

House Bill 836

By: Representatives Scoggins of the 14th, Gullett of the 19th, Bonner of the 73rd, Kelley of the 16th, Knight of the 134th, and others

A BILL TO BE ENTITLED

AN ACT

1 To amend Part 3 of Article 16 of Chapter 2 of Title 20 of the Official Code of Georgia
 2 Annotated, relating to health of elementary and secondary school students, so as to provide
 3 for the safety of students; to require multiple occupancy restrooms and changing areas in
 4 public schools to be designated for exclusive use by males or females; to provide for
 5 reasonable accommodations; to provide for exceptions; to provide for public school and local
 6 school system policies; to provide for sleeping quarter arrangements on overnight field trips;
 7 to provide for investigation of complaints of noncompliance by the Professional Standards
 8 Commission; to provide for sanctions; to provide for a cause of action; to provide for rules
 9 and regulations; to provide for definitions; to provide for statutory construction; to provide
 10 for related matters; to repeal conflicting laws; and for other purposes.

11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

12 **SECTION 1.**

13 Part 3 of Article 16 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated,
 14 relating to health of elementary and secondary school student, is amended by revising Code
 15 Section 20-2-771.1, which was previously reserved, as follows:

16 "20-2-771.1.

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

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18 (1) 'Multiple occupancy restroom or changing area' means an area in a public school or
19 local school system building that is designed or designated to be used by one or more
20 individuals at the same time and in which one or more individuals may be in various
21 stages of undress in the presence of other individuals. Such term includes, but shall not
22 be limited to, the following:

23 (A) Restrooms;

24 (B) Locker rooms;

25 (C) Changing rooms; and

26 (D) Shower rooms.

27 (2) 'Sex' means the physical condition of being male or female based on genetics and
28 physiology; provided, however, that a public school or local school system may rely upon
29 student's sex as identified on his or her original birth certificate issued at or near the time
30 of his or her birth.

31 (b) To ensure privacy and safety of students, each public school or local school system in
32 this state shall:

33 (1) Require each multiple occupancy restroom or changing area to be designated as
34 follows:

35 (A) For the exclusive use by individuals whose sex is male; or

36 (B) For the exclusive use by individuals whose sex is female; and

37 (2)(A) Provide a reasonable accommodation to an individual who is unwilling or
38 unable to use a multiple occupancy restroom or changing area designated for such
39 individual's sex.

40 (B)(i) A reasonable accommodation under this paragraph may include, but shall not
41 necessarily be limited to, allowing such individual to access a single-occupancy
42 restroom or changing area.

43 (ii) A reasonable accommodation under this paragraph shall not include allowing
44 such individual to access a restroom or changing area that is designated for use by

45 members of the opposite sex while members of the opposite sex of the individual are
46 present or may be present in the restroom or changing area.

47 (c) This Code section shall not be construed or applied to prohibit an individual from
48 entering a multiple occupancy restroom or changing area designated for use by individuals
49 of the opposite sex when he or she enters such area for one of the following reasons:

50 (1) For authorized custodial, maintenance, or inspection purposes;

51 (2) To render emergency medical assistance; or

52 (3) To address an ongoing emergency, including, but not limited to, a physical
53 altercation.

54 (d) Nothing in this Code section shall be construed or applied to prohibit a public school
55 or local school system from adopting a policy that is necessary to accommodate individuals
56 protected under the Americans with Disabilities Act of 1990, Pub. L. No. 101-336, as it
57 existed on January 1, 2024, or young children who are in need of physical assistance when
58 using a restroom or changing facility that is located in a public school or local school
59 system; provided, however, that such policy shall not be contrary to or inconsistent with
60 the provisions of subsections (a) through (c) of this Code section.

61 (e)(1) Except as provided in paragraph (2) of this subsection, a public school or local
62 school system that sponsors or supervises an overnight trip involving public school
63 students shall ensure that a public school student attending the overnight trip either:

64 (A) Shares sleeping quarters with a member or, if necessary, multiple members, of the
65 same sex; or

66 (B) Is provided single-occupancy sleeping quarters.

67 (2) A public school student attending an overnight trip may share sleeping quarters with
68 a member of the opposite sex if the member of the opposite sex is a member of such
69 student's immediate family.

70 (f)(1) The Professional Standards Commission shall be authorized as provided in
71 subsection (a) of Code Section 20-2-984.3 to investigate complaints alleging
72 noncompliance with this Code section.

73 (2) Upon a finding of noncompliance with this Code section by the Professional
74 Standards Commission, the following individuals, as applicable, shall be subject to a
75 minimum fine of \$1,000.00 and may receive additional sanctions as determined by the
76 Professional Standards Commission:

77 (A) The local school superintendent of the local school system where the
78 noncompliance occurred, if he or she is found specifically to be noncompliant with this
79 Code section;

80 (B) The principal of the public school where the noncompliance occurred, if he or she
81 is found specifically to be noncompliant with this Code section; and

82 (C) A teacher or supervisor of a classroom or school sponsored activity, if he or she is
83 found specifically to be noncompliant with this Code section.

84 (g) A parent or legal guardian of a public school student shall have a cause of action
85 against a public school or local school system if:

86 (1) Such student:

87 (A) Encounters a member of the opposite sex in a multiple occupancy restroom or
88 changing area that is designated for individuals whose sex is the same as such student's
89 sex if such member of the opposite sex received permission or direction from an
90 individual provided for in subparagraphs (f)(2)(A) through (C) of this Code section to
91 use such multiple occupancy restroom or changing area; or

92 (B) Is required by an individual provided for in subparagraphs (f)(2)(A) through (C)
93 of this Code section to share sleeping quarters with a member of the opposite sex who
94 is not a family member of such student; or

95 (2) An individual provided for in subparagraphs (f)(2)(A) through (C) of this Code
96 section is found to be noncompliant under subsection (f) of this Code section arising out
97 of or related to an incident involving such student.

98 (h) The State Board of Education and the Professional Standards Commission shall
99 promulgate rules and regulations to implement this section. Reserved."

100

SECTION 2.

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