

The Senate Education Committee offered the following substitute to SB 335:

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 16 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated,
2 relating to students, so as to provide for discretion regarding disciplinary penalties for
3 students who bring weapons other than guns or explosive devices to school; to revise
4 definitions; to repeal conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 **SECTION 1.**

7 Article 16 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to
8 students, is amended by striking Code Section 20-2-751, relating to definitions, and Code
9 Section 20-2-751.1, relating to disciplinary policies for students bringing weapons to school,
10 and inserting in lieu thereof the following:

11 "20-2-751.

12 As used in this subpart, the term:

13 (1) 'Expulsion' means expulsion of a student from a public school beyond the current
14 school quarter or semester.

15 (1.1) 'Gun or explosive device' means a firearm as defined in Section 921 of Title 18 of
16 the United States Code.

17 (2) 'Long-term suspension' means the suspension of a student from a public school for
18 more than ten school days but not beyond the current school quarter or semester.

19 (3) 'Short-term suspension' means the suspension of a student from a public school for
20 not more than ten school days.

21 (4) 'Weapon' means ~~a firearm as such term is defined in Section 921 of Title 18 of the~~
22 ~~United States Code.~~ a device or item that:

23 (A) Is not included in the definition of a gun or explosive device; and

24 (B) May be used to threaten or harm another person.

25 The term includes without limitation, a dirk, bowie knife, switchblade knife, ballistic
26 knife, any other knife having a blade of two or more inches, straight-edge razor, razor

1 blade, spring stick, metal knucks, blackjack, any bludgeon-type weapon, and any stun
2 gun or taser.

3 20-2-751.1.

4 (a) Each local board of education shall establish a policy requiring the expulsion from
5 school for a period of not less than one calendar year of any student who is determined,
6 pursuant to this subpart, to have brought a ~~weapon~~ gun or explosive device to school.

7 (b) The local board of education shall have the authority to modify such expulsion
8 requirement as provided in subsection (a) of this Code section on a case-by-case basis.

9 (b.1) Each local board of education that has a policy for disciplining a student who has
10 brought a weapon to school or the designee of such local board shall be authorized to
11 exercise discretion to modify such policy on a case-by-case basis including but not limited
12 to instances in which the local board or its designee finds credible evidence that the student
13 who brought the weapon to school had no intent to harm or threaten any other person.

14 (c) A hearing officer, tribunal, panel, superintendent, or local board of education shall be
15 authorized to place a student determined to have brought a weapon to school in an
16 alternative educational setting.

17 (d) Nothing in this Code section shall infringe on any right provided to students with
18 Individualized Education Programs pursuant to the federal Individuals with Disabilities
19 Education Act, Section 504 of the federal Rehabilitation Act of 1973, or the federal
20 Americans with Disabilities Act."

21 **SECTION 2.**

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