

SENATE BILL 15<sup>1</sup>: COURSEWORK IN THE FOUNDING PHILOSOPHY AND PRINCIPLES OF THE USA; NEW CATEGORY OF COURSEWORK DEALING WITH THE HISTORY OF BLACK PEOPLE AND THEIR CONTRIBUTIONS TO AMERICAN SOCIETY; CREATE

*Amending Chapter 2 of O.C.G.A and Title 20 of the O.C.G.A., and  
Repealing All Laws in Conflict*

**First signature:** Senator Tonya Anderson (43<sup>rd</sup>)

**Co-Sponsors:** Senator Harold Jones II (22<sup>nd</sup>), Senator Gail Davenport (44<sup>th</sup>), Senator Gloria Butler (55<sup>th</sup>), Senator Valencia Seay (34<sup>th</sup>), Senator Sheikh Rahman (5<sup>th</sup>), Senator Donzella James (35<sup>th</sup>), Senator Sonya Halpern (39<sup>th</sup>), Senator Nan Orrock (36<sup>th</sup>), Senator Nikki Merritt (9<sup>th</sup>), Senator Kim Jackson (41<sup>st</sup>), Senator Emmanuel Jones (10<sup>th</sup>)

**Summary:** “A BILL to be entitled an Act to amend Code Section 20-2-142.1 of the Official Code of Georgia Annotated, relating to coursework in the founding philosophy and principles of the United States of America, so as to create a new category of coursework dealing with the history of Black people and their contributions to American society; to provide for instructional requirements; to provide for related matters; to repeal conflicting laws; and for other purposes.”<sup>2</sup>

**Status:** Senate read and referred.<sup>3</sup>

TEXT OF SENATE BILL 15<sup>4</sup>

## SECTION 1.

---

<sup>1</sup> S. B. 15, 156th Gen. Assemb., Reg. Sess. (Ga. 2021), available at <https://www.legis.ga.gov/api/legislation/document/20212022/195769> (last visited Dec. 16, 2022).

<sup>2</sup> *2021-2022 Regular Session-SB 15, Coursework in the Founding Philosophy and Principles of the USA; new category of coursework dealing with the history of Black people and their contributions to American society; create*, GA. GEN. ASSEMB., <https://www.legis.ga.gov/legislation/58853> (last visited Dec. 16, 2022) [hereinafter S.B. 15 Status Sheet].

<sup>3</sup> *Id.*

<sup>4</sup> S.B. 15, *supra* note 1.

Code Section 20-2-142.1 of the Official Code of Georgia Annotated, relating to coursework in the founding philosophy and principles of the United States of America, is amended by revising subsections (c) and (d) as follows:

“(c) Each local board of education may require all students, as a condition of graduation, during their ninth through twelfth grade years to complete and pass a separate semester course covering the following founding philosophy and principles of the United States of America:

- (1) America's founding philosophy, to include at least the following:
  - (A) As articulated in the Declaration of Independence the foundational idea of the Creator-endowed unalienable rights of the people;
  - (B) The purpose of limited government, which is to protect the unalienable rights of the people and to protect the people from violence and fraud;
  - (C) The structure of government, separation of powers, and checks and balances; and
  - (D) The rule of law, with frequent and free elections in a representative government which governs by majority vote within a constitutional framework;
- (2) America's founding principles, to include at least the following:
  - (A) Federalism-government as close to the people as possible, limited federal government, and strong state and local government;
  - (B) Freedoms of speech, press, religion, and peaceful assembly guaranteed by the Bill of Rights;
  - (C) Rights to private property and freedom of individual enterprise;
  - (D) The innocence of any crime until proven guilty, with right of habeas corpus, and no unreasonable searches, seizures, or cruel and unusual punishment;
  - (E) A virtuous and moral people educated in the philosophy and principles of government for a free people;
  - (F) The right to a speedy trial by a jury of peers;
  - (G) The principles of economy in spending, constitutional limitations on government power to tax and spend, and prompt payment of public debt;
  - (H) Economic system of money with intrinsic value;

- (I) Equality before the law and due process of law with grand jury indictment for capital crimes before holding a person to account;
  - (J) The right of people to keep and bear arms, strong defense capability, supremacy of civil authority over military;
  - (K) Peace, commerce, and honest friendship with all nations, entangling alliances with none.
  - (L) All laws concise and understandable by the people and not ex post facto laws;
  - (M) Eternal vigilance by 'We the People'; and
  - (N) Founding documents, including the declaration of Independence, the United States Constitution, and the Federalist Papers; ~~and~~
- (3) Transformational movements in American history, to include at least the following:
- (A) The antislavery movement;
  - (B) The Civil Rights movement;
  - (C) Women's suffrage;
  - (D) The contributions of immigrants to American society; and
  - (E) The history of the Native American population; and
- (4) The history of Black Americans, including the history of Black people before the political conflicts that led to the development of slavery, the passage to America, the enslavement experience, the antislavery movement, and the contributions of Black people to American society.
- (d) The Department of Education and local boards of education, as appropriate, may provide, or cause to be provided, curriculum content which reflects the content standards addressed pursuant to subsection (c) of this Code section and teacher training to ensure that the intent and provisions of this Code section are implemented. Teachers, subject to the rules and regulations of the State Board of Education and local boards of education, shall teach such course efficiently and faithfully, using instructional materials that meet the highest standards for professionalism and historical accuracy and employing approved methods of instruction."

## SECTION 2.

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

## SPONSOR'S RATIONALE

Senator Tonya Anderson proposed Senate Bill 15 in an effort to grant the students of Georgia the opportunity to learn about the history of Black people and their contributions to American society.<sup>5</sup> Sponsors of Senate Bill 15 argue that it is imperative that the students of Georgia, and those across the nation, learn more than just “one side of history.”<sup>6</sup> A Fulton county middle school teacher commented on the history currently being taught to Georgia students, stating that “the curriculum that we teach is centered around the white male experience” and “what you have is a curriculum that leaves out a lot of great accomplishments by Black, indigenous people of color.”<sup>7</sup>

Historically, race and education are two topics that are inescapably intertwined.<sup>8</sup> It was not until 1954 when the United States Supreme Court decided *Brown v. Board of Education*, that de jure racial segregation came to an end.<sup>9</sup> Even then, state leaders in Georgia offered massive resistance.<sup>10</sup> The Georgia General Assembly amended the state constitution to force the governor to interrupt state funds going to any public school that became integrated.<sup>11</sup> Fast forward nearly 70 years since the decision in *Brown*, not only is racial division in schools still present<sup>12</sup> but there has also been developing debate over how to appropriately address race in the context of our nation’s history and how to incorporate the history of Black people and their contributions into the school curriculum.<sup>13</sup>

---

<sup>5</sup> S.B. 15, *supra* note 1.

<sup>6</sup> Interview with Nikki Merritt, Sen. 9<sup>th</sup> District, Grayson, Ga. (Oct. 19, 2022) [hereinafter Merritt Interview].

<sup>7</sup> Ty Tagami, et al., *Georgia Parents, Teachers on edge by push to limit discussions on race*, THE ATLANTA JOURNAL-CONSTITUTION (Last updated on Feb. 18, 2022), <https://www.ajc.com/education/georgia-parents-teachers-on-edge-by-push-to-limit-discussions-on-race/2ATUJKZ5BJGUJCYMFDITZPY3EE/>.

<sup>8</sup> Mathew Lynch, *History of Institutional Racism in U.S. Public Schools*, THE EDVOCATE (Last updated Oct. 9, 2019), <https://www.theedadvocate.org/history-of-institutional-racism-in-u-s-public-schools/>.

<sup>9</sup> *Brown v. Bd. of Educ.*, 347 U.S. 483 (1954) (Holding that segregation in public schools is a denial of the equal protection of the laws under the 14<sup>th</sup> amendment).

<sup>10</sup> Christopher Huff, *Sibley Commission*, NEW GEORGIA ENCYCLOPEDIA (Last modified on July 21, 2020), <https://www.georgiaencyclopedia.org/articles/education/sibley-commission/>.

<sup>11</sup> *Id.*

<sup>12</sup> Sequoia Carrillo, *The U.S. student population is more diverse, but schools are still highly segregated*, NPR (July 14, 2022, 5:13 AM), <https://www.npr.org/2022/07/14/1111060299/school-segregation-report>.

<sup>13</sup> Cathryn Stout & Thomas Wilburn, *CRT Map: Efforts to restrict teaching racism and bias have multiplied across the U.S.*, CHALKBEAT (Feb. 1, 2022, 7:20 PM),

Senate Bill 15 proposes a requirement that high school students in Georgia, take and pass a course on the history of Black people, to include the history of Black people before the enslavement experience as well as the contributions of Black people to American society.<sup>14</sup> Code Section 20-2-142.1 of the Official Code of Georgia Annotated, relating to coursework in the founding philosophy and principles of the United States of America, already includes the option for each local school board to require education on the antislavery movement and the Civil Rights movement.<sup>15</sup> Senate Bill 15 would expand the context of the teaching of Black history in Georgia public schools, which supporters of the Bill argue is essentially nonexistent.<sup>16</sup> Senate Bill 15 specifically includes the history of Black people prior to the enslavement experience because its sponsors emphasize that the history of White people, even prior to the establishment of the United States of America is unquestionably being taught to the students of Georgia, and has been, since the development of the public school system in Georgia.<sup>17</sup> The question posed by those who support the Bill, is: “why does their history get prioritized over ours?”<sup>18</sup>

Throughout the nation, there have been efforts to both restrict and expand education on race and racism.<sup>19</sup> At least 36 States have introduced legislation aimed at restricting education on “race”, “bias”, and “the contributions of specific racial or ethnic groups to U.S. history.”<sup>20</sup> Likewise, at least 19 States have introduced legislation to expand education on “race”, “bias”, and “the contributions of specific racial or ethnic groups to U.S. history.”<sup>21</sup> Senate Bill 15 would expand the conversations involving race in Georgia public schools by introducing a new category of coursework that focuses on providing Georgia students with the opportunity to learn about the contributions of Black people to American society.<sup>22</sup> Proponents of Senate Bill 15 are hopeful that one day the students of Georgia will be able to have thoughtful, candid discussions and learn all about the untold contributions of Black people to American society.<sup>23</sup>

#### OPPOSITION’S RATIONALE

---

<https://www.chalkbeat.org/22525983/map-critical-race-theory-legislation-teaching-racism> [hereinafter CRT Map].

<sup>14</sup> S.B. 15, *supra* note 1.

<sup>15</sup> *Id.*

<sup>16</sup> Merritt Interview, *supra* note 6.

<sup>17</sup> *Id.*

<sup>18</sup> *Id.*

<sup>19</sup> CRT Map, *supra* note 13.

<sup>20</sup> *Id.*

<sup>21</sup> *Id.*

<sup>22</sup> S.B. 15 Status Sheet, *supra* note 2.

<sup>23</sup> Merritt Interview, *supra* note 6.

No legislator, interest group, or the like, has made a public statement directly opposing Senate Bill 15. Various versions of Senate Bill 15 have been proposed in previous sessions, all of which failed to garner enough support to make it past being read on the Senate floor.<sup>24</sup> Conversely, Senate Bill 377 passed in a 32-20 party-line vote last session.<sup>25</sup> Senate Bill 377, a bill proposed by Senator Bo Hatchett (“Senator Hatchet”), signed into law by Governor Brian Kemp in March of 2022, limits the way Race can be discussed in Georgia public schools and bans “divisive concepts” from being taught in a discriminatory manner.<sup>26</sup> Senate Bill 377 has been described by some Georgia legislators as “proactive legislation”<sup>27</sup> that limits the way in which race and the history of race in America can be taught in classrooms. Supporters of Senate Bill 377 argue that banning the teaching of “divisive concepts” such as claims that the United States is “fundamentally or systematically racist”, or that any group of people is “inherently racist or oppressive” is necessary.<sup>28</sup> The reason is that no one “should feel guilt, anguish, or any form of psychological distress because of his or her race.”<sup>29</sup> Those who oppose Senate Bill 377 assert that the issue does not center around making students feel responsible for things in the past, rather “it’s about making them responsible for the future.”<sup>30</sup> Senator Merritt, an opponent of Senate Bill 377 and supporter of Senate Bill 15, emphasized that it is important to teach about systematic racism, “not just in our past, but in our present.”<sup>31</sup> Senator Merritt elaborated, stating that “without explaining that systematic racism is real, students of today would be left to draw crushing and demoralizing conclusions about inequality, left to conclude that inequality is somehow inevitable and inherent in a

---

<sup>24</sup> *Id.*

<sup>25</sup> See S. B. 377, 156th Gen. Assemb., Reg. Sess. (Ga. 2022), available at <https://www.legis.ga.gov/api/legislation/document/20212022/209123> (last visited Dec. 16, 2022).

<sup>26</sup> *Id.*

<sup>27</sup> Matt Johnson, *Lawmakers debate bills aimed at banning the teaching of critical race theory in Georgia*, WSBTV (Feb. 7, 2022, 10:55 pm), <https://www.wsbtv.com/news/local/atlanta/lawmakers-debate-bills-aimed-banning-teaching-critical-race-theory-georgia/HQ6JOK2POFDTZNT26CGIAF7BTM/>.

<sup>28</sup> Fox News, *Georgia education, civil rights groups threaten to sue to overturn ‘divisive concepts’ ban* (Nov. 7, 2022, 2:22 PM), <https://www.foxnews.com/politics/georgia-education-civil-rights-groups-threaten-sue-overturn-divisive-concepts-ban>.

<sup>29</sup> *Id.*

<sup>30</sup> Sarah Kallis, *Senate passes Hatchett’s ‘divisive concepts’ education bill*, NOW HABERSHAM (Last updated April 7, 2022) <https://nowhabersham.com/senate-passes-hatchetts-divisive-concepts-education-bill/>.

<sup>31</sup> Madeline Thigpen and Itoro N. Umontuen, *Georgia Senate passes bill to control race discussions in public schools*, THE ATLANTA VOICE (March 11, 2022) <https://theatlantavoice.com/georgia-senate-race-discussions-in-public-schools/>.

particular race of people.”<sup>32</sup> Senate Bill 377 does not “prohibit the use of curriculum that addresses topics of slavery, racial or ethnic segregation, or racial or ethnic discrimination, including topics relating to the enactment and enforcement of laws resulting in such oppression, segregation, and discrimination.”<sup>33</sup> However, opposers to Senate Bill 377 argue that “the bill is unnecessary and could stifle important classroom discussions on race and history.”<sup>34</sup>

Senator Hatchett has defended Senate Bill 377 against criticism from opponents, insisting that Senate Bill 377 “would not prevent the teaching of history, including the history of slavery and racism in Georgia.”<sup>35</sup> There has been a nationwide influx of bills like Senate Bill 377 being introduced across the nation, the majority aimed at banning “critical race theory” from being taught in K-12 public schools.<sup>36</sup> Critical race theory (“CRT”) is an academic concept that is more than 40 years old. The core idea is that race is a social construct and that racism is not merely the product of individual bias or prejudice, but also something embedded in legal systems and policies.<sup>37</sup> Although CRT being taught in K-12 public schools has been the subject of fiery debate across the nation, CRT is rarely taught below the graduate level.<sup>38</sup> Nevertheless, legislators across the nation have introduced legislation, mirroring Senate Bill 377, that operate to ban CRT and similar concepts from being taught in K-12 public schools.<sup>39</sup>

Republican Governor Brian Kemp has vowed to “protect our children” from divisive ideologies that “pit kids against each other.”<sup>40</sup> Further, the Georgia senate president pro tempore, Butch Miller, added that “we must teach patriotism and that America is good, though not perfect,

---

<sup>32</sup> *Id.*

<sup>33</sup> S.B. 377, *supra* note 25.

<sup>34</sup> See Kallis, *supra* note 30.

<sup>35</sup> Matt Johnson, *Lawmakers debate bills aimed at banning the teaching of critical race theory in Georgia*, WSB-TV ATLANTA (Feb. 7, 2022, 10:55 pm), <https://www.wsbtv.com/news/local/atlanta/lawmakers-debate-bills-aimed-banning-teaching-critical-race-theory-georgia/HQ6JOK2POFDTZNT26CGIAF7BTM/>.

<sup>36</sup> CRT Map, *supra* note 13. (note that S.B. 377 does not mention critical race theory by name).

<sup>37</sup> Stephan Sawchuk, *What Is Critical Race Theory, and Why Is It Under Attack?*, EDUC. WEEK (May 18, 2021), <https://www.edweek.org/leadership/what-is-critical-race-theory-and-why-is-it-under-attack/2021/05>.

<sup>38</sup> Olivia B. Waxman, *Critical Race Theory Is Simply the Latest Boogeyman.* *Inside the Fight Over What Kids Learn About America’s History*, TIME (June 24, 2021, 1:46 AM), <https://time.com/6075193/critical-race-theory-debate/>.

<sup>39</sup> CRT Map, *supra* note 13.

<sup>40</sup> Gloria Oladipo, *Georgia senate passes bill limiting discussion of race in schools*, THE GUARDIAN (Apr. 2, 2022, 11:53 PM), <https://www.theguardian.com/us-news/2022/apr/02/georgia-race-teaching-schools-bill-governor>.

that America is good.”<sup>41</sup> Although opposing legislators have not commented on Senate Bill 15, they have emphasized their concern with the “misguided argument that the present-day problems of Black Americans are caused by the injustices of past failures, such as slavery.”<sup>42</sup> The author of Senate Bill 377, Senator Hatchett, believes that “we can uphold free speech and academic freedom while ensuring that our history – with all of its shining moments and painful stains – is something we are to learn from, not something that is stamped into our DNA.”<sup>43</sup>

#### IMPLICATIONS IN GEORGIA

Senate Bill 15 would place Georgia at the forefront of states implementing substantive legislation prioritizing education on the history of Black people and their contributions to this country.<sup>44</sup> Senate Bill 15 would require the history of Black people, prior to the enslavement experience, and Black people’s contributions to American society to be taught throughout public schools in Georgia.<sup>45</sup> Proponents of the Bill assert that bills like Senate Bill 15 will continue to face hurdles because “they want to erase Black history” and “avoid having the real, hard conversations about the history of this country.”<sup>46</sup> Further, proponents of Senate Bill 15 believe that the Bill will allow students to have an open dialogue about all sides of American history, and not just history from the White male perspective, and it will help to foster inclusiveness in Georgia public school systems.<sup>47</sup> On the other hand, republican legislators in Georgia, have suggested that bills like Senate Bill 15 run the danger of inappropriately introducing “divisive concepts” into the school curriculum that “pit kids against each other”.<sup>48</sup> Republican legislators have expressed their concern with history being taught in a way that is discriminatory and that will lead children to believe that some of our worst moments in American history are in some way their fault.<sup>49</sup> It is a debate between people who think children should not be

---

<sup>41</sup> Joe Hiem & Lori Rozsa, *African Americans say the teaching of Black history is under threat*, THE WASHINGTON POST (Feb.23 2022, 6:00 AM), <https://www.washingtonpost.com/education/2022/02/23/schools-black-history-month-crt/>.

<sup>42</sup> *Id.*

<sup>43</sup> Ty Tagami *et al.*, *Georgia House approves bill to control how race is discussed in schools*, THE ATLANTA JOURNAL-CONSTITUTION (March 4, 2022), <https://www.ajc.com/education/georgia-house-voting-on-bill-to-control-how-race-is-discussed-in-schools/2BOULVRFSEFENDLYTTRO2STVELY/>.

<sup>44</sup> Merritt Interview, *supra* note 6.

<sup>45</sup> S.B. 15 Status Sheet, *supra* note 2.

<sup>46</sup> Merritt Interview, *supra* note 6.

<sup>47</sup> *Id.*

<sup>48</sup> Fox News, *supra* note 28.

<sup>49</sup> See Thigpen and Umontuen, *supra* note 31.



burdened with the past and those who want kids to learn how the legacy of the past shapes American society today.<sup>50</sup>

LEGISLATIVE GENEALOGY

Senate Bill 15 was introduced into the Hopper on January 14, 2021.<sup>51</sup> The Bill was read in the Senate and referred to Committee on January 26, 2021.<sup>52</sup> It has not been assigned to any committees.<sup>53</sup>

**Prepared by:** *Tiara Clemmons*

---

<sup>50</sup> Olivia B. Waxman, *supra* note 38.

<sup>51</sup> S.B. 15 Status Sheet, *supra* note 2

<sup>52</sup> *Id.*

<sup>53</sup> *Id.*