House Bill 763 (AS PASSED HOUSE AND SENATE)
By: Representatives Nix of the 69th, Belton of the 112th, Chandler of the 105th, Coleman of the 97th, and Stovall of the 74th

A BILL TO BE ENTITLED
AN ACT

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

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

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

"20-2-690.2.

(a) The chief judge of the superior court of each county shall establish a student attendance protocol and school climate committee for its such county. The purpose of the committee shall be to ensure coordination and cooperation among officials, agencies, and programs involved in compulsory attendance issues, to reduce the number of unexcused absences from school, and to increase the percentage of students present to take tests which are required to be administered under the laws of this state, and to improve the school climate.
in each school. The chief judge is responsible for ensuring that all members of the committee are notified of their responsibility to the committee and shall call the first meeting of the committee in each county. The committee shall elect a chairperson and may elect other officers.

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

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

(1) The chief judge of the superior court;
(2) The juvenile court judge or judges of the county;
(3) The district attorney for the county;
(4) The solicitor-general of state court, if the county has a state court;
(5) The Department of Juvenile Justice, which may include representatives from area juvenile detention facilities as defined in Code Section 49-4A-1;
(6) The superintendent, a certificated school employee, and a local school board member from each public school system in the county and a certificated school social worker from each public school system, if any are employed by the school system;
(7) The sheriff of the county;
(8) The chief of police of the county police department;
(9) The chief of police of each municipal police department in the county;
(10) The county department of family and children services;
(11) The county board of health;
(12) The county mental health organization;
(13) The county Family Connection commission, board, or authority, or other county agency, board, authority, or commission having the duty and authority to study problems of families, children, and youth and provide services to families, children, and youth; and
(14) The court approved community based risk reduction program established by the juvenile court in accordance with Code Section 15-11-38, if such a program has been established.
(d) The committee thus established may appoint such additional members as necessary and proper to accomplish the purposes of the committee.

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

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

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

(f) The committee shall review and make recommendations for policies relating to school climate for the purpose of promoting positive gains in student achievement scores, student and teacher morale, community support, and student and teacher attendance, while decreasing student suspensions, expulsions, dropouts, and other negative aspects of the total school environment. Such review may include school climate ratings established pursuant to Code Section 20-14-33 for each school in the county school system and any independent school systems, if applicable. The committee may review, if available, nonidentifying data from student health surveys, data on environmental and behavioral indicators, data on student behavioral and school-based reactions, and teacher and parent survey instruments. The committee may recommend the use of positive behavioral interventions and supports and response to intervention, trauma informed care training, and the optimization of local resources through voluntary community, student, teacher, administrator, and other school personnel participation.
The committee shall continue in existence after writing the student attendance protocol. The chief judge of the superior court of each county shall ensure that the committee meets at least quarterly during the first year, and twice annually thereafter, to evaluate compliance with the protocol, effectiveness of the protocol, and appropriate modifications and to review and revise, if necessary, recommendations relating to school climate.

Each local board of education shall report student attendance rates and aggregated student discipline data to the committee and the State Board of Education at the end of each school year, according to a schedule established by the State Board of Education.

SECTION 2.

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

"20-2-1185.

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

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

(2) Evaluating and refining school security measures;

(3) Updating and exercising school emergency preparedness plans;

(4) Strengthening partnerships with public safety officials; and

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

School safety plans of private schools may be prepared with input from students enrolled in that school, parents or legal guardians of such students, teachers in that school, other
school employees, and local law enforcement, fire service, public safety, and emergency management agencies. Such plans shall be reviewed and, if necessary, updated annually. Such plans of public schools shall be submitted to the local emergency management agency and the local law enforcement agency for approval.

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

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

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

(e) Every public school shall conduct drills with students, teachers, and other school personnel on the execution of school safety plans in such form and at such intervals based upon guidance from the Georgia Emergency Management and Homeland Security Agency.
SECTION 3.
Code Section 50-18-72 of the Official Code of Georgia Annotated, relating to when public disclosure is not required under the open records laws, is amended by adding a new paragraph to subsection (a) to read as follows:

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

SECTION 4.
All laws and parts of laws in conflict with this Act are repealed.