

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 20-2-751.6 of the Official Code of Georgia Annotated, relating to
2 the disciplinary policy for students committing acts of physical violence against a teacher,
3 school bus driver, or other school official or employee, so as to change provisions relating
4 to the authority of the disciplinary tribunal; to provide for an appeals process; to provide for
5 other matters relative thereto; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Code Section 20-2-751.6 of the Official Code of Georgia Annotated, relating to the
9 disciplinary policy for students committing acts of physical violence against a teacher, school
10 bus driver, or other school official or employee, is amended by striking subsection (b) and
11 inserting in lieu thereof a new subsection (b) to read as follows:

12 "(b)(1) Local board of education policies and student codes of conduct shall provide for
13 the penalties to be assessed against a student found by a tribunal to have committed any
14 act of physical violence against a teacher, school bus driver, or other school official or
15 employee. The local board shall appoint a tribunal to hold a disciplinary hearing pursuant
16 to Code Section ~~20-2-754~~ 20-2-753 regarding the alleged act of physical violence and
17 penalty. Any student alleged to have committed an act of physical violence shall be
18 suspended pending the hearing by the tribunal. ~~The tribunal shall be composed of three~~
19 ~~teachers or certificated education personnel, appointed by the local school board.~~ The
20 ~~tribunal shall determine all issues of fact and intent and shall submit its findings and~~
21 ~~recommendations to the local school board for imposition of punishment in accordance~~
22 ~~with this Code section.~~ If appropriate under paragraph (1) of subsection (c) of this Code
23 ~~section, the tribunal's recommendations shall include a recommendation as to whether~~
24 ~~a student may return to public school and, if return is recommended, a recommended time~~
25 ~~for the student's return to public school.~~ The local school board may follow the
26 recommendations of the tribunal or impose penalties not recommended by the tribunal.

(2) The tribunal shall ensure that:

(A) All parties are afforded an opportunity for a hearing after reasonable notice served personally or by mail. This notice shall be given to all parties and to the parent or guardian of the student or students involved and shall include a statement of the time, place, and nature of the hearing; a short and plain statement of the matters asserted; and a statement as to the right of all parties to present evidence and to be represented by legal counsel;

(B) All parties are afforded an opportunity to present and respond to evidence and to examine and cross-examine witnesses on all issues unresolved; and

(C) A verbatim electronic or written record of the hearing shall be made and shall be available to all parties.

(3) The tribunal shall conduct the hearing and, after receiving all evidence, render its decision, which decision shall be based solely on the evidence received at the hearing.

The decision shall be in writing and shall be given to all parties within ten days of the close of the record. If appropriate under paragraph (1) of subsection (c) of this Code section, the tribunal's decision shall include a recommendation as to whether a student may return to public school and, if return is recommended, a recommended time for the student's return to public school. Any decision by such tribunal may be appealed to the local board of education by filing a written notice of appeal within 20 days from the date the decision is rendered. Any disciplinary action imposed by such tribunal may be suspended by the school superintendent pending the outcome of the appeal.

(4) The local board of education shall review the record and shall render a decision in writing. The decision shall be based solely on the record and shall be given to all parties within ten days, excluding weekends and public and legal holidays provided for in Code Section 1-4-1, from the date the local board of education receives the notice of appeal. The board may take any action it determines appropriate, and any decision of the board shall be final. All parties shall have the right to be represented by legal counsel at any such appeal and during all subsequent proceedings.

(5) Either or both parents or guardians or legal counsel of the student involved may obtain a copy of any documents relating to a disciplinary proceeding conducted pursuant to this Code section."

SECTION 2.

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