

Senate Bill 398

By: Senators Harrell of the 40th, Sims of the 12th, Parent of the 42nd, Orrock of the 36th, Williams of the 39th and others

A BILL TO BE ENTITLED  
AN ACT

1 To amend Part 15 of Article 6 of Chapter 2 of Title 20 of the Official Code of Georgia  
2 Annotated, relating to miscellaneous provisions under the "Quality Basic Education Act,"  
3 so as to prohibit the assignment of graded homework for students in grades kindergarten  
4 through two; to provide for a short title; to provide for a definition; to provide for exceptions;  
5 to provide for statutory construction; provide for related matters; to repeal conflicting laws;  
6 and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 This Act shall be known and may be cited as the "After School Recess Act."

10 **SECTION 2.**

11 Part 15 of Article 6 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated,  
12 relating to miscellaneous provisions under the "Quality Basic Education Act," is amended  
13 by adding a new Code section to read as follows:

14 "20-2-323.1.

15 (a) As used in this Code section, the term 'graded homework' means any work assigned to  
16 a student that is to be completed in whole or in part beyond the regular school day and that  
17 will be part of the student's overall grade for the course. For purposes of this Code section,  
18 homework shall be deemed graded if it is to be reviewed by a teacher or other school  
19 personnel and assessed with a letter grade, a percentage grade, a number grade, or on the  
20 basis of 'pass or fail' or 'complete or incomplete.' If a student's failure to complete or turn  
21 in a homework assignment will have any negative impact on the student's overall grade in  
22 the course, result in disciplinary consequences, result in a reduced time for recess or other  
23 noninstructional activities, or result in reduced privileges, then the homework shall be  
24 deemed graded.

25 (b) All elementary schools which receive in any manner funds from the state shall prohibit  
26 the assignment of graded homework for students in grades kindergarten through two, with  
27 exceptions made, as deemed appropriate by the local school system, for the following for  
28 students who are assigned graded homework as part of:

29 (1) Special education services provided pursuant to Code Section 20-2-152;

30 (2) An early intervention program as described in Code Section 20-2-153;

31 (3) A program for limited-English-proficient students as described in Code Section  
32 20-2-156;

33 (4) An Individualized Education Program under the federal Individuals with Disabilities  
34 Education Act; and

35 (5) A Section 504 Plan under the federal Rehabilitation Act of 1973.

36 (c) This Code section shall be construed to be a statute relating to the protection of the  
37 physical health and safety of school students for purposes of subsection (e) of Code Section  
38 20-2-82, subsection (b) of Code Section 20-2-244, and paragraph (5) of subsection (b) of  
39 Code Section 20-2-2065."

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### **SECTION 3.**

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