

House Bill 740 (AS PASSED HOUSE AND SENATE)

By: Representatives Nix of the 69th, Howard of the 124th, Dempsey of the 13th, Chandler of the 105th, Trammell of the 132nd, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Subpart 1A of Part 2 of Article 16 of Chapter 2 of Title 20 of the Official Code
2 of Georgia Annotated, relating to improved student learning environment and discipline in
3 elementary and secondary education, so as to require local school systems to conduct certain
4 multi-tiered system of supports and reviews prior to expelling or assigning a student in
5 preschool through third grade to out-of-school suspension for more than five consecutive or
6 cumulative days during a school year; to provide for informed parental consent; to provide
7 exceptions; to provide for definitions; to provide for related matters; to repeal conflicting
8 laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 style="text-align:center">**SECTION 1.**

11 Subpart 1A of Part 2 of Article 16 of Chapter 2 of Title 20 of the Official Code of Georgia
12 Annotated, relating to improved student learning environment and discipline in elementary
13 and secondary education, is amended by adding a new Code section to read as follows:

14 "20-2-742.

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

16 (1) 'Multi-tiered system of supports' or 'MTSS' means a systemic,
17 continuous-improvement framework in which data based problem-solving and decision
18 making is practiced across all levels of the educational system for supporting students at
19 multiple levels of intervention.

20 (2) 'Public preschool through third grade' means a public preschool, a Pre-K program in
21 a public school administered pursuant to Code Section 20-1A-4, and kindergarten through
22 third grade in a public school.

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

25 (4) 'Weapon' shall include dangerous weapons, firearms, and hazardous objects as
26 defined in Code Section 20-2-751.

27 (b) No student in public preschool through third grade shall be expelled or suspended from
28 school for more than five consecutive or cumulative days during a school year without first
29 receiving a multi-tiered system of supports, such as response to intervention, unless such
30 student possessed a weapon, illegal drugs, or other dangerous instrument or such student's
31 behavior endangers the physical safety of other students or school personnel. If such
32 student is receiving or has received a multi-tiered system of supports, the school shall be
33 deemed to have met the requirements of this Code section. The school or program shall
34 comply with all federal laws and requirements regarding obtaining parental consent during
35 any advanced tier within the system of supports prior to certain screenings or evaluations.
36 (c) In addition to the requirements in subsection (b) of this Code section, prior to assigning
37 any student in preschool through third grade to out-of-school suspension for more than five
38 consecutive or cumulative days during a school year, if such student has an Individualized
39 Education Program (IEP) pursuant to the federal Individuals with Disabilities Education
40 Act or a plan under Section 504 of the federal Rehabilitation Act of 1973, the school or
41 program shall also convene an IEP or Section 504 meeting to review appropriate supports
42 being provided as part of such Individualized Education Program or Section 504 plan."

43 **SECTION 2.**

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