

SENATE SUBSTITUTE TO HB 763:

AS PASSED SENATE

A BILL TO BE ENTITLED

AN ACT

1 To amend Subpart 2 of Article 16 of Chapter 2 of Title 20 of the Official Code of Georgia
 2 Annotated, relating to compulsory attendance for students in elementary and secondary
 3 education, so as to expand the student attendance protocol committees to school climate; to
 4 provide for recommendations; to provide for periodic review of recommendations; to amend
 5 Article 27 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to
 6 loitering at or disrupting schools, so as to provide for coordination with local law
 7 enforcement agencies and the juvenile court system in school safety plans; to provide that
 8 school safety plans include minimum strategy areas; to revise provisions regarding funding
 9 assistance for security equipment; to amend Code Section 50-18-72 of the Official Code of
 10 Georgia Annotated, relating to when public disclosure is not required under the open records
 11 laws, so as to provide an exemption for school safety plans; to provide for related matters;
 12 to repeal conflicting laws; and for other purposes.

13 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

14 Subpart 2 of Article 16 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated,
 15 relating to compulsory attendance for students in elementary and secondary education, is
 16 amended by revising Code Section 20-2-690.2, relating to the establishment of student
 17 attendance protocol committees, membership and protocol, summary of penalties for failure
 18 to comply, and reporting, as follows:

19 "20-2-690.2.

20 (a) The chief judge of the superior court of each county shall establish a student attendance
 21 ~~protocol~~ and school climate committee for ~~its~~ such county. The purpose of the committee
 22 shall be to ensure coordination and cooperation among officials, agencies, and programs
 23 involved in compulsory attendance issues, to reduce the number of unexcused absences
 24 from school, ~~and~~ to increase the percentage of students present to take tests which are
 25 required to be administered under the laws of this state, and to improve the school climate
 26

27 in each school. The chief judge is responsible for ensuring that all members of the
 28 committee are notified of their responsibility to the committee and shall call the first
 29 meeting of the committee in each county. The committee shall elect a chairperson and may
 30 elect other officers.

31 (b) Each local board of education shall participate in, consider, and make publicly
 32 available, including, but not limited to, posting in a conspicuous location, its decision
 33 regarding the recommendations of the committee as provided in this Code section.
 34 Independent school systems may participate in the committee in the county where the
 35 system is located. Independent school systems whose geographic area encompasses more
 36 than one county may select one of such counties in which to participate. An independent
 37 school system that elects not to participate in the committee of the county where it is
 38 located shall request that the chief judge of the superior court of a county encompassed by
 39 its geographic area to establish an independent student attendance ~~protocol~~ and school
 40 climate committee in the same manner as established for the county school system.

41 (c) Each of the following agencies, officials, or programs shall designate a representative
 42 to serve on the committee:

- 43 (1) The chief judge of the superior court;
- 44 (2) The juvenile court judge or judges of the county;
- 45 (3) The district attorney for the county;
- 46 (4) The solicitor-general of state court, if the county has a state court;
- 47 (5) The Department of Juvenile Justice, which may include representatives from area
 48 juvenile detention facilities as defined in Code Section 49-4A-1;
- 49 (6) The superintendent, a certificated school employee, and a local school board member
 50 from each public school system in the county and a certificated school social worker from
 51 each public school system, if any are employed by the school system;
- 52 (7) The sheriff of the county;
- 53 (8) The chief of police of the county police department;
- 54 (9) The chief of police of each municipal police department in the county;
- 55 (10) The county department of family and children services;
- 56 (11) The county board of health;
- 57 (12) The county mental health organization;
- 58 (13) The county Family Connection commission, board, or authority, or other county
 59 agency, board, authority, or commission having the duty and authority to study problems
 60 of families, children, and youth and provide services to families, children, and youth; and
- 61 (14) The court approved community based risk reduction program established by the
 62 juvenile court in accordance with Code Section 15-11-38, if such a program has been
 63 established.

64 (d) The committee thus established may appoint such additional members as necessary and
65 proper to accomplish the purposes of the committee.

66 (e)(1) Each committee shall, by June 1, 2005, adopt a written student attendance protocol
67 for its county school system and for each independent school system within its
68 geographic boundaries which shall be filed with the Department of Education. The
69 protocol shall outline in detail the procedures to be used in identifying, reporting,
70 investigating, and prosecuting cases of alleged violations of Code Section 20-2-690.1,
71 relating to mandatory school attendance. The protocol shall outline in detail methods for
72 determining the causes of failing to comply with compulsory attendance and
73 appropriately addressing the issue with children and their parents or guardians. The
74 protocol shall also include recommendations for policies relating to tardiness. The
75 Department of Education shall provide model school attendance protocols, if requested
76 by the committee.

77 ~~(f)~~(2) A copy of the protocol shall be furnished to each agency, official, or program
78 within the county that has any responsibility in assisting children and their parents or
79 guardians in complying with Code Section 20-2-690.1.

80 ~~(g)~~(3) The committee shall write the summary of possible consequences and penalties
81 for failing to comply with compulsory attendance under Code Section 20-2-690.1 for
82 children and their parents, guardians, or other persons who have control or charge of
83 children for distribution by schools in accordance with Code Section 20-2-690.1. The
84 summary of possible consequences for children shall include possible dispositions for
85 children in need of services and possible denial of a driver's license for a child in
86 accordance with Code Section 40-5-22.

87 (f) The committee shall review and make recommendations for policies relating to school
88 climate for the purpose of promoting positive gains in student achievement scores, student
89 and teacher morale, community support, and student and teacher attendance, while
90 decreasing student suspensions, expulsions, dropouts, and other negative aspects of the
91 total school environment. Such review may include school climate ratings established
92 pursuant to Code Section 20-14-33 for each school in the county school system and any
93 independent school systems, if applicable. The committee may review, if available,
94 nonidentifying data from student health surveys, data on environmental and behavioral
95 indicators, data on student behavioral and school-based reactions, and teacher and parent
96 survey instruments. The committee may recommend the use of positive behavioral
97 interventions and supports and response to intervention, trauma informed care training, and
98 the optimization of local resources through voluntary community, student, teacher,
99 administrator, and other school personnel participation.

100 ~~(h)(g)~~ ~~The committee shall continue in existence after writing the student attendance~~
 101 ~~protocol.~~ The chief judge of the superior court of each county shall ensure that the
 102 committee meets at least ~~quarterly during the first year, and twice annually thereafter,~~ to
 103 evaluate compliance with the protocol, effectiveness of the protocol, and appropriate
 104 modifications and to review and revise, if necessary, recommendations relating to school
 105 climate.

106 ~~(i)(h)~~ Each local board of education shall report student attendance rates and aggregated
 107 student discipline data to the committee and the State Board of Education at the end of each
 108 school year, according to a schedule established by the State Board of Education."

109 SECTION 2.

110 Article 27 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to
 111 loitering at or disrupting schools, is amended by revising Code Section 20-2-1185, relating
 112 to school safety plans, as follows:

113 "20-2-1185.

114 (a) Every public school shall prepare a school safety plan to help curb the growing
 115 incidence of violence in schools, to respond effectively to such incidents, and to provide
 116 a safe learning environment for Georgia's children, teachers, and other school personnel.
 117 Such plan shall also address preparedness for natural disasters, hazardous materials or
 118 radiological accidents, acts of violence, and acts of terrorism. School safety plans of public
 119 schools shall be prepared with input from students enrolled in that school, parents or legal
 120 guardians of such students, teachers in that school, community leaders, other school
 121 employees and school district employees, and local law enforcement, juvenile court, fire
 122 service, public safety, and emergency management agencies. As part of such plans, public
 123 schools shall provide for the coordination with local law enforcement agencies and the
 124 local juvenile court system. School safety plans shall include, at a minimum, the following
 125 strategy areas:

126 (1) Training school administrators, teachers, and support staff, including, but not limited
 127 to, school resource officers, security officers, secretaries, custodians, and bus drivers, on
 128 school violence prevention, school security, school threat assessment, mental health
 129 awareness, and school emergency planning best practices;

130 (2) Evaluating and refining school security measures;

131 (3) Updating and exercising school emergency preparedness plans;

132 (4) Strengthening partnerships with public safety officials; and

133 (5) Creating enhanced crisis communications plans and social media strategies.

134 School safety plans of private schools may be prepared with input from students enrolled
 135 in that school, parents or legal guardians of such students, teachers in that school, other

136 school employees, and local law enforcement, fire service, public safety, and emergency
137 management agencies. Such plans shall be reviewed and, if necessary, updated annually.
138 Such plans of public schools shall be submitted to the local emergency management agency
139 and the local law enforcement agency for approval.

140 (b) A public school may request funding assistance from the state for facilities,
141 technology, or other safety improvements or initiatives, such as the installation of safety
142 equipment, including, but not limited to, video surveillance cameras, metal detectors,
143 alarms, communications systems, building access controls, and other similar security
144 devices. The Department of Education shall establish criteria that will be applied in
145 reviewing funding requests pursuant to this subsection which shall take into consideration
146 the physical security needs of the public school in evaluating how the school safety plan
147 and funding request will support such physical security needs. Funding may be provided
148 to a public school in accordance with a school safety plan prepared by the school and
149 approved by the local board of education, the local law enforcement agency, the
150 Department of Education, and the Georgia Emergency Management and Homeland
151 Security Agency; provided, however, that a public school shall be required to match the
152 state funding with local funds unless the school can demonstrate a substantial hardship.

153 (c) School safety plans prepared by public schools shall address security issues in school
154 safety zones as defined in Code Section 16-11-127.1. School safety plans should also
155 address security issues involving the transportation of pupils to and from school and school
156 functions when such transportation is furnished by the school or school system and school
157 functions held during noninstructional hours.

158 (d) The Georgia Emergency Management and Homeland Security Agency shall provide
159 training and technical assistance to public school systems, and may provide this same
160 training and technical assistance to private school systems; and independent private schools
161 throughout this state in the area of emergency management and safe school operations.
162 This training and technical assistance shall include, but not be limited to, crisis response
163 team development, site surveys and safety audits, crisis management planning, exercise
164 design, safe school planning, emergency operations planning, search and seizure, bomb
165 threat management, and model school safety plans.

166 (e) Every public school shall conduct drills with students, teachers, and other school
167 personnel on the execution of school safety plans in such form and at such intervals based
168 upon guidance from the Georgia Emergency Management and Homeland Security
169 Agency."

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SECTION 3.

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Code Section 50-18-72 of the Official Code of Georgia Annotated, relating to when public disclosure is not required under the open records laws, is amended by adding a new paragraph to subsection (a) to read as follows:

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“(25.1) School safety plans prepared pursuant to Code Section 20-2-1185, whether in the possession of a local school system, a local law enforcement agency, a local emergency management agency, the Department of Education, the Georgia Emergency Management and Homeland Security Agency, or any other public entity;”

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SECTION 4.

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