

Senate Bill 169

By: Senators Payne of the 54th, Dixon of the 45th, Robertson of the 29th, Anavitarte of the 31st, Hickman of the 4th and others

AS PASSED

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 20-2-754 of the Official Code of Georgia Annotated, relating to
2 procedures to be followed by disciplinary officer, panel, or tribunal in public schools, and
3 review, so as to provide for limits on the extension of hearing dates for student discipline
4 tribunals; to require local school systems to provide appropriate grade-level instructional
5 materials to any student subject to in-school suspension, short-term suspension, or long-term
6 suspension pending completion of the student discipline tribunal; to provide for construction;
7 to 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 Code Section 20-2-754 of the Official Code of Georgia Annotated, relating to procedures to
11 be followed by disciplinary officer, panel, or tribunal in public schools, and review, is
12 amended by revising subsection (b) as follows:

13 "(b) A disciplinary officer, panel, or tribunal of school officials appointed as required by
14 Code Section 20-2-753 shall, in addition to any other requirements imposed by rules and
15 regulations which may have been promulgated pursuant to Code Section 20-2-752, ensure
16 that:

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17 (1) All parties are afforded an opportunity for a hearing after reasonable notice served
18 personally or by mail. This notice shall be given to all parties and to the parent or
19 guardian of the student or students involved and shall include a statement of the time,
20 place, and nature of the hearing; a short and plain statement of the matters asserted; and
21 a statement as to the right of all parties to present evidence and to be represented by legal
22 counsel;

23 (2) The hearing is held no later than ten school days after the beginning of the suspension
24 unless the school system and parents or guardians mutually agree to an extension, in
25 which case the school system shall set a new date and time of the hearing that shall not
26 occur more than 15 school days after the beginning of the suspension. The hearing may
27 be held later than 15 school days after the beginning of the suspension upon a written
28 request by a parent or guardian and agreement by the school system;

29 (3) All parties are afforded an opportunity to present and respond to evidence and to
30 examine and cross-examine witnesses on all issues unresolved;

31 (4) Any teacher who is called as a witness by the school system shall be given notice no
32 later than three days prior to the hearing; ~~and~~

33 (5) A verbatim electronic or written record of the hearing shall be made and shall be
34 available to all parties; and

35 (6) The school system shall provide appropriate grade-level instructional materials to any
36 student awaiting completion of the hearing provided for in this subsection. Nothing in
37 this paragraph shall be construed to infringe on any right provided to students with
38 Individualized Education Programs pursuant to the federal Individuals with Disabilities
39 Education Act, Section 504 of the federal Rehabilitation Act of 1973, or the federal
40 Americans with Disabilities Act of 1990."

41 **SECTION 2.**

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