

House Bill 1321

By: Representatives Shaw of the 176th, Sims of the 151st, Johnson of the 75th, and Jordan of the 77th

A BILL TO BE ENTITLED
AN ACT

1 To amend Part 2 of Article 16 of Chapter 2 of Title 20 of the Official Code of Georgia
2 Annotated, relating to discipline of students in elementary and secondary education, so as to
3 provide that falsifying reports regarding instances of alleged inappropriate behavior by a
4 teacher or other school personnel is addressed in the student code of conduct; to establish a
5 state mandated process for students to follow in reporting instances of alleged inappropriate
6 behavior by a teacher or other school personnel; to provide for notice of such process in
7 student and teacher handbooks; to provide for statements to local media outlets which
8 reported on instances of alleged inappropriate behaviors; to provide for penalties for students
9 who provide false reports of alleged inappropriate behavior by a teacher or other school
10 personnel; to provide for statutory construction; to provide for related matters; to repeal
11 conflicting laws; and for other purposes.

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

13 **SECTION 1.**

14 Part 2 of Article 16 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated,
15 relating to discipline of students in elementary and secondary education, is amended by
16 revising subsection (a) of Code Section 20-2-751.5, relating to student codes of conduct, as
17 follows:

18 "(a) Each student code of conduct shall contain provisions that address the following
19 conduct of students during school hours, at school related functions, and on the school bus;
20 in a manner that is appropriate to the age of the student:

- 21 (1) Verbal assault, including threatened violence, of teachers, administrators, and other
22 school personnel;
- 23 (2) Physical assault or battery of teachers, administrators, and other school personnel;
- 24 (3) Disrespectful conduct toward teachers, administrators, and other school personnel,
25 including use of vulgar or profane language;

- 1 (4) Verbal assault of other students, including threatened violence or sexual harassment
 2 as defined pursuant to Title IX of the Education Amendments of 1972;
- 3 (5) Physical assault or battery of other students, including sexual harassment as defined
 4 pursuant to Title IX of the Education Amendments of 1972;
- 5 (6) Disrespectful conduct toward other students, including use of vulgar or profane
 6 language;
- 7 (7) Verbal assault of, physical assault or battery of, and disrespectful conduct, including
 8 use of vulgar or profane language, toward persons attending school related functions;
- 9 (8) Failure to comply with compulsory attendance as required under Code Section
 10 20-2-690.1;
- 11 (9) Willful or malicious damage to real or personal property of the school or to personal
 12 property of any person legitimately at the school;
- 13 (10) Inciting, advising, or counseling of others to engage in prohibited acts;
- 14 (11) Marking, defacing, or destroying school property;
- 15 (12) Possession of a weapon, as provided for in Code Section 16-11-127.1;
- 16 (13) Unlawful use or possession of illegal drugs or alcohol;
- 17 (14) Willful and persistent violation of the student code of conduct;
- 18 (15) Bullying as defined by Code Section 20-2-751.4; ~~and~~
- 19 (16) Marking, defacing, or destroying the property of another student; and
- 20 (17) Falsifying, misrepresenting, omitting, or erroneously reporting information
 21 regarding instances of alleged inappropriate behavior by a teacher, administrator, or other
 22 school employee toward a student.

23 With regard to paragraphs (9) and (11) of this subsection, each student code of conduct
 24 shall also contain provisions that address conduct of students during off-school hours."
 25

26 SECTION 2.

27 Said part is further amended by adding a new Code section to read as follows:

28 "20-2-751.7.

- 29 (a) The Professional Standards Commission shall establish a state mandated process for
 30 students to follow in reporting instances of alleged inappropriate behavior by a teacher,
 31 administrator, or other school employee toward a student which shall not prohibit the
 32 ability of a student to report the incident to law enforcement authorities. Each local school
 33 system shall be required to implement and follow such state mandated process and shall
 34 include the mandated process in student handbooks and in employee handbooks or policies.
- 35 (b) If it is determined through the state mandated process established pursuant to
 36 subsection (a) of this Code section that a complaint against a teacher, administrator, or
 37 other school employee is unsubstantiated and without merit, the local school system shall,

1 at the request of the teacher, administrator, or other school employee, submit a written
2 statement to that effect to all local print and television media outlets that published any
3 articles or reported any news relating to such complaint against the teacher, administrator,
4 or employee.

5 (c)(1) A student enrolled in a public school in this state who is at least ten years of age
6 who maliciously and with the intention of harming a teacher, administrator, or other
7 school employee makes a false accusation of inappropriate behavior against a teacher,
8 administrator, or other school employee to law enforcement authorities, school system
9 officials or personnel, or both may, at the discretion of a court of competent jurisdiction,
10 be subject to any of the following penalties:

11 (A) Community service of a type and for a period of time to be determined by the
12 court; or

13 (B) Any other sanction as the court in its discretion may deem appropriate.

14 (2) A local school system may expel or suspend a student who maliciously and with the
15 intention of harming a teacher, administrator, or other school employee makes a false
16 accusation of inappropriate behavior against such teacher, administrator, or employee of
17 a local school system to law enforcement authorities, school system officials or
18 personnel, or both.

19 (3) This subsection shall be in addition to and shall not limit the civil or criminal liability
20 of persons who make false statements alleging criminal activity by others.

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

25 **SECTION 3.**

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