

Senate Bill 152

By: Senators Jones of the 10th, Henson of the 41st, Seay of the 34th, Tate of the 38th, Fort of the 39th 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 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:

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 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.