

Senate Bill 1

By: Senators Dolezal of the 27th, Kennedy of the 18th, Gooch of the 51st, Beach of the 21st, Robertson of the 29th and others

A BILL TO BE ENTITLED  
AN ACT

1 To amend Title 20 of the Official Code of Georgia Annotated, relating to education, so as to  
2 provide generally for competitively fair and safe student participation in middle school, high  
3 school, and college sports; to provide for legislative findings and intent; to provide for a short  
4 title; to promote fair and safe competition; to provide for equal athletic opportunities and  
5 safety; to provide for specific designations of teams operated or sponsored by local school  
6 systems, public schools, participating private schools, and postsecondary educational  
7 institutions in this state; to prohibit males from participating in interscholastic and  
8 intercollegiate competitions on teams designated as female; to prohibit females from  
9 participating in competition on intercollegiate teams designated as male, subject to  
10 exceptions; to provide for such exceptions; to provide for interscholastic coed team  
11 designations; to provide for the use of student eligibility rules, standards, and classifications;  
12 to provide for exceptions to general provisions; to require multiple occupancy restrooms and  
13 changing areas and sleeping quarters to be designated for exclusive use by males or females;  
14 to provide for reasonable accommodations; to provide for exceptions; to prohibit  
15 postsecondary educational institutions that are covered entities from hosting or sponsoring  
16 intercollegiate competitions that allow males to participate with teams designated as female  
17 or use multiple occupancy restrooms or changing areas and sleeping quarters designated for  
18 use by females; to provide for policies, rules, and regulations; to provide for investigation of

19 complaints of noncompliance; to provide for sanctions; to provide for a cause of action; to  
20 provide for definitions; to provide for statutory construction; to provide for related matters;  
21 to repeal conflicting laws; and for other purposes.

22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

23 **SECTION 1.**

24 (a) The General Assembly finds that:

25 (1) There are inherent physical differences between males and females;

26 (2) Decisions regarding the regulation of sports should be based on promoting and  
27 preserving competitive fairness and protecting student safety;

28 (3) Protecting student athletes from harm and promoting and preserving the competitive  
29 fairness of sports are important state interests; and

30 (4) Requiring the designation of separate, sex-specific athletic teams or sports is necessary  
31 to protect student athletes from harm and to promote and preserve the competitive fairness  
32 of sports.

33 (b) It is the intent of the General Assembly that:

34 (1) Student athletes have competitively fair and safe opportunities to participate and  
35 succeed in sports; and

36 (2) Female student athletes have fair opportunities to demonstrate their strength, skills, and  
37 athletic abilities and to obtain recognition, accolades, college scholarships, and the  
38 numerous other long-term benefits that result from participating and competing in sports.

39 **SECTION 2.**

40 Title 20 of the Official Code of Georgia Annotated, relating to education, is amended in Part  
41 14 of Article 6 of Chapter 2, relating to other educational programs under the "Quality Basic

42 Education Act," by revising Code Section 20-2-315, relating to gender discrimination  
43 prohibited, authorized separate gender teams, equal athletic opportunity, physical education  
44 classes, employee designated to monitor compliance, grievance procedures, and reporting  
45 requirements, as follows:

46 "20-2-315.

47 (a) This Code section shall be known and may be cited as the 'Fair and Safe Athletic  
48 Opportunities Act.'

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

50 (1) 'Coed' means the inclusion of both males and females.

51 (2) 'Compete,' 'competitive,' or 'competition' means a contest of teams in a sport. Such  
52 term shall not include practices, exhibitions, or scrimmages.

53 (3) 'Contact sport' means a sport the purpose or a substantial component of which  
54 involves significant bodily contact. Such term includes, but shall not be limited to,  
55 basketball, boxing, football, ice hockey, lacrosse, martial arts, soccer, rugby, and  
56 wrestling.

57 (4) 'Covered entity' means local school systems, public schools, and participating private  
58 schools.

59 (5) 'Female' means a student whose sex is female or pertaining to a student whose sex  
60 is female.

61 (6) 'Male' means a student whose sex is male or pertaining to a student whose sex is  
62 male.

63 (7) 'Multiple occupancy restroom or changing area' means an area in a covered entity's  
64 building that is designed or designated to be used by one or more individuals of the same  
65 sex at the same time and in which one or more individuals may be in various stages of  
66 undress in the presence of other individuals. Such term includes, but shall not be limited  
67 to:

68 (A) Restrooms;

69 (B) Locker rooms;

70 (C) Changing rooms; and

71 (D) Shower rooms.

72 (8) 'Participating private school' means a private school in this state which operates or  
73 sponsors one or more teams that compete against one or more teams operated or  
74 sponsored by a local school system or public school in this state; provided, however, that  
75 such term shall apply to such private schools only when and to the extent a team operated  
76 or sponsored by such a private school is participating in a competition that also involves  
77 one or more teams operated or sponsored by a local school system or public school in this  
78 state.

79 (9) 'Sex' means a student's biological sex based exclusively on the student's reproductive  
80 biology and genetics at birth. For purposes of this Code section, a statement of a student's  
81 biological sex on the student's official birth certificate shall be deemed to have correctly  
82 stated such student's biological sex at birth if the statement was included on such birth  
83 certificate at or near the time of the student's birth.

84 (10) 'Sleeping quarters' means a room with a bed in which more than one individual is  
85 housed overnight.

86 (11) 'Sport' means an organized activity involving skill and physical effort undertaken  
87 by one or more teams according to established rules. Such term includes each such  
88 organized activity regardless of whether it is designated as a sport, an activity, or another  
89 similar designation by an athletic association that meets the requirements of Code  
90 Sections 20-2-316 through 20-2-316.3, 20-2-319, and 20-2-319.6.

91 (12) 'Student athlete' means a student enrolled at a covered entity who participates or is  
92 eligible to participate on any sport or team. A student who is permanently ineligible to

93 participate on a particular sport or team is not a student athlete for the purposes of such  
 94 sport or team.

95 (13) 'Team' means a single student or a group of students operated and sponsored by a  
 96 covered entity for the purpose of participating in a sport.

97 (c)(1) No student shall, on the basis of ~~sex~~ gender, be excluded from participation in, be  
 98 denied the benefits of, be treated differently from another student, or otherwise be  
 99 discriminated against in any interscholastic or intramural ~~athletics offered~~ sport operated  
 100 or sponsored by a local school system or a public school, and no local school system shall  
 101 provide any such athletics separately on such basis.

102 (b)(2) A Notwithstanding the requirements of subsection (a) of this Code section, a local  
 103 school system or public school shall be authorized to ~~may~~ operate or sponsor separate  
 104 teams for members of each ~~gender~~ ~~sex~~ where selection for such teams is based upon  
 105 competitive skill, competitive fairness, student safety, or the activity ~~sport~~ involved is a  
 106 contact sport.

107 (3) Except as provided in subsection (d) of this Code section, when ~~However, where~~ a  
 108 local school system or public school operates or sponsors a team in a particular sport for  
 109 members of one ~~gender~~ ~~sex~~ but operates or sponsors no such team for members of the  
 110 other ~~gender~~ ~~sex~~, and athletic opportunities for members of that ~~gender~~ ~~sex~~ in that  
 111 particular sport have previously been limited, members of the excluded ~~gender~~ ~~must~~ ~~sex~~  
 112 shall be allowed to try out for the team offered ~~unless the sport involved is a contact~~  
 113 sport. Nothing in this subsection shall be construed to limit the authority of a local school  
 114 system or public school to operate or sponsor a single team for a contact sport, or where  
 115 selection for participation on such team is based upon competitive fairness or student  
 116 safety, that includes members of both ~~genders~~ ~~sexes~~; provided, however, that such team  
 117 shall be designated as coed as provided for in subsection (d) of this Code section. As  
 118 used in this subsection, the term 'contact sport' includes ~~boxing, wrestling, rugby, ice~~

119 ~~hockey, football, basketball, and any other sport the purpose or major activity of which~~  
 120 ~~involves bodily contact.~~

121 (d)(1) For all interscholastic competitions, each covered entity shall designate each team  
 122 operated or sponsored by such covered entity as one of the following:

123 (A) Male;

124 (B) Female; or

125 (C) Coed.

126 (2) Males shall not be allowed to participate in any interscholastic competition on any  
 127 team that is designated as female.

128 (3) Any student shall be allowed to participate in any interscholastic competition on a  
 129 team that is designated as male or coed.

130 (4) Nothing in this subsection shall be construed to prohibit males from participating in  
 131 practices, exhibitions, or scrimmages with teams designated as female.

132 (5) The provisions of this subsection shall not apply to teams comprised exclusively of  
 133 students in kindergarten through grade 5.

134 ~~(e)~~(e)(1) A local school system or public school which operates or sponsors  
 135 interscholastic or intramural ~~athletics~~ teams shall undertake all reasonable efforts to  
 136 provide equal athletic opportunity for members of both ~~genders~~ sexes. In determining  
 137 whether equal opportunities are available, the following factors shall be considered:

138 ~~(1)~~(A) Whether the selection of sports and levels of competition effectively  
 139 accommodate the interests and abilities of members of both ~~genders~~ sexes;

140 ~~(2)~~(B) The provision of equipment and supplies;

141 ~~(3)~~(C) Scheduling of games and practice time;

142 ~~(4)~~(D) Travel allowance;

143 ~~(5)~~(E) Opportunity to receive coaching and academic tutoring;

144 ~~(6)~~(F) Assignment and compensation of coaches and tutors;

145 ~~(7)(G)~~ Provision of ~~locker rooms~~ multiple occupancy restroom or changing areas and  
 146 practice and competitive facilities;

147 ~~(8)(H)~~ Provision of medical and training facilities and services; and

148 ~~(9)(I)~~ Publicity.

149 (2) Unequal aggregate expenditures for members of each gender sex or unequal  
 150 expenditures for male and female teams if a local school system or public school operates  
 151 or sponsors separate teams ~~with shall~~ not constitute noncompliance with this subsection;  
 152 ~~but, provided, however, that~~ the failure to provide essential funds for the basic operations  
 153 of teams for one gender sex may be considered in assessing equality of opportunity for  
 154 members of each gender sex.

155 (3) Nothing in Code Section 20-2-411 shall be construed to limit the authority of a local  
 156 school system or public school to expend school tax funds as authorized by Article VIII,  
 157 Section VI, Paragraph I(b) of the Constitution in order to comply with the requirements  
 158 of this Code section.

159 ~~(d)(f)(1)~~ Each covered entity shall ~~A local school system may provide separate toilet,~~  
 160 ~~locker room, and shower facilities~~ multiple occupancy restrooms or changing areas and  
 161 sleeping quarters on the basis of gender, but sex, and such facilities shall be comparable  
 162 to such facilities provided for students of the other gender sex.

163 (2)(A) No covered entity shall operate or sponsor one or more teams in any  
 164 interscholastic competition involving a local school system or public school that  
 165 permits a male to use any multiple occupancy restroom or changing area or sleeping  
 166 quarters designated for females in conjunction with such competition.

167 (B) No covered entity shall operate or sponsor one or more teams in any interscholastic  
 168 competition involving a local school system or public school that permits a female to  
 169 use any multiple occupancy restroom or changing area or sleeping quarters designated  
 170 for males in conjunction with such competition.

171 (3)(A) To ensure the privacy and safety of student athletes, each covered entity that  
 172 operates or sponsors one or more teams in any interscholastic competition involving a  
 173 local school system or public school shall, in conjunction with such competition:

174 (i) Designate each multiple occupancy restroom or changing area and sleeping  
 175 quarters for exclusive use by males or for exclusive use by females; and

176 (ii) Provide a reasonable accommodation to individuals who are unwilling or unable  
 177 to use a multiple occupancy restroom or changing area or sleeping quarters designated  
 178 for each such individual's sex.

179 (B) A reasonable accommodation under this paragraph may include, but shall not be  
 180 limited to, allowing such individual to access a single occupancy restroom or changing  
 181 area or sleeping quarters.

182 (C) A reasonable accommodation under this paragraph shall not include allowing such  
 183 individual to access a multiple or single occupancy restroom or changing area or  
 184 sleeping quarters that is designated for use by members of the other sex while members  
 185 of the other sex of the individual are present or may be present in such restroom or  
 186 changing area or sleeping quarters.

187 ~~(e)~~(g) This Code section ~~does~~ shall not prohibit the grouping of students in physical  
 188 education classes by ~~gender~~ sex.

189 ~~(f)~~(h)(1) Subject to the provisions of paragraph (3) of this subsection, if a local school  
 190 system or public school sponsors ~~an athletic activity or a sport~~ at a particular school that  
 191 is similar to a sport for which an institution in the University System of Georgia offers  
 192 an athletic scholarship, it ~~must~~ shall sponsor the ~~athletic activity or sport~~ for which a  
 193 scholarship is offered at that school. This paragraph ~~does~~ shall not affect academic  
 194 requirements for participation nor prevent the local school system or public school from  
 195 sponsoring activities in addition to those for which scholarships are provided.

196 (2) Two ~~athletic activities or sports~~ that are similar may be offered simultaneously.

197 (3) If a local school system or public school demonstrates by a bona fide survey of  
198 eligible students at the school, which is approved by the Department of Education for  
199 compliance with generally accepted opinion survey principles regarding neutral wording  
200 and other matters, that there is insufficient interest among students at the school to field  
201 a team described in paragraph (1) of this subsection, then the local school system or  
202 public school shall not be required to sponsor such ~~athletic activity~~ or sport at that school.  
203 The exemption provided for by this paragraph shall be valid for 24 months following the  
204 date when the most recent bona fide student survey demonstrating a lack of student  
205 interest was completed, unless a new bona fide student survey is conducted within the 24  
206 month period that demonstrates sufficient interest to field a team. If such a new bona fide  
207 student survey demonstrates such sufficient interest, then the local school system or  
208 public school shall ~~must~~ comply with paragraph (1) of this subsection during the ~~local~~  
209 ~~school system's~~ next fiscal school year and until such time as a new bona fide student  
210 survey demonstrates insufficient interest to field a team described in paragraph (1) of this  
211 subsection. A local school system or public school shall conduct the bona fide student  
212 survey described in this paragraph regarding interest in a team described in paragraph (1)  
213 of this subsection upon the request of nine students at the school, but no more frequently  
214 than once every 12 months.

215 (4) Nothing in this subsection shall be construed to preclude the application of generally  
216 applicable policies or rules regarding the cancellation of ~~an athletic activity~~ or a sport due  
217 to lack of student participation in scheduled practices or ~~contests~~ competitions.

218 ~~(g)~~(i) Each ~~local school system~~ covered entity shall designate at least one employee to  
219 coordinate its efforts to comply with and carry out its responsibilities under this Code  
220 section, including the investigation of any complaint communicated to such ~~local school~~  
221 ~~system~~ covered entity alleging its noncompliance with this Code section. The employee  
222 designated under this subsection may be the same ~~person~~ individual required to be

223 designated under 34 C.F.R. Section 106.8, as it existed on June 30, 2024. Each covered  
224 entity ~~The local school system annually~~ shall annually notify all its students of the name,  
225 office address, and office telephone number of the employee or employees appointed  
226 pursuant to this subsection. Such notification may be included in a student ~~handbook~~ code  
227 of conduct distributed pursuant to Code Section 20-2-736.

228 ~~(h)~~(j) Each local ~~school system~~ covered entity shall adopt and publish grievance  
229 procedures providing for prompt and equitable resolution of written student complaints,  
230 including complaints brought by a parent or guardian on behalf of his or her minor child  
231 who is a student, alleging any action which would be a violation of this Code section. Such  
232 procedures shall require that:

233 (1)(A) Except as provided in subparagraph (B) of this paragraph, ~~The~~ employee  
234 designated under subsection ~~(g)~~(i) of this Code section shall render his or her decision  
235 in writing no later than 30 days after receipt of the complaint, and such decision shall  
236 set forth the essential facts and rationale for the decision;

237 (B)(i) A student who is aggrieved by an alleged violation or anticipated violation of  
238 this Code section or his or her parent or guardian shall have a right to file a complaint  
239 with the employee designated in subsection (i) of this Code section with a request for  
240 an expedited preliminary determination as to whether a violation of this Code section  
241 exists or is about to occur.

242 (ii) If an alleged violation or anticipated violation of this Code section is  
243 preliminarily determined by the employee designated in subsection (i) of this Code  
244 section to have occurred or is reasonably likely to occur, such designated employee  
245 shall issue a preliminary decision immediately and shall be authorized to direct in  
246 writing that the alleged violation or anticipated violation cease and desist pending a  
247 final resolution of such complaint.

248 (iii) If a complaint with a request for an expedited preliminary determination brought  
249 pursuant to this subparagraph is rejected in whole or in part by the employee  
250 designated in subsection (i) of this Code section, such designated employee shall  
251 render his or her decision rejecting such complaint in writing to the complainant, and  
252 such decision shall set forth the essential facts and rationale for the decision;

253 (2) A copy of such decision shall be provided to the complainant ~~within five days of as~~  
254 soon as practicable but not later than the second business day following the date of the  
255 decision; and

256 (3) A complainant shall have a right to appeal such decision to the local board of  
257 education or other public school governing body, in the case of a public school, or the  
258 participating private school's governing body, in the case of a participating private school,  
259 within 35 days of the date of the decision. A ruling on such appeal shall be rendered in  
260 writing in writing no later than 35 days after receipt of the appeal, and such decision shall  
261 set forth the essential facts and rationale for the ruling.

262 ~~(i)(k)~~(1) A complainant may appeal a decision ~~of a local board~~ that is rendered under  
263 subsection ~~(h)(j)~~ of this Code section in accordance with the procedures specified in Code  
264 Section 20-2-1160. If the State Board of Education determines that a local school system  
265 or public school has failed to comply with this Code section, then the state board shall  
266 provide the local school system or public school with opportunities to prepare a  
267 corrective plan. If the state board determines that a corrective plan of the local school  
268 system or public school adequately plans and provides for future compliance with this  
269 Code section, then the state board shall approve the plan and direct the local school  
270 system or public school to implement such plan.

271 (2) If, upon a complaint filed pursuant to subsection ~~(h)(j)~~ of this Code section after one  
272 year following the date of a state board order directing implementation of a corrective  
273 plan pursuant to paragraph (1) of this subsection but within four years of the date of such

274 order, the state board determines that the local school system or public school which was  
275 subject to such order has willfully failed to comply with this Code section, the state board  
276 may, after consideration of the local school system's or public school's efforts to  
277 implement the corrective plan approved in the earlier proceeding and of any other  
278 corrective plan that may be submitted by the local school system or public school,  
279 transmit a certification of such determination to the Department of Community Affairs.  
280 If the state board's determination of noncompliance is later reversed or vacated upon  
281 appeal, the state board shall immediately notify the Department of Community Affairs  
282 of such action.

283 (3) If, upon a complaint filed pursuant to subsection ~~(h)~~(j) of this Code section after one  
284 year following the date of a state board certification to the Department of Community  
285 Affairs pursuant to paragraph (2) of this subsection but within four years of the date of  
286 such order, the state board determines that the local school system or public school which  
287 was subject to such order has willfully failed to comply with this Code section, the state  
288 board may, after consideration of the local school system's or public school's efforts to  
289 implement a corrective plan approved in an earlier proceeding and of any other corrective  
290 plan that may be submitted by the local school system or public school, order that a team  
291 or teams within the local school system or public school ~~within the local school system~~  
292 shall not participate in interscholastic postseason ~~athletic contests~~ competitions and that  
293 participation in violation of such an order may result in withholding of state funds allotted  
294 pursuant to Code Section 20-2-186. An order of the state board barring participation in  
295 interscholastic postseason ~~athletic contests~~ competitions shall be made and announced  
296 before the beginning of a school year.

297 (4) If, upon a complaint filed pursuant to subsection ~~(h)~~(j) of this Code section after one  
298 year following the date of a state board order prohibiting participation in interscholastic  
299 postseason ~~athletic contests~~ competitions pursuant to paragraph (3) of this subsection but

300 within four years of the date of such order, the state board determines that the local  
301 school system or public school which was subject to such order has willfully failed to  
302 comply with this Code section, the state board may, after consideration of the local school  
303 system's or public school's efforts to implement a corrective plan approved in an earlier  
304 proceeding and of any other corrective plan that may be submitted by the local school  
305 system or public school, withhold state funds that are allotted pursuant to Code Section  
306 20-2-186 in an amount that the state board determines is sufficient to secure the local  
307 school system's or public school's compliance with this Code section. In the event that  
308 state funds are withheld pursuant to this paragraph, such funds shall later be allotted to  
309 the local school system or public school at such time as the state board determines that  
310 the local school system or public school is in compliance with this Code section.

311 ~~(j)~~(l) The Department of Education may publish an annual report of local school systems  
312 and public schools which may ~~to~~ include information regarding expenditures and  
313 participation rates for each gender sex and such other information as the state board and  
314 department deem relevant.

315 (m)(1) In addition to any other rights or remedies otherwise provided by law, any  
316 student:

317 (A) Who is deprived of an athletic opportunity or suffers any direct or indirect harm  
318 as a result of a violation of this Code section shall have a private right of action to  
319 enforce the provisions of this Code section through injunctive or declaratory relief in  
320 the superior court of the county in which the relevant covered entity or competition is  
321 located. If an aggrieved student or such student's parent or guardian is the prevailing  
322 party in such action, such student or such student's parent or guardian shall be entitled  
323 to an award of reasonable attorney's fees, court costs, and expenses of litigation, but  
324 shall not be entitled to any monetary damages; or

325 (B) Who is subject to retaliation or other adverse action by a covered entity or a local,  
326 state, regional, or national athletic conference or association as a result of reporting a  
327 violation of this Code section to an employee or representative such covered entity,  
328 athletic association or conference, or to any state or federal agency with oversight over  
329 covered entities in this state, shall have a private cause of action for injunctive relief,  
330 damages, and any other relief available under law against the covered entity or athletic  
331 association or conference. If an aggrieved student or such student's parent or guardian  
332 is the prevailing party in such action, the student or student's parent or guardian is the  
333 prevailing party in such action, such student shall be entitled to an award of monetary  
334 damages, including for any psychological, emotional, or physical harm suffered,  
335 reasonable attorney's fees, court costs, and expenses of litigation, and any other  
336 appropriate relief.

337 (2) All civil actions brought under this subsection shall be initiated within two years after  
338 the alleged harm occurred.

339 (n) Nothing in this Code section shall be construed to abrogate or otherwise affect the  
340 operation or application of the federal Individuals with Disabilities Education Act (IDEA),  
341 Section 504 of the federal Rehabilitation Act of 1973, or the federal Americans with  
342 Disabilities Act of 1990."

343

### SECTION 3.

344 Said title is further amended in said part by revising paragraph (1) of subsection (b) and  
345 subparagraph (c)(1)(E) of Code Section 20-2-316, relating to involvement of athletic  
346 association in high school athletics, as follows:

347 "(1) The athletic association shall comply with the requirements of subsections (a)  
348 through ~~(f)~~(h) of Code Section 20-2-315, as those requirements relate to the athletic

349 association's functions of organizing, sanctioning, scheduling, or rule making for events  
 350 in which public high schools participate;"

351 "(E) The authority and duties of the executive oversight committee shall include:

352 (i) To meet in person or remotely not less than twice each school year;

353 (ii) To meet in person or remotely upon the call of the chairperson or a majority of  
 354 the executive oversight committee;

355 (iii) To establish policies and procedures for the executive oversight committee;

356 (iv) To conduct any independent audit, review, or investigation the executive  
 357 oversight committee deems necessary, including, but not limited to, the audit, review,  
 358 or investigation of the classifications of participating schools and ~~travel-related~~ travel  
 359 related issues of participating schools; and

360 ~~(v) If the athletic association determines that it is necessary and appropriate to~~  
 361 ~~prohibit students whose gender is male from participating in athletic events that are~~  
 362 ~~designated for students whose gender is female, then the athletic association may~~  
 363 ~~adopt a policy to that effect, provided, however, that such policy shall be applied to~~  
 364 ~~all of the athletic association's participating public high schools; and~~

365 ~~(vi) To conduct an annual evaluation of the athletic association as a whole and~~  
 366 ~~present a report of its findings, recommendations, and conclusions to the General~~  
 367 ~~Assembly's High School Athletics Overview Committee; and"~~

368 **SECTION 4.**

369 Said title is further amended in Article 1 of Chapter 3, relating to postsecondary education  
 370 generally, by designating Code Section 20-3-1, relating to definitions, as Part 1, and by  
 371 adding a new part to read as follows:

372 "Part 3

S. B. 1

- 15 -

373 20-3-15.

374 As used in this part, the term:

375 (1) 'Competition' means a contest of teams in a sport. Such term shall not include  
376 practices, exhibitions, or scrimmages.

377 (2) 'Covered entity' means Georgia state schools and participating nonstate schools.

378 (3) 'Female' means a student whose sex is female or pertaining to a student whose sex  
379 is female.

380 (4) 'Georgia state school' means a postsecondary educational institution which is:

381 (A) A unit of the University System of Georgia; or

382 (B) A unit of the Technical College System of Georgia.

383 (5) 'Governing body' means the individual or entity responsible for establishing the  
384 policies, rules, and regulations for a covered entity, including, but not limited to, such  
385 policies, rules, and regulations for the operation of such covered entity's athletic  
386 department, if any, and the operation or sponsorship of such covered entity's  
387 intercollegiate competitions, sports, and teams. Such term shall not include any local,  
388 state, regional, or national athletic conference or athletic association.

389 (6) 'Male' means a student whose sex is male or pertaining to a student whose sex is  
390 male.

391 (7) 'Multiple occupancy restroom or changing area' means an area in a postsecondary  
392 educational institution's building that is designed or designated to be used by one or more  
393 individuals of the same sex at the same time and in which one or more individuals may  
394 be in various stages of undress in the presence of other individuals. Such term includes,  
395 but shall not be limited to:

396 (A) Restrooms;

397 (B) Locker rooms;

398 (C) Changing rooms; and

399 (D) Shower rooms.

400 (8) 'Participating nonstate school' means a private postsecondary educational institution  
401 that is eligible for tuition equalization grants in accordance with the provisions of Code  
402 Section 20-3-411 or any other private or public postsecondary educational institution that  
403 is not a Georgia state school whose students or teams participate in intercollegiate  
404 competitions against students or teams from a Georgia state school in this state; provided,  
405 however, that such term shall apply to such an institution only when and to the extent that  
406 such institution is participating in an intercollegiate competition against a Georgia state  
407 school in this state; and provided, further, that such term shall not apply to institutions  
408 when participating in intercollegiate competitions in this state exclusively against one or  
409 more other such institutions.

410 (9) 'Sex' means a student's biological sex based exclusively on the student's reproductive  
411 biology and genetics at birth. For purposes of this Code section, a statement of a student's  
412 biological sex on the student's official birth certificate shall be deemed to have correctly  
413 stated such student's biological sex at birth if the statement was included on such birth  
414 certificate at or near the time of the student's birth.

415 (10) 'Sleeping quarters' means a room with a bed in which more than one individual is  
416 housed overnight.

417 (11) 'Sport' means an organized activity involving skill and physical effort undertaken  
418 by one or more teams according to established rules.

419 (12) 'Student athlete' means a student enrolled at a covered entity who participates in or  
420 is eligible to participate on any sport or team. A student who is permanently ineligible  
421 to participate on a particular sport or team is not a student athlete for the purposes of such  
422 sport or team.

423 (13) 'Team' means a single student or a group of students operated and sponsored by a  
424 covered entity for the purpose of participating in a sport.

425 20-3-16.

426 (a) Each governing body in this state shall adopt such policies, rules, and regulations as  
427 necessary to ensure the following for all intercollegiate competitions involving covered  
428 entities in this state:

429 (1) Each covered entity shall designate each team operated or sponsored by such covered  
430 entity as one of the following:

431 (A) Male; or

432 (B) Female;

433 (2)(A) Males shall not be allowed to participate in any intercollegiate competition in  
434 this state on any team that is designated as female;

435 (B) Females shall not be allowed to participate in any intercollegiate competition in  
436 this state on any team that is designated as male; provided, however, that females may  
437 be allowed to participate in an intercollegiate competition in this state on a team that  
438 is designated as male if a corresponding team designated for females is not offered or  
439 available for intercollegiate competitions;

440 (3)(A) Multiple occupancy restrooms or changing areas and sleeping quarters shall be  
441 available to student athletes on the basis of sex and such facilities shall be comparable  
442 to such facilities provided for students of the other sex;

443 (B) No covered entity shall operate or sponsor one or more teams in any intercollegiate  
444 competition in this state that permits a male to use any multiple occupancy restroom or  
445 changing area or sleeping quarters designated for use by females in conjunction with  
446 such competition;

447 (C) No covered entity shall operate or sponsor one or more teams in any intercollegiate  
448 competition in this state that permits a female to use any multiple occupancy restroom  
449 or changing area or sleeping quarters designated for use by males in conjunction with  
450 such competition;

451 (D) To ensure the privacy and safety of student athletes, each covered entity that  
452 operates or sponsors one or more teams in any intercollegiate competition shall, in  
453 conjunction with such competition:

454 (i) Designate each multiple occupancy restroom or changing area and sleeping  
455 quarters for exclusive use by males or for exclusive use by females; and

456 (ii) Provide a reasonable accommodation to individuals who are unwilling or unable  
457 to use a multiple occupancy restroom or changing area or sleeping quarters designated  
458 for each such individual's sex; and

459 (E)(i) A reasonable accommodation under this paragraph may include, but shall not  
460 be limited to, allowing such individual to access a single occupancy restroom or  
461 changing area or sleeping quarters; and

462 (ii) A reasonable accommodation under this paragraph shall not include allowing  
463 such individual to access a multiple or single occupancy restroom or changing area  
464 or sleeping quarters that is designated for use by members of the other sex while  
465 members of the other sex of the individual are present or may be present in such  
466 restroom or changing area or sleeping quarters; and

467 (4) No covered entity shall host, sponsor, or participate in any intercollegiate competition  
468 in this state that permits a male to:

469 (A) Participate in any intercollegiate competition in this state on any team that is  
470 designated as female; or

471 (B) Use any multiple occupancy restroom or changing area or sleeping quarters  
472 designated for use by females in conjunction with such competition.

473 (b) Nothing in this Code section shall be construed to prohibit males from participating in  
474 practices, exhibitions, or scrimmages with teams designated as female.

475 (c) Any covered entity or governing body that violates any provision of subsection (a) of  
476 this Code section shall be subject to the withholding of state funding. Such withholding

477 of state funding may include funds provided to one or more postsecondary educational  
478 institutions or governing bodies directly, as well as funding for scholarships, loans, and  
479 grants pursuant to this chapter for students of such postsecondary educational institutions.

480 (d)(1) In addition to any other rights or remedies otherwise provided by law, any student:

481 (A) Who is deprived of an athletic opportunity or suffers any direct or indirect harm  
482 as a result of a violation of this Code section shall have a private right of action to  
483 enforce the provisions of this Code section through injunctive or declaratory relief in  
484 the superior court of the county in which the relevant covered entity or intercollegiate  
485 competition is located. If an aggrieved student is the prevailing party in such action,  
486 such student shall be entitled to an award of reasonable attorney's fees, court costs, and  
487 expenses of litigation, but shall not be entitled to any monetary damages; or

488 (B) Who is subject to retaliation or other adverse action by a covered entity, a  
489 governing body, or a local, state, regional, or national athletic conference or athletic  
490 association as a result of reporting a violation of this Code section to an employee or  
491 representative such covered entity, governing body, athletic conference or athletic  
492 association, or to any state or federal agency with oversight over postsecondary  
493 educational institutions in this state, shall have a private cause of action for injunctive  
494 relief, damages, and any other relief available under law against the postsecondary  
495 educational institution, governing body, athletic association or conference. If an  
496 aggrieved student is the prevailing party in such action, such student shall be entitled  
497 to an award of monetary damages, including for any psychological, emotional, or  
498 physical harm suffered, reasonable attorney's fees, court costs, and expenses of  
499 litigation, and any other appropriate relief.

500 (2) All civil actions brought under this subsection shall be initiated within two years after  
501 the alleged harm occurred.

502 (e) Nothing in this Code section shall be construed to abrogate or otherwise affect the  
503 operation or application of Section 504 of the federal Rehabilitation Act of 1973, the  
504 federal Americans with Disabilities Act of 1990, or the federal Health Insurance Portability  
505 and Accountability Act of 1996, P.L. 104-191."

506

**SECTION 5.**

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