

House Bill 740 (COMMITTEE SUBSTITUTE)

By: Representatives Nix of the 69<sup>th</sup>, Howard of the 124<sup>th</sup>, Dempsey of the 13<sup>th</sup>, Chandler of the 105<sup>th</sup>, Trammell of the 132<sup>nd</sup>, and others

A BILL TO BE ENTITLED  
AN ACT

1 To amend Subpart 1A of Part 2 of Article 16 of Chapter 2 of Title 20 of the Official Code  
2 of Georgia Annotated, relating to improved student learning environment and discipline in  
3 elementary and secondary education, so as to require local school systems to conduct certain  
4 multi-tiered system of supports and reviews prior to expelling or assigning a student in  
5 preschool through third grade to out-of-school suspension for five or more consecutive or  
6 cumulative days during a school year; to provide exceptions; to provide for definitions; to  
7 provide for related matters; to repeal conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 Subpart 1A of Part 2 of Article 16 of Chapter 2 of Title 20 of the Official Code of Georgia  
11 Annotated, relating to improved student learning environment and discipline in elementary  
12 and secondary education, is amended by adding a new Code section to read as follows:

13 "20-2-742.

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

15 (1) 'Multi-tiered system of supports' or 'MTSS' means a systemic,  
16 continuous-improvement framework in which data based problem-solving and decision  
17 making is practiced across all levels of the educational system for supporting students at  
18 multiple levels of intervention.

19 (2) 'Public preschool through third grade' means a public preschool, a Pre-K program in  
20 a public school administered pursuant to Code Section 20-1A-4, and kindergarten through  
21 third grade in a public school.

22 (3) 'Response to intervention' or 'RTI' means a framework of identifying and addressing  
23 the academic and behavioral needs of students through a tiered system.

24 (4) 'Weapon' shall include dangerous weapons, firearms, and hazardous objects as  
25 defined in Code Section 20-2-751.

26 (b) No student in public preschool through third grade shall be expelled or suspended from  
27 school for five or more consecutive or cumulative days during a school year without first  
28 receiving a multi-tiered system of supports, such as response to intervention, unless such  
29 student possessed a weapon, drugs, or other dangerous instrument or such student's  
30 behavior endangers the physical safety of other students or school personnel. If such  
31 student is receiving or has received a multi-tiered system of supports, the school shall be  
32 deemed to have met the requirements of this Code section.

33 (c) In addition to the requirements in subsection (b) of this Code section, prior to assigning  
34 any student in preschool through third grade to out-of-school suspension for five or more  
35 consecutive or cumulative days during a school year, if such student has an Individualized  
36 Education Program (IEP) pursuant to the federal Individuals with Disabilities Education  
37 Act or a plan under Section 504 of the federal Rehabilitation Act of 1973, the school or  
38 program shall also convene an IEP or Section 504 meeting to review appropriate supports  
39 being provided as part of such Individualized Education Program or Section 504 plan."

40 **SECTION 2.**

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