

Senate Bill 328

By: Senators Jones of the 10th, Sims of the 12th, Davenport of the 44th, Jackson of the 2nd, Seay of the 34th and others

AS PASSED SENATE

**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 provide that students who are subject to
3 compulsory attendance shall not be assigned to an alternative education program for more
4 than two semesters; to provide for related matters; to repeal conflicting laws; and for other
5 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 by revising subsection (a) of Code Section 20-2-154.1,
10 relating to alternative education programs, as follows:

11 "(a) It is the policy of this state that the alternative education program shall provide a
12 learning environment that includes the objectives of the content standards and that the
13 instruction in an alternative education program shall enable students to return to a general
14 or career education program as quickly as possible. Course credit shall be earned in an
15 alternative education program in the same manner as in other education programs. It is the
16 policy of this state that ~~it is preferable to reassign~~ disruptive students who are subject to
17 mandatory attendance pursuant to Code Section 20-2-690.1 shall not be suspended or
18 expelled without assignment to an alternative education program rather than suspending
19 or expelling such students from school. It is further the policy of this state that, except as
20 otherwise provided for in Code Section 20-2-751.1 and except for serious offenses, the
21 duration of any assignment of a disruptive student to an alternative education program shall
22 not exceed the remainder of the semester in which the student is suspended or expelled and
23 the following semester as long as the student exhibits acceptable behavior while in the
24 alternative education program. As used in this subsection, serious offenses include
25 physical assault or battery of school personnel or other students, bullying, and unlawful use
26 or possession of illegal drugs or alcohol; provided, however, that any student assigned to

27 an alternative education program for a serious offense shall have the right to request a
 28 hearing pursuant to the procedures provided for in Code Section 20-2-754 after two
 29 semesters in such alternative education program for purposes of returning to a regular
 30 classroom."

31 **SECTION 2.**

32 Said chapter is further amended in Code Section 20-2-735, relating to adoption of policies
 33 by local boards to improve student learning environment, by revising subsection (f) as
 34 follows:

35 "(f) It is the policy of this state that ~~it is preferable to reassign~~ disruptive students who are
 36 subject to mandatory attendance pursuant to Code Section 20-2-690.1 shall not be
 37 suspended or expelled without assignment to alternative educational settings ~~rather than~~
 38 ~~to suspend or expel such students from school.~~ It is further the policy of this state that,
 39 except as otherwise provided for in Code Section 20-2-751.1 and except for serious
 40 offenses, the duration of any assignment of a disruptive student to an alternative
 41 educational setting shall not exceed the remainder of the semester in which the student is
 42 suspended or expelled and the following semester as long as the student exhibits acceptable
 43 behavior while in the alternative education program. As used in this subsection, serious
 44 offenses include physical assault or battery of school personnel or other students, bullying,
 45 and unlawful use or possession of illegal drugs or alcohol; provided, however, that any
 46 student assigned to an alternative educational setting for a serious offense shall have the
 47 right to request a hearing pursuant to the procedures provided for in Code Section 20-2-754
 48 after two semesters in such alternative educational setting for purposes of returning to a
 49 regular classroom."

50 **SECTION 3.**

51 Said chapter is further amended in Code Section 20-2-751.5, relating to student codes of
 52 conduct, by revising subsection (d) as follows:

53 "(d) Local board policies relating to student codes of conduct shall provide that each local
 54 school superintendent shall fully support the authority of principals and teachers in the
 55 school system to remove a student from the classroom pursuant to Code Section 20-2-738,
 56 including establishing and disseminating procedures. It is the policy of this state that ~~it is~~
 57 ~~preferable to reassign~~ disruptive students who are subject to mandatory attendance pursuant
 58 to Code Section 20-2-690.1 shall not be suspended or expelled without assignment to
 59 alternative educational settings ~~rather than to suspend or expel such students from school.~~
 60 It is further the policy of this state that, except as otherwise provided for in Code Section
 61 20-2-751.1 and except for serious offenses, the duration of any assignment of a disruptive

62 student to an alternative educational setting shall not exceed the remainder of the semester
 63 in which the student is suspended or expelled and the following semester as long as the
 64 student exhibits acceptable behavior while in the alternative education program. As used
 65 in this subsection, serious offenses include physical assault or battery of school personnel
 66 or other students, bullying, and unlawful use or possession of illegal drugs or alcohol;
 67 provided, however, that any student assigned to an alternative educational setting for a
 68 serious offense shall have the right to request a hearing pursuant to the procedures provided
 69 for in Code Section 20-2-754 after two semesters in such alternative educational setting for
 70 purposes of returning to a regular classroom."

71 **SECTION 4.**

72 Said chapter is further amended in Code Section 20-2-768, relating to expulsion or
 73 suspension of students for felonies, as follows:

74 "20-2-768.

75 (a) Each local board of education is authorized to refuse to readmit or enroll any student
 76 who has been suspended or expelled for being convicted of, being adjudicated to have
 77 committed, being indicted for, or having information filed for the commission of any
 78 felony or any delinquent act under Code Sections 15-11-602 and 15-11-707 which would
 79 be a felony if committed by an adult. If refused readmission or enrollment, the student or
 80 the student's parent or legal guardian has the right to request a hearing pursuant to the
 81 procedures provided for in Code Section 20-2-754.

82 (b) A hearing officer, tribunal, panel, superintendent, or local board of education shall be
 83 authorized to place a student denied enrollment in a local school system under subsection
 84 (a) of this Code section in an alternative educational ~~system~~ setting as appropriate and in
 85 the best interest of the student and the education of other students within the school system.
 86 Except as otherwise provided for in Code Section 20-2-751.1 and except for serious
 87 offenses, the duration of any assignment of a disruptive student to an alternative
 88 educational setting shall not exceed the remainder of the semester in which the student is
 89 suspended or expelled and the following semester as long as the student exhibits acceptable
 90 behavior while in the alternative education program. As used in this subsection, serious
 91 offenses include physical assault or battery of school personnel or other students, bullying,
 92 and unlawful use or possession of illegal drugs or alcohol; provided, however, that any
 93 student assigned to an alternative educational setting for a serious offense shall have the
 94 right to request a hearing pursuant to the procedures provided for in Code Section 20-2-754
 95 after two semesters in such alternative educational setting for purposes of returning to a
 96 regular classroom.

97 (c) It is the policy of this state that ~~it is preferable to reassign~~ disruptive students who are
98 subject to mandatory attendance pursuant to Code Section 20-2-690.1 shall not be
99 suspended or expelled without assignment to alternative educational settings ~~rather than~~
100 ~~to suspend or expel such students from school."~~

101 **SECTION 5.**

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