

House Bill 763 (AS PASSED HOUSE AND SENATE)

By: Representatives Nix of the 69<sup>th</sup>, Belton of the 112<sup>th</sup>, Chandler of the 105<sup>th</sup>, Coleman of the 97<sup>th</sup>, and Stovall of the 74<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Subpart 2 of Article 16 of Chapter 2 of Title 20 of the Official Code of Georgia  
2 Annotated, relating to compulsory attendance for students in elementary and secondary  
3 education, so as to expand the student attendance protocol committees to school climate; to  
4 provide for recommendations; to provide for periodic review of recommendations; to amend  
5 Article 27 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to  
6 loitering at or disrupting schools, so as to provide for coordination with local law  
7 enforcement agencies and the juvenile court system in school safety plans; to provide that  
8 school safety plans include minimum strategy areas; to revise provisions regarding funding  
9 assistance for security equipment; to amend Code Section 50-18-72 of the Official Code of  
10 Georgia Annotated, relating to when public disclosure is not required under the open records  
11 laws, so as to provide an exemption for school safety plans; to provide for related matters;  
12 to repeal conflicting laws; and for other purposes.

13 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

14 SECTION 1.

15 Subpart 2 of Article 16 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated,  
16 relating to compulsory attendance for students in elementary and secondary education, is  
17 amended by revising Code Section 20-2-690.2, relating to the establishment of student  
18 attendance protocol committees, membership and protocol, summary of penalties for failure  
19 to comply, and reporting, as follows:

20 "20-2-690.2.

21 (a) The chief judge of the superior court of each county shall establish a student attendance  
22 ~~protocol~~ and school climate committee for its such county. The purpose of the committee  
23 shall be to ensure coordination and cooperation among officials, agencies, and programs  
24 involved in compulsory attendance issues, to reduce the number of unexcused absences  
25 from school, ~~and~~ to increase the percentage of students present to take tests which are  
26 required to be administered under the laws of this state, and to improve the school climate

27 in each school. The chief judge is responsible for ensuring that all members of the  
 28 committee are notified of their responsibility to the committee and shall call the first  
 29 meeting of the committee in each county. The committee shall elect a chairperson and may  
 30 elect other officers.

31 (b) Each local board of education shall participate in, consider, and make publicly  
 32 available, including, but not limited to, posting in a conspicuous location, its decision  
 33 regarding the recommendations of the committee as provided in this Code section.  
 34 Independent school systems may participate in the committee in the county where the  
 35 system is located. Independent school systems whose geographic area encompasses more  
 36 than one county may select one of such counties in which to participate. An independent  
 37 school system that elects not to participate in the committee of the county where it is  
 38 located shall request that the chief judge of the superior court of a county encompassed by  
 39 its geographic area to establish an independent student attendance ~~protocol~~ and school  
 40 climate committee in the same manner as established for the county school system.

41 (c) Each of the following agencies, officials, or programs shall designate a representative  
 42 to serve on the committee:

- 43 (1) The chief judge of the superior court;
- 44 (2) The juvenile court judge or judges of the county;
- 45 (3) The district attorney for the county;
- 46 (4) The solicitor-general of state court, if the county has a state court;
- 47 (5) The Department of Juvenile Justice, which may include representatives from area  
 48 juvenile detention facilities as defined in Code Section 49-4A-1;
- 49 (6) The superintendent, a certificated school employee, and a local school board member  
 50 from each public school system in the county and a certificated school social worker from  
 51 each public school system, if any are employed by the school system;
- 52 (7) The sheriff of the county;
- 53 (8) The chief of police of the county police department;
- 54 (9) The chief of police of each municipal police department in the county;
- 55 (10) The county department of family and children services;
- 56 (11) The county board of health;
- 57 (12) The county mental health organization;
- 58 (13) The county Family Connection commission, board, or authority, or other county  
 59 agency, board, authority, or commission having the duty and authority to study problems  
 60 of families, children, and youth and provide services to families, children, and youth; and
- 61 (14) The court approved community based risk reduction program established by the  
 62 juvenile court in accordance with Code Section 15-11-38, if such a program has been  
 63 established.

64 (d) The committee thus established may appoint such additional members as necessary and  
65 proper to accomplish the purposes of the committee.

66 (e)(1) Each committee shall, by June 1, 2005, adopt a written student attendance protocol  
67 for its county school system and for each independent school system within its  
68 geographic boundaries which shall be filed with the Department of Education. The  
69 protocol shall outline in detail the procedures to be used in identifying, reporting,  
70 investigating, and prosecuting cases of alleged violations of Code Section 20-2-690.1,  
71 relating to mandatory school attendance. The protocol shall outline in detail methods for  
72 determining the causes of failing to comply with compulsory attendance and  
73 appropriately addressing the issue with children and their parents or guardians. The  
74 protocol shall also include recommendations for policies relating to tardiness. The  
75 Department of Education shall provide model school attendance protocols, if requested  
76 by the committee.

77 ~~(f)~~(2) A copy of the protocol shall be furnished to each agency, official, or program  
78 within the county that has any responsibility in assisting children and their parents or  
79 guardians in complying with Code Section 20-2-690.1.

80 ~~(g)~~(3) The committee shall write the summary of possible consequences and penalties  
81 for failing to comply with compulsory attendance under Code Section 20-2-690.1 for  
82 children and their parents, guardians, or other persons who have control or charge of  
83 children for distribution by schools in accordance with Code Section 20-2-690.1. The  
84 summary of possible consequences for children shall include possible dispositions for  
85 children in need of services and possible denial of a driver's license for a child in  
86 accordance with Code Section 40-5-22.

87 (f) The committee shall review and make recommendations for policies relating to school  
88 climate for the purpose of promoting positive gains in student achievement scores, student  
89 and teacher morale, community support, and student and teacher attendance, while  
90 decreasing student suspensions, expulsions, dropouts, and other negative aspects of the  
91 total school environment. Such review may include school climate ratings established  
92 pursuant to Code Section 20-14-33 for each school in the county school system and any  
93 independent school systems, if applicable. The committee may review, if available,  
94 nonidentifying data from student health surveys, data on environmental and behavioral  
95 indicators, data on student behavioral and school-based reactions, and teacher and parent  
96 survey instruments. The committee may recommend the use of positive behavioral  
97 interventions and supports and response to intervention, trauma informed care training, and  
98 the optimization of local resources through voluntary community, student, teacher,  
99 administrator, and other school personnel participation.

100 ~~(h)(g)~~ ~~The committee shall continue in existence after writing the student attendance~~  
 101 ~~protocol.~~ The chief judge of the superior court of each county shall ensure that the  
 102 committee meets at least ~~quarterly during the first year, and twice annually thereafter,~~ to  
 103 evaluate compliance with the protocol, effectiveness of the protocol, and appropriate  
 104 modifications and to review and revise, if necessary, recommendations relating to school  
 105 climate.

106 ~~(i)(h)~~ Each local board of education shall report student attendance rates and aggregated  
 107 student discipline data to the committee and the State Board of Education at the end of each  
 108 school year, according to a schedule established by the State Board of Education."

## 109 SECTION 2.

110 Article 27 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to  
 111 loitering at or disrupting schools, is amended by revising Code Section 20-2-1185, relating  
 112 to school safety plans, as follows:

113 "20-2-1185.

114 (a) Every public school shall prepare a school safety plan to help curb the growing  
 115 incidence of violence in schools, to respond effectively to such incidents, and to provide  
 116 a safe learning environment for Georgia's children, teachers, and other school personnel.  
 117 Such plan shall also address preparedness for natural disasters, hazardous materials or  
 118 radiological accidents, acts of violence, and acts of terrorism. School safety plans of public  
 119 schools shall be prepared with input from students enrolled in that school, parents or legal  
 120 guardians of such students, teachers in that school, community leaders, other school  
 121 employees and school district employees, and local law enforcement, juvenile court, fire  
 122 service, public safety, and emergency management agencies. As part of such plans, public  
 123 schools shall provide for the coordination with local law enforcement agencies and the  
 124 local juvenile court system. School safety plans shall include, at a minimum, the following  
 125 strategy areas:

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

130 (2) Evaluating and refining school security measures;

131 (3) Updating and exercising school emergency preparedness plans;

132 (4) Strengthening partnerships with public safety officials; and

133 (5) Creating enhanced crisis communications plans and social media strategies.

134 School safety plans of private schools may be prepared with input from students enrolled  
 135 in that school, parents or legal guardians of such students, teachers in that school, other

136 school employees, and local law enforcement, fire service, public safety, and emergency  
137 management agencies. Such plans shall be reviewed and, if necessary, updated annually.  
138 Such plans of public schools shall be submitted to the local emergency management agency  
139 and the local law enforcement agency for approval.

140 (b) A public school may request funding assistance from the state for facilities,  
141 technology, or other safety improvements or initiatives, such as the installation of safety  
142 equipment, including, but not limited to, video surveillance cameras, metal detectors,  
143 alarms, communications systems, building access controls, and other similar security  
144 devices. The Department of Education shall establish criteria that will be applied in  
145 reviewing funding requests pursuant to this subsection which shall take into consideration  
146 the physical security needs of the public school in evaluating how the school safety plan  
147 and funding request will support such physical security needs. Funding may be provided  
148 to a public school in accordance with a school safety plan prepared by the school and  
149 approved by the local board of education, the local law enforcement agency, the  
150 Department of Education, and the Georgia Emergency Management and Homeland  
151 Security Agency; provided, however, that a public school shall be required to match the  
152 state funding with local funds unless the school can demonstrate a substantial hardship.

153 (c) School safety plans prepared by public schools shall address security issues in school  
154 safety zones as defined in Code Section 16-11-127.1. School safety plans should also  
155 address security issues involving the transportation of pupils to and from school and school  
156 functions when such transportation is furnished by the school or school system and school  
157 functions held during noninstructional hours.

158 (d) The Georgia Emergency Management and Homeland Security Agency shall provide  
159 training and technical assistance to public school systems, and may provide this same  
160 training and technical assistance to private school systems; and independent private schools  
161 throughout this state in the area of emergency management and safe school operations.  
162 This training and technical assistance shall include, but not be limited to, crisis response  
163 team development, site surveys and safety audits, crisis management planning, exercise  
164 design, safe school planning, emergency operations planning, search and seizure, bomb  
165 threat management, and model school safety plans.

166 (e) Every public school shall conduct drills with students, teachers, and other school  
167 personnel on the execution of school safety plans in such form and at such intervals based  
168 upon guidance from the Georgia Emergency Management and Homeland Security  
169 Agency."

170 **SECTION 3.**

171 Code Section 50-18-72 of the Official Code of Georgia Annotated, relating to when public  
172 disclosure is not required under the open records laws, is amended by adding a new  
173 paragraph to subsection (a) to read as follows:

174 "(25.1) School safety plans prepared pursuant to Code Section 20-2-1185, whether in the  
175 possession of a local school system, a local law enforcement agency, a local emergency  
176 management agency, the Department of Education, the Georgia Emergency Management  
177 and Homeland Security Agency, or any other public entity;"

178 **SECTION 4.**

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