

House Bill 135

By: Representatives Howard of the 124<sup>th</sup>, Williams of the 87<sup>th</sup>, and Thomas of the 56<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Chapter 1 of Title 20 of the Official Code of Georgia Annotated, relating to  
2 general provisions relative to education, so as to enact the "Too Young to Suspend Act"; to  
3 provide for a short title; to provide for definitions; to prohibit the suspension or expulsion of  
4 pre-kindergarten and kindergarten students except after the commission of certain offenses;  
5 to provide for alternatives to discipline of such students; to provide for the issuance of  
6 guidelines; to provide for reporting requirements; to provide for related matters; to repeal  
7 conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 Chapter 1 of Title 20 of the Official Code of Georgia Annotated, relating to general  
11 provisions relative to education, is amended by adding a new Code section to read as follows:

12 "20-1-11.

13 (a) This Code section shall be known and may be cited as the 'Too Young to Suspend Act.'

14 (b) As used in this Code section, the term:

15 (1) 'Serious bodily injury' means a bodily injury that involves a substantial risk of death,  
16 extreme physical pain, protracted and obvious disfigurement, or protracted loss or  
17 impairment of the function of a bodily member, organ, or mental faculty.

18 (2) 'Suspension' means the removal of a student from school attendance for a short period  
19 of time.

20 (c)(1) No public educational institution shall suspend or expel a student in grades  
21 pre-kindergarten or kindergarten unless the school principal determines that the student  
22 has committed one of the following acts:

23 (A) Willfully caused, attempted to cause, or threatened serious bodily injury to another  
24 person, except in self-defense; or

25 (B) Possessed or furnished to a another person a firearm, knife, explosive, or other  
26 dangerous substance or object while on school property.

27 (2) Notwithstanding paragraph (1) of this subsection, the superintendent of a school  
28 district may:

29 (A) Transfer a student to another school if it would be a more appropriate placement  
30 due to a student's disabilities or special needs; or

31 (B) Suspend a student during the pendency of an investigation into whether a student  
32 can be lawfully suspended or expelled under paragraph (1) of this subsection.

33 (d) No later than March 1, 2016, the state school superintendent shall issue guidelines for  
34 implementation of this Code section, including recommendations on the length of a  
35 suspension if it is determined that a student in pre-kindergarten or kindergarten has  
36 committed one of the acts in paragraph (1) of subsection (c) of this Code section.

37 (e) No later than July 15 of each year, each local board of education shall submit a report  
38 to the state superintendent on all suspensions and expulsions of pre-kindergarten and  
39 kindergarten students."

40 **SECTION 2.**

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