

Senate Bill 165

By: Senators Jones of the 10th, Harbison of the 15th, Seay of the 34th and Davenport of the 44th

A BILL TO BE ENTITLED  
AN ACT

1 To amend Part 2 of Article 16 of Chapter 2 of Title 20 of the Official Code of Georgia  
2 Annotated, relating to student discipline in elementary and secondary education, so as to  
3 change the requirement for a local board of education to conduct a disciplinary hearing from  
4 proposed suspensions longer than ten school days to longer than five school days; to revise  
5 provisions for purposes of conformity; to provide for related matters; to repeal conflicting  
6 laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 style="text-align:center">**SECTION 1.**

9 Part 2 of Article 16 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated,  
10 relating to student discipline in elementary and secondary education, is amended in Code  
11 Section 20-2-738, relating to the authority of a teacher over a classroom, procedures  
12 following removal of student from classroom, and placement review committees, by revising  
13 subsection (e) as follows:

14 "(e)(1) If a placement review committee decides to return a student to a class from which  
15 he or she was removed, the principal or the principal's designee shall implement such  
16 decision of the placement review committee. In addition, the principal or the principal's  
17 designee may, consistent with any applicable procedural requirements of the  
18 Constitutions of the United States and this state and after considering the use of any  
19 appropriate student support services, take any of the following actions which are  
20 authorized as a response to the alleged violation of the student code of conduct by local  
21 board policies adopted pursuant to Code Section 20-2-735:

22 (A) Place the student in an alternative education program;

23 (B) Impose out-of-school suspension for not more than ~~ten~~ five school days, including  
24 any time during which the student was subject to out-of-school suspension after his or  
25 her removal from class pursuant to subsection (b) of this Code section; or

26 (C) Make another disciplinary decision or recommendation consistent with local board  
27 policy.

28 (2) If a placement review committee decides not to return a student to a class from which  
 29 he or she was removed, the principal or the principal's designee shall implement such  
 30 decision of the placement review committee. In addition, the principal or the principal's  
 31 designee shall determine an appropriate placement for the student and may take action  
 32 to discipline the student, in a manner consistent with any applicable procedural  
 33 requirements of the Constitutions of the United States and this state and after considering  
 34 the use of any appropriate student support services, as follows, provided that the  
 35 placement or disciplinary action is authorized as a response to the alleged violation of the  
 36 student code of conduct by local board policies adopted pursuant to Code Section  
 37 20-2-735:

38 (A) Place the student into another appropriate classroom or an alternative education  
 39 program;

40 (B) Impose out-of-school suspension for not more than ~~ten~~ five school days, including  
 41 any time during which the student was subject to out-of-school suspension after his or  
 42 her removal from class pursuant to subsection (b) of this Code section;

43 (C) Make another placement or disciplinary decision or recommendation consistent  
 44 with local board policy; or

45 (D) Implement or recommend any appropriate combination of the above and return the  
 46 student to the class from which he or she was removed upon the completion of any  
 47 disciplinary or placement action taken pursuant to this paragraph."

## 48 SECTION 2.

49 Said part is further amended in Code Section 20-2-740, relating to annual reports by local  
 50 boards of education regarding disciplinary and placement actions, by revising subsection (a)  
 51 as follows:

52 "(a) Each local board of education shall file an annual report, by August 1 of each year,  
 53 with the Department of Education regarding disciplinary and placement actions taken  
 54 during the prior school year. Such report shall classify the types of actions into the  
 55 following categories:

56 (1) Actions in which a student was assigned to in-school suspension;

57 (2) Actions in which a student was suspended for a period of ~~ten~~ five days or less;

58 (3) Actions in which a student was suspended for a period of more than ~~ten~~ five days but  
 59 not beyond the current school quarter or semester;

60 (4) Actions in which a student was expelled beyond the current school quarter or  
 61 semester but not permanently expelled;

62 (5) Actions in which a student was permanently expelled;

63 (6) Actions in which a student was placed in an alternative educational setting;

- 64 (7) Actions in which a student was suspended from riding the bus;  
 65 (8) Actions in which corporal punishment was administered; and  
 66 (9) Actions in which a student was removed from class pursuant to subsection (b) of  
 67 Code Section 20-2-738."

68 **SECTION 3.**

69 Said part is further amended in Code Section 20-2-751, relating to definitions relative to  
 70 public school disciplinary tribunals, by revising paragraphs (5) and (6) as follows:

71 "(5) 'Long-term suspension' means the suspension of a student from a public school for  
 72 more than ~~ten~~ five school days but not beyond the current school quarter or semester.

73 (6) 'Short-term suspension' means the suspension of a student from a public school for  
 74 not more than ~~ten~~ five school days."

75 **SECTION 4.**

76 Said part is further amended in Code Section 20-2-753, relating to disciplinary hearing  
 77 officer, panel, or tribunal to hold disciplinary hearing following allegation of assault and  
 78 battery or recommended suspension or expulsion exceeding ten days, by revising subsection  
 79 (a) as follows:

80 "(a) In addition to any proceedings which are authorized in Code Section 20-2-752, local  
 81 boards of education shall appoint a disciplinary hearing officer, panel, or tribunal of school  
 82 officials to hold a disciplinary hearing following any instance of an alleged violation of the  
 83 student code of conduct where the principal recommends a suspension or expulsion of  
 84 longer than ~~ten~~ five school days or an alleged assault or battery by a student upon any  
 85 teacher or other school official or employee, if such teacher or other school official or  
 86 employee so requests."

87 **SECTION 5.**

88 Said part is further amended in Code Section 20-2-764, relating to definitions relative to  
 89 chronic disciplinary problem students, by revising paragraph (3) as follows:

90 "(3) 'Suspension' means the short-term suspension of a student from a public school for  
 91 not more than ~~ten~~ five days or long-term suspension for more than ~~ten~~ five days pursuant  
 92 to Code Section 20-2-751."

93 **SECTION 6.**

94 Said part is further amended in Code Section 20-2-767, relating to definitions relative to  
 95 alternative educational systems, by revising paragraph (2) as follows:

96 "(2) 'Suspension' means the short-term suspension of a student from a public school for  
97 not more than ~~ten~~ five days or long-term suspension for more than ~~ten~~ five days pursuant  
98 to Code Section 20-2-751."

99

**SECTION 7.**

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