

Senate Bill 291

By: Senators Meyer von Bremen of the 12th, Jackson of the 50th, Smith of the 25th and Hecht of the 34th

**AS PASSED**

A BILL TO BE ENTITLED

AN ACT

1 To amend Chapter 2 of Title 20 of the Official Code Annotated, relating to primary and  
2 secondary education, so as to require student codes of conduct to include provisions  
3 governing conduct on public school buses; to provide for the contents and review of such  
4 provisions; to delete an obsolete provision relating to previous review; to change provisions  
5 relating to penalties for students who commit certain acts of physical violence and tribunals  
6 for certain alleged acts of physical violence; to provide for the application of certain  
7 disciplinary policies to children in kindergarten through grade five; to provide for related  
8 matters; to repeal conflicting laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 **SECTION 1.**

11 Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to elementary and  
12 secondary education, is amended by striking Code Section 20-2-751.5, relating to student  
13 codes of conduct, and inserting in lieu thereof the following:

14 "20-2-751.5.

15 (a)(~~1~~) Each student code of conduct shall contain provisions that address the following  
16 conduct of students during school hours and at school related functions, in a manner that  
17 is appropriate to the age of the student:

18 ~~(A)~~(1) Verbal assault of teachers, administrators, and other school personnel;

19 ~~(B)~~(2) Physical assault or battery of teachers, administrators, and other school personnel;

20 ~~(C)~~(3) Disrespectful conduct toward teachers, administrators, and other school personnel;

21 ~~(D)~~(4) Verbal assault of other students;

22 ~~(E)~~(5) Physical assault or battery of other students;

23 ~~(F)~~(6) Disrespectful conduct toward other students; and

24 ~~(G)~~(7) Verbal assault of, physical assault or battery of, and disrespectful conduct toward  
25 persons attending school related functions.

1 ~~(2) No later than August 15, 2000, each local board of education shall send to the State~~  
2 ~~Board of Education a copy of the provisions of its student code of conduct that address~~  
3 ~~the items identified in paragraph (1) of this subsection. The state board shall review such~~  
4 ~~provisions to ensure that each of the items identified in paragraph (1) of this subsection~~  
5 ~~is addressed and shall notify a local board of education, no later than October 15, 2000,~~  
6 ~~of any items which are not addressed in its submission to the state board. Nothing in this~~  
7 ~~subsection shall be construed as authorizing or requiring the state board to review or~~  
8 ~~approve the substance of the student codes of conduct.~~

9 (b)(1) Each student code of conduct shall include comprehensive and specific provisions  
10 prescribing and governing student conduct and safety rules on all public school buses.  
11 The specific provisions shall include but not be limited to:

12 (A) Students shall be prohibited from acts of physical violence as defined by Code  
13 Section 20-3-751.6, bullying as defined by subsection (a) of Code Section 20-3-751.4,  
14 physical assault or battery of other persons on the school bus, verbal assault of other  
15 persons on the school bus, disrespectful conduct toward the school bus driver or other  
16 persons on the school bus, and other unruly behavior;

17 (B) Students shall be prohibited from using any electronic devices during the operation  
18 of a school bus, including but not limited to cell phones; pagers; audible radios, tape or  
19 compact disc players without headphones; or any other electronic device in a manner  
20 that might interfere with the school bus communications equipment or the school bus  
21 driver's operation of the school bus; and

22 (C) Students shall be prohibited from using mirrors, lasers, flash cameras, or any other  
23 lights or reflective devices in a manner that might interfere with the school bus driver's  
24 operation of the school bus.

25 (2) If a student is found to have engaged in physical acts of violence as defined by Code  
26 Section 20-3-751.6, the student shall be subject to the penalties set forth in such Code  
27 section. If a student is found to have engaged in bullying as defined by subsection (a) of  
28 Code Section 20-3-751.4 or in physical assault or battery of another person on the school  
29 bus, the local school board policy shall require a meeting of the parent or guardian of the  
30 student and appropriate school district officials to form a school bus behavior contract for  
31 the student. Such contract shall provide for progressive age-appropriate discipline,  
32 penalties, and restrictions for student misconduct on the bus. Contract provisions may  
33 include but shall not be not limited to assigned seating, ongoing parental involvement,  
34 and suspension from riding the bus. This subsection is not to be construed to limit the

1 instances when a school code of conduct or local board of education may require use of  
 2 a student bus behavior contract.

3 (3) No later than August 15, 2002, each local board of education shall send to the State  
 4 Board of Education a copy of the provisions of its student code of conduct that address  
 5 the items identified in paragraphs (1) and (2) of this subsection. The state board shall  
 6 review such provisions to ensure that each of the items identified in paragraphs (1) and  
 7 (2) of this subsection is addressed and shall notify a local board of education, no later  
 8 than October 15, 2002, of any items which are not addressed in its submission to the state  
 9 board. Nothing in this subsection shall be construed as authorizing or requiring the state  
 10 board to review or approve the substance of the student code of conduct.

11 (b)(c) Any student handbook which is prepared by a local board or school shall include a  
 12 copy or summary of the student code of conduct for that school or be accompanied by a  
 13 copy of the student code of conduct for that school. If a student handbook contains a  
 14 summary of the student code of conduct, then a full copy of the student code of conduct  
 15 shall be made available for review at the school. When distributing a student code of  
 16 conduct, a local school shall include a form on which the student's parent or guardian may  
 17 acknowledge his or her receipt of the code, and the local school shall request that the form  
 18 be signed and returned to the school."

## 19 SECTION 2.

20 Said chapter is further amended by striking Code Section 20-2-751.6, relating to disciplinary  
 21 policy for students committing acts of physical violence against teachers, and inserting in lieu  
 22 thereof the following:

23 "20-2-751.6.

24 (a) As used in this Code section, the term 'physical violence' means:

25 (1) Intentionally making physical contact of an insulting or provoking nature with the  
 26 person of another; or

27 (2) Intentionally making physical contact which causes physical harm to another unless  
 28 such physical contacts or physical harms were in defense of himself or herself, as  
 29 provided in Code Section 16-3-21.

30 (a)(b) Local board of education policies and student codes of conduct shall provide for the  
 31 ~~suspension of penalties to be assessed against a student who commits found by a tribunal~~  
 32 ~~to have committed any act of physical violence resulting in substantial physical injury to~~  
 33 ~~a teacher from all public school programs, including alternative education programs, for~~  
 34 ~~the remainder of the school quarter or semester~~ against a teacher, school bus driver, or

1 other school official or employee. The local board shall appoint a ~~disciplinary hearing~~  
 2 ~~officer, panel, or tribunal of school officials~~ to hold a disciplinary hearing pursuant to Code  
 3 Section 20-2-754 regarding the ~~suspension.~~ ~~Notwithstanding any provision of Code~~  
 4 ~~Section 20-2-751.2 to the contrary,~~ a local school system shall not enroll any student who  
 5 ~~has been suspended by another local board of education pursuant to this subsection during~~  
 6 ~~the term of the suspension~~ alleged act of physical violence and penalty. Any student alleged  
 7 to have committed an act of physical violence shall be suspended pending the hearing by  
 8 the tribunal. The tribunal shall be composed of three teachers or certificated education  
 9 personnel, appointed by the local school board. The tribunal shall determine all issues of  
 10 fact and intent and shall submit its findings and recommendations to the local school board  
 11 for imposition of punishment in accordance with this Code section. If appropriate under  
 12 paragraph (1) of subsection (c) of this Code section, the tribunal's recommendations shall  
 13 include a recommendation as to whether a student may return to public school and if return  
 14 is recommended, a recommended time for the student's return to public school. The local  
 15 school board may follow the recommendations of the tribunal or impose penalties not  
 16 recommended by the tribunal.

17 (c)(1) A student found by a tribunal to have committed an act of physical violence as  
 18 defined in paragraph (2) of subsection (a) of this Code section against a teacher, school  
 19 bus driver, school official, or school employee shall be expelled from the public school  
 20 system. The expulsion shall be for the remainder of the student's eligibility to attend  
 21 public school pursuant to Code Section 20-2-150. The local school board at its discretion  
 22 may permit the student to attend an alternative education program for the period of the  
 23 student's expulsion. If the student who commits an act of physical violence is in  
 24 kindergarten through grade eight, then the local school board at its discretion and on the  
 25 recommendation of the tribunal may permit such a student to reenroll in the regular  
 26 public school program for grades nine through 12. If the local school board does not  
 27 operate an alternative education program for students in kindergarten through grade six,  
 28 the local school board at its discretion may permit a student in kindergarten through grade  
 29 six who has committed an act of physical violence as defined in paragraph (2) of  
 30 subsection (a) of this Code section to reenroll in the public school system;

31 (2) Any student who is found by a tribunal to have committed an act of physical violence  
 32 against a teacher, school bus driver, school official, or school employee as defined in  
 33 paragraph (2) of subsection (a) of this Code section shall be referred to juvenile court  
 34 with a request for a petition alleging delinquent behavior; and

1 (3) Any student who is found by a tribunal to have committed an act of physical violence  
 2 as defined in paragraph (1) of subsection (a) of this Code section against a teacher, school  
 3 bus driver, school official, or school employee may be disciplined by expulsion,  
 4 long-term suspension, or short-term suspension.

5 ~~(b) Notwithstanding any provision of Code Section 20-2-150 to the contrary, a student~~  
 6 ~~who has been suspended pursuant to subsection (a) of this Code section shall not be eligible~~  
 7 ~~for enrollment in any educational program authorized under Part 3 of Article 6 of this~~  
 8 ~~chapter; provided, however, that a local board of education may enroll such a student in an~~  
 9 ~~alternative education program established pursuant to Code Section 20-2-154.1.~~

10 ~~(c)(d)~~ The provisions of ~~subsection (a) of this~~ Code section shall apply with respect to any  
 11 local school system which receives state funding pursuant to Code Sections 20-2-161 and  
 12 20-2-260.

13 ~~(d)(e)~~ Nothing in this Code section shall be construed to infringe on any right provided to  
 14 students with Individualized Education Programs pursuant to the federal Individuals with  
 15 Disabilities Education Act, Section 504 of the federal Rehabilitation Act of 1973, or the  
 16 federal Americans with Disabilities Act of 1990."

### 17 SECTION 3.

18 Said chapter is further amended by striking subsection (a) of Code Section 20-2-759, relating  
 19 to the application of certain disciplinary policies to children in kindergarten through grade  
 20 five, and inserting in lieu thereof the following:

21 "20-2-759.

22 (a) Except as otherwise expressly provided in this subpart, this This subpart shall not apply  
 23 to children in kindergarten through elementary grade five.

24 (b) The local school superintendent shall determine the disciplinary actions or proceedings  
 25 for children exempt from this subpart under subsection (a) of this Code section."

### 26 SECTION 4.

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