

The House Committee on Education offers the following substitute to SB 152:

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to
2 elementary and secondary education, so as to provide that it is the policy of this state that it
3 is preferable for students who are subject to compulsory attendance not be assigned to an
4 alternative education program for more than two semesters except under certain
5 circumstances; to provide for related matters; to repeal conflicting laws; and for other
6 purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to elementary and
10 secondary education, is amended by revising subsection (a) of Code Section 20-2-154.1,
11 relating to alternative education programs, as follows:

12 "(a) It is the policy of this state that the alternative education program shall provide a
13 learning environment that includes the objectives of the content standards and that the
14 instruction in an alternative education program shall enable students to return to a general
15 or career education program as quickly as possible. Course credit shall be earned in an
16 alternative education program in the same manner as in other education programs. It is the
17 policy of this state that it is preferable to reassign disruptive students who are subject to
18 mandatory attendance pursuant to Code Section 20-2-690.1 to an alternative education
19 program rather than suspending for more than ten days or expelling such students from
20 school. It is further the policy of this state that, except as otherwise provided for in Code
21 Section 20-2-751.1 and except for serious offenses, it is preferable that the duration of any
22 assignment of a disruptive student to an alternative education program not exceed the
23 remainder of the semester in which the student is suspended for more than ten days or
24 expelled and the following semester as long as the student exhibits acceptable behavior
25 while in the alternative education program. As used in this subsection, serious offenses
26 include physical assault or battery of school personnel or other students, bullying, and

27 unlawful use or possession of illegal drugs or alcohol; provided, however, that it is
 28 preferable that any student assigned to an alternative education program for a serious
 29 offense is afforded the right to request a hearing pursuant to the procedures provided for
 30 in Code Section 20-2-754 after two semesters in such alternative education program for
 31 purposes of returning to a regular classroom."

32 SECTION 2.

33 Said chapter is further amended by revising subsection (f) of Code Section 20-2-735, relating
 34 to adoption of policies by local boards to improve student learning environment, as follows:

35 "(f) It is the policy of this state that it is preferable to reassign disruptive students who are
 36 subject to mandatory attendance pursuant to Code Section 20-2-690.1 to alternative
 37 educational settings rather than to suspend for more than ten days or expel such students
 38 from school. It is further the policy of this state that, except as otherwise provided for in
 39 Code Section 20-2-751.1 and except for serious offenses, it is preferable that the duration
 40 of any assignment of a disruptive student to an alternative educational setting not exceed
 41 the remainder of the semester in which the student is suspended for more than ten days or
 42 expelled and the following semester as long as the student exhibits acceptable behavior
 43 while in the alternative education program. As used in this subsection, serious offenses
 44 include physical assault or battery of school personnel or other students, bullying, and
 45 unlawful use or possession of illegal drugs or alcohol; provided, however, that it is
 46 preferable that any student assigned to an alternative educational setting for a serious
 47 offense is afforded the right to request a hearing pursuant to the procedures provided for
 48 in Code Section 20-2-754 after two semesters in such alternative educational setting for
 49 purposes of returning to a regular classroom."

50 SECTION 3.

51 Said chapter is further amended by revising subsection (d) of Code Section 20-2-751.5,
 52 relating to student codes of conduct, as follows:

53 "(d) Local board policies relating to student codes of conduct shall provide that each local
 54 school superintendent shall fully support the authority of principals and teachers in the
 55 school system to remove a student from the classroom pursuant to Code Section 20-2-738,
 56 including establishing and disseminating procedures. It is the policy of this state that it is
 57 preferable to reassign disruptive students who are subject to mandatory attendance pursuant
 58 to Code Section 20-2-690.1 to alternative educational settings rather than to suspend for
 59 more than ten days or expel such students from school. It is further the policy of this state
 60 that, except as otherwise provided for in Code Section 20-2-751.1 and except for serious
 61 offenses, it is preferable that the duration of any assignment of a disruptive student to an

62 alternative educational setting not exceed the remainder of the semester in which the
 63 student is suspended for more than ten days or expelled and the following semester as long
 64 as the student exhibits acceptable behavior while in the alternative education program. As
 65 used in this subsection, serious offenses include physical assault or battery of school
 66 personnel or other students, bullying, and unlawful use or possession of illegal drugs or
 67 alcohol; provided, however, that it is preferable that any student assigned to an alternative
 68 educational setting for a serious offense is afforded the right to request a hearing pursuant
 69 to the procedures provided for in Code Section 20-2-754 after two semesters in such
 70 alternative educational setting for purposes of returning to a regular classroom."

71 **SECTION 4.**

72 Said chapter is further amended by revising Code Section 20-2-768, relating to expulsion or
 73 suspension of students for felonies, as follows:

74 "20-2-768.

75 (a) Each local board of education is authorized to refuse to readmit or enroll any student
 76 who has been suspended or expelled for being convicted of, being adjudicated to have
 77 committed, being indicted for, or having information filed for the commission of any
 78 felony or any delinquent act under Code Sections 15-11-602 and 15-11-707 which would
 79 be a felony if committed by an adult. If refused readmission or enrollment, the student or
 80 the student's parent or legal guardian has the right to request a hearing pursuant to the
 81 procedures provided for in Code Section 20-2-754.

82 (b) A hearing officer, tribunal, panel, superintendent, or local board of education shall be
 83 authorized to place a student denied enrollment in a local school system under subsection
 84 (a) of this Code section in an alternative educational ~~system~~ setting as appropriate and in
 85 the best interest of the student and the education of other students within the school system.
 86 Except as otherwise provided for in Code Section 20-2-751.1 and except for serious
 87 offenses, it is preferable that the duration of any assignment of a disruptive student to an
 88 alternative educational setting not exceed the remainder of the semester in which the
 89 student is suspended for more than ten days or expelled and the following semester as long
 90 as the student exhibits acceptable behavior while in the alternative education program. As
 91 used in this subsection, serious offenses include physical assault or battery of school
 92 personnel or other students, bullying, and unlawful use or possession of illegal drugs or
 93 alcohol; provided, however, that it is preferable that any student assigned to an alternative
 94 educational setting for a serious offense is afforded the right to request a hearing pursuant
 95 to the procedures provided for in Code Section 20-2-754 after two semesters in such
 96 alternative educational setting for purposes of returning to a regular classroom.

97 (c) It is the policy of this state that it is preferable to reassign disruptive students who are
98 subject to mandatory attendance pursuant to Code Section 20-2-690.1 to alternative
99 educational settings rather than to suspend for more than ten days or expel such students
100 from school."

101

SECTION 5.

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