

House Bill 268 (AS PASSED HOUSE AND SENATE)

By: Representatives Persinger of the 119th, Efstration of the 104th, Gaines of the 120th, Burns of the 159th, Erwin of the 32nd, and others

A BILL TO BE ENTITLED

AN ACT

1 To amend Chapter 11 of Title 15, Chapter 2 of Title 20, and Chapter 3 of Title 38 of the
2 Official Code of Georgia Annotated, relating to the juvenile code, elementary and secondary
3 education, and emergency management, respectively, so as to provide for the safety, health,
4 and well-being of students and school communities; to require public schools to implement
5 a mobile panic alert system capable of connecting disparate emergency services technologies
6 to ensure real-time coordination between multiple state and local first responder agencies in
7 the event of a school security emergency; to provide for the implementation of additional
8 strategies or systems; to provide for exceptions; to provide for a short title; to require public
9 schools to procure school mapping data; to provide for requirements of such school mapping
10 data; to authorize the Georgia Emergency Management and Homeland Security Agency to
11 adopt rules and regulations for the requirements for school mapping data; to provide for
12 immunity from civil liability; to provide for the transfer of student records and other
13 information among schools, law enforcement agencies, and other agencies with legal
14 interests in students; to repeal references to the Department of Behavioral Health and
15 Developmental Disabilities as legal custodian of school age children and to make conforming
16 changes; to require memoranda of understanding between certain state agencies and local
17 units of administration to include provisions relevant to the disclosure of student information;
18 to provide for the release of student information from certain state agencies to local units of

19 administration; to provide for reimbursement grants to local school systems that hire
20 qualified student advocacy specialists; to provide for minimum qualification and essential
21 duties of such qualified student advocacy specialists; to authorize RESAs to participate in
22 dispute resolution procedures; to provide for the designation of RESA student affairs
23 officers; to provide for the Department of Education's chief privacy officer to promulgate a
24 guidance document relevant to sharing student records and other information; to provide for
25 the release of student education records by local boards of education and local education
26 agencies; to provide for certain student education records to be deemed critical records; to
27 provide for the transfer of student education records, including critical records, to receiving
28 schools; to provide for required disclosures; to provide for provisional enrollment at
29 receiving schools; to provide for the transfer of students seeking enrollment in any grade
30 higher than third grade; to provide for case management consultations; to provide for policies
31 and implementation; to require positive behavioral interventions and supports and response
32 to intervention programs and initiatives for certain low-performing elementary and secondary
33 and middle schools; to provide for school administrators to disclose certain information
34 regarding students with the students' assigned classroom teachers; to provide for such
35 information to remain confidential; to provide for reports of law enforcement official
36 encounters with school age youth; to prohibit policies which deny or effectively prevent
37 parents and legal custodians from reviewing certain education records; to provide for
38 statutory construction regarding the disclosure of certain education records; to provide for
39 local boards of education to petition courts to require parents to authorize the release of a
40 transferring student's education records; to provide for evidence based suicide awareness and
41 training programs and a state-wide anonymous reporting program; to provide for evidence
42 based youth violence prevention training programs; to provide for student violence
43 prevention clubs; to provide for local policies for anonymous reporting; to provide for
44 mandatory assessments when certain students withdraw from or stop attending school; to
45 update the "Parents' Bill of Rights"; to require written agreements for law enforcement

officers in schools to include specific terms and conditions relevant to the handling and disclosure of student information; to require the Department of Education to publish model terms and conditions; to revise provisions for school safety plans; to require public school safety plans to address the behavioral health needs of students; to provide for the Georgia Emergency Management and Homeland Security Agency to establish an emergency alert response system and a secure state-wide alert system; to provide for an emergency alert response system; to revise a provision relating to the use of a deadly weapon; to provide for additional offenses over which superior courts are authorized to exercise exclusive original jurisdiction for the trials of children 13 to 17 years of age to include the offenses of certain terroristic acts involving public and private schools and attempt or criminal conspiracy to commit certain offenses; to repeal a provision that limited superior courts from exercising exclusive original jurisdiction over the trials of children 13 to 17 years of age alleged to have committed aggravated assault only in certain cases involving the use of a firearm upon a public safety officer; to provide for which such cases shall be subject to the class A designated felony act provisions of Code Section 15-11-602 upon transfer to a juvenile court; to make conforming changes by including such additional offenses in the list of offenses for which juvenile and superior courts shall consider certain criteria when determining whether to transfer cases; to establish the elements of a particular offense of disrupting or interfering with the operation of a public school, public school bus, or public school bus stop; to provide for progressive discipline; to provide for the criminal offenses of terroristic threat of a school and terroristic act upon a school; to provide for penalties; to provide for definitions; to provide for related matters; to provide for an effective date and applicability; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

PART I
SECTION 1-1.

Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to elementary and secondary education, is amended in Article 11, relating to public school property and facilities, by adding a new part to read as follows:

"Part 4

20-2-590.

This part shall be known and may be cited as 'Ricky and Alyssa's Law.'

20-2-591.

(a) Not later than July 1, 2026, each public school shall implement a mobile panic alert system capable of:

(1) Connecting disparate emergency services technologies to ensure real-time coordination between multiple local and state law enforcement and first responder agencies. Such system shall be known as 'Alyssa's Alert' and shall integrate with the technology used in each local public safety answering point, including, but not limited to, Next Generation 9-1-1, as such term is defined in Code Section 38-3-181, to transmit 9-1-1 calls and mobile activations; and

(2) Integrating with the school mapping data required in Code Section 38-3-154.

(b) In addition to the requirements of subsection (a) of this Code section, each local school system may implement additional strategies or systems to ensure real-time coordination between multiple first responder agencies in the event of a school security emergency.

(c) No local school system shall be required to procure or implement new or additional capabilities if, as of July 1, 2026, such local school system has a functioning mobile panic

93 alert system in place with capabilities that meet the requirements of subsection (a) of this
94 Code section."

95 **SECTION 1-2.**

96 Chapter 3 of Title 38 of the Official Code of Georgia Annotated, relating to emergency
97 management, is amended in Article 10, relating to state-wide first responder building
98 mapping information system, by adding a new paragraph to Code Section 38-3-151, relating
99 to definitions, to read as follows:

100 "(4) 'School mapping data' means building information, floor plans, and aerial imagery
101 of any public or private school."

102 **SECTION 1-3.**

103 Said chapter is further amended in said article by adding a new Code section to read as
104 follows:

105 "38-3-154.

106 (a) Not later than July 1, 2026, each public school shall procure school mapping data
107 which shall:

108 (1) Be in formats that conform to and integrate with software platforms utilized in local
109 public safety answering points and by local, state, and federal public safety agencies that
110 respond to emergencies at schools and that do not require such agencies to purchase
111 additional software or provide payment in order to view or access such data;

112 (2) Be in formats capable of being printed, shared electronically, and, if requested,
113 digitally integrated into interactive mobile platforms;

114 (3) Be verified for accuracy by July 1 each year by the entity producing such school
115 mapping data by means of an in-person inspection of each school;

(4) Identify and label access points of each building interior, including, but not limited to, rooms, doors, stairwells, and hallways, each of which shall include any identifiers or names utilized by staff and students;

(5) Identify and label locations of critical utilities, key boxes, automated external defibrillators, and trauma kits or other emergency response aids; and

(6) Identify and label areas at or near each school, including parking areas, athletic fields, surrounding roads, outbuildings, and neighboring properties.

(b) Any future updates to school mapping data provided for in this Code section shall conform to and integrate with software platforms utilized in local public safety answering points and by local, state, and federal public safety agencies that provide emergency services to each school.

(c) The agency shall be authorized to develop rules and regulations for the requirements for school mapping data, including, but not limited to, standards for the use of school mapping data, encryption of such data, and transmission of such data over secure methods to law enforcement officers, firefighters, and other authorized emergency first responders.

(d) Local school systems shall collaborate with and receive concurrence from its primary local law enforcement agency prior to procuring school mapping data to ensure such school mapping data meets the requirements of this Code section.

(e) Information provided to the agency under this Code section shall be exempt from public disclosure to the extent provided in Code Section 50-18-72.

(f)(1) Local boards of education, local school systems, public schools, and local governments and agencies shall be immune from civil liability for any damages arising out of the creation and use of the school mapping data.

(2) Employees of local boards of education, local school systems, and local governments and agencies shall be immune from civil liability for any damages arising out of the creation and use of the school mapping data unless it is shown that such employee acted with gross negligence or bad faith."

PART II
SECTION 2-1.

Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to elementary and secondary education, is amended in Code Section 20-2-133, relating to free public instruction, exceptions, eligibility, and procedure and requirements when child in custody of or in a placement or facility of a state agency, by revising subsection (b) as follows:

"(b)(1)(A) Any child, except as otherwise specifically provided in subparagraph (D) of this paragraph, who is:

(i) In the physical or legal custody of the Department of Juvenile Justice or the Department of Human Services or any of its divisions, including, but not limited to, the Division of Family and Children Services;

(ii) In a placement operated by the Department of Human Services ~~or the Department of Behavioral Health and Developmental Disabilities;~~

(iii) In a facility or placement paid for by the Department of Juvenile Justice, the Department of Human Services or any of its divisions, ~~or the Department of Behavioral Health and Developmental Disabilities~~ including, but not limited to, the Division of Family and Children Services; or

(iv) Placed in a psychiatric residential treatment facility by his or her parent or legal guardian pursuant to a physician's order, if such child is not a home study, private school, or out-of-state student

and who is physically present within the geographical area served by a local unit of administration for any length of time is eligible for enrollment in the educational programs of that local unit of administration; provided, however, that the child meets the age eligibility requirements established by this article. Except for children who are committed to the Department of Juvenile Justice and receiving education services under Code Section 20-2-2084.1, the local unit of administration of the school district in

which such child is present shall be responsible for the provision of all educational programs, including special education and related services, at no charge so long as the child is physically present in the school district.

(B) A child shall be considered in the physical or legal custody of the Department of Juvenile Justice or the Department of Human Services or any of its divisions, including, but not limited to, the Division of Family and Children Services, if custody has been awarded either temporarily or permanently by court order or by voluntary agreement, or if the child has been admitted or placed according to an individualized treatment or service plan of the Department of Human Services or the Division of Family and Children Services. ~~A child shall be considered in a facility or placement paid for or operated by the Department of Behavioral Health and Developmental Disabilities if the child has been admitted or placed according to an individualized treatment or service plan of the Department of Behavioral Health and Developmental Disabilities or its contractors.~~

(C) A facility providing educational services onsite to a child described in subparagraph (A) of this paragraph who is unable to leave such facility shall enter into a memorandum of understanding with the local unit of administration in which the facility is located. Such memorandum of understanding shall include, at a minimum, provisions regarding enrollment counting procedures, allocation of funding based on actual days of enrollment in the facility, ~~and the party responsible for employing teachers, and the respective rights and responsibilities of the parties relative to the disclosure of the child's education records~~. A memorandum of understanding shall be reviewed and renewed at least every two years; provided, however, that, if any memorandum of understanding in place on July 1, 2025, does not include such provisions regarding the respective rights and responsibilities of the parties relative to the disclosure of the child's education records, such memorandum of understanding shall be reviewed and updated by no later than October 1, 2025.

(D) No child in a secure residential facility as defined in Code Section 15-11-2, regardless of his or her custody status, shall be eligible for enrollment in the educational programs of the local unit of administration of the school district in which such facility is located. No child or youth in the custody of the Department of Corrections or the Department of Juvenile Justice and confined in a facility as a result of a sentence imposed by a court shall be eligible for enrollment in the educational programs of the local unit of administration of the school district where such child or youth is being held; provided, however, that such child or youth may be eligible for enrollment in a state charter school pursuant to Code Section 20-2-2084.1.

(2) Except as otherwise provided in this Code section, placement in a facility by another local unit of administration shall not create an obligation, financial or otherwise, on the part of the local unit of administration in which the facility is located to educate the child.

(3) For any child described in subparagraph (A) of paragraph (1) of this subsection, the custodian of or placing agency for the child shall notify the appropriate local unit of administration at least five days in advance of the move, when possible, when the child is to be moved from one local unit of administration to another.

(4) When the custodian of or placing agency for any child notifies a local unit of administration, as provided in paragraph (3) of this subsection, that the child may become eligible for enrollment in the educational programs of a local unit of administration, such local unit of administration shall request the transfer of the ~~educational~~ education records and Individualized Education Programs and all education related evaluations, assessments, social histories, and observations of the child from the appropriate local unit of administration no later than ~~ten~~ five school business days after receiving notification. Notwithstanding any other law to the contrary, the custodian of the records has the obligation to transfer ~~these~~ such records and the local unit of administration has the right to receive, review, and utilize ~~these~~ such records. Notwithstanding any other law to the contrary, upon the request of a local unit of administration responsible for providing

educational services to a child described in subparagraph (A) of paragraph (1) of this subsection, the Department of Juvenile Justice, ~~the Department of Behavioral Health and Developmental Disabilities,~~ or the Department of Human Services, or the Division of Family and Children Services shall furnish to the local unit of administration all medical and ~~educational~~ education records in the possession of the Department of Juvenile Justice, ~~the Department of Behavioral Health and Developmental Disabilities,~~ or the Department of Human Services, or the Division of Family and Children Services pertaining to any such child, ~~except where consent of a parent or legal guardian is required in order to authorize the release of any of such records, in which event the Department of Juvenile Justice, the Department of Behavioral Health and Developmental Disabilities, or the Department of Human Services shall obtain such consent from the parent or guardian prior to such release.~~ Such records shall include, but shall not be limited to, any record that such student:

(A) Has ever been adjudicated delinquent of the commission of a class A designated felony act or class B designated felony act, as defined in Code Section 15-11-2 and, if so, the date of such adjudication, the offense committed, the jurisdiction in which such adjudication was made, and the sentence imposed;

(B) Is currently serving a short-term suspension, a long-term suspension, or an expulsion from another school, the reason for such discipline, and the term of such discipline;

(C) Is currently the subject of a notice of a disciplinary hearing pursuant to Code Section 20-2-754; or

(D) Is currently or has ever been the subject of a:

(i) Notice of a report of criminal action made pursuant to Code Section 20-2-756;

(ii) Notice of chronic disciplinary problem made pursuant to Code Section 20-2-765;

(iii) Disciplinary and behavioral correction plan pursuant to Code Section 20-2-766;

or

(iv) Report of the commission of a prohibited act made pursuant to Code Section 20-2-1184.

(5) In the event that the Department of Juvenile Justice, the Department of Human Services, or the Division of Family and Children Services contends that any record provided for in paragraph (4) of this subsection cannot be released without consent of a parent or legal guardian, such agency shall:

(A) Within five school business days after receiving a request for records under this subsection:

(i) Release all records not subject to such restriction;

(ii) Provide in writing to the local unit of administration and the RESA student affairs officer of the RESA in which such local unit of administration is located a list that identifies each record that such agency contends is subject to such restriction and the legal basis for such restriction; and

(iii) Initiate both verbal and written contact with the parent or legal guardian to obtain consent which the agency contends is required; and

(B) Upon receipt of the consent provided for in division (5)(A)(iii) of this subsection, immediately release the subject record to the local unit of administration.

(6)(A) In the event that an agency contends that releasing, in whole or in part, a student's records as required by this Code section would be unlawful, such agency shall promptly provide a written notice of dispute to the RESA student affairs officer of the RESA in which the local unit of administration is located.

(B) In the event that a local unit of administration contends that a student's records, in whole or in part, have been unlawfully or unduly withheld from release by a sending school, such local unit of administration shall promptly provide a written notice of dispute to the RESA student affairs officer of the RESA in which the local unit of administration is located.

(C)(i) Upon receipt of a notice of dispute from an agency as provided for in subparagraph (A) of this paragraph or from a local unit of administration as provided in subparagraph (B) of this paragraph, the RESA student affairs officer shall be authorized to work in coordination with any sending school, any receiving school, any other requestor, and the parent or legal custodian of the student whose records are the subject of such notice to resolve any dispute by providing technical assistance and guidance as to the respective rights and responsibilities of each of the parties to the dispute.

(ii) To the extent that such efforts to resolve the dispute are not successful, the RESA student affairs officer shall provide a written notice of noncompliance to any party to such dispute which the RESA student affairs officer reasonably contends is noncompliant with the requirements of this paragraph. Such written notice of noncompliance shall include a recommended corrective action to resolve noncompliance. The RESA student affairs officer shall report such noncompliance to the director of the RESA.

(iii) Upon being notified of a noncompliance as provided for in division (ii) of this subparagraph, the RESA director shall be authorized to attempt to resolve the dispute and to report noncompliance to the Office of the Attorney General and the Department of Education's chief privacy officer.

(D) For the limited purposes provided for in this subsection, RESA student affairs officers and RESA directors shall be authorized to review the education records that are the subject of a notice of dispute provided for in this subsection.

~~(5)~~(7) Any local unit of administration which serves a child pursuant to subparagraph (A) of paragraph (1) of this subsection shall receive in the form of annual grants in state funding for that child the difference between the actual state funds received for that child pursuant to Code Section 20-2-161 and the reasonable and necessary expenses incurred in educating that child, calculated pursuant to regulations adopted by the State Board of

Education. Each local board of education shall be held harmless by the state from expending local funds for educating students pursuant to this Code section; provided, however, that this shall only apply to students who are unable to leave the facility in which they have been placed.

~~(6)~~(8) Enrollment of an eligible child pursuant to this Code section shall be effectuated in accordance with rules and regulations adopted by the State Board of Education.

~~(7)~~(9) For purposes of the accountability program provided for in Part 3 of Article 2 of Chapter 14 of this title, all facilities serving children described in subparagraph (A) of paragraph (1) of this subsection shall be, consistent with department rules and regulations, treated as a single local education agency; provided, however, that this paragraph shall not be construed to alleviate any responsibilities of the local unit of administration of the school district in which any such children are physically present for the provision of education for any such children.

~~(8)~~(10) The Department of Education, the State Charter Schools Commission, the Department of Human Services, the Division of Family and Children Services, the Department of Juvenile Justice, ~~the Department of Behavioral Health and Developmental Disabilities~~, and the local units of administration where Department of Education, State Charter Schools Commission, Department of Juvenile Justice, ~~Department of Behavioral Health and Developmental Disabilities~~, or Department of Human Services, or Division of Family and Children Services placements, facilities, or contract facilities are located shall jointly develop procedures binding on all agencies implementing the provisions of this Code section applicable to children and youth in the physical or legal custody of the Department of Juvenile Justice, under the care or physical or legal custody of the Department of Human Services or the Division of Family and Children Services, ~~or under the physical custody of the Department of Behavioral Health and Developmental Disabilities.~~"

SECTION 2-2.

Said chapter is further amended in Part 5 of Article 6, relating to program weights and funding requirements under the "Quality Basic Education Act," by adding a new Code section to read as follows:

"20-2-192.

(a) As used in this Code section, the term 'qualified student advocacy specialist' means an individual employed by a local school system whose beginning salary and benefits are eligible for reimbursement grants under this Code section.

(b) Subject to appropriations by the General Assembly, the State Board of Education shall provide grants to local school systems for the purpose of reimbursing local school systems for expenditures sufficient to pay the beginning salaries and benefits of qualified student advocacy specialists employed by such local school systems.

(c) Under such grant program, local school systems shall be eligible for reimbursement for an amount equal to the beginning salary and benefits of:

(1) One qualified student advocacy specialist for local school systems with a full-time equivalent enrollment of fewer than 18,000 students;

(2) Two qualified student advocacy specialists for local school systems with a full-time equivalent enrollment of 18,000 to 36,000 students; or

(3) Three qualified student advocacy specialists for local school systems with a full-time equivalent enrollment of more than 36,000 students.

(d) By December 31, 2025, the State Board of Education shall establish policies, rules, and regulations necessary for the implementation of this Code section, including, but not limited to, the process by which local school systems shall request and receive such grant funds. Such policies, rules, and regulations shall condition the receipt of such grant funds on the local school system's compliance with all applicable provisions of Code Section 20-2-1185.

(e) By December 31, 2025, the Department of Behavioral Health and Developmental Disabilities, in consultation with the Department of Education, shall establish the essential duties and minimum qualifications for qualified student advocacy specialists hired by local school systems. Such minimum qualifications shall be established so as to maximize opportunities for local school systems to hire qualified student advocacy specialists capable of performing such essential duties, which shall include, but shall not be limited to:

(1) Coordinating the efforts of the local school system to identify and facilitate appropriate interventions for students with or at risk for mental health concerns, including, but not limited to, telehealth services;

(2) Coordinating, documenting, evaluating, and reporting the outcomes of Tier 1 and Tier 2 behavioral health training programs and materials of the local school system, including, but not limited to, such training programs and materials as provided for in Code Section 20-2-779.1; and

(3) Attending information and training meetings relating to school safety and student behavioral health provided or facilitated by the Georgia Emergency Management and Homeland Security Agency or the Department of Behavioral Health and Developmental Disabilities.

(f) This Code section shall not apply to the Department of Juvenile Justice or its school system.

(g) Nothing in the Code section shall be construed to prohibit local school systems from hiring or contracting with student advocacy specialists using other funds available for such purpose."

SECTION 2-3.

Said chapter is further amended in Code Section 20-2-270, relating to establishment of a state-wide network, by revising subsection (a) as follows:

"(a)(1) The State Board of Education shall establish a state-wide network of regional educational service agencies for the purposes of: providing shared services designed to improve the effectiveness of educational programs and services to local school systems and state charter schools; providing instructional programs directly to selected public school students in the state; providing dispute resolution services relating to sharing student education records; providing services pursuant to Code Section 20-2-785; and providing Georgia Learning Resources System services.

(2) The regional educational service agencies established by the state board may legally be referred to as 'RESA' or ~~'RESA's~~ 'RESAs'."

SECTION 2-4.

Said chapter is further amended in Part 11 of Article 6, relating to regional educational service agencies, by adding a new Code section to read as follows:

"20-2-270.2.

(a) Each regional educational service agency shall be authorized to provide dispute resolution services to local education agencies, local units of administration, and public and private schools located within the service area of such regional educational service agency and to the Department of Juvenile Justice, the Department of Human Services, and the Division of Family and Children Services.

(b) Each regional educational service area director shall designate one staff member as RESA student affairs officer.

(c) The chief privacy officer designated by the State School Superintendent pursuant to Code Section 20-2-663 shall provide technical assistance and guidance to support RESA student affairs officers and directors in complying with the requirements of this Code section."

SECTION 2-5.

Said chapter is further amended in Code Section 20-2-662, relating to definitions relative to student data privacy, accessibility, and transparency, by adding new paragraphs to read as follows:

"(6.1) 'Legal custodian' means an entity or individual other than a parent with legal authority to act on behalf of a student. Such term shall include the Department of Juvenile Justice, the Department of Human Services, and the Division of Family and Children Services.

(6.2) 'Local board of education' means the governing body of each local education agency as such terms are defined in Code Section 20-2-167.1. Such term shall include the Department of Juvenile Justice school system."

"(8.1) 'Parent' means an individual other than a legal custodian who has legal authority to act on behalf of a student as a natural or adoptive parent or a legal guardian."

SECTION 2-6.

Said chapter is further amended in Code Section 20-2-663, relating to designation and role of chief privacy officer, by adding a new subsection to read as follows:

"(c)(1) In consultation with the Attorney General's office, the chief privacy officer shall promulgate for all regional educational service agencies, all local education agencies, all elementary and secondary schools in this state, the Department of Juvenile Justice (DJJ) school system, the Department of Human Services (DHS), the Division of Family and Children Services (DFCS), and the Department of Defense Education Activity (DoDEA) a guidance document that shall address, but shall not be limited to, the following topics:

(A) The current state and federal laws applicable to local education agencies and elementary and secondary schools in this state, DJJ, DHS, DFCS, and DoDEA intended to protect the privacy of student education records, student health records, student data, and the personally identifiable information of students and their families;

(B) The application of the federal Family Educational Rights and Privacy Act (FERPA) to local education agencies and elementary and secondary schools in this state, DJJ, DHS, DFCS, and DoDEA, including what information is and is not covered under FERPA;

(C) What student education records and student health records can be shared with other educators, other schools, DJJ, DHS, DFCS, and DoDEA;

(D) What information about a student a local education agency, an elementary or secondary school, DJJ, DHS, DFCS, and DoDEA is permitted or required to share with a law enforcement officer, a law enforcement agency, a judge or court personnel, or another state or local agency or officer with a legal interest in such student; and

(E) What information about a student a law enforcement officer, a law enforcement agency, a judge or court personnel, or another state or local agency with a legal interest in such student is permitted or required to share with a local education agency, an elementary or secondary school, DJJ, DHS, DFCS, or DoDEA.

(2)(A) The guidance document required by paragraph (1) of this subsection shall be issued by December 31, 2025, and shall be reviewed and updated by July 1 each year and at any other time as necessary to ensure the information included in such guidance document is accurate.

(B) Each time the guidance document required by paragraph (1) of this subsection is issued or updated, it shall be posted on the department's public website along with responses to common or frequently asked questions relevant to the topics included in such guidance document.

(3) The chief privacy officer shall consult with experts and authorities as appropriate to meet the requirements of this subsection."

SECTION 2-7.

Said chapter is further amended in Code Section 20-2-667, relating to parental and student review of education records and model policies, by revising subsection (c) as follows:

"(c)(1) Except as provided in paragraph (2) of this subsection, each local board of education shall immediately provide an electronic copy of a student's complete education record to any parent, legal custodian, or another person or entity legally authorized to receive such records upon request and under no circumstances later than 5:00 P.M. on the third business day following the date of such request.

(2) In the event that any portion of such student's education record is not maintained in electronic format, the local board of education shall provide an electronic copy of all of the student's education records available in electronic format in compliance with paragraph (1) of this subsection and shall, no later than 5:00 P.M. on the third business day following the date of the request for such records, notify the requestor when copies of the remainder of such student's education records will be ready for retrieval. ~~Local boards of education shall provide a parent or guardian with an electronic copy of his or her child's education record upon request, unless the local board of education does not maintain a record in electronic format and reproducing the record in an electronic format would be unduly burdensome."~~

SECTION 2-8.

Said chapter is further amended by repealing Code Section 20-2-670, relating to requirements for transferring students beyond sixth grade, conditional admission, and compliance, in its entirety and enacting a new Code section to read as follows:

"20-2-670.

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

(1) 'Critical records' means the following education records of a student, which shall be current and complete for a period of at least the most recent 12 months of such student's enrollment or the entirety of such student's enrollment if less than 12 months:

(A) Academic transcript;

(B) Attendance records;

(C) Student discipline records, including, but not limited to, all records of any:

(i) Disciplinary order of short-term suspension, long-term suspension, or expulsion made pursuant to Code Section 20-2-751.2;

(ii) Notice of a report of criminal action made pursuant to Code Section 20-2-756;

(iii) Notice of chronic disciplinary problem made pursuant to Code Section 20-2-765;

(iv) Disciplinary and behavioral correction plan pursuant to Code Section 20-2-766;

or

(v) Report of the commission of a prohibited act made pursuant to Code Section 20-2-1184;

(D) Records of the student having ever been adjudicated delinquent of the commission of a class A designated felony act or class B designated felony act, as defined in Code Section 15-11-2 and, if so, the date of such adjudication, the offense committed, the jurisdiction in which such adjudication was made, and the sentence imposed;

(E) An Individualized Education Program (IEP) pursuant to the federal Individuals with Disabilities Education Act or a plan under Section 504 of the federal Rehabilitation Act of 1973, if any; and

(F) Psychological evaluations, if any.

(2) 'Education records' means any record that is maintained by a local education agency, a public or private elementary or secondary school, the Department of Juvenile Justice school system, or a party acting on behalf of such entity and is directly related to a student. Such term shall include, but shall not be limited to, records of such student's enrollment, attendance, class schedules, academic transcripts, grades, student discipline,

505 student financial information, health records, special education records, and
506 psychological evaluations. Such term shall include the student's critical records.

507 (3) 'Governing body' means the local board of education, governing council, governing
508 board, Board of Juvenile Justice, or other entity by whatever name responsible for
509 creating and implementing the budget of a local education agency or a public or private
510 school.

511 (4) 'Legal custodian' means an entity or individual other than a parent with legal
512 authority to act on behalf of a student. Such term shall include the Department of
513 Juvenile Justice, the Department of Human Services, and the Division of Family and
514 Children Services.

515 (5) 'Local education agency' shall have the same meaning as provided in Code
516 Section 20-2-167.1. Such term shall include the Department of Juvenile Justice school
517 system.

518 (6) 'Parent' means an individual other than a legal custodian who has legal authority to
519 act on behalf of a student as a natural or adoptive parent or a legal guardian.

520 (7) 'Permanent enrollment' means enrollment of student in a school that is not provisional
521 enrollment.

522 (8) 'Provisional enrollment' means the conditional and nonpermanent enrollment of
523 student in a school for a specified period of time.

524 (9) 'Receiving school' means a local education agency or public or private school in
525 which a transferring student, either on his or her own behalf or by and through his or her
526 parent or legal custodian, has enrolled or seeks or intends to enroll.

527 (10) 'Requestor' means a student, the parent or legal custodian of such student, or a
528 receiving school or another person or entity legally authorized to receive the education
529 records of such student.

530 (11) 'RESA' means a regional educational service agency as provided for in Code
531 Section 20-2-270.

(12) 'RESA student affairs officer' means the RESA employee designated by the RESA executive director to receive and attempt to resolve notices of disputes brought pursuant to this Code section.

(13) 'Sending school' means a local education agency or a public or private school which maintains education records of a particular student and is responsible for releasing such records to a requestor.

(14) 'Student' means an individual who is enrolled in a public or private elementary or secondary school or home study program in this state, or who is subject to the compulsory attendance requirements of Code Section 20-2-690.1.

(15) 'Transferring student' means a student who, either on his or her own behalf or by and through his or her parent or legal custodian, has enrolled in or is seeking or intends to enroll in a receiving school.

(b) The parent or legal custodian of a student seeking permanent enrollment in a grade higher than the third grade in any receiving school in this state shall as a prerequisite to such permanent enrollment execute a document:

(1) Disclosing to the receiving school whether the student:

(A) Has ever been adjudicated delinquent of the commission of a class A designated felony act or class B designated felony act, as defined in Code Section 15-11-2 and, if so, the date of such adjudication, the offense committed, the jurisdiction in which such adjudication was made, and the sentence imposed;

(B) Is currently serving a short-term suspension, a long-term suspension, or an expulsion from another school, the reason for such discipline, and the term of such discipline;

(C) Is currently the subject of a notice of a disciplinary hearing pursuant to Code Section 20-2-754; or

(D) Is currently or has ever been the subject of any:

(i) Notice of a report of criminal action made pursuant to Code Section 20-2-756;

- (ii) Notice of chronic disciplinary problem made pursuant to Code Section 20-2-765;
(iii) Disciplinary and behavioral correction plan pursuant to Code Section 20-2-766;
or
(iv) Report of the commission of a prohibited act made pursuant to Code
Section 20-2-1184; and

(2) Either:

- (A) Present a certified copy of such student's critical records from each sending school
he or she attended during the previous 24 months; or
(B) Receive written confirmation from such receiving school that it as received such
student's critical records.

(c)(1) A student may be provisionally enrolled in a receiving school for not more than
ten school days on a conditional basis; provided, however, that such provisional
enrollment shall not commence until the next school day after such student's parent or
legal custodian executes a document:

- (A) Disclosing the information required in paragraph (1) of subsection (b) of this Code
section; and
(B) Providing the name and address of each sending school such student attended
during the previous 24 months and authorizing the immediate release of such student's
critical records to the receiving school.

(2) If the receiving school does not receive such student's critical records from each
sending school such student attended during the previous 24 months, the receiving school
shall be authorized to temporarily assign such student to remote learning until such
critical records are received or the case management consultation provided for in
subsection (i) of this Code section is completed.

(3) If a student provisionally enrolled in a receiving school is found to be ineligible for
enrollment pursuant to the provisions of Code Section 20-2-751.2, or is subsequently

found to be so ineligible, he or she shall be dismissed from enrollment in such receiving school until such time as he or she becomes so eligible.

(d) Any document provided by a receiving school to a student or such student's parent or legal custodian to request permanent enrollment or provisional enrollment in such receiving school or to authorize the release of education records to such receiving school shall include:

(1) A list of class A designated felony acts or class B designated felony acts;

(2) A list of the prohibited acts identified in Code Section 20-2-1184; and

(3) A description of each of the following:

(A) Notice of a disciplinary hearing pursuant to Code Section 20-2-754;

(B) Notice of a report of criminal action made pursuant to Code Section 20-2-756;

(C) Notice of chronic disciplinary problem made pursuant to Code Section 20-2-765;

(D) Disciplinary and behavioral correction plan pursuant to Code Section 20-2-766;

and

(E) Report of the commission of a prohibited act made pursuant to Code Section 20-2-1184.

(e) Each time a transferring student's education records, including, but not limited to critical records, are transferred to a receiving school, such student's parent or legal custodian shall be notified in writing by the receiving school of the transfer of such records and shall, upon written request made within five school business days of the date of such notice, be entitled to receive a copy of such records from the receiving school. Within five school business days of the receipt of a copy of such records, such student's parent or legal custodian may make a written request for and shall be entitled to a meeting with the principal of the sending school or of the receiving school or his or her designee for the purpose of correcting the content of such records as provided in Code Section 20-2-667. The parties may mutually agree for such meeting to occur at a date and time outside of such five-day period.

(f)(1) Except as provided in paragraph (2) of this subsection, each sending school in this state shall immediately release a student's complete education record to any parent, legal custodian, receiving school, or another person or entity legally authorized to receive such records upon request by such requestor and under no circumstances later than 5:00 P.M. on the third business day following the date of such request.

(2) In the event that any portion of such student's education record is not maintained in electronic format, the sending school shall transfer all of the student's education records available in electronic format in compliance with paragraph (1) of this subsection and shall, no later than 5:00 P.M. on the third business day following the date of such request, notify the requestor when copies of the remainder of such student's education records will be ready for retrieval.

(g)(1) In the event that:

(A) A sending school contends that releasing, in whole or in part, a student's education records as required by this Code section would be unlawful or unduly burdensome; or

(B) A requestor contends that a student's education records, in whole or in part, have been unlawfully or unduly withheld from release by a sending school,

the requestor shall promptly provide a written notice of dispute to the RESA student affairs officer of the RESA in which the sending school is located.

(2)(A) Upon receipt of a notice as provided in paragraph (1) of this subsection, the RESA student affairs officer shall be authorized to work in coordination with any sending school, any receiving school, any other requestor, and the parent or legal custodian of the student whose education records are the subject of such notice to resolve any dispute by providing technical assistance and guidance as to the respective rights and responsibilities of each of the parties to the dispute.

(B) To the extent that such efforts to resolve the dispute are not successful, the RESA student affairs officer shall provide a written notice of noncompliance to any party to such dispute which the RESA student affairs officer reasonably contends is

noncompliant with the requirements of this Code section report. Such written notice of noncompliance shall include a recommended corrective action to resolve noncompliance. The RESA student affairs officer shall report such noncompliance to the director of the RESA.

(C) Upon being notified of a noncompliance as provided for in subparagraph (B) of this paragraph, the RESA director shall be authorized to attempt to resolve the dispute and to report noncompliance to the Office of the Attorney General and the Department of Education's chief privacy officer.

(3) For the limited purposes provided for in this subsection, RESA student affairs officers and RESA executive directors shall be authorized to review the education records that are the subject of a notice of dispute provided for in this subsection.

(4) In the event that it becomes evident to a RESA student affairs officer or a RESA director that neither a sending school nor a receiving school involved in a dispute is a local education agency or a public elementary or secondary school, the RESA student affairs officer and the RESA director shall take no further action regarding the dispute other than to notify the parties to the dispute that the regional educational service agency is not authorized to take further action on the matter and to refer the parties to the Department of Education's chief privacy officer.

(h) Whenever a receiving school does not timely receive complete information relative to a transferring student from a sending school as required in subsection (f) of this Code section, such receiving school shall be authorized to condition such transferring student's continued provisional enrollment upon completion of the case management consultation provided for in subsection (i) of this Code section.

(i) Each case management consultation shall be conducted by a school social worker, school counselor, or a designated school administrator of the receiving school and shall involve the transferring student and such student's parent or legal custodian. The purposes of the case management consultation shall include, but shall not be limited to:

(1) Determining whether any services are necessary for such student, including, but not limited to, referrals for special education or behavioral health services; and

(2) Facilitating the continuation of services such student was receiving at his or her previous school or schools, if any.

(j) The State Board of Education shall adopt policies and procedures for implementing the provisions of this Code section.

(k) The Department of Education shall collaborate with the Department of Behavioral Health and Developmental Disabilities and provide technical assistance to schools and local school systems to support implementation of the provisions of this Code section.

(l) In lieu of his or her parent, a transferring student who is not in the custody of the Department of Juvenile Justice or the Division of Family and Children Services of the Department of Human Services and who is 18 years of age or older or who has been emancipated by operation of law or by court order pursuant to Code Section 15-11-727 or as otherwise provided by law shall be authorized to comply on his or her own behalf with the requirements of this Code section otherwise applicable to such student's parent or legal custodian.

(m) Notwithstanding the provisions of this Code section, any transferring student in the custody of the Department of Juvenile Justice or the Department of Human Services, through its Division of Family and Children Services, shall be immediately admitted to a receiving school, even if records required for enrollment cannot be produced, in order to ensure educational stability and continuity. All records shall be transferred to the receiving school administrator within ten school business days by the local school superintendent or his or her designee, as applicable, of the school such transferring student last attended."

SECTION 2-9.

Said chapter is further amended by revising Code Section 20-2-671, relating to transfer students who have committed felony acts and disclosure of act, as follows:

692 "20-2-671.

693 (a) If any school administrator determines from the information obtained pursuant to Code
694 Section 15-11-602 or 20-2-670 or from any other source that a student ~~has~~:

695 (1) Has committed a class A designated felony act or class B designated felony act, as
696 defined in Code Section 15-11-2;

697 (2) Is the subject of a notice of chronic disciplinary problem made pursuant to Code
698 Section 20-2-765;

699 (3) Has a current disciplinary and behavioral correction plan pursuant to Code
700 Section 20-2-766; or

701 (4) Is the subject of a report of the commission of a prohibited act made pursuant to Code
702 Section 20-2-1184,

703 such administrator shall so inform all teachers to whom the student is assigned that they
704 may review the information in the student's file provided pursuant to ~~subsection (b) of~~
705 Code Section 20-2-670 received from other schools or from the juvenile courts.

706 (b) Such information shall be kept confidential."

707 **SECTION 2-10.**

708 Said chapter is further amended by revising Code Section 20-2-700, relating to reports by
709 peace officers to school authorities and parent or guardian, as follows:

710 "20-2-700.

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

712 (1) 'Incidental to' means occurring in the course of or directly associated with standards
713 or customary operations of a law enforcement officer's employer.

714 (2) 'Law enforcement officer' means any duly constituted agent or officer of the State of
715 Georgia or of any county, municipality, political subdivision, or local school system
716 thereof who, as a full-time or part-time employee, is vested either expressly by law or by
717 virtue of public employment or service with authority to enforce the criminal or traffic

718 laws of this state with the power of arrest and whose duties include the preservation of
719 public order, the protection of life and property, or the prevention, detection, or
720 investigation of crime. Such term shall include, but shall not be limited to, sheriffs and
721 deputy sheriffs; any member of the Georgia State Patrol or Georgia Bureau of
722 Investigation; campus policemen and school security personnel provided for in Chapter 8
723 of this title; any person employed by the Department of Natural Resources as a law
724 enforcement officer; any arson investigator of the state fire marshal's office; employees
725 designated by the commissioner of community supervision who have the duty to
726 supervise children adjudicated for a Class A designated felony act or Class B designated
727 felony act after release from restrictive custody, as such terms are defined in Code
728 Section 15-11-2; and employees designated by the commissioner of juvenile justice
729 pursuant to paragraph (2) of subsection (i) of Code Section 49-4A-8 who have the duty
730 to investigate and apprehend delinquent children, or the supervision of delinquent
731 children under intensive supervision in the community, and any child with a pending
732 juvenile court case alleging the child to be a child in need of services who has escaped
733 from a facility under the jurisdiction of the Department of Juvenile Justice or who has
734 broken the conditions of supervision.

735 (3) 'Official encounter' means an interaction of a law enforcement officer with a school
736 age youth in such law enforcement officer's official capacity for the purpose of enforcing
737 the criminal laws of this state or preventing, detecting, or investigating a crime, provided
738 that such interaction is directly related to a credible report or other credible information
739 that such school age youth has threatened the death of, or serious injury to, one or more
740 individuals who are or will likely be at or within a school.

741 (4) 'School age youth' means an individual who is between his or her sixth and sixteenth
742 birthdays or who a law enforcement officer knows or reasonably believes is enrolled in
743 a public or private elementary or secondary school in this state. Such term shall not

744 include an individual who has successfully completed all the requirements for a high
745 school diploma or a state approved high school equivalency (HSE) diploma.

746 (5) 'School official' means a local school superintendent or his or her designee or a
747 school principal or other school administrator.

748 (b) Any person taking action with respect to a child pursuant to Code Section 20-2-699
749 shall report the matter and the disposition made by him of the child to the school authorities
750 of the county, independent or area school system such action to a school official of the
751 public or private school in which such child is currently enrolled or would be enrolled by
752 virtue of his or her primary residence, and to the child's parent or guardian.

753 (c)(1) Except as provided in paragraph (2) of this subsection, within five days of an
754 official encounter with a school age youth in this state, the employer of each law
755 enforcement officer present for such official encounter shall provide a written report of
756 such official encounter to a school official of the public or private school in which such
757 school age youth is currently enrolled or would be enrolled by virtue of his or her primary
758 residence and to his or her parent or guardian.

759 (2) A written report of an official encounter provided for in paragraph (1) of this
760 subsection shall not be required:

761 (A) When the interaction between the law enforcement officer and the school age
762 youth is not incidental to the conduct of a law enforcement officer acting in his or her
763 official capacity to enforce the criminal laws of this state or to prevent, detect, or
764 investigate a crime; or

765 (B) With respect to a school age youth whose presence during or participation in such
766 official encounter is due exclusively to such school age youth being a witness or
767 potential witness in a criminal investigation; provided, however, that the exception
768 provided for in this subparagraph shall not apply if he or she is also a subject of such
769 criminal investigation or is a suspect or person of interest in such criminal investigation.

770 (d) This Code section shall not apply to school age youth in the physical custody of the
771 Department of Juvenile Justice within a secure facility; provided, however, that this
772 subsection shall not apply to school age youth who are in the physical or legal custody of
773 the Department of Juvenile Justice in a nonsecure residential placement or other nonsecure
774 intensive supervision program."

775 **SECTION 2-11.**

776 Said chapter is further amended by revising Code Section 20-2-720, relating to inspection
777 of students' records by parents, as follows:

778 "20-2-720.

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

780 (1) 'Education record' shall have the same meaning as provided for in Code
781 Section 20-2-662.

782 (2) 'Legal custodian' means an entity or individual other than a parent with legal
783 authority to act on behalf of a student. Such term shall include the Department of
784 Juvenile Justice and the Division of Family and Children Services of the Department of
785 Human Services.

786 (3) 'Local board of education' means the governing body of each local education agency
787 as such terms are defined in Code Section 20-2-167.1. Such term shall include the school
788 system of the Department of Juvenile Justice.

789 (4) 'Parent' means an individual other than a legal custodian who has legal authority to
790 act on behalf of a student as a natural or adoptive parent or a legal guardian.

791 (b) No local board of education ~~No local school system, whether county, independent, or~~
792 ~~area,~~ shall have a policy of denying, or which effectively prevents, the parents or legal
793 custodians of students who are in attendance at or who have been enrolled in any facility
794 within such system the right to inspect and review the education records of their child as
795 provided in Code Section 20-2-667.

(c) A parent or legal custodian shall be entitled to inspect and review only information relating to his or her own child or ward and if any material or document in a child's or ward's record includes information on another student, such information regarding any other student shall not be made available for inspection or review except to the parents or legal custodian of that student.

(d) Both parents of a child shall be entitled to inspect and review the education records of their child or to be provided information concerning their child's progress. Information concerning a child's education record shall not be withheld from the noncustodial parent unless a court order has specifically removed the right of the noncustodial parent to such information or unless parental rights have been terminated. ~~For purposes of this Code section, 'education records' shall include attendance reports and records."~~

SECTION 2-12.

Said chapter is further amended by revising Code Section 20-2-741, relating to positive behavioral interventions and supports and response to intervention, as follows:

"20-2-741.

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

(1) 'High needs school' means a public school which has received a school climate rating of '1-star' or '2-star' pursuant to Code Section 20-14-33.

(2) 'Positive behavioral interventions and supports' or 'PBIS' means an evidence based data-driven framework to reduce disciplinary incidents, increase a school's sense of safety, and support improved academic outcomes through a ~~multitiered~~ multi-tiered approach, using disciplinary data and principles of behavior analysis to develop school-wide, targeted, and individualized interventions and supports.

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

(b)(1) Local boards of education are encouraged to implement PBIS and RTI programs and initiatives in their schools, and particularly in high needs schools.

(2) Local boards of education shall implement PBIS and RTI programs and initiatives in each elementary and middle school that is a high needs school. Such implementation shall include, but shall not be limited to:

(A) PBIS Tier 1 supports for 100 percent of students and school personnel;

(B) Specific PBIS Tier 2 supports and interventions for students who are at risk for developing more serious unwanted behaviors, such as small group resilience and behavioral health skills lessons approved by the Department of Behavioral Health and Developmental Disabilities; and

(C) Each school year, no less than 95 percent of school personnel receive two hours of student behavioral health awareness training approved by the Department of Behavioral Health and Developmental Disabilities.

(c) The State Board of Education is authorized, subject to appropriations by the General Assembly, to provide funds to local school systems to support PBIS and RTI programs, initiatives, and personnel.

(d) The State Board of Education is authorized to establish rules and regulations for PBIS and RTI programs and initiatives which receive funding pursuant to this Code section."

SECTION 2-13.

Said chapter is further amended by revising Code Section 20-2-757, relating to applicability of public inspection and open meeting laws, as follows:

"20-2-757.

(a) All proceedings and hearings conducted under this subpart shall be confidential and shall not be subject to the open meetings requirement of Code Section 50-14-1 or other open meetings laws.

(b) All electronic or other written records of all hearings conducted under this subpart; all statements of charges; all notices of hearings; and all written decisions rendered by a hearing officer, tribunal, the local board of education, or the State Board of Education shall not be subject to public inspection or other disclosure under Article 4 of Chapter 18 of Title 50 or other public disclosure laws; provided, however, ~~the board of education~~ that the state board shall prepare a written summary of any proceeding conducted under this subpart, which summary shall include a description of the incident and the disposition thereof but shall not contain the names of any party to the incident. The summary shall be a public record.

(c) Nothing in this Code section shall be construed to prohibit, restrict, or limit in any manner the disclosure of a student's education records to a receiving school as required by Code Section 20-2-670."

SECTION 2-14.

Said chapter is further amended by revising Code Section 20-2-766.1, relating to proceeding against parents for failure to cooperate in educational programs and penalty, as follows:

"20-2-766.1.

(a) ~~A~~ The local board of education may, by petition to the juvenile court, proceed against a parent or guardian as provided in this Code section.

(b) If the court finds that the parent or guardian has willfully and unreasonably failed to attend a conference requested by a principal pursuant to Code Section 20-2-765 or 20-2-766, the court may order the parent or guardian to attend such a conference, order the parent or guardian to participate in such programs or such treatment as the court deems appropriate to improve the student's behavior, or both.

(c) If the court finds that the parent or guardian has willfully and unreasonably failed to authorize the release of student education records as required pursuant to Code

871 Section 20-2-670, the court may order the parent or guardian to authorize the release of
 872 such records.

873 (d) After notice and opportunity for hearing, the court may impose a fine, not to exceed
 874 \$500.00, on a parent or guardian who willfully disobeys an order of the court entered under
 875 this Code section. The court may use its contempt and other powers specified in Code
 876 Section 15-11-31 to enforce any order entered under this Code section."

877 **SECTION 2-15.**

878 Said chapter is further amended by revising Code Section 20-2-779.1, relating to suicide
 879 prevention and awareness training and no duty of care imposed, as follows:

880 "20-2-779.1.

881 (a) As used in this Code section, the term 'evidence based' means a program or practice
 882 that:

883 (1) Demonstrates a statistically significant effect on relevant outcomes based on:

884 (A) Strong evidence from at least one well-designed and well-implemented
 885 experimental study;

886 (B) Moderate evidence from at least one well-designed and well-implemented
 887 quasi-experimental study; or

888 (C) Promising evidence from at least one well-designed and well-implemented
 889 correlational study with statistical controls for selection bias; or

890 (2) Demonstrates a rationale based on high-quality research findings or positive
 891 evaluation that such program or practice is likely to improve relevant outcomes, and
 892 includes ongoing efforts to examine the effects of such program or practice.

893 ~~(a)(1)~~(b) The State Board ~~The Department~~ of Education shall adopt rules to require that:

894 (1) All all certificated public school personnel receive annual training in youth violence
 895 and suicide awareness and prevention. This Such training shall be provided within the
 896 framework of existing in-service training programs offered or facilitated by the

Department of Education, the Department of Behavioral Health and Developmental Disabilities, or as part of required professional development offered by a local school system or public school; and

(2)(A) Beginning in the 2026-2027 school year, and continuing each school year thereafter, all public schools serving students in any one of grades six through 12 which receive funds in any manner from the state shall provide to students:

(i) At least one hour of evidence based suicide awareness and prevention training each school year; and

(ii) At least one hour of evidence based youth violence prevention training each school year.

(B) Such training may be delivered in person, remotely, or digitally and may be included as part of the health and physical education course of study provided for in subsection (c) of Code Section 20-2-142.

~~(2)~~(c)(1) By January 1, 2026, ~~the~~ The Department of Education shall, in consultation with the Department of Behavioral Health and Developmental Disabilities, the Suicide Prevention Program established pursuant to Code Section 37-1-27, student violence and suicide prevention experts, other youth mental health experts, and elementary and secondary school counselors, social workers, and teachers, develop a list of approved evidence based training programs and materials to fulfill the requirements of this ~~subsection~~ Code section which may include training programs and materials currently being used by a local school system or public school if such training programs and materials meet ~~any~~ the criteria established by the department.

~~(3)~~(2) Approved training programs and materials ~~shall~~:

(A) Shall include training information on how to identify appropriate mental health interventions and services, both within the school and also within the larger community, and when and how to ~~refer~~ facilitate such interventions and services for youth and their families ~~to those services; and~~

(4)(B) ~~May Approved materials may~~ include programs and materials that can be completed through self-review of suitable student violence and suicide awareness and prevention materials approved by the department upon the recommendation of the Department of Behavioral Health and Developmental Disabilities.

(3) Approved training programs and materials for students shall, at a minimum, teach students:

(A) How to recognize the observable signs and signals of depression, suicide, and self-injury in themselves and their peers;

(B) How to recognize the observable warning signs and signals of persons who may be at risk of harming themselves or others;

(C) The importance of seeking help for themselves and their peers and the process for seeking help; and

(D) The steps that can be taken to report dangerous, violent, threatening, harmful, or potentially harmful behavior.

(4) The Department of Education shall make the list of approved training programs and materials, including no-cost programming, if any, publicly available on its website and shall keep it timely updated by reviewing such list, at a minimum, every 36 months.

~~(5)(A)(d)(1)~~ Each local school system board of education or public school governing body shall:

(A) Adopt policies, rules, and regulations ~~adopt a policy~~ on student suicide awareness and prevention. Such policies, rules, and regulations shall be developed in consultation with school and community stakeholders, school employed mental health professionals, and suicide prevention experts, and shall, at a minimum, address procedures relating to suicide prevention, intervention, and postvention;

(B) Adopt policies, rules, and regulations for providing relevant and current information to students and their families and to school personnel regarding publicly available resources for the anonymous reporting of a dangerous, violent, threatening,

harmful, or potentially harmful activity which occurs on, or is threatened to occur on, school property or which relates to a student or school personnel; and

(C) Implement an evidence based youth violence prevention training program to instruct students how to recognize the observable warning signs and signals of someone who may be at risk of harming himself, herself, or others; the importance of taking threats seriously and seeking help; and how to report someone who is at risk, including by using the state-wide anonymous reporting program.

~~(B)~~(2) To assist public schools and local school systems in developing their own policies for student violence and suicide awareness and prevention, the Department of Education, in consultation with the Suicide Prevention Program within the Department of Behavioral Health and Developmental Disabilities, shall establish a model policy for use by public schools and local school systems in accordance with this Code section.

(e) Each local board of education or public school governing body shall require each public school that sponsors or otherwise permits student organizations or clubs to designate a student-led youth violence prevention club to sustain awareness activities related to suicide prevention and violence prevention. Such student violence prevention club, including existing clubs, shall:

(1) Be open to all members of the student body;

(2) Engage in awareness activities related to youth suicide prevention, youth violence prevention, and social inclusion;

(3) Foster opportunities for student leadership development; and

(4) Have at least one administrator, teacher, or other school personnel serve as a faculty advisor.

(f)(1) By July 1, 2026, each local board of education or public school governing body shall develop and operate, or contract with a provider to develop and operate, and make available an anonymous reporting program.

(2) Such anonymous reporting program shall, at a minimum:

(A) Be accessible by any person to report anonymously a dangerous, violent, threatening, harmful, or potentially harmful activity which occurs on, or is threatened to occur on, school property or which relates to a student or school personnel;

(B) Provide support 24 hours per day, seven days per week for anonymous reporting through, at a minimum, a mobile telephone application and a multilingual crisis center, which shall be staffed by individuals with evidence based counseling and crisis intervention training;

(C) Promptly forward reported information to the appropriate school based team;

(D) Support a coordinated response to an identified crisis by schools, local emergency 9-1-1 public safety answering points, and local law enforcement agencies when response by schools and law enforcement is to be reasonably expected;

(E) Require and certify the training of school based teams in each school to receive notice of any report submitted to the state-wide anonymous reporting program concerning the school, a student, or school personnel;

(F) Require and certify the training of local emergency 9-1-1 public safety answering point personnel to receive notice of any report submitted to the state-wide anonymous reporting program that requires response from a local law enforcement agency;

(G) Promote public awareness and education about the state-wide anonymous reporting program and its reporting methods, prior to its launch; and

(H) Comply with all federal and state laws.

(3) The provisions of this subsection shall not apply to any local school system or public school that, as of July 1, 2025, has an operating anonymous reporting program that substantially complies with the requirements of paragraph (2) of this subsection.

(4) This subsection shall not be construed to interfere with or impede any existing contract any local school system or public school has with a provider to operate an anonymous reporting program; provided, however, that, to the extent that the terms of such contract do not require such provider to operate an anonymous reporting program

in substantial compliance with the requirements of paragraph (2) of this subsection, such contract terms shall not be renewed beyond such contract's current expiration or termination date.

(g) Each local school system and public school shall update its school safety plan required by Code Section 20-2-1185 by including a behavioral threat assessment management plan as provided for in Code Section 20-2-1185.1.

~~(b)~~(h) No person shall have a cause of action for any loss or damage caused by any act or omission resulting from the implementation of the provisions of this Code section or resulting from any training, or lack thereof, required by this Code section.

~~(c)~~(i) The training, or lack thereof, required by the provisions of this Code section shall not be construed to impose any specific duty of care."

SECTION 2-16.

Said chapter is further amended by revising Code Section 20-2-785, relating to referral and assessment to determine whether withdrawal was to limit education, as follows:

"20-2-785.

(a) In the event that a ~~child~~ student does not for a period of 30 consecutive days attend the public school in which he or she is enrolled or provisionally enrolled and:

(1) The parent or guardian of such student does not notify the school of such student's withdrawal from such school;

(2) The parent or guardian of such student does not notify the school of such student's enrollment or intent to enroll in a home study program or another school;

(3) Such student is withdrawn from a ~~public~~ such school without a declaration filed pursuant to subsection (c) of Code Section 20-2-690; or

(4) Such student is 16 years of age or older and stops attending such school without completing the conference required under subsection (e) of Code Section 20-2-690.1 and ~~that child stops attending a public school for a period of 45 days;~~

the school shall refer the matter to the Division of Family and Children Services of the Department of Human Services and the RESA student affairs officer of the regional educational service agency in which such student resides, as provided for in subsection (b) of this Code section.

(b) For each student who meets the requirements of subsection (a) of this Code section, such student's school shall:

(1) Refer the matter to the Division of Family and Children Services to conduct an assessment. The purpose of such referral and assessment shall be limited to for the purpose of determining whether such withdrawal was to avoid educating the child. Presentation such student; provided, however, that completion of such conference or presentation of a copy of such filed declaration shall satisfy the assessment requirements of this paragraph, and the Division shall immediately terminate the such assessment under this Code section.; and

(2) Refer the matter to the RESA student affairs officer of the regional educational service agency in which such student resides for the purpose of determining whether such student has enrolled in a home study program or another school and, if such student has enrolled in another school, to determine whether such school has received such student's education records from the student's previous schools; provided, however, that, upon receiving notice that such student has enrolled or intends to enroll in a home study program or another school, the referring school shall immediately notify the RESA student affairs officer of the regional educational service agency in which such student resides of such intent or enrollment and if such student has enrolled or intends to enroll in another school, confirm the date by which such student's education records will be released to such student's new school.

(c) Nothing in the Code section shall be construed to prohibit or limit a public school from making reasonable efforts at any time to determine the whereabouts of a student who is withdrawn from such school without a declaration filed pursuant to subsection (c) of Code

Section 20-2-690 or who stops attending such school without providing notice of enrollment or intent to enroll in a home study program or another school or, when such student is 16 years of age or older, without completing the conference required under subsection (e) of Code Section 20-2-690.1. Such efforts may include, but shall not be limited to:

(1) Contacting the student's parent, guardian, or other legal custodian to inquire of the student's whereabouts and whether such student intends to withdraw from the school or has enrolled or intends to enroll in a home study program or another school;

(2) Directing school personnel, including, but not limited to, school social workers and school security personnel, to conduct a wellness visit at the student's last known residence; and

(3) As appropriate, referring the matter to the county or municipal law enforcement agency having territorial jurisdiction.

(d) Each public school in which a student is enrolled or provisionally enrolled shall compile such student's complete education records and make such records available for immediate release to any person or entity authorized by law to receive such records:

(1) For each student who meets the requirements of subsection (a) of this Code section; and

(2) Each time the school receives sufficient notice that such student is withdrawing from the school or is enrolling or intends to enroll in a home study program or another school."

SECTION 2-17.

Said chapter is further amended in Code Section 20-2-786, relating to the "Parents' Bill of Rights," by revising subsection (f) as follows:

"(f) Each governing body shall, in consultation with parents, teachers, and administrators, develop and adopt a policy or regulation to promote parental involvement in the public schools. Such policy or regulation shall be updated each year by June 1 and posted on each

governing body's public website, and a copy of such policy or regulation shall be available for review on site upon request by a parent. Such policy or regulation shall include:

(1) Procedures that meet the requirements of Code Sections 20-2-667 and 20-2-670 for a parent to review records relating to his or her minor child and to request the transfer of such records to another school or a person or entity authorized to receive such records;

(2)(A) Procedures for a parent to learn about his or her minor child's courses of study, including, but not limited to, parental access to instructional materials intended for use in the classroom. Instructional materials intended for use in his or her minor child's classroom shall be made available for parental review during the review period. If such instructional materials are not made available by a school or local school system for review online, then they shall be made available for review on site upon a parent's request made during the review period.

(B) Procedures for a parent to object to instructional materials intended for use in his or her minor child's classroom or recommended by his or her minor child's teacher;

(3) Procedures for a parent to withdraw his or her minor child from the school's prescribed course of study in sex education if the parent provides a written objection to his or her minor child's participation. Such procedures ~~must~~ shall provide for a parent to be notified in advance of such course content so that he or she may withdraw his or her minor child from the course; ~~and~~

(4) Procedures for a parent to provide written notice that photographs or video or voice recordings of his or her child are not permitted, subject to applicable public safety and security exceptions; and

(5) Procedures that meet the requirements of Code Sections 20-2-667 and 20-2-670 for the timely production of a student's education records by such student's current or previous school to another school in which such student has enrolled, intends to enroll, or is considering enrollment."

SECTION 2-18.

Said chapter is further amended by revising Code Section 20-2-1183, relating to written agreement for law enforcement officers in schools, as follows:

"20-2-1183.

(a) When a local school system assigns or employs law enforcement officers in schools, the local board of education shall have a collaborative written agreement with law enforcement officials to establish the role of law enforcement and school employees in school disciplinary matters and ensure coordination and cooperation among officials, agencies, and programs involved in school discipline and public protection.

(b) By October 1, 2025, the collaborative written agreement required by this Code section shall include specific terms and conditions for the handling and disclosure of student education records, student data, and student personally identifiable data, as such terms are defined in Code Section 20-2-662. Such terms and conditions shall include, but shall not be limited to:

(1) Under what circumstances information regarding a student may or shall be disclosed to a law enforcement officer, a law enforcement agency, a judge or court personnel, or another state or local agency or officer with a legal interest in such information;

(2) Whether any law enforcement officer who is subject to such agreement is or may act as a school official with access to student education records and the personally identifiable information contained therein; and

(3) Whether the law enforcement officers who are subject to such agreement constitute a law enforcement unit, as such term is defined in the federal Family Education Rights and Privacy Act (FERPA) and its implementing regulations, 20 U.S.C. Section 1232g; and 34 C.F.R. Part 99.3; and, if so:

(A) What records shall be handled as law enforcement unit records and are not protected by FERPA; and

(B) What records shall be handled as education records and are protected by FERPA.

1137 (c) By August 1, 2025, the Department of Education shall publish on its public website
1138 model language for the terms and conditions required by this Code section to be available
1139 for use by schools and law enforcement officers. Such model language shall be reviewed
1140 and updated from time to time as necessary to comport with the content of the guidance
1141 document promulgated by the Department of Education chief privacy officer as provided
1142 for in Code Section 20-2-663."

1143 **SECTION 2-19.**

1144 Said chapter is further amended in said article by revising subsections (a) and (c) of Code
1145 Section 20-2-1185, relating to school safety plans and drills, as follows:

1146 "(a) Every public school shall prepare a school safety plan to help curb the growing
1147 incidence of violence in schools, to respond effectively to such incidents, to address the
1148 behavioral health needs of students, and to provide a safe learning environment for
1149 Georgia's children, teachers, and other school personnel. Such plan shall also address
1150 preparedness for natural disasters, hazardous materials or radiological accidents, acts of
1151 violence, and acts of terrorism. School safety plans of public schools shall be prepared
1152 with input from students enrolled in that school, parents or legal guardians of such students,
1153 teachers in that school, community leaders, other school employees and school district
1154 employees, and local law enforcement, juvenile court, fire service, public safety, and
1155 emergency management agencies. As part of such plans, public schools shall provide for
1156 the coordination with local law enforcement agencies and the local juvenile court system.

1157 School safety plans shall include, at a minimum, the following strategy areas:

1158 (1) Training school administrators, teachers, and support staff, including, but not limited
1159 to, school resource officers, security officers, secretaries, custodians, and bus drivers, on
1160 school violence prevention, school security, school threat assessment, mental health
1161 awareness, and school emergency planning best practices;

1162 (2) Evaluating and refining school security measures;

- 1163 (3) Updating and exercising school emergency preparedness plans;
1164 (4) Strengthening partnerships with public safety officials; ~~and~~
1165 (5) Creating enhanced crisis communications plans and social media strategies;
1166 (6) Addressing behavioral health needs of students and staff utilizing guidance from the
1167 Department of Behavioral Health and Developmental Disabilities; and
1168 (7) Developing a behavioral threat assessment and management process and plan
1169 utilizing guidance from the Georgia Emergency Management and Homeland Security
1170 Agency.
- 1171 School safety plans of private schools may be prepared with input from students enrolled
1172 in that school, parents or legal guardians of such students, teachers in that school, other
1173 school employees, and local law enforcement, fire service, public safety, and emergency
1174 management agencies. Such plans shall be reviewed and, if necessary, updated annually.
1175 Such plans of public schools shall be submitted to the local emergency management
1176 agency, the local law enforcement agency, ~~and~~ the Georgia Emergency Management and
1177 Homeland Security Agency, and the Department of Behavioral Health and Developmental
1178 Disabilities, as provided for in Code Section 20-2-1185.1, for approval."
- 1179 "(c) School safety plans prepared by public schools shall address or include:
1180 (1) Security ~~security~~ issues in school safety zones as defined in Code
1181 Section 16-11-127.1. ~~School safety plans should also address security;~~
1182 (2) Security issues involving the transportation of ~~pupils~~ students to and from school and
1183 school functions when such transportation is furnished by the school or school system
1184 and school functions held during noninstructional hours;
1185 (3) Specific plans to restrict ingress to or egress from all buildings and other facilities
1186 located on the school property; and
1187 (4) Specific plans for whether and when each of the following will be locked or actively
1188 supervised by school personnel, or both:

1189 (A) Exterior doors and other access points of all buildings and other facilities located
1190 on the school property; and
1191 (B) Doors to all classrooms and other instructional spaces on the school property."

1192 **SECTION 2-20.**

1193 Said chapter is further amended in Article 27, relating to loitering at or disrupting schools,
1194 by adding a new Code section to read as follows:

1195 "20-2-1185.1.

1196 (a) No later than January 1, 2027, each public school safety plan required by Code
1197 Section 20-2-1185 shall include provisions that address the behavioral health needs of
1198 students and a behavioral threat assessment management plan for providing a structured,
1199 multidisciplinary process to identify, assess, and mitigate potential threats while supporting
1200 the safety and well-being of students and school personnel.

1201 (b)(1) Such behavioral threat assessment management plans shall be submitted to the
1202 Department of Behavioral Health and Developmental Disabilities for approval.

1203 (2) The Department of Behavioral Health and Developmental Disabilities shall provide
1204 technical assistance to the Department of Education, regional educational service
1205 agencies, and all local school systems and other public schools in this state, including
1206 models of service to address the behavioral health needs of students.

1207 (3) The Georgia Emergency Management and Homeland Security Agency shall
1208 coordinate with the Department of Behavioral Health and Developmental Disabilities
1209 with respect to providing training and technical assistance to the Department of
1210 Education, regional educational service agencies, and all local school systems and other
1211 public schools in this state on the development and implementation of such behavioral
1212 threat assessment management plans.

1213 (4) The Georgia Emergency Management and Homeland Security Agency shall
1214 coordinate with the Department of Behavioral Health and Developmental Disabilities,

1215 with respect to providing the same or similar training and technical assistance to private
1216 schools in this state."

1217 **SECTION 2-21.**

1218 Said chapter is further amended in said article by adding a new Code section to read as
1219 follows:

1220 "20-2-1186.

1221 (a) Subject to appropriations, the Georgia Emergency Management and Homeland
1222 Security Agency shall establish an emergency alert response system to be provided to
1223 public elementary and secondary schools in this state that allows a public elementary or
1224 secondary school to communicate with local school systems about threats made on or
1225 impacting a school campus or emergency procedures initiated upon a school campus due
1226 to an active threat to safety.

1227 (b) Subject to appropriations, the Georgia Emergency Management and Homeland
1228 Security Agency shall establish a secure state-wide alert system for use by public
1229 elementary and secondary schools in this state to report and monitor incidents of safety
1230 threats made on or impacting a school campus. The name of any person who threatens the
1231 safety of a school shall be included in such system; provided, however, that no student's
1232 name shall be entered on any such system until the threat to school safety has been
1233 investigated and verified by local law enforcement and the student has been evaluated by
1234 a certificated school social worker from the local school system, if any are employed by
1235 the local school system. The Georgia Emergency Management and Homeland Security
1236 Agency shall develop standards for determining when a verified threat qualifies for
1237 inclusion of a person within the system and a method for petitioning for removal from any
1238 system developed pursuant to this subsection. Any such standards and method may include
1239 a required evaluation of the student by a certificated school social worker. Such alert
1240 system shall be accessible only to designated personnel at each public elementary or

1241 secondary school in this state. When a student has been added to the alert system
1242 established pursuant to this subsection, the local school system shall provide the parents
1243 or guardians of such student with recommendations for counseling or other services."

1244 **PART III**

1245 **SECTION 3-1.**

1246 Chapter 11 of Title 15 of the Official Code of Georgia Annotated, relating to the juvenile
1247 code, is amended in Code Section 15-11-2, relating to definitions, by revising division
1248 (12)(A)(iii) as follows:

1249 "(iii) Aggravated assault upon an individual or situation described in subsection (d),
1250 (h), or (k) of Code Section 16-5-21 or assault with a deadly weapon or with any
1251 object, device, or instrument which, when used offensively against a person, actually
1252 does result in serious bodily injury, ~~provided that such deadly weapon is not a~~
1253 ~~firearm; and provided, further; provided, however,~~ that such injured person is not a
1254 public safety officer as defined in Code Section 16-5-19 and such acts are not
1255 prohibited under subsection (c) of Code Section 16-5-21;"

1256 **SECTION 3-2.**

1257 Said chapter is further amended by revising Code Section 15-11-560, relating to concurrent
1258 and original jurisdiction of superior court relative to delinquency, as follows:

1259 "15-11-560.

1260 (a) Except as provided in subsection (b) of this Code section, the court shall have
1261 concurrent jurisdiction with the superior court over a child who is alleged to have
1262 committed a delinquent act which would be considered a crime if tried in a superior court
1263 and for which an adult may be punished by loss of life, imprisonment for life without
1264 possibility of parole, or confinement for life in a penal institution.

(b) The superior court shall have exclusive original jurisdiction over the trial of any child 13 to 17 years of age who is alleged to have committed any of the following offenses:

(1) Murder;

(2) Murder in the second degree;

(3) Voluntary manslaughter;

(4) Rape;

(5) Aggravated sodomy;

(6) Aggravated child molestation;

(7) Aggravated sexual battery;

(8) Armed robbery if committed with a firearm;

(9) Aggravated assault if committed with a firearm ~~upon a public safety officer as such acts are prohibited under subsection (c) of Code Section 16-5-21; or~~

(10) Aggravated battery upon a public safety officer as such acts are prohibited under subsection (c) of Code Section 16-5-24;

(11) A terroristic act upon a school in violation of subsection (c) of Code Section 20-2-1181.1; or

(12) Attempt to commit murder.

(c) The granting of bail or pretrial release of a child charged with an offense enumerated in subsection (b) of this Code section shall be governed by the provisions of Code Section 17-6-1.

(d) At any time before indictment, the district attorney may, after investigation and for cause, decline prosecution in the superior court of a child 13 to 17 years of age alleged to have committed an offense specified in subsection (b) of this Code section. Upon declining such prosecution in the superior court, the district attorney shall cause a petition to be filed in the appropriate juvenile court for adjudication within 72 hours if the child is in detention or 30 days if the child is not in detention. Except as provided in paragraph (8) of subsection (b) of Code Section 15-11-602, any case transferred by the district

attorney to the juvenile court pursuant to this subsection shall be subject to the class A designated felony act provisions of Code Section 15-11-602, and the transfer of the case from superior court to juvenile court shall constitute notice to such child that such case is subject to the class A designated felony act provisions of Code Section 15-11-602.

(e)(1) After indictment, the superior court may after investigation transfer to the juvenile court any case involving a child 13 to 17 years of age alleged to have committed any act described in paragraph (3), (5), (6), (7), (9), ~~or (10), (11), or (12)~~ of subsection (b) of this Code section. In considering the transfer of such case, the court shall consider the criteria set forth in Code Section 15-11-562. Any such transfer shall be appealable by the State of Georgia pursuant to Code Section 5-7-1. Upon such a transfer by the superior court, jurisdiction shall vest in the juvenile court and jurisdiction of the superior court shall terminate.

(2) Except as provided in paragraph (8) of subsection (b) of Code Section 15-11-602, any case transferred by the superior court to the juvenile court pursuant to this subsection shall be subject to the class A designated felony act provisions of Code Section 15-11-602, and the transfer of the case from superior court to juvenile court shall constitute notice to such child that such case is subject to the class A designated felony act provisions of Code Section 15-11-602.

(f) The superior court may transfer any case involving a child 13 to 17 years of age alleged to have committed any offense enumerated in subsection (b) of this Code section and convicted of a lesser included offense not included in subsection (b) of this Code section to the juvenile court of the county of such child's residence for disposition. Upon such a transfer by the superior court, jurisdiction shall vest in the juvenile court and jurisdiction of the superior court shall terminate.

(g) Within 30 days of any proceeding in which a child 13 to 17 years of age is convicted of certain offenses over which the superior court has original jurisdiction as provided in subsection (b) of this Code section or adjudicated as a delinquent child on the basis of

1319 conduct which if committed by an adult would constitute such offenses, the superior court
1320 shall provide written notice to the school superintendent or his or her designee of the school
1321 in which such child is enrolled or, if the information is known, of the school in which such
1322 child plans to be enrolled at a future date. Such notice shall include the specific criminal
1323 offense that such child committed. The local school system to which such child is assigned
1324 may request further information from the court's file.

1325 (h) As used in this Code section, the term 'firearm' means a handgun, rifle, shotgun, or
1326 other weapon which will or can be converted to expel a projectile by the action of an
1327 explosive or electrical charge."

1328 **SECTION 3-3.**

1329 Said chapter is further amended by revising subsection (a) of Code Section 15-11-562,
1330 relating to transfer criteria and written report, as follows:

1331 "(a) The criteria that the juvenile court shall consider in determining whether to transfer
1332 an alleged delinquent child as set forth in subsection (a) of Code Section 15-11-561 to
1333 superior court and the criteria that the superior court shall consider in determining whether
1334 to transfer any case involving a child 13 to 17 years of age alleged to have committed any
1335 act described in paragraph (3), (5), (6), (7), (9), ~~or (10), (11), or (12)~~ of subsection (b) of
1336 Code Section 15-11-560 to juvenile court as set forth in subsection (e) of Code
1337 Section 15-11-560 includes, but shall not be limited to:

- 1338 (1) The age of such child;
1339 (2) The seriousness of the alleged offense, especially if personal injury resulted;
1340 (3) Whether the protection of the community requires transfer of jurisdiction;
1341 (4) Whether the alleged offense involved violence or was committed in an aggressive or
1342 premeditated manner;

- (5) The impact of the alleged offense on the alleged victim, including the permanence of any physical or emotional injury sustained, ~~health care~~ healthcare expenses incurred, and lost earnings suffered;
- (6) The culpability of such child including such child's level of planning and participation in the alleged offense;
- (7) Whether the alleged offense is a part of a repetitive pattern of offenses which indicates that such child may be beyond rehabilitation in the juvenile justice system;
- (8) The record and history of such child, including experience with the juvenile justice system, other courts, supervision, commitments to juvenile institutions, and other placements;
- (9) The sophistication and maturity of such child as determined by consideration of his or her home and environmental situation, emotional condition, and pattern of living;
- (10) The program and facilities available to the juvenile court in considering disposition; and
- (11) Whether or not a child can benefit from the treatment or rehabilitative programs available to the juvenile court."

SECTION 3-4.

Said chapter is further amended by revising subsection (a) and paragraph (2) of subsection (b) of Code Section 20-2-1181, relating to disrupting operation of public school, school bus, or school bus stop, penalty, and progressive discipline, as follows:

"(a) It shall be unlawful for any person to knowingly, intentionally, or recklessly disrupt or interfere with the operation of any public school, public school bus, or public school bus stop as designated by local boards of education. For purposes of this Code section, an individual who knowingly, intentionally, or recklessly threatened, whether verbally, in writing, or otherwise, the death of or serious injury to a group of individuals who are, or will likely be, at or within a public school, public school bus, or public school bus stop,

shall be considered to have disrupted or interfered with the operation of such public school, public school bus, or public school bus stop. Except as provided in subsection (b) of this Code section, a person convicted of violating this Code section shall be guilty of a misdemeanor of a high and aggravated nature."

"(2) A local board of education shall develop a system of progressive discipline that may be imposed on a child accused of violating this Code section before initiating a complaint. Such system of progressive discipline shall include a requirement that when there is a credible accusation that an individual threatened, whether verbally, in writing, or otherwise, the death of or serious injury to a group of individuals, pursuant to subsection (a) of this Code section, who are, or will likely be, at or within a public school that such individual attends, or has attended, the school shall be authorized to temporarily assign such individual to remote learning and provide counseling to such individual and shall initiate an investigation into such violation. Upon completion of such investigation which results in substantive findings related to such violation, the school may elect to reinstate the individual or impose relevant discipline."

SECTION 3-5.

Said chapter is further amended in Article 27, relating to loitering at or disrupting schools, by adding a new Code section to read as follows:

"20-2-1181.1.

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

(1) 'Hazardous substance' shall have the same meaning as set forth in Code Section 12-8-92.

(2) 'Weapon' shall have the same meaning as set forth in Code Section 16-5-44.1. Such term shall include, but shall not be limited to, each item included in paragraph (4) of subsection (a) of Code Section 16-11-127.1.

(b) A person commits the offense of a terroristic threat of a school when he or she threatens to commit any crime of violence, release any hazardous substance, or burn or damage property and such threat is made:

(1) With the purpose of terrorizing another who at the time of such threat is physically present:

(A) On public or private school operated property, including, but not limited to, school buildings and school grounds;

(B) On a school bus or other vehicle furnished by a public or private school for the transportation of students; or

(C) At a public or private school sponsored activity;

(2) With the purpose of causing the evacuation of:

(A) Public or private school operated property, including, but not limited to, school buildings and school grounds; or

(B) A school bus or other vehicle furnished by a public or private school for the transportation of students; or

(3) In reckless disregard of the risk of causing the terror or evacuation described in paragraph (1) or (2) of this subsection;

provided, however, that no person shall be convicted under this subsection based on the uncorroborated testimony of the party to whom the threat is communicated.

(c) A person commits the offense of a terroristic act upon a school when he or she commits an act of using a weapon or flaming symbol or flambeau, releasing any hazardous substance or any simulated hazardous substance under the guise of a hazardous substance, or, while not in the commission of a lawful act, shooting at a conveyance which is being operated or which is occupied by passengers and such act is committed:

(1) With the purpose of terrorizing another who at the time of such act is physically present:

(A) On public or private school operated property, including, but not limited to, school buildings and school grounds;

(B) On a school bus or other vehicle furnished by a public or private school for the transportation of students; or

(C) At a public or private school sponsored activity; or

(2) With the purpose of causing the evacuation of:

(A) Public or private school operated property, including, but not limited to, school buildings and school grounds; or

(B) A school bus or other vehicle furnished by a public or private school for the transportation of students.

(d)(1) A person convicted of the offense of a terroristic threat of a school shall be punished as for a misdemeanor; provided, however, that, if the threat suggested the death of any person, the person shall be guilty of a felony and upon conviction thereof shall be punished by a fine of not more than \$1,000.00, imprisonment for not less than one nor more than five years, or both; and provided, further, that, if any person suffers a serious physical injury as a direct result of a threat giving rise to a conviction under subsection (b) of this Code section, the person shall be guilty of a felony and upon conviction thereof shall be punished by a fine of not more than \$250,000.00, imprisonment for not less than five nor more than 40 years, or both.

(2) A person convicted of the offense of a terroristic act upon a school shall be guilty of a felony and upon conviction thereof shall be punished by a fine of not more than \$5,000.00, imprisonment for not less than one nor more than ten years, or both; provided, however, that, if any person suffers a serious physical injury as a direct result of an act giving rise to a conviction under subsection (c) of this Code section, the person shall be guilty of a felony and upon conviction thereof shall be punished by a fine of not more than \$250,000.00, imprisonment for not less than five nor more than 40 years, or both."

PART IV.**SECTION 4-1.**

1449 This Act shall become effective upon its approval by the Governor or upon its becoming law
1450 without such approval. The provisions of Sections 2-8, 3-3, and 3-4 of this Act shall be
1451 applicable to any offenses committed on or after the effective date of this Act.

SECTION 4-2.

1452
1453 All laws and parts of laws in conflict with this Act are repealed.