

The House Committee on Education offers the following substitute to SB 35:

A BILL TO BE ENTITLED

AN ACT

1 To amend Code Section 20-2-161 of the Official Code of Georgia Annotated, relating to the
 2 Quality Basic Education Formula, so as to change program weights for funding purposes; to
 3 amend Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to
 4 elementary and secondary education, so as to provide for the revision of certain provisions
 5 regarding education flexibility; to provide for the development of rules and regulations by
 6 the State Board of Education for specified information, including budget and expenditure
 7 information and site average class size by grade, to be provided by local boards of education
 8 to school councils and the general public; to change certain provisions relating to expenditure
 9 controls for the 2005-2006 school year; to change certain provisions regarding program
 10 weights; to amend Chapter 14 of Title 20 of the Official Code of Georgia Annotated, relating
 11 to the education coordinating council, so as to change certain provisions relating to the duties
 12 of the office of student achievement; to change certain provisions relating to indicators of
 13 quality of learning in individual schools; to change certain provisions relating to school
 14 report cards; to change certain provisions relating to appropriate levels of intervention for
 15 failing schools; to change certain provisions relating to the Education Information Steering
 16 Committee; to amend Code Section 40-5-22, relating to persons not to be issued a driver's
 17 license, school attendance requirements, and driving training requirements, so as to provide
 18 for an additional exception to the school attendance requirements to obtain a driver's license
 19 for a minor pursuing a general educational development diploma; to change certain
 20 provisions relating to suspension of driver's licenses of minors; to provide for related
 21 matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

22 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

23 **SECTION 1.**

24 Code Section 20-2-161 of the Official Code of Georgia Annotated, relating to the Quality
 25 Basic Education Formula, by striking subsection (b) in its entirety and inserting in lieu
 26 thereof the following:

S. B. 35 (SUB)

1 "(b) As the cost of instructional programs varies depending upon the teacher-student ratios
 2 and specific services typically required to address the special needs of students enrolled,
 3 state authorized instructional programs shall have the following program weights and
 4 teacher-student ratios:

5	(1) Kindergarten program	1.6226
6		<u>1.6417</u>
7		weight and
8		1 to 15
		ratio
9	(2) Kindergarten early intervention program	1.9952
10		<u>2.0240</u>
11		weight and
12		1 to 11
		ratio
13	(3) Primary grades program (1-3)	1.2686
14		<u>1.2773</u>
15		weight and
16		1 to 17
		ratio
17	(4) Primary grades early intervention program (1-3)	1.7617
18		<u>1.7832</u>
19		weight and
20		1 to 11
		ratio
21	(5) Upper elementary grades program (4-5)	1.0258
22		<u>1.0289</u>
23		weight and
24		1 to 23
		ratio
25	(6) Upper elementary grades early intervention program (4-5)	1.7549
		<u>1.7768</u>
		weight and
		1 to 11
		ratio

1	(7) Middle grades program (6-8)	1.0102
2		<u>1.0134</u>
3		weight and
4		1 to 23
		ratio
5	(8) Middle school program (6-8) as defined in Code Section 20-2-290 ...	1.1104
6		<u>1.1162</u>
7		weight and
8		1 to 20
		ratio
9	(9) High school general education program (9-12)	1.0000
10		weight and
11		1 to 23
12		ratio
13	(10) Vocational laboratory program (9-12)	1.2010
14		<u>1.1916</u>
15		weight and
16		1 to 20
		ratio
17	(11) Program for persons with disabilities:	
18	Category I	2.3409
19		<u>2.3698</u>
20		weight and
21		1 to 8
		ratio
22	(12) Program for persons with disabilities:	
23	Category II	2.7330
24		<u>2.7761</u>
25		weight and
26		1 to 6.5
		ratio

1	(13) Program for persons with disabilities:	
2	Category III	3.4778
3		<u>3.5340</u>
4		weight and
5		1 to 5
		ratio
6	(14) Program for persons with disabilities:	
7	Category IV	5.6253
8		<u>5.7267</u>
9		weight and
10		1 to 3
		ratio
11	(15) Program for persons with disabilities:	
12	Category V	2.4233
13		<u>2.4415</u>
14		weight and
15		1 to 8
		ratio
16	(16) Program for intellectually gifted students:	
17	Category VI	1.6340
18		<u>1.6516</u>
19		weight and
20		1 to 12
		ratio
21	(17) Remedial education program	1.2917
22		<u>1.3028</u>
23		weight and
24		1 to 15
		ratio
25	(18) Alternative education program	1.5683
26		<u>1.5866</u>
27		weight and
28		1 to 15
		ratio

1 (19) English for speakers of other languages (ESOL) program ~~2.4521~~
2 2.4937
3 weight and
4 1 to 7
ratio"

SECTION 2.

Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to elementary and secondary education, is amended in Code Section 20-2-167, relating to funding for direct instructional, media center, and staff development costs, by adding a new subsection to the end of such Code section to read as follows:

"(e) No later than October 1, 2005 the State Board of Education shall develop rules and regulations requiring that each local board of education provide information as specified by the state board and which is not specifically made confidential by law, including school site budget and expenditure information and site average class size by grade, to members of the school council and the general public."

SECTION 3.

Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to elementary and secondary education, is amended by striking Code Section 20-2-167.1, relating to the application of Code Section 20-2-167 for the 2003-2004 and 2004-2005 school year, and inserting in lieu thereof the following:

"20-2-167.1.

(a) For the purposes of the 2003-2004, ~~and 2004-2005,~~ and 2005-2006 school years only, the following changes to Code Section 20-2-167 shall apply:

(1) Except as otherwise provided in paragraph (2) of this subsection, for each program identified in Code Section 20-2-161, each local school system shall spend 100 percent of funds designated for direct instructional costs on the direct instructional costs of such program on one or more of the programs identified in Code Section 20-2-161 at the system level, with no requirement that the school system spend any specific portion of such funds at the site where such funds were earned;

(2) Direct instruction funds for the kindergarten early intervention program, the primary grades early intervention program, the upper elementary grades early intervention program, the remedial education program, and the alternative education program shall be expended on one or more of these programs at the system level, with no requirement that the school system spend any specific portion of such funds at the site where such funds were earned;

1 (3) Each local school system shall spend 100 percent of the funds designated for media
 2 center costs for such costs at the system level, and 100 percent of the funds designated
 3 for media materials at the system level;

4 (4) During the 2003-2004 school year, funds allocated for staff development may be
 5 spent for any program approved under the 'Quality Basic Education Act.' During the
 6 2004-2005 and 2005-2006 school year years, each school system shall spend 90 percent
 7 of funds allocated for professional development for such costs at the system level; and

8 (5) Each local school system shall report to the Department of Education its budgets and
 9 expenditures in accordance with this Code section with expenditures based in the
 10 preceding school year for each school site as a part of its report in October for the FTE
 11 count and on March 15.

12 (b) Except as otherwise provided by subsection (a) of this Code section, Code Section
 13 20-2-167 shall apply during the 2003-2004, and 2004-2005, and 2005-2006 school years.

14 (c) No penalty shall apply for failure to comply with expenditure controls set out in Code
 15 Section 20-2-167 that are contrary to this Code section, notwithstanding any law to the
 16 contrary, as long as the local school system complies with this Code section.

17 (d) Nothing in this Code section shall be construed to repeal any other provision of Code
 18 Section 20-2-167 or this chapter, or to apply to any time period other than the ~~two~~ three
 19 fiscal years beginning July 1, 2003, and ending June 30, ~~2005~~ 2006.

20 (e) This Code section shall be automatically repealed July 1, ~~2005~~ 2006."

21 SECTION 4.

22 Said chapter is further amended by striking subsections (i) and (k) of Code Section 20-2-182,
 23 relating to program weights, and inserting in lieu thereof the following:

24 "(i) The State Board of Education shall adopt for each instructional program authorized
 25 pursuant to Part 3 of this article and the middle school program provided for in Code
 26 Section 20-2-290 the maximum number of students which may be taught by a teacher in
 27 an instructional period. ~~Such maximum class sizes shall be equal to or greater than the~~
 28 ~~teacher-student ratios used in the calculation of the program weights as set forth in~~
 29 ~~subsection (b) of Code Section 20-2-161 but shall not exceed the funding class size by~~
 30 ~~more than 20 percent, unless specifically authorized by the State Board of Education;~~
 31 ~~provided, however, that in no case shall the 20 percent maximum be exceeded for~~
 32 ~~mathematics, science, social studies, or English classes; provided, further, that the~~ The
 33 State Board of Education shall provide for a system average maximum class size that shall
 34 not exceed the funding class size by more than 20 percent for mathematics, science, social
 35 studies, or language arts classes, unless specifically authorized by the State Board of
 36 Education. The system average maximum class size for kindergarten and grades one

1 through three shall not exceed 20 percent over the funding ratio except for art, music, or
 2 physical education classes; provided, further, that the system average maximum class size
 3 for special education, gifted, and English for speakers of other languages classes shall be
 4 set by the State Board of Education. For each instructional program, the maximum number
 5 of students who may be taught by a teacher in an instructional period shall not exceed the
 6 system average maximum class size for the program by more than two students; provided,
 7 however, that a system average maximum class size which results in a fractional full-time
 8 equivalent shall be rounded up to the nearest whole number. For a period not to exceed ~~four~~
 9 ~~seven~~ years, beginning with the 2000-2001 school year, local school systems shall be
 10 allowed to exceed the maximum class sizes set forth in this subsection in a manner
 11 consistent with State Board of Education rules and subsection (k) of this Code section. The
 12 State Board of Education shall lower the current maximum class sizes set by state board
 13 rules in effect for the 1999-2000 school year, beginning with the 2000-2001 school year,
 14 by a ~~proportional amount each school year~~ an amount so that, beginning with the
 15 ~~2003-2004~~ 2007-2008 school year, State Board of Education rules are in compliance with
 16 this subsection ~~except as otherwise provided in subsection (k) of this Code section for the~~
 17 ~~2003-2004 and 2004-2005 school years only.~~ An aide may be used in programs to increase
 18 class size as allowed by State Board of Education rule and subsection (k) of this Code
 19 section, except that beginning with the 2007-2008 school year, an aide shall not be used
 20 to increase the maximum class size in kindergarten or grades one through three, ~~except as~~
 21 ~~otherwise provided in subsection (k) of this Code section for the 2003-2004 and 2004-2005~~
 22 ~~school years only.~~ The maximum class size for the kindergarten and primary grades
 23 programs is defined as the number of students in a physical classroom. Maximum class
 24 sizes that result in a fractional full-time equivalent shall be rounded up to the nearest whole
 25 number as needed. The middle school program shall use the teacher-student ratio of the
 26 middle grades program for the purpose of this subsection. The number of students taught
 27 by a teacher at any time after the first 15 school days of a school year may not exceed the
 28 maximum such number unless authorization for a specific larger number is requested of
 29 the state board, along with the educational justification for granting the requested
 30 exemption, and the state board has approved said request. The state board shall not reduce
 31 class sizes without the authorization of the General Assembly if this reduction necessitates
 32 added costs for facilities, personnel, and other program needs. Local boards of education
 33 may reduce class sizes, build additional facilities, and provide other resources at local cost
 34 if such actions are in the best interest of the local school systems' programs as determined
 35 by the local boards of education."

36 "(k) For the 2003-2004, ~~and 2004-2005,~~ 2005-2006, and 2006-2007 school years, the
 37 maximum class sizes set by the State Board of Education for the 2002-2003 school year

1 shall apply for grades four through 12. For the 2003-2004, ~~and 2004-2005,~~ 2005-2006, and
 2 2006-2007 school years, the maximum class sizes set by the State Board of Education for
 3 the 2003-2004 school year shall apply to kindergarten and grades one through three, except
 4 that a kindergarten class may be increased to 20 students if a paraprofessional is present
 5 in addition to the certificated teacher. ~~For the 2003-2004 and 2004-2005 school years,~~
 6 ~~compliance with maximum class size requirements shall be determined by the system~~
 7 ~~average for kindergarten and for each grade and no class shall exceed the applicable~~
 8 ~~maximum size by more than two students.~~ Except as otherwise provided in this subsection,
 9 other provisions of this Code section shall apply. This subsection shall not be construed to
 10 repeal any other provision of this Code section or this chapter, or to apply to any period of
 11 time other than the ~~two~~four fiscal years beginning July 1, 2003, and ending June 30,
 12 ~~2005~~2007. This subsection shall be automatically repealed July 1, ~~2005~~2007."

13 SECTION 4A.

14 Said chapter is further amended by striking Code Section 20-2-320, relating to the Education
 15 Information Steering Committee, identification of data to implement Quality Basic Education
 16 Program; State Data and Resource Center, and the state-wide comprehensive educational
 17 information network, and inserting in lieu thereof the following:

18 "20-2-320.

19 (a) The Governor shall appoint a steering committee, which shall be named the Education
 20 Information Steering Committee, composed of representatives from the Department of
 21 Education, the Department of Technical and Adult Education, the Board of Regents of the
 22 University System of Georgia, the office of the Governor, the Office of Planning and
 23 Budget, the Department of Audits and Accounts, the Georgia Technology Authority, the
 24 Department of Early Care and Learning, the Professional Standards Commission, the
 25 Office of Student Achievement, ~~the State Data and Research Center at the Georgia Institute~~
 26 ~~of Technology,~~ the Georgia Public Telecommunications Commission, the Legislative
 27 Budget Office, and local school systems. The steering committee shall identify the data
 28 required to implement the Quality Basic Education Program on a fiscally sound basis and
 29 the data required to evaluate the effectiveness of the components of public education in
 30 Georgia. The steering committee shall identify data that shall be required from local units
 31 of administration, ~~public libraries, public colleges and universities through the Board of~~
 32 ~~Regents of the University System of Georgia, pre-kindergarten programs, the Professional~~
 33 ~~Standards Commission, and postsecondary technical colleges and schools~~ for the
 34 implementation of this article. Further, the steering committee shall develop a design for
 35 a state-wide comprehensive educational information system which will provide for the
 36 accurate, seamless, and timely flow of information from local and regional education

1 agencies, units of the University System of Georgia, and technical schools and colleges to
 2 the state. The design shall include hardware, software, data, collection methods and times,
 3 training, maintenance, communications, security of data, and installation specifications and
 4 any other relevant specifications needed for the successful implementation of this system.
 5 The state-wide comprehensive educational information system shall not use a student's
 6 social security number or an employee's social security number in violation of state or
 7 federal law to identify a student or employee. The steering committee shall present such
 8 recommendations to the Education Coordinating Council. Upon approval of the boards of
 9 the respective education agencies, ~~the steering committee~~ such boards shall issue
 10 appropriate requests for proposals to implement a state-wide comprehensive educational
 11 information system, subject to appropriation by the General Assembly. ~~The State Data and~~
 12 ~~Research Center,~~ boards of the respective education agencies, at the direction of the
 13 Education Coordinating Council and working through the steering committee, shall initiate
 14 contracts with appropriate vendors and local units of administration for the procurement
 15 of services, purchase of hardware and software, and for any other purpose as directed by
 16 the Education Coordinating Council, consistent with appropriation by the General
 17 Assembly.

18 (b) The State Board of Education, the Board of Technical and Adult Education, the Board
 19 of Regents of the University System of Georgia, and the Department of Early Care and
 20 Learning shall require an individual student record for each student enrolled which at a
 21 minimum includes the data specifications recommended by the steering committee and
 22 approved by the Education Coordinating Council. The Professional Standards Commission
 23 shall maintain an individual data record for each certificated person employed in a public
 24 school.

25 (c) For the purpose of this article, authorized educational agencies shall be the Department
 26 of Education; the Department of Early Care and Learning; the Board of Regents of the
 27 University System of Georgia; the Department of Technical and Adult Education; the
 28 Education Coordinating Council; the Professional Standards Commission; ~~the State Data~~
 29 ~~and Research Center and units under contract to the State Data and Research Center;~~ the
 30 Office of Student Achievement; the education policy and research components of the office
 31 of the Governor; the Office of Planning and Budget; the Legislative Budget Office; the
 32 House Research Office; and the Senate Research Office. Any information collected over
 33 the state-wide comprehensive educational information system, including individual student
 34 records and individual personnel records, shall be accessible by authorized educational
 35 agencies, provided that any information which is planned for collection over the system but
 36 which is temporarily being collected by other means shall also be accessible by authorized
 37 educational agencies and provided, further, that adequate security provisions are employed

1 to protect the privacy of individuals. All data maintained for this system shall be used for
 2 educational purposes only. In no case shall information be released by an authorized
 3 educational agency which would violate the privacy rights of any individual student or
 4 employee. Information released by an authorized educational agency in violation of the
 5 privacy rights of any individual student or employee shall subject the authorized
 6 educational agency to all penalties under applicable state and federal law. Any information
 7 collected over the state-wide comprehensive educational information system which is not
 8 stored in an individual student or personnel record format shall be made available to the
 9 Governor and the House and Senate Appropriations, Education, and Higher Education
 10 committees, except information otherwise prohibited by statute. Data which are included
 11 in an individual student record or individual personnel record format shall be extracted
 12 from such records and made available in nonindividual record format for use by the
 13 Governor, committees of the General Assembly, and agencies other than authorized
 14 educational agencies.

15 ~~The State Data and Research Center through the Board of Regents of the University~~
 16 ~~System of Georgia Department of Education~~ shall request sufficient funds annually for the
 17 ~~development~~, operation, training of appropriate personnel, and maintenance and
 18 enhancements of the system. ~~The State Data and Research Center shall submit quarterly~~
 19 ~~reports to the Education Coordinating Council that include budgetary data reflecting~~
 20 ~~expenditures related to the state-wide comprehensive educational information system.~~

21 ~~The~~ In a phased approach, the state-wide comprehensive educational information
 22 system shall be fully completed by July 1, 2003, subject to appropriation by the General
 23 Assembly for this purpose; ~~provided, however, that the steering committee shall have the~~
 24 ~~authority to specify components which, in its judgment, cannot be completed until July 1,~~
 25 ~~2004.~~ During the phased implementation of the system, highest priority shall be given to
 26 the electronic transmission of complete full-time equivalent counts, the uniform budgeting
 27 and accounting system, and complete salary data for each local school system. All
 28 pre-kindergarten programs, local units of administration for grades kindergarten through
 29 12, technical schools and colleges, public libraries, public colleges and universities, and
 30 regional educational service agencies shall provide data to the ~~State Data and Research~~
 31 ~~Center~~ as required by their respective boards and agencies. Notwithstanding any provision
 32 of this Code section to the contrary, no local school system shall earn funds under Code
 33 Section 20-2-186 for superintendents, assistant superintendents, or principals if the local
 34 unit of administration fails to comply with the provisions of this Code section.

35 (f) Notwithstanding any other provision of law, the ~~State Data and Research Center~~
 36 Department of Education is authorized to and shall obtain and provide to the Department
 37 of Public Safety, in a form to be agreed upon between the ~~State Data and Research Center~~

1 Department of Education and the Department of Public Safety, enrollment, attendance, and
 2 suspension information regarding minors 15 through 17 years of age reported pursuant to
 3 Code Sections 20-2-690 and 20-2-697, to be used solely for the purposes set forth in
 4 subsection (a.1) of Code Section 40-5-22."

5 **SECTION 4B.**

6 Chapter 14 of Title 20 of the Official Code of Georgia Annotated, relating to the education
 7 coordinating council, is amended by striking subsection (a) of Code Section 20-14-26,
 8 relating to duties of the office of student achievement, and inserting in lieu thereof the
 9 following:

10 "(a) The office shall have the following duties:

11 (1) To create, ~~with the approval of the State Board of Education, a performance-based~~
 12 a single state-wide accountability system, establish indicators of performance, rate
 13 schools and school systems, develop annual report cards for elementary, middle, and
 14 secondary schools, and formulate a system of school ~~rewards~~ awards and interventions.
 15 The State Board of Education shall approve ~~no later than December 31, 2004,~~ a single
 16 ~~state-wide~~ accountability system for local schools and school systems that incorporates
 17 federal law, rules, and regulations relating to accountability;

18 (2) To audit and inspect or cause to be audited or inspected for the purpose of
 19 verification, research, analysis, reporting, or for other purposes related to the performance
 20 of its powers and duties as provided in this article and for the purposes of auditing
 21 pre-kindergarten, elementary, middle grades, and secondary education, postsecondary
 22 education, and education work force programs and schools, local school systems,
 23 institutes, colleges, universities, regional educational service agencies, and other public
 24 education programs and entities as defined by the council;

25 ~~(3) To assist the council in the development of a state-wide education student information~~
 26 ~~system;~~

27 ~~(4)~~(3) To serve as staff to the council; and

28 ~~(5)~~(4) To exercise the powers and discharge duties of the council, as set forth in Code
 29 Section 20-14-8, under the supervision and oversight of the council."

30 **SECTION 4C.**

31 Said chapter is further amended by striking subsections (a), (d), and (h) of Code Section
 32 20-14-33, relating to indicators of quality of learning in individual schools, and inserting in
 33 their respective places the following:

34 "(a) The office shall adopt and biennially review, and revise as necessary, indicators of the
 35 quality of learning by students in an individual school and school system."

1 "(d) The office shall establish individual school and school system ratings for each public
 2 school and school system in this state for annual academic performance on the assessment
 3 instruments required under Code Section 20-2-281."

4 "(h) The office shall annually review the performance of each school and school system
 5 on the indicators in subsection (b) of this Code section and determine whether a change in
 6 the school or school system rating status of the school or school system is warranted."

7 **SECTION 4D.**

8 Said chapter is further amended by striking subsections (b) and (d) of Code Section
 9 20-14-34, relating to school report cards, and inserting in their respective places the
 10 following:

11 "(b) The report card shall include the following information, where applicable:

- 12 (1) The individual school and school system ratings as provided for in subsection (d) of
 13 Code Section 20-14-33;
- 14 (2) The academic excellence indicators in subsection (b) of Code Section 20-14-33;
- 15 (3) Teacher-student ratios; and
- 16 (4) Administrative and instructional costs per student and other financial accounting
 17 information as may be required."

18 "(d) The State Board of Education shall adopt rules requiring dissemination of appropriate
 19 student performance and school completion performance portions of school report cards
 20 annually to the parent, guardian, conservator, or other person having lawful control of each
 21 student at the school. On written request, the local school system shall provide a copy of
 22 a school report card to any other party. These reports shall be posted on the Office of
 23 Student Achievement website, the Department of Education website, and the existing
 24 website of such local school system."

25 **SECTION 4E.**

26 Said chapter is further amended by striking subparagraph (D) of paragraph (6) of subsection
 27 (a) of Code Section 20-14-41, relating to appropriate levels of intervention for failing
 28 schools, and inserting in lieu thereof the following:

29 "(D) Mandate that the parents have the option to relocate the student to other public
 30 schools in the local school system to be chosen by the parents of the student ~~with~~
 31 ~~transportation costs borne by the system~~ from a list of available options provided by the
 32 local school system. The local school system shall provide transportation for students in
 33 Title I schools in accordance with the requirements of federal law. The local school system
 34 may provide transportation for students in non-Title I schools. In any year in which the
 35 General Assembly does not appropriate funds for the provision of transportation to

1 non-Title I students, the parent or guardian shall assume responsibility for the
 2 transportation of that student;"

3 **SECTION 5.**

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

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

16 (A) Is enrolled in and not under ~~suspension~~ expulsion from a public or private school
 17 and has satisfied relevant attendance requirements as set forth in paragraph (2) of this
 18 subsection for a period of one academic year prior to application for an instruction
 19 permit or driver's license; or

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

22 The department shall notify such minor of his or her ineligibility for an instruction permit
 23 or driver's license at the time of such application.

24 (2) The department shall forthwith notify by certified mail or statutory overnight
 25 delivery, return receipt requested, any minor issued an instruction permit or driver's
 26 license in accordance with this subsection other than a minor who has terminated his or
 27 her secondary education and is enrolled in a postsecondary school or who is pursuing a
 28 general education development (GED) diploma that such minor's instruction permit or
 29 driver's license is suspended subject to review as provided for in this subsection if the
 30 department receives notice pursuant to Code Section 20-2-701 that indicates that such
 31 minor:

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

34 (B) Has ~~more than ten~~ or more school days of unexcused absences in ~~any semester or~~
 35 ~~combination of two consecutive quarters~~ the current academic year or ten or more
 36 school days of unexcused absences in the previous academic year; or

1 (C) Has been ~~suspended from school for~~ found in violation by a hearing officer, panel,
 2 or tribunal of one of the following offenses, has received a change in placement for
 3 committing one of the following offenses, or has waived his or her right to a hearing
 4 and pleaded guilty to one of the following offenses:

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

7 (ii) Possession or sale of drugs or alcohol on school property or at a school sponsored
 8 event;

9 (iii) Possession or use of a weapon on school property or at a school sponsored event.

10 For purposes of this subparagraph, the term 'weapon' shall be defined in accordance
 11 with Code Section 16-11-127.1 but shall not include any part of an archeological or
 12 cultural exhibit brought to school in connection with a school project;

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

14 (v) Causing substantial physical or visible bodily harm to or seriously disfiguring
 15 another person, including another student.

16 Notice given by certified mail or statutory overnight delivery with return receipt
 17 requested mailed to the person's last known address shall be prima-facie evidence that
 18 such person received the required notice. Such notice shall include instructions to the
 19 minor to return immediately the instruction permit or driver's license to the department
 20 and information summarizing the minor's right to request an exemption from the
 21 provisions of this subsection. The minor so notified may request in writing a hearing
 22 within ten business days from the date of receipt of notice. Within 30 days after receiving
 23 a written request for a hearing, the department shall hold a hearing as provided for in
 24 Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act.' After such hearing,
 25 the department shall sustain its order of suspension or rescind such order. The department
 26 shall be authorized to grant an exemption from the provisions of this subsection to a
 27 minor, upon such minor's petition, if there is clear and convincing evidence that the
 28 enforcement of the provisions of this subsection upon such minor would create an undue
 29 hardship upon the minor or the minor's family or if there is clear and convincing
 30 evidence that the enforcement of the provisions of this subsection would act as a
 31 detriment to the health or welfare of the minor. Appeal from such hearing shall be in
 32 accordance with said chapter. If no hearing is requested within the ten business days
 33 specified above, the right to a hearing shall have been waived and the instruction permit
 34 or driver's license of the minor shall remain suspended. The suspension provided for in
 35 this paragraph shall be for a period of one year or shall end upon the date of such minor's
 36 eighteenth birthday, whichever comes first.

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

4 (4) The Department of Technical and Adult Education shall be responsible for
5 compliance and noncompliance data for students pursuing a general education
6 development (GED) diploma."

7 **SECTION 6.**

8 This Act shall become effective on July 1, 2005.

9 **SECTION 7.**

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