

House Bill 736

By: Representative Jones of the 60th

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 20-2-751.4 of the Official Code of Georgia Annotated, relating to
2 policies prohibiting bullying and cyberbullying required, enforcement of policies including
3 assignment to alternative school, notice, antibullying training programs and materials,
4 limitation of liability, and noncompliance, so as to add and revise definitions; to revise
5 provisions of school policies regarding the prevention of bullying; to require the provision
6 of certain information regarding antibullying programs; to provide for reports; to provide for
7 related matters; to repeal conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 Code Section 20-2-751.4 of the Official Code of Georgia Annotated, relating to policies
11 prohibiting bullying and cyberbullying required, enforcement of policies including
12 assignment to alternative school, notice, antibullying training programs and materials,
13 limitation of liability, and noncompliance, is amended as follows:

14 "20-2-751.4.

15 (a) As used in this Code section, the term:

16 (1)(A) 'Bullying' means ~~an act that is~~ any severe, pervasive, or persistent act or conduct
17 that targets a student, whether electronically, verbally, or physically and may be based
18 on a student's actual or perceived race, religion, color, national origin, ancestry, sex,
19 sexual orientation, gender identity, spousal affiliation, physical or cognitive disability,
20 or any other distinguishing characteristic; or on an association with a person, or group
21 with any person, with one or more of such actual or perceived distinguishing
22 characteristics and includes:

23 (i) Any willful attempt or threat to inflict injury on another person, when
24 accompanied by an apparent present ability to do so;

25 (ii) Any intentional display of force such as would give the victim reason to fear or
26 expect immediate bodily harm; or

27 (iii) Any intentional written, verbal, or physical act which a reasonable person would
28 perceive as being intended to threaten, harass, or intimidate, that:

29 (I) Causes another person substantial physical harm within the meaning of Code
30 Section 16-5-23.1 or visible bodily harm as such term is defined in Code Section
31 16-5-23.1;

32 (II) Has the effect of substantially interfering with a student's education, physical
33 or mental health, or otherwise substantially infringing upon the rights of a student;

34 (III) Is so severe, persistent, or pervasive that it creates an intimidating or
35 threatening educational environment; ~~or~~

36 (IV) Substantially interferes with a student's academic performance or attendance;

37 (V) Substantially interferes with a student's ability to participate in or benefit from
38 the services, activities, or privileges provided by an agency, educational institution,
39 or grantee; or

40 ~~(IV)~~(VI) Has the effect of substantially disrupting the orderly operation of the
41 school.

42 (B) Except as provided in subparagraph (C) of this paragraph, such term applies to acts
43 which occur on school property, on school vehicles, at designated school bus stops, or
44 at school related functions or activities, including, but not limited to, extracurricular
45 activities, or by use of data or software that is accessed through a computer, computer
46 system, computer network, or other electronic technology of a local school system.

47 (C) Such term includes acts of cyberbullying that originate on school property or
48 involve the use of school equipment, including, but not limited to, acts that occur within
49 a school sponsored online activity.

50 (2) 'Cyberbullying' means bullying that involves the use of electronic communication,
51 including, but not limited to, communication devices and services, including, but not
52 limited to, cellular telephones, cameras, computers, social media platforms, text
53 messages, chat platforms, and internet sites.

54 (3) 'Electronic communication' means, but is not limited to, any transfer of signs, signals,
55 writings, images, sounds, data, or intelligence of any nature transmitted in whole or in
56 part by a wire, radio, electromagnetic, photoelectronic, or photo-optical system. Such
57 term shall include photographs and video and audio recordings.

58 (4) 'Extracurricular activities' has the same meaning as ~~defined~~ set forth in Code Section
59 20-2-319.6.

60 (5) 'Gender identity' means a student's self-perception, or perception of such student by
61 another, of the student's identity as a male or female based upon the student's appearance,
62 behavior, or physical characteristics that are in accord with or opposed to the student's
63 physical anatomy, chromosomal sex, or sex at birth.

64 ~~(5)~~(6) 'Parent' means a person who has legal authority to act on behalf of a minor child
65 as a natural or adoptive parent or a legal guardian.

66 (7) 'Physical or cognitive disability' means a physical or cognitive impairment that
67 substantially limits one or more of a student's major life activities.

68 (8) 'Progressive discipline' means disciplinary action other than suspension or expulsion
69 from school that is designed to correct and address the basic causes of a student's specific
70 misbehavior while retaining the student in class or in school, or restorative school
71 practices to repair the harm done to relationships and to other students due to the student's
72 misbehavior, and may include:

73 (A) Meeting with the student and the student's parents;

74 (B) Reflective activities, such as requiring the student to write an essay about his or her
75 student's misbehavior;

76 (C) Counseling;

77 (D) Anger management;

78 (E) Health counseling or intervention;

79 (F) Mental health counseling;

80 (G) Participation in skill-building and resolution activities, such as social-emotional
81 cognitive skills building, resolution circles, and restorative conferencing;

82 (H) Community service; and

83 (I) In-school detention or suspension, which may take place during lunchtime, after
84 school, or during weekends.

85 ~~(6)~~(9) 'School equipment' means any computer or computer networking equipment,
86 technology or technology related device or service, or communication system or service
87 that is operated, owned, leased, and made available to students by a local board of
88 education, local school system, or public school and that is used for transmitting,
89 receiving, accessing, viewing, hearing, downloading, recording, or storing electronic
90 communication.

91 (10) 'Sexual orientation' means heterosexuality, homosexuality or bisexuality, whether
92 actual or perceived.

93 ~~(7)~~(11) 'Transmit' means to send or broadcast an electronic communication.

94 (b) No later than July 1, 2026:

- 95 (1) Each local board of education shall adopt a policy ~~that prohibits~~ to prevent and
96 prohibit bullying, including, without limitation, cyberbullying, by a student and shall
97 require such prohibition to be included in the student code of conduct for schools in that
98 school system;
- 99 (2) Each local board policy shall require that, upon a finding by the disciplinary hearing
100 officer, panel, or tribunal of school officials provided for in this subpart that a student in
101 grades six through 12 has committed the offense of bullying for the third time in a school
102 year, such student shall be assigned to an alternative school;
- 103 (3) Each local board of education shall establish and publish in its local board policy a
104 method to notify the parent, guardian, or other person who has control or charge of a
105 student upon a finding by a school administrator that such student has committed an
106 offense of bullying or is a target or suspected victim of bullying. Such notice shall, as
107 appropriate under the circumstances, include referrals to resources for counseling and
108 other appropriate services for students who have been found to have committed an
109 offense of bullying or are targets or suspected victims of bullying;
- 110 (4) Each local board of education shall ensure that students and parents and guardians
111 of students are notified of the prohibition against bullying, and the penalties for violating
112 the prohibition, by posting such information at each school and by including such
113 information in student and parent handbooks; and
- 114 (5) Each local board of education shall establish a process to regularly evaluate and
115 update the use of technology solutions to aid in the prevention of cyberbullying on school
116 equipment, including, but not limited to, monitoring software intended to provide
117 electronic notification when the occurrence of cyberbullying is detected on such
118 equipment.
- 119 (c) No later than January 1, 2026, the Department of Education shall develop a model
120 policy regarding bullying, that may be revised from time to time, and shall post such policy
121 on its website in order to assist local school systems. Such model policy shall include:

- 122 (1) A statement prohibiting bullying;
- 123 (2) A requirement that any teacher or other school employee who has reliable
124 information that would lead a reasonable person to suspect that someone is a target of
125 bullying shall immediately report it to the school principal;
- 126 (3) A requirement that each school have a procedure for the school administration to
127 promptly investigate in a timely manner and determine whether bullying has occurred and
128 to ensure that such investigation is completed promptly after the receipt of any report
129 made;
- 130 (4) An age-appropriate range of consequences for bullying which shall include, at
131 minimum and without limitation, disciplinary action or counseling as appropriate under
132 the circumstances. The range of consequences shall also include progressive discipline
133 approaches that can result from an identified incident of bullying that are designed to
134 appropriately correct the bullying behavior, prevent another occurrence of bullying or
135 retaliation, protect the target of the bullying, and be flexible so that, in application, the
136 consequences can be unique to the individual incident and varied in method and severity
137 based on the nature of the incident, the developmental age of the student who is bullying,
138 and any history of problem behavior from the student who is bullying. For cyberbullying
139 incidents, the least restrictive means necessary should be used to address the interference
140 with the student's ability to participate in or benefit from the services, activities, or
141 privileges provided by the school;
- 142 (5) A requirement that each school provide referrals, as appropriate under the
143 circumstances, to age-appropriate interventions and services, including, but not limited
144 to, counseling services, for students who have been found to have committed an offense
145 of bullying or are targets or suspected victims of bullying;
- 146 (6) A procedure for a teacher or other school employee, student, parent, guardian, or
147 other person who has control or charge of a student, either anonymously or in such
148 person's name, at such person's option, to report or otherwise provide information on

149 bullying activity, provided that no formal disciplinary measures shall be taken solely on
150 the basis of an anonymous report;

151 (7) A statement prohibiting retaliation following a report of bullying; and

152 (8) Provisions consistent with the requirements of subsection (b) of this Code section;

153 (9) An appeal process for a student accused of bullying or a student who is the target of
154 bullying who is not satisfied with the outcome of the initial investigation; and

155 (10) A procedure for the development of a student safety support plan for students who
156 are targets of bullying that addresses safety measures the school will take to protect
157 targeted students against further acts of bullying.

158 (d) No later than January 1, 2026, the Department of Education shall develop and post on
159 its website:

160 (1) A list of entities and their contact information which produce antibullying training
161 programs and materials using developmentally and culturally appropriate language and
162 which are deemed appropriate by the department for use in local school systems. Such
163 list shall include at least one entity that provides awareness and training programs relating
164 to cyberbullying. Such list shall also include antibullying training programs and
165 materials in appropriate languages for schools in which a substantial portion of the
166 student population speaks a language other than English at home; and

167 (2) A list of online and in-person providers of counseling and other appropriate services
168 for students who have been found by school officials to have committed an offense of
169 bullying or are targets or suspected victims of bullying. Such list shall include in-person
170 providers available to families in areas throughout the state and who communicate at
171 home in languages other than English.

172 (e) Any person who reports an incident of bullying in good faith shall be immune from
173 civil liability for any damages caused by such reporting.

174 (f) Nothing in this Code section or in the model policy promulgated by the Department of
175 Education shall be construed to require a local board of education to provide transportation
176 to a student transferred to another school as a result of a bullying incident.

177 (g) Any school system which is not in compliance with the requirements of subsection (b)
178 of this Code section shall be ineligible to receive state funding pursuant to Code Sections
179 20-2-161 and 20-2-260.

180 (h) Each local school system shall document reports and investigations of bullying and
181 shall maintain such reports for no fewer than four years. Each local school board shall
182 establish procedures for local school systems to report aggregate incidents of bullying
183 under any applicable federal or state law, along with school personnel responses to such
184 incidents, and shall annually report such information to the Department of Education.

185 (i) Following adoption of a bullying prevention policy as provided in this Code section,
186 each local school system shall establish an annual bullying prevention program for its
187 students, provide annual training on bullying prevention to its employees and volunteers
188 who have significant contact with students, and incorporate information on the bullying
189 prevention policy into new employee training.

190 (j) Each local school system shall develop a plan for the manner in which the bullying
191 prevention policy is to be disseminated, including ensuring that such policy and its
192 developmentally, culturally, and linguistically appropriate variants are available on the
193 public website of each such system, identifying a point of contact for bullying related
194 concerns, and, at least annually, informing parents and students about the policy through
195 student handbooks and other resources."

196 **SECTION 2.**

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