

The Senate Committee on Education and Youth offered the following substitute to SB 152:

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 it is the policy of this state that  
3 students who are subject to compulsory attendance shall not be assigned to an alternative  
4 education program for more than two semesters except under certain circumstances; to  
5 provide for related matters; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

**SECTION 1.**

7 Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to elementary and  
8 secondary education, is amended by revising subsection (a) of Code Section 20-2-154.1,  
9 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 by revising subsection (f) of Code Section 20-2-735, relating  
 33 to adoption of policies by local boards to improve student learning environment, as follows:

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

### 49 SECTION 3.

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

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

62 in which the student is suspended or expelled and the following semester as long as the  
 63 student exhibits acceptable behavior while in the alternative education program. As used  
 64 in this subsection, serious offenses include physical assault or battery of school personnel  
 65 or other students, bullying, and unlawful use or possession of illegal drugs or alcohol;  
 66 provided, however, that any student assigned to an alternative educational setting for a  
 67 serious offense shall have the right to request a hearing pursuant to the procedures provided  
 68 for in Code Section 20-2-754 after two semesters in such alternative educational setting for  
 69 purposes of returning to a regular classroom."

70 **SECTION 4.**

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

73 "20-2-768.

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

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

96 (c) It is the policy of this state that it is ~~preferable to reassign~~ disruptive students who are  
 97 subject to mandatory attendance pursuant to Code Section 20-2-690.1 shall not be

98 suspended or expelled without assignment to alternative educational settings rather than  
99 ~~to suspend or expel such students from school."~~

100 **SECTION 5.**  
101 All laws and parts of laws in conflict with this Act are repealed.