



March 26th, 2021

TO: The Honorable Brian P. Kemp, Governor
The Honorable David Ralston, Speaker of the House
Members, Georgia House of Representatives
FROM: The American Civil Liberties Union (ACLU) of Georgia
SUBJECT: Oppose SB 226

Mr. Governor, Mr. Speaker, and Members of the House,

The ACLU of Georgia urges you to oppose Senate Bill 226.

As currently drafted, SB 226 overwrites existing, locally-determined mechanisms for parents to file complaints about school materials that they find objectionable. Within seven business days of receiving such a complaint, the school principal or his or her designee must review the material at issue and decide whether it ought to be restricted or removed due to being “harmful to minors.” If the school decides not to censor the material at issue, parents can appeal that decision to their local board of education. If the board of education agrees that the material is not harmful to minors, it must post the material to its website for four years.

SB 226 threatens to chill the open exchange of ideas in Georgia schools. SB 226’s definition of “harmful to minors,” which it borrows from Georgia’s Criminal Code, reads as follows:

As used in this Code section, 'harmful to minors' means that quality of description or representation, in whatever form, of nudity, sexual conduct, sexual excitement, or sadomasochistic abuse, when it:

1. Taken as a whole, predominantly appeals to the prurient, shameful, or morbid interest of minors;
2. Is patently offensive to prevailing standards in the adult community as a whole with respect to what is suitable material for minors; and
3. Is, when taken as a whole, lacking in serious literary, artistic, political, or scientific value for minors.

Few if any educational materials currently provided in Georgia schools meet this high standard for restriction or removal, and Georgia schools already have existing, locally-determined policies in place for adjudicating parent complaints and protecting minors from age-inappropriate material. Should SB 226 pass, however, school administrators will likely receive numerous complaints over materials that do not meet the definition of “harmful to minors” but that parents nevertheless find objectionable.

It is unfair and unreasonable to expect school administrators to quickly and consistently apply the complex standard set forth in SB 226 to every complaint. Responding to these complaints and reviewing the materials at issue will occupy precious time and resources



that overworked school administrators do not have. Even more troubling, teachers, librarians, and administrators may feel pressure to proactively censor their collections and curricula by removing any material that could result in complaints, regardless of whether it is actually “harmful to minors.” As a result, Georgia students may be denied access to modern classics like the “Handmaid’s Tale” or age-appropriate books addressing LGBTQIA+ themes.

The Georgia Library Media Association, the Georgia Library Association, and various school board representatives and school principals have spoken out in opposition to SB 226. We urge you to do the same.

For Justice,

Christopher Bruce, Political Director
ACLU of Georgia