

Senate Bill 321

By: Senators Jones of the 10th, McKoon of the 29th, Butler of the 55th, Ramsey, Sr. of the 43rd, Tate of the 38th and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Subpart 2 of Part 2 of Article 16 of Chapter 2 of Title 20 of the Official Code of
2 Georgia Annotated, relating to public school disciplinary tribunals, so as to provide that a
3 student may elect to have a disciplinary hearing before nonschool officials; to provide for
4 training and confidentiality; to provide for powers and duties; to provide for procedures; to
5 provide for rules and regulations; to provide for related matters; to repeal conflicting laws;
6 and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Subpart 2 of Part 2 of Article 16 of Chapter 2 of Title 20 of the Official Code of Georgia
10 Annotated, relating to public school disciplinary tribunals, is amended by adding a new Code
11 section to read as follows:

12 "20-2-752.1.

13 (a) A student may elect, in lieu of a hearing pursuant to Code Section 20-2-752 or
14 20-2-753, to have his or her case heard before an external disciplinary hearing officer,
15 panel, or tribunal. A local board of education may authorize at the beginning of each
16 school year a panel composed of retired educators, community representatives, clergy,
17 private citizens, or any other individuals who are not school officials to serve as hearing
18 officers or on tribunals. The local board of education shall provide training for any
19 individual approved to serve as a hearing officer or on a tribunal and shall ensure that all
20 such individuals sign confidentiality agreements.

21 (b)(1) Except as otherwise provided herein, a hearing officer, panel, or tribunal appointed
22 pursuant to this Code section shall be deemed to have all the same powers and duties
23 under this subpart as hearing officers, panels, or tribunals of school officials appointed
24 pursuant to Code Section 20-2-752 or 20-2-753; provided, however, that such hearing
25 officer, panel, or tribunal shall not have the authority granted in subsection (c) of Code
26 Section 20-2-751.1 or in subsection (b) of Code Section 20-2-768.

27 (2) Any determination made by a hearing officer, panel, or tribunal appointed pursuant
28 to this Code section as a result of a hearing shall be deemed a recommendation only to
29 the local school superintendent, and such hearing officer, panel, or tribunal shall not have
30 the authority to impose any suspension or expulsion directly on a student. Within five
31 days of receipt of a recommendation by a hearing officer, panel, or tribunal appointed
32 pursuant to this Code section, the local school superintendent shall render a decision
33 affirming or denying the recommendation. Such decision shall be appealable to the local
34 board of education in the same manner as a decision made by a hearing officer, panel, or
35 tribunal of school officials appointed pursuant to Code Section 20-2-752 or 20-2-753.

36 (c) The local board of education shall establish by policy, rule, or regulation:

37 (1) Provisions governing the manner of selecting the hearing officers or members of the
38 panels or tribunals and the number of members thereof;

39 (2) Provisions governing procedures to be followed by such hearing officers, panels, or
40 tribunals in fact-finding, hearings, and reporting recommendations to the local board; and

41 (3) Provisions governing confidentiality of student records."

42 **SECTION 2.**

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