

House Bill 1224

By: Representatives Setzler of the 35th, Jordan of the 77th, Ehrhart of the 36th, and Teasley of the 38th

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 expand a teacher's authority to remove a
3 student from a classroom; to limit the length of the report required for removal; to provide
4 that a student removal shall not negatively impact a teacher's annual performance evaluation;
5 to provide for related matters; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to elementary and
9 secondary education, is amended in Code Section 20-2-210, relating to annual performance
10 evaluations for certificated professional personnel, by revising subsection (f) as follows:

11 "(f) ~~Any~~ No teacher who removes ~~more than two~~ any student or students from his or her
12 total class enrollment in any school year under subsection (b) of Code Section 20-2-738
13 who are subsequently returned to the class by a placement review committee because such
14 class is the best available alternative may be required to complete professional
15 development to improve classroom management skills, other skills on the identification and
16 remediation of academic and behavioral student needs, or other instructional skills as
17 identified in a plan derived by the principal of the school in consultation with the teacher
18 shall be penalized or negatively impacted in any manner on such teacher's annual
19 performance evaluation conducted pursuant to this Code section."

20 **SECTION 2.**

21 Said chapter is further amended by revising subsections (b) and (c) of Code Section
22 20-2-738, relating to authority of a teacher over classroom, as follows:

23 "(b) A teacher shall have the authority to remove from his or her class a student who
24 repeatedly or substantially interferes with the teacher's ability to communicate effectively
25 with the students in the class or with the ability of the student's classmates to learn, where

26 the student's behavior is in violation of the student code of conduct, ~~provided that the~~
27 ~~teacher has previously filed a report pursuant to Code Section 20-2-737 or determines that~~
28 ~~such behavior of the student poses an immediate threat to the safety of the student's~~
29 ~~classmates or the teacher.~~ Each school principal shall fully support the authority of every
30 teacher in his or her school to remove a student from the classroom under this Code
31 section. Each school principal shall implement the policies and procedures of the
32 superintendent and local board of education relating to the authority of every teacher to
33 remove a student from the classroom and shall disseminate such policies and procedures
34 to faculty, staff, and parents or guardians of students. The teacher shall file with the
35 principal or the principal's designee a report ~~describing the student's behavior, in one page~~
36 which shall not be required to contain more than the student's name, time of incident, and
37 a description of the student's behavior, in 50 words or less, by the end of the school day on
38 which such removal occurs or at the beginning of the next school day. The principal or the
39 principal's designee shall, within one school day after the student's removal from class,
40 send to the student's parents or guardians written notification that the student was removed
41 from class, a copy of the report filed by the teacher, and information regarding how the
42 student's parents or guardians may contact the principal or the principal's designee.

43 (c) If a teacher removes a student from class pursuant to subsection (b) of this Code
44 section, the principal or the principal's designee shall discuss the matter with the teacher
45 and the student by the end of the school day on which such removal occurs or at the
46 beginning of the next school day. The principal or the principal's designee shall give the
47 student oral or written notice of the grounds for his or her removal from class and, if the
48 student denies engaging in such conduct, the principal or the principal's designee shall
49 explain the evidence which supports his or her removal from class and give the student an
50 opportunity to present his or her explanation of the situation. If, after such discussions, the
51 principal or the principal's designee seeks to return the student to the teacher's class and the
52 teacher gives his or her consent, the student shall be returned to the class, and the principal
53 or the principal's designee may take action to discipline the student, as may be warranted,
54 pursuant to paragraph (1) of subsection (e) of this Code section. If, after such discussions,
55 the principal or the principal's designee seeks to return the student to the teacher's class and
56 the teacher withholds his or her consent to the student's return to his or her class, the
57 principal or the principal's designee shall determine an appropriate temporary placement
58 for the student by the end of the first school day following such removal and shall also take
59 steps to convene a meeting of a placement review committee. The placement review
60 committee shall convene by the end of the second school day following such removal by
61 the teacher and shall issue a decision by the end of the third school day following such
62 removal by the teacher. An appropriate temporary placement for the student shall be a

63 placement that, in the judgment of the principal or the principal's designee, provides the
64 least interruption to the student's education and reflects other relevant factors, including,
65 but not limited to, the severity of the behavior that was the basis for the removal, the
66 student's behavioral history, the student's need for support services, and the available
67 education settings; provided, however, that the student shall not be returned to the class of
68 the teacher who removed him or her, as an appropriate temporary placement, unless the
69 teacher gives his or her consent. The temporary placement shall be in effect from the time
70 of removal until the decision of the placement review committee is issued or, if applicable,
71 a placement determination is made pursuant to paragraph (2) of subsection (e) of this Code
72 section."

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SECTION 3.

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