education status. No student shall suffer any adverse
103 disciplinary or academic consequences as a result of such election by a parent or guardian.

104 (b) No administrator, teacher, or other school personnel while acting within the scope of
105 his or her employment with a charter school established pursuant to this article shall make
106 or enforce any rule that requires students to wear face masks or face coverings while
107 present in any area of a school or school grounds or other property owned or operated by
108 the charter school unless such rule provides that a parent or guardian of a child enrolled in
109 such charter school may elect for his or her child to be exempt from such rule. A parent
110 or guardian making such election shall not be required to provide a reason or any
111 certification of the child's health or education status. No student shall suffer any adverse
112 disciplinary or academic consequences as a result of such election by a parent or guardian.

113 (c) This Code section shall not be subject to waivers pursuant to Code Section 20-2-2065
114 for a charter school established pursuant to this article."

115 **SECTION 6.**

116 This Act shall stand repealed in its entirety on June 30, 2023.

117 **SECTION 7.**

118 This Act shall become effective upon its approval by the Governor or upon its becoming law
119 without such approval.

120 **SECTION 8.**

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