

The House Committee on Education offered the following substitute to SB 291:

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 change penalties when a student has
3 committed an act of physical violence against a teacher or other school official or employee;
4 to provide a definition; to provide for the adoption by local boards of education of policies
5 regarding unruly behavior of students on school buses; to provide for related matters; to
6 repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

8 Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to elementary and
9 secondary education, is amended by striking Code Section 20-2-751.6, relating to
10 disciplinary policy for students committing acts of physical violence against teachers, and
11 inserting in lieu thereof the following:
12

13 "20-2-751.6.

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

15 (1) Making physical contact of an insulting or provoking nature with the person of
16 another, whether intentionally or due to acting in conscious disregard of a substantial and
17 foreseeable risk; or

18 (2) Causing physical harm to another, whether intentionally or due to acting in conscious
19 disregard of a substantial and foreseeable risk,

20 unless such physical contact or physical harm was in defense of himself or herself, as
21 provided in Code Section 16-3-21.

22 (b) Local board of education policies and student codes of conduct shall provide for the
23 suspension of penalties for a student who commits any act of physical violence resulting
24 in substantial physical injury to against a teacher or other school official or employee. A
25 student who was not enrolled in an alternative education program at the time of the act of
26 physical violence may be suspended or expelled and may be enrolled in an alternative

1 education program during the term of suspension or expulsion. A student who was
 2 enrolled in an alternative education program at the time of the act of physical violence
 3 against a teacher or other school official or employee because of a previous act of physical
 4 violence may be expelled and may be referred to juvenile court with a request for a petition
 5 alleging delinquent behavior and a request that such student be sent to a youth development
 6 center by the court. If a student's enrollment in an alternative education program was
 7 unrelated to an act of physical violence and such student commits an act of physical
 8 violence against a teacher or other school official or employee, such a student may be
 9 suspended or expelled and may be enrolled in an alternative education program during the
 10 term of suspension or expulsion from all public school programs, including alternative
 11 education programs, for the remainder of the school quarter or semester. The local board
 12 shall appoint a disciplinary hearing officer, panel, or tribunal of school officials to hold a
 13 disciplinary hearing pursuant to Code Section 20-2-754 regarding the ~~suspension~~ alleged
 14 act of physical violence and penalty. Notwithstanding any provision of Code Section
 15 20-2-751.2 to the contrary, a local school system shall not enroll any student who has been
 16 ~~suspension~~ suspended or expelled by another local board of education pursuant to this
 17 subsection during the term of the suspension or expulsion.

18 ~~(b) Notwithstanding any provision of Code Section 20-2-150 to the contrary, a student~~
 19 ~~who has been suspended pursuant to subsection (a) of this Code section shall not be eligible~~
 20 ~~for enrollment in any educational program authorized under Part 3 of Article 6 of this~~
 21 ~~chapter; provided, however, that a local board of education may enroll such a student in an~~
 22 ~~alternative education program established pursuant to Code Section 20-2-769.~~

23 (c) The provisions of subsection ~~(a)~~ (b) of this Code section shall apply with respect to any
 24 local school system which receives state funding pursuant to Code Sections 20-2-161 and
 25 20-2-260.

26 (d) Nothing in this Code section shall be construed to infringe on any right provided to
 27 students with Individualized Education Programs pursuant to the federal Individuals with
 28 Disabilities Education Act, Section 504 of the federal Rehabilitation Act of 1973, or the
 29 federal Americans with Disabilities Act of 1990."

30 SECTION 2.

31 Said chapter is further amended in Subpart 1A of Part 2 of Article 16, relating to an improved
 32 student learning environment and discipline, by adding a new Code section to be designated
 33 Code Section 20-2-735.1 to read as follows:

34 "20-2-735.1.

1 Each local board of education shall adopt policies that prohibit unruly behavior on school
2 buses and shall require such prohibition to be included in student codes of conduct. Local
3 board policies shall require that, upon finding that a student has engaged in unruly behavior
4 on a school bus for the second time in a school year, there shall be a meeting of the parent
5 or guardian of the student, the bus driver, and appropriate school officials to form a school
6 bus behavior contract for the student. Such contract shall provide for assigned seating on
7 a bus, ongoing parent involvement, and progressive discipline for student misconduct on
8 the bus, including possible suspension from riding the bus."

9 **SECTION 3.**

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