

Senate Bill 167

By: Senator Jones of the 10th

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 revise provisions relating to disciplinary
3 hearing officers and disciplinary tribunals; to provide for related matters; to repeal conflicting
4 laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 style="text-align:center">**SECTION 1.**

7 Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to elementary and
8 secondary education, is amended in Code Section 20-2-751, relating to definitions, by adding
9 new paragraphs to read as follows:

10 "(1.1) 'Disciplinary tribunal' means a panel of school officials consisting of not fewer
11 than three nor more than five persons selected by the superintendent or his or her
12 designee from among school system staff, including, but not limited to, local school
13 administrators, school social workers, school psychologists, teachers, and system level
14 support staff. The superintendent or his or her designee shall also designate a chairperson
15 of the panel to conduct a disciplinary hearing."

16 "(4.1) 'Disciplinary hearing officer' means an impartial outside attorney or other
17 individual appointed by a local board of education to conduct disciplinary hearings who
18 has received initial and ongoing training provided by or approved by the local board on
19 the procedures and requirements for conducting a hearing."

20 style="text-align:center">**SECTION 2.**

21 Said chapter is further amended in Code Section 20-2-751.1, relating to expulsion and
22 disciplinary policy for students bringing weapons to school, by revising subsections (a) and
23 (b) as follows:

24 "(a) Each local board of education shall establish a policy, pursuant to this subpart,
25 regarding a student's possession of a firearm, dangerous weapon, or hazardous object at
26 school. With respect to a student who is determined to have possessed a firearm or

27 dangerous weapon at school, such policy shall require expulsion from school for a period
 28 of not less than one calendar year; provided, however, that a disciplinary hearing officer,
 29 disciplinary tribunal, ~~panel~~, administrator, superintendent, or local board of education shall
 30 have the authority to modify such expulsion requirement on a case-by-case basis.

31 (b) A disciplinary hearing officer, ~~tribunal, panel~~ disciplinary tribunal, superintendent, or
 32 local board of education shall be authorized to place a student determined to have brought
 33 a firearm, dangerous weapon, or hazardous object to school in an alternative educational
 34 setting."

35 SECTION 3.

36 Said chapter is further amended in Code Section 20-2-751.4, relating to policies prohibiting
 37 bullying, assignment to alternative school, and notice, by revising paragraph (2) of
 38 subsection (b) as follows:

39 "(2) Each local board policy shall require that, upon a finding by ~~the~~ a disciplinary
 40 hearing officer, ~~panel, or tribunal of school officials~~ or disciplinary tribunal provided for
 41 in this subpart that a student in grades six through 12 has committed the offense of
 42 bullying for the third time in a school year, such student shall be assigned to an
 43 alternative school;"

44 SECTION 4.

45 Said chapter is further amended by revising Code Section 20-2-751.6, relating to disciplinary
 46 policy for students committing acts of physical violence against teacher, school bus driver,
 47 or other school official or employee, as follows:

48 "20-2-751.6.

49 (a) As used in this Code section, the term 'physical violence' means:

50 (1) Intentionally making physical contact of an insulting or provoking nature with the
 51 person of another; or

52 (2) Intentionally making physical contact which causes physical harm to another unless
 53 such physical contacts or physical harms were in defense of himself or herself, as
 54 provided in Code Section 16-3-21.

55 (b) Local board of education policies and student codes of conduct shall provide for the
 56 penalties to be assessed against a student found by a disciplinary hearing officer, ~~panel, or~~
 57 ~~tribunal~~ or disciplinary tribunal pursuant to Code Section 20-2-752 to have committed any
 58 act of physical violence against a teacher, school bus driver, or other school official or
 59 employee. Such disciplinary hearing officer, ~~panel, or tribunal~~ or disciplinary tribunal shall
 60 hold any disciplinary hearing in accordance with the provisions of Code Section 20-2-754.
 61 Any student alleged to have committed an act of physical violence shall be suspended

62 pending the hearing by the disciplinary hearing officer, ~~panel, or tribunal~~ or disciplinary
 63 tribunal. The decision of the disciplinary hearing officer, ~~panel, or tribunal~~ or disciplinary
 64 tribunal may be appealed to the local school board pursuant to Code Section 20-2-754. If
 65 appropriate under paragraph (1) of subsection (c) of this Code section, the decision of the
 66 disciplinary hearing officer, ~~panel, or tribunal~~ or disciplinary tribunal shall include a
 67 recommendation as to whether a student may return to public school and, if return is
 68 recommended, a recommended time for the student's return to public school. The local
 69 school board may impose penalties not recommended by the disciplinary hearing officer;
 70 ~~panel, or tribunal~~ or disciplinary tribunal.

71 (c)(1) A student found by a disciplinary hearing officer, ~~panel, or tribunal~~ or disciplinary
 72 tribunal to have committed an act of physical violence as defined in paragraph (2) of
 73 subsection (a) of this Code section against a teacher, school bus driver, school official,
 74 or school employee shall be expelled from the public school system. The expulsion shall
 75 be for the remainder of the student's eligibility to attend public school pursuant to Code
 76 Section 20-2-150. The local school board at its discretion may permit the student to
 77 attend an alternative education program for the period of the student's expulsion. If the
 78 student who commits an act of physical violence is in kindergarten through grade eight,
 79 then the local school board at its discretion and on the recommendation of the disciplinary
 80 hearing officer, ~~panel, or tribunal~~ or disciplinary tribunal may permit such a student to
 81 reenroll in the regular public school program for grades nine through 12. If the local
 82 school board does not operate an alternative education program for students in
 83 kindergarten through grade six, the local school board at its discretion may permit a
 84 student in kindergarten through grade six who has committed an act of physical violence
 85 as defined in paragraph (2) of subsection (a) of this Code section to reenroll in the public
 86 school system;

87 (2) Any student who is found by a disciplinary hearing officer, ~~panel, or tribunal~~ or
 88 disciplinary tribunal to have committed an act of physical violence against a teacher,
 89 school bus driver, school official, or school employee as defined in paragraph (2) of
 90 subsection (a) of this Code section shall be referred to juvenile court with a request for
 91 a petition alleging delinquent behavior; and

92 (3) Any student who is found by a disciplinary hearing officer, ~~panel, or tribunal~~ or
 93 disciplinary tribunal to have committed an act of physical violence as defined in
 94 paragraph (1) of subsection (a) of this Code section against a teacher, school bus driver,
 95 school official, or school employee may be disciplined by expulsion, long-term
 96 suspension, or short-term suspension.

97 (d) The provisions of this Code section shall apply ~~with respect~~ to any local school system
 98 which receives state funding pursuant to Code Sections 20-2-161 and 20-2-260.

99 (e) Nothing in this Code section shall be construed to infringe on any right provided to
 100 students with Individualized Education Programs pursuant to the federal Individuals with
 101 Disabilities Education Act, Section 504 of the federal Rehabilitation Act of 1973, or the
 102 federal Americans with Disabilities Act of 1990."

103 SECTION 5.

104 Said chapter is further amended by revising Code Section 20-2-752, relating to the
 105 establishment of disciplinary hearing officers, panels, or tribunals for imposition of
 106 suspension or expulsion, as follows:

107 "20-2-752.

108 Local boards of education may establish by policy, rule, or regulation disciplinary hearing
 109 officers, ~~panels, or tribunals of school officials~~ or disciplinary tribunals to impose
 110 suspension or expulsion. If such disciplinary hearing officers, ~~panels, or tribunals~~ or
 111 disciplinary tribunals are established, such rules and regulations must include the
 112 following:

- 113 (1) Provisions governing the manner of selecting the disciplinary hearing officers or the
 114 members of the ~~panels or disciplinary~~ tribunals and the number of members thereof;
 115 (2) Provisions governing procedures to be followed by such disciplinary hearing officers;
 116 ~~panels, or disciplinary~~ tribunals in fact-finding, hearings, and reporting recommendations
 117 to the local board;
 118 (3) Provisions granting a right to appeal to the local board when the punishment imposed
 119 by disciplinary hearing officers, ~~panels, or disciplinary~~ tribunals is long-term suspension
 120 or expulsion; and
 121 (4) Provisions whereby the local school superintendent may suspend enforcement of the
 122 suspension or expulsion ordered by the disciplinary hearing officers, ~~panels, or~~
 123 disciplinary tribunals pending the outcome of any appeal to the local board."

124 SECTION 6.

125 Said chapter is further amended in Code Section 20-2-753, relating to disciplinary hearing
 126 officer, panel, or tribunal to hold disciplinary hearing following allegation of assault and
 127 battery or recommended suspension or explosion exceeding ten days, by revising subsection
 128 (a) as follows:

129 "(a) In addition to any proceedings which are authorized in Code Section 20-2-752, local
 130 boards of education shall appoint a disciplinary hearing officer, ~~panel, or tribunal of school~~
 131 ~~officials~~ or disciplinary tribunal to hold a disciplinary hearing following any instance of an
 132 alleged violation of the student code of conduct where the principal recommends a
 133 suspension or expulsion of longer than ten school days or an alleged assault or battery by

134 a student upon any teacher or other school official or employee, if such teacher or other
135 school official or employee so requests."

136 **SECTION 7.**

137 Said chapter is further amended in Code Section 20-2-756, relating to reports to law
138 enforcement officials, by revising subsection (a) as follows:

139 "(a) The school administration, disciplinary hearing officer, ~~panel, tribunal of school~~
140 ~~officials,~~ disciplinary tribunal, or ~~the~~ local board of education may, when any alleged
141 criminal action by a student occurs, report the incident to the appropriate law enforcement
142 agency or officer for investigation to determine if criminal charges or delinquent
143 proceedings should be initiated."

144 **SECTION 8.**

145 Said chapter is further amended in Code Section 20-2-757, relating to applicability of public
146 inspection and open meeting laws, by revising subsection (b) as follows:

147 "(b) All electronic or other written records of all hearings conducted under this subpart;
148 all statements of charges; all notices of hearings; and all written decisions rendered by a
149 disciplinary hearing officer, disciplinary tribunal, ~~the~~ local board of education, or the State
150 Board of Education shall not be subject to public inspection or other disclosure under
151 Article 4 of Chapter 18 of Title 50 or other public disclosure laws; provided, however, ~~the~~
152 that a local board of education shall prepare a written summary of any proceeding
153 conducted under this subpart, which summary shall include a description of the incident
154 and the disposition thereof but shall not contain the names of any party to the incident. The
155 summary shall be a public record."

156 **SECTION 9.**

157 Said chapter is further amended in Code Section 20-2-768, relating to expulsion or
158 suspension of students for felonies, alternative educational system, and policy, by revising
159 subsection (b) as follows:

160 "(b) A disciplinary hearing officer, tribunal, panel disciplinary tribunal, superintendent, or
161 local board of education shall be authorized to place a student denied enrollment in a local
162 school system under subsection (a) of this Code section in an alternative educational
163 system as appropriate and in the best interest of the student and the education of other
164 students within the school system."

165 **SECTION 10.**

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