

Senate Bill 428

By: Senators Lee of the 29th, Shafer of the 48th, Smith of the 52nd and Brush of the 24th

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 for failure to comply with
3 compulsory attendance requirements; to provide for written summaries of penalties and
4 consequences of failure to comply with compulsory attendance requirements; to provide for
5 student attendance protocols and their contents, purpose, and dissemination; to provide for
6 student attendance protocol committees and their membership and duties; to provide for
7 designation of school employees as attendance officers; to change the authority of attendance
8 officers; to provide that peace officers assigned to schools shall have the authority of
9 attendance officers; to change certain provisions relating to adoption of policies by local
10 boards to improve the student learning environment; to require school principals to support
11 the authority of teachers to remove certain students from a classroom; to change certain
12 provisions relating to conflict management and resolution and cultural diversity training
13 programs; to change certain provisions relating to the annual study by the Department of
14 Education regarding disciplinary and placement actions; to revise the definition of
15 "disciplinary orders" to include those from private schools and out-of-state schools; to
16 provide for additional requirements for student codes of conduct; to provide that prohibited
17 activities apply to school buses; to provide for provisions in student codes of conduct for
18 off-campus behavior by a student; to eliminate the requirement that local boards of education
19 submit a copy of their student codes of conduct to the State Board of Education; to provide
20 that local board policies require local school superintendents to support the authority of
21 principals and teachers to remove certain students from a classroom; to change certain
22 provisions relating to suspending students for committing acts of physical violence to
23 conform to other Code sections; to revise certain provisions relating to disciplinary hearings
24 by a disciplinary hearing officer, panel, or tribunal; to require that all disciplinary hearings
25 be held within a certain time after the beginning of a student's suspension; to delete certain
26 provisions relating to disciplinary actions for children in kindergarten through grade five; to
27 amend Code Section 40-5-22, relating to persons not to be issued a driver's license, school
28 attendance requirements, and driving training requirements, so as to eliminate permission of
29 a student's parent or guardian as exceptions to the school attendance requirements to obtain

1 a driver's license; to provide for additional offenses to prohibit a suspended student from
2 maintaining a driver's license; to provide conditions for reinstatement of drivers' licenses and
3 permits for suspended students; to provide for an effective date; to repeal conflicting laws;
4 and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 **SECTION 1.**

7 Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to elementary and
8 secondary education, is amended by striking subsection (b) of Code Section 20-2-690.1,
9 relating to mandatory education for children, and inserting in lieu thereof the following:

10 "(b) Any parent, guardian, or other person residing in this state who has control or charge
11 of a child or children and who shall violate this Code section shall be guilty of a
12 misdemeanor and, upon conviction thereof, shall be subject to a fine ~~not to exceed~~ not less
13 than \$25.00 and not greater than \$100.00, or imprisonment not to exceed 30 days,
14 community service, or both any combination of such penalties, at the discretion of the court
15 having jurisdiction. Each day's absence from school in violation of this part after the
16 child's school system notifies the parent, guardian, or other person who has control or
17 charge of a child of five unexcused days of absence for a child shall constitute a separate
18 offense. Public schools shall provide to the parent, guardian, or other person having control
19 or charge of each child enrolled in public school a written summary of possible
20 consequences and penalties for failing to comply with compulsory attendance under this
21 Code section for children and their parents, guardians, or other persons having control or
22 charge of children, as provided in Code Section 20-2-690.2. The parent, guardian, or other
23 person who has control or charge of a child or children shall sign a statement indicating
24 receipt of such written statement of possible consequences and penalties; children who are
25 age ten years or older by September 1 shall sign a statement indicating receipt of such
26 written statement of possible consequences and penalties. After two reasonable attempts
27 by the school to secure such signature or signatures, the school shall be considered to be
28 in compliance with this subsection if it sends a copy of the statement, via certified mail,
29 return receipt requested, to such parent, guardian, other person who has control or charge
30 of a child, or child. Public schools shall retain signed copies of statements through the end
31 of the school year."

32 **SECTION 2.**

33 Said chapter is further amended by inserting a new Code section to be designated Code
34 Section 20-2-690.2 to read as follows:

1 "20-2-690.2.

2 (a) The chief judge of the superior court of each county shall establish a student attendance
3 protocol committee for its county. The purpose of the committee shall be to ensure
4 coordination and cooperation among officials, agencies, and programs involved in
5 compulsory attendance issues, to reduce the number of unexcused absences from school,
6 and to increase the percentage of students present to take tests which are required to be
7 administered under the laws of this state. The chief judge is responsible for ensuring that
8 all members of the committee are notified of their responsibility to the committee and shall
9 call the first meeting of the committee in each county. The committee shall elect a
10 chairperson and may elect other officers.

11 (b) Each local board of education shall participate in and implement the recommendations
12 of the committee as provided in this Code section. Independent school systems shall
13 participate in the committee in the county in which its system resides. Independent school
14 systems whose geographic area resides in more than one county shall select one of the
15 counties in which it resides in which to participate.

16 (c) Each of the following agencies, officials, or programs shall designate a representative
17 to serve on the committee:

18 (1) The chief judge of the superior court;

19 (2) The juvenile court judge or judges of the county;

20 (3) The district attorney for the county;

21 (4) The solicitor-general of state court, if the county has a state court;

22 (5) The Department of Juvenile Justice, which may include representatives from area
23 youth detention centers or regional youth detention centers;

24 (6) The superintendent of each public school system in the county;

25 (7) The sheriff of the county;

26 (8) The chief of police of the county police department;

27 (9) The chief of police of each municipal police department in the county;

28 (10) The county department of family and children services;

29 (11) The county board of health;

30 (12) The county mental health organization;

31 (13) The county Family Connection commission, board, or authority, or other county
32 agency, board, authority, or commission having the duty and authority to study problems
33 of families, children, and youth and provide services to families, children, and youth; and

34 (14) The court approved community based risk reduction program established by the
35 juvenile court in accordance with Code Section 15-11-10, if such a program has been
36 established.

(d) The committee thus established may appoint such additional members as necessary and proper to accomplish the purposes of the committee.

(e) Each committee shall, by August 1, 2004, adopt a written student attendance protocol for its county school system and for each independent school system within its geographic boundaries which shall be filed with the Department of Education. The protocol shall outline in detail the procedures to be used in identifying, reporting, investigating, and prosecuting cases of alleged violations of Code Section 20-2-690.1, relating to mandatory school attendance. The protocol shall outline in detail methods for determining the causes of failing to comply with compulsory attendance and appropriately addressing the issue with children and their parents or guardians. The protocol shall also include recommendations for policies relating to tardiness. The Department of Education shall provide model school attendance protocols, if requested by the committee.

(f) A copy of the protocol shall be furnished to each agency, official, or program within the county that has any responsibility in assisting children and their parents or guardians in complying with Code Section 20-2-690.1.

(g) The committee shall write the summary of possible consequences and penalties for failing to comply with compulsory attendance under Code Section 20-2-690.1 for children and their parents, guardians, or other persons who have control or charge of children for distribution by schools in accordance with Code Section 20-2-690.1. The summary of possible consequences for children shall include possible dispositions for unruly children and possible denial or suspension of a driver's license for a child in accordance with Code Section 40-5-22.

(h) The committee shall continue in existence after writing the student attendance protocol. The chief judge of the superior court of each county shall ensure that the committee meets at least quarterly during the first year, and twice annually thereafter, to evaluate compliance with the protocol, effectiveness of the protocol, and appropriate modifications.

(i) Each local board of education shall report student attendance rates to the committee and the State Board of Education at the end of each school year, according to a schedule established by the State Board of Education."

SECTION 3.

Said chapter is further amended by striking Code Section 20-2-695, relating to attendance officers, and inserting in lieu thereof the following:

"20-2-695.

(a) A local board of education may employ an attendance officer or attendance officers in addition to a visiting teacher or visiting teachers. Such an attendance officer must be paid wholly from local funds of the local board unless state funds are specifically appropriated

for purposes of employment of attendance officers, in which case state funds may be used to the extent so appropriated. Attendance officers shall not be required to qualify under rules and regulations promulgated by the Professional Standards Commission for the certification of visiting teachers.

(a.1) A local board of education may designate one or more school employees as an attendance officer or attendance officers. Such school employees designated as attendance officers shall have the duties and authority of attendance officers defined in this subpart.

(b) The authority and duties of any attendance officer so appointed by a local board of education shall include:

(1) The duty to cooperate with state agencies, make monthly reports to that officer's school superintendent, and comply with state and local rules as provided in Code Section 20-2-696;

(2) The authority to receive cooperation and attendance reports from that officer's school system as provided for in Code Section 20-2-697;

(3) ~~When specifically authorized by the appointing local board of education, the~~ The authority to assume temporary custody of children absent from school for the purpose of delivering the child to school or to the parent, guardian, or other person who has control or charge of the child, or if the child has been adjudged delinquent or unruly, to the probation officer of the county having jurisdiction over the child in the same manner as authorized for peace officers under Code Sections 20-2-698 through 20-2-700; and any attendance officer ~~so authorized by the appointing local board of education~~ shall, when engaged in such function, have the same duties, authority, rights, privileges, and immunities as applicable to a peace officer engaged in such function, provided that the same shall not extend to the carrying of a weapon unless the attendance officer holds a valid certification as a peace officer from the Georgia Peace Officer Standards and Training Council;

(4) The duty to report children absent from school to the juvenile court or other court having jurisdiction as provided for in Code Section 20-2-701; and

(5) Such other authority and duties as may be provided by law or as may be provided by the appointing local board of education in conformity with law.

Attendance officers and school employees designated as attendance officers pursuant to subsection (a.1) of this Code section, when acting in their official capacity pursuant to this subsection, shall be immune from criminal or civil liability for, or arising out of, any act or omission concerning, relating to, or resulting from their performance of duties under this subsection.

(c) Any peace officer assigned to a school on a full-time or part-time basis shall have the authority of an attendance officer in addition to the authority of a peace officer."

SECTION 4.

Said chapter is further amended by striking subsection (a) of Code Section 20-2-735, relating to adoption of policies by local boards to improve the student learning environment, and inserting in lieu thereof the following:

"(a) ~~No later than July 1, 2000, each~~ Each local board of education shall adopt policies designed to improve the student learning environment by improving student behavior and discipline. These policies shall provide for the development of age-appropriate student codes of conduct containing standards of behavior, a student support process, a progressive discipline process, and a parental involvement process. The State Board of Education shall establish minimum standards for such local board policies. The Department of Education shall make available for utilization by each local board of education model student codes of conduct, a model student support process, a model progressive discipline process, and a model parental involvement process."

SECTION 5.

Said chapter is further amended by striking subsection (b) of Code Section 20-2-738, relating to authority of teacher over classroom, procedures following removal of student from classroom, and placement review committees, and inserting in lieu thereof the following:

"(b) ~~On and after July 1, 2000, a~~ A teacher shall have the authority to remove from his or her class a student who repeatedly or substantially interferes with the teacher's ability to communicate effectively with the students in the class or with the ability of the student's classmates to learn, where the student's behavior is in violation of the student code of conduct, provided that the teacher has previously filed a report pursuant to Code Section 20-2-737 or determines that such behavior of the student poses an immediate threat to the safety of the student's classmates or the teacher. Each school principal shall fully support, by establishing and disseminating procedures, the authority of every teacher in his or her school to remove a student from the classroom under this Code section. The teacher shall file with the principal or the principal's designee a report describing the student's behavior, in one page or less, by the end of the school day on which such removal occurs or at the beginning of the next school day. The principal or the principal's designee shall, within one school day after the student's removal from class, send to the student's parents or guardians written notification that the student was removed from class, a copy of the report filed by the teacher, and information regarding how the student's parents or guardians may contact the principal or the principal's designee."

SECTION 6.

Said chapter is further amended by striking Code Section 20-2-739, relating to conflict management and resolution, and cultural diversity training programs, and inserting in lieu thereof the following:

"20-2-739.

~~On and after July 1, 2000, the~~ The Department of Education shall provide training programs in conflict management and resolution and in cultural diversity for voluntary implementation by local boards of education for school employees, parents and guardians, and students."

SECTION 7.

Said chapter is further amended by striking subsection (c) of Code Section 20-2-740, relating to the annual report by local boards of education regarding disciplinary and placement actions, and the annual study by the Department of Education, and inserting in lieu thereof the following:

"(c) The Department of Education shall conduct a study for each school year based upon the statistical data filed by local boards pursuant to this Code section for the purpose of determining trends in discipline. The department shall also utilize existing demographic data on school personnel as needed to establish trends in discipline. Nothing in this Code section shall be construed to authorize the public release of personally identifiable information regarding students or school personnel. The department shall submit a an annual report on such study to the General Assembly by December 1, ~~1999, and annually thereafter~~ of each year."

SECTION 8.

Said chapter is further amended by striking Code Section 20-2-751.2, relating to students subject to disciplinary orders of other school systems, and inserting in lieu thereof the following:

"20-2-751.2.

(a) As used in this Code section, the term 'disciplinary order' means any order of a local school system in this state, a private school in this state, or a public school outside of this state which imposes short-term suspension, long-term suspension, or expulsion upon a student in such system or school.

(b) A local board of education which has a student who attempts to enroll or who is enrolled in any school in its school system during the time in which that student is subject to a disciplinary order ~~of any other school system~~ is authorized to refuse to enroll or subject that student to short-term suspension, long-term suspension, or expulsion for any time

1 remaining in that other school system's or school's disciplinary order upon receiving a
2 certified copy of such order if the offense which led to such suspension or expulsion in the
3 other school system or school was an offense for which suspension or expulsion could be
4 imposed in the enrolling school.

5 (c) A local school system or school may request of another school system or school
6 whether any disciplinary order has been imposed by the other school system or school upon
7 a student who is seeking to enroll or is enrolled in the requesting system or school. If such
8 an order has been imposed and is still in effect for such student, the requested school
9 system or private school in this state shall so inform the requesting system or school and
10 shall provide a certified copy of the order to the requesting system or school.

11 (d) If any school administrator determines from the information obtained pursuant to this
12 Code section or from Code Section 15-11-28 or 15-11-80 that a student has been convicted
13 of or has been adjudicated to have committed an offense which is a designated felony act
14 under Code Section 15-11-63, such administrator shall so inform all teachers to whom the
15 student is assigned. Such teachers and other certificated professional personnel as the
16 administrator deems appropriate may review the information in the student's file provided
17 pursuant to this Code section that has been received from other schools or from the juvenile
18 courts or superior courts. Such information shall be kept confidential."

19 SECTION 9.

20 Said chapter is further amended by striking Code Section 20-2-751.5, relating to student
21 codes of conduct, and inserting in lieu thereof the following:

22 "20-2-751.5.

23 (a) Each student code of conduct shall contain provisions that address the following
24 conduct of students during school hours, ~~and~~ at school related functions, and on the school
25 bus, in a manner that is appropriate to the age of the student:

26 (1) Verbal assault, including threatened violence, of teachers, administrators, and other
27 school personnel;

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

29 (3) Disrespectful conduct toward teachers, administrators, and other school personnel;

30 (4) Verbal assault of other students;

31 (5) Physical assault or battery of other students;

32 (6) Disrespectful conduct toward other students, including use of vulgar or profane
33 language; and

34 (7) Verbal assault of, physical assault or battery of, and disrespectful conduct, including
35 use of vulgar or profane language, toward persons attending school related functions;

1 (8) Failure to comply with compulsory attendance as required under Code Section
2 20-2-690.1;

3 (9) Willful or malicious damage to real or personal property of the school or to personal
4 property of any person legitimately at the school;

5 (10) Inciting, advising, or counseling of others to engage in prohibited acts;

6 (11) Marking, defacing, or destroying school property;

7 (12) Possession of a weapon, as provided for in Code Section 16-11-127.1;

8 (13) Unlawful use or possession of illegal drugs or alcohol; and

9 (14) Willful and persistent violation of the student code of conduct.

10 With regard to paragraphs (9) and (11) of this subsection, each student code of conduct
11 shall also contain provisions that address conduct of students during off-school hours.

12 (b)(1) In addition to the requirements contained in subsection (a) of this Code section,
13 each ~~Each~~ student code of conduct shall include comprehensive and specific provisions
14 prescribing and governing student conduct and safety rules on all public school buses.

15 The specific provisions shall include but not be limited to:

16 (A) Students shall be prohibited from acts of physical violence as defined by Code
17 Section 20-2-751.6, bullying as defined by subsection (a) of Code Section 20-2-751.4,
18 physical assault or battery of other persons on the school bus, verbal assault of other
19 persons on the school bus, disrespectful conduct toward the school bus driver or other
20 persons on the school bus, and other unruly behavior;

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

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

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

1 and suspension from riding the bus. This subsection is not to be construed to limit the
2 instances when a school code of conduct or local board of education may require use of
3 a student bus behavior contract.

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

12 (c) Each student code of conduct shall also contain provisions that address any off-campus
13 behavior of a student which could result in the student being criminally charged with a
14 felony and which makes the student's continued presence at school a potential danger to
15 persons or property at the school or which disrupts the educational process.

16 (d) Local board policies relating to student codes of conduct shall provide that each local
17 school superintendent, by establishing and disseminating procedures, shall fully support
18 the authority of principals and teachers in the school system to remove a student from the
19 classroom pursuant to Code Section 20-2-738. It is the policy of this state that it is
20 preferable to reassign disruptive students to alternative educational settings rather than to
21 suspend or expel such students from school.

22 ~~(e)~~(e) Any student handbook which is prepared by a local board or school shall include a
23 copy or summary of the student code of conduct for that school or be accompanied by a
24 copy of the student code of conduct for that school. If a student handbook contains a
25 summary of the student code of conduct, then a full copy of the student code of conduct
26 shall be made available for review at the school. When distributing a student code of
27 conduct, a local school shall include a form on which the student's parent or guardian may
28 acknowledge his or her receipt of the code, and the local school shall request that the form
29 be signed and returned to the school."

30 SECTION 10.

31 Said chapter is further amended by striking Code Section 20-2-751.6, relating to suspension
32 policy for students committing acts of physical violence resulting in injury to teachers, and
33 inserting in lieu thereof the following:

34 "20-2-751.6.

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

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

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

6 (b) Local board of education policies and student codes of conduct shall provide for the
7 penalties to be assessed against a student found by a disciplinary hearing officer, panel, or
8 tribunal pursuant to Code Section 20-2-752 to have committed any act of physical violence
9 against a teacher, school bus driver, or other school official or employee. ~~The local board~~
10 ~~shall appoint a~~ Such disciplinary hearing officer, panel, or tribunal to shall hold a any
11 disciplinary hearing pursuant to in accordance with the provisions of Code Section
12 20-2-754 regarding the alleged act of physical violence and penalty. Any student alleged
13 to have committed an act of physical violence shall be suspended pending the hearing by
14 the tribunal. ~~The tribunal shall be composed of three teachers or certificated education~~
15 ~~personnel, appointed by the local school board. The~~ decision of the disciplinary hearing
16 officer, panel, or tribunal shall determine all issues of fact and intent and shall submit its
17 findings and recommendations may be appealed to the local school board pursuant to Code
18 Section 20-2-754 for imposition of punishment in accordance with this Code section. If
19 appropriate under paragraph (1) of subsection (c) of this Code section, the ~~tribunal's~~
20 ~~recommendations~~ decision of the disciplinary hearing officer, panel, or tribunal shall
21 include a recommendation as to whether a student may return to public school and, if return
22 is recommended, a recommended time for the student's return to public school. The local
23 school board may ~~follow the recommendations of the tribunal or~~ impose penalties not
24 recommended by the tribunal.

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

as defined in paragraph (2) of subsection (a) of this Code section to reenroll in the public school system;

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

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

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

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

SECTION 11.

Said chapter is further amended by striking Code Section 20-2-753, relating to disciplinary hearings held by a disciplinary hearing officer, panel, or tribunal, and inserting in lieu thereof the following:

"20-2-753.

~~(a)~~ In addition to any proceedings which are authorized in Code Section 20-2-752, local boards of education shall appoint a disciplinary hearing officer, panel, or tribunal of school officials to hold a disciplinary hearing following any instance of an alleged violation of the student code of conduct where the principal recommends a suspension or expulsion of longer than ten school days.;

~~(1) An alleged assault or battery by a student upon any teacher, other school official, or employee;~~

~~(2) An alleged assault or battery by a student upon another student, if, in the discretion of the school principal, the alleged assault or battery could justify the expulsion or long-term suspension of the student; or~~

~~(3) Substantial damage alleged to be intentionally caused by a student on school premises to personal property belonging to a teacher, other school official, employee, or student, if, in the discretion of the school principal, the alleged damage could justify the expulsion or long-term suspension of the student.~~

~~(b) The board of education shall by appropriate rule, regulation, or resolution require that when any instance specified in subsection (a) of this Code section occurs, the teacher, other school official, employee, or student who is subjected to the assault, battery, or damage shall file a complaint with the school administration and with the local board of education."~~

SECTION 12.

Said chapter is further amended by striking subsection (b) of Code Section 20-2-754, relating to procedures to be followed by disciplinary hearing officers, panels, or tribunals, and inserting in lieu thereof the following:

"(b) A disciplinary officer, panel, or tribunal of school officials appointed as required by Code Section 20-2-753 shall, in addition to any other requirements imposed by rules and regulations which may have been promulgated pursuant to Code Section 20-2-752, ensure that:

(1) 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;

(2) The hearing is held no later than ten school days after the beginning of the suspension;

~~(2)(3)~~ All parties are afforded an opportunity to present and respond to evidence and to examine and cross-examine witnesses on all issues unresolved; and

~~(3)(4)~~ A verbatim electronic or written record of the hearing shall be made and shall be available to all parties."

SECTION 13.

Said chapter is further amended by striking Code Section 20-2-759, relating to children in kindergarten through grade five, and inserting in lieu thereof the following:

"20-2-759.

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

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

SECTION 14.

Code Section 40-5-22 of the Official Code of Georgia Annotated, relating to persons not to be issued a driver's license, school attendance requirements, and driving training requirements, is amended by striking subsection (a.1) and inserting in lieu thereof the following:

"(a.1)(1) The department shall not issue an instruction permit or driver's license to a person who is younger than 18 years of age unless at the time such minor submits an application for an instruction permit or driver's license the applicant presents acceptable proof that he or she has received a high school diploma, a general educational development (GED) equivalency diploma, a special diploma, or a certificate of high school completion, ~~has permission of his or her parent or guardian to withdraw from school~~, or has terminated his or her secondary education and is enrolled in a postsecondary school or the records of the department indicate that said applicant:

(A) Is enrolled in and not under suspension from a public or private school and satisfies relevant attendance requirements as set forth in paragraph (2) of this subsection; or

(B) Is enrolled in a home education program that satisfies the requirements of all state laws governing such courses.

(2) The department shall forthwith notify by certified mail or statutory overnight delivery, return receipt requested, any minor issued an instruction permit or driver's license in accordance with this subsection other than a minor who has terminated his or her secondary education and is enrolled in a postsecondary school ~~or who has permission of his or her parent or guardian to withdraw from school~~ that such minor's instruction permit or driver's license is suspended subject to review as provided for in this subsection if the records of the department indicate that such minor:

(A) Has dropped out of school without graduating and has remained out of school for ten consecutive school days;

(B) Has more than ten ~~consecutive~~ school days of unexcused absences in any semester or combination of two consecutive quarters; ~~or~~

(C) Has been suspended from school for:

(i) Threatening, striking, or causing bodily harm to a teacher or other school personnel;

(ii) Possession or sale of drugs or alcohol on school property; ~~or~~

(iii) Possession or use of a weapon on school property. For purposes of this subparagraph, the term 'weapon' shall be defined in accordance with Code Section 16-11-127.1 but shall not include any part of an archeological or cultural exhibit brought to school in connection with a school project.

1 (iv) Any sexual offense prohibited under Chapter 6 of Title 16; or

2 (v) Causing substantial physical or visible bodily harm to or seriously disfiguring
 3 another person, including another student; or

4 (D) Has been suspended from school, for any reason, for more than ten cumulative
 5 days.

6 Notice given by certified mail or statutory overnight delivery with return receipt
 7 requested mailed to the person's last known address shall be prima-facie evidence that
 8 such person received the required notice. The minor so notified may request in writing
 9 a hearing within ten business days from the date of receipt of notice. Within 30 days after
 10 receiving a written request for a hearing, the department shall hold a hearing as provided
 11 for in Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act.' After such
 12 hearing, the department shall sustain its order of suspension or rescind such order. Appeal
 13 from such hearing shall be in accordance with said chapter. If no hearing is requested
 14 within the ten business days specified above, the right to a hearing shall have been
 15 waived and the instruction permit or driver's license of the minor shall remain suspended.
 16 The suspension provided for in this paragraph shall be for a period to end upon the date
 17 of such minor's eighteenth birthday, but such minor's instruction permit or driver's
 18 license shall be reinstated if the minor submits evidence satisfactory to the department
 19 that he or she has resumed regular studies as determined by the State Board of Education
 20 and qualifies for an instruction permit or driver's license under the provisions of this
 21 subsection, upon payment of a restoration fee of \$50.00; provided, however, that any
 22 instruction permit or driver's license suspended pursuant to subparagraph (C) or (D) of
 23 this paragraph shall not be reinstated until ~~90 days~~ six months after the effective date of
 24 the suspension of such permit or license by the department or for the duration of the
 25 minor's suspension from school, whichever is longer.

26 (3) The State Board of Education and the commissioner of motor vehicle safety are
 27 authorized to promulgate rules and regulations to implement the provisions of this
 28 subsection."

29 **SECTION 15.**

30 This Act shall become effective upon its approval by the Governor or upon its becoming law
 31 without such approval.

32 **SECTION 16.**

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