

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

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 the 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. For purposes of this subsection, serious offenses include physical
24 assault or battery of school personnel or other students, bullying, and unlawful use or
25 possession of illegal drugs or alcohol; provided, however, that any student assigned to an
26 alternative education program for a serious offense shall have the right to request a hearing

27 pursuant to the procedures provided for in Code Section 20-2-754 after two semesters in
 28 such alternative education program for purposes of returning to a regular classroom."

29 **SECTION 2.**

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

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

47 **SECTION 3.**

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

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

62 other students, bullying, and unlawful use or possession of illegal drugs or alcohol;
 63 provided, however, that any student assigned to an alternative educational setting for a
 64 serious offense shall have the right to request a hearing pursuant to the procedures provided
 65 for in Code Section 20-2-754 after two semesters in such alternative educational setting for
 66 purposes of returning to a regular classroom."

67 **SECTION 4.**

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

70 "20-2-768.

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

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

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

96

SECTION 5.

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