Georgia State University Law Review

Volume 16
Issue 1 *Fall 1999*

Article 33

3-15-2012

EDUCATION Elementary and Secondary Education: Require that Student Codes of Conduct Include Provisions Addressing Verbal Assault, Physical Assault or Battery, and Disrespectful Conduct Toward Teachers, Administrators, Other School Personnel, Other Students, and Persons Attending School-Related Functions; Provide for the Filing of Such Provisions with the State Board of Education for Review; Provide for the Distribution of Student Codes of Conduct in Conjunction with Student Handbooks and for Parents' and Guardians' Acknowledgements of Receipt

Follow this and additional works at: http://scholarworks.gsu.edu/gsulr

Georgia State University Law Review

Part of the Law Commons

Recommended Citation

Georgia State University Law Review (1999) "EDUCATION Elementary and Secondary Education: Require that Student Codes of Conduct Include Provisions Addressing Verbal Assault, Physical Assault or Battery, and Disrespectful Conduct Toward Teachers, Administrators, Other School Personnel, Other Students, and Persons Attending School-Related Functions; Provide for the Filing of Such Provisions with the State Board of Education for Review; Provide for the Distribution of Student Codes of Conduct in Conjunction with Student Handbooks and for Parents' and Guardians' Acknowledgements of Receipt," *Georgia State University Law Review*: Vol. 16: Iss. 1, Article 33.
Available at: http://scholarworks.gsu.edu/gsulr/vol16/iss1/33

This Peach Sheet is brought to you for free and open access by the College of Law Publications at ScholarWorks @ Georgia State University. It has been accepted for inclusion in Georgia State University Law Review by an authorized administrator of ScholarWorks @ Georgia State University. For more information, please contact scholarworks@gsu.edu.

EDUCATION

Elementary and Secondary Education: Require that Student Codes of Conduct Include Provisions Addressing Verbal Assault, Physical Assault or Battery, and Disrespectful Conduct Toward Teachers, Administrators, Other School Personnel, Other Students, and Persons Attending School-Related Functions; Provide for the Filing of Such Provisions with the State Board of Education for Review; Provide for the Distribution of Student Codes of Conduct in Conjunction with Student Handbooks and for Parents' and Guardians' Acknowledgments of Receipt

CODE SECTIONS:	O.C.G.A. § 20-2-751 (amended), -751.5 (new)
BILL NUMBER:	SB 49
ACT NUMBER:	286
GEORGIA LAWS:	1999 Ga. Laws 370
SUMMARY:	The Act requires local school boards to create student codes of conduct addressing certain types of conduct during school hours and at school-related functions. It requires the local boards to address the conduct in a manner that is appropriate to the age of the student. It also requires the local board to submit a copy of the code to the state board for review. Although the state board will notify the local board if certain items have not been addressed, the Act does not require the state board to review or approve the substance of the code. The local school boards must include codes of conduct in any student handbooks. Moreover, when a school board distributes a code of conduct, the code must include an acknowledgment of receipt form for parents and guardians to sign and return to the school.
EFFECTIVE DATE:	July 1, 2000[1]

1. *See* 1999 Ga. Laws 370.

Published by ScholarWorks @ Georgia State University, 1999
HeinOnline -- 16 Ga. St. U. L. Rev. 128 1999-2000

History

The sponsors introduced the bill in response to the problems regarding school discipline that many educators face today, noting that "without the proper environment, learning simply does not take place."[2] Although many Georgia school systems already utilize student codes of conduct to address student behavior, this Act brings those schools that are not doing so "on board."[3]

During the 1999 session, the Georgia General Assembly also passed the Improved Student Learning Environment and Discipline Act of 1999.[4] The sponsors introduced the bill as a companion to that Act, but kept it separate because Lieutenant Governor Mark Taylor specifically promised during his campaign to address student codes of conduct.[5]

SB 49

The Act, entitled the Public School Disciplinary Tribunal Act, amends Georgia law by adding Code section 20-2-751.5, which requires that student codes of conduct contain provisions addressing certain student conduct during school hours and at school-related functions.[6] Further, school authorities must address the conduct in a manner appropriate to each student's age.[7]

The Act requires each school board to send a copy of its student code of conduct to the State Board of Education no later than August 15, 2000.[8] The State Board reviews the codes of conduct to ensure that the specific provisions of the Act have been addressed. The State Board should notify the local boards of any items that have not been addressed by October 15, 2000.[9] However, the Act does not require the State Board to review or approve the substance of the local codes of conduct.[10]

Further, the Act provides that any student handbook prepared by a local school shall include a copy or summary of the student code of

---

2. Telephone Interview with Sen. Richard O. Marable, Senate District No. 52 (May 19, 1999) [hereinafter Marable Interview].
3. *Id.*
4. *See* 1999 Ga. Laws 438.
5. *See* Marable Interview, *supra* note 2.
6. *See* O.C.G.A. § 20-2-751.5 (Supp. 1999).
7. *See id.*
8. *See id.*
9. *See id.*
10. *See id.*

HeinOnline -- 16 Ga. St. U. L. Rev. 129 1999-2000

: EDUCATION Elementary and Secondary Education: Require that Stude

conduct for that school.[11] If a summary only accompanies the student handbook, then local school authorities must make a full copy of the student code of conduct available at the school.[12] Additionally, a form should accompany the distribution of the code for the parent or guardian to sign acknowledging receipt of the code, and the parent or guardian should return the form to the school.[13]

Introduction

SB 49 was originally introduced in the Senate by Senators Richard O. Marable of the 52nd District, Terrell Starr of the 44th District, Charles W. Walker of the 22nd District, and Jack Hill of the 4th District on January 26, 1999.[14] When first introduced, the bill provided for school boards to submit copies of their student codes of conduct to the State Board of Education by August 15, 1999 and for the Act to become effective on July 1, 1999.[15] Also, the bill would have amended Code section 20-2-751.3 rather than adding a new Code section.[16]

Senate Education Committee Amendment

The Senate Education Committee offered an amendment to the bill, which deleted the provisions for addressing student conduct during school hours.[17] The amendment also added provisions for addressing conduct of students on school buses or on school property.[18] The Senate Education Committee widened the scope of the bill in an effort to include any activity over which the school had authority and responsibility.[19] These changes were included in the version of the bill that initially passed the Senate, but were deleted from the final version.[20]

---

11. *See id.*
12. *See id.*
13. *See id.*
14. *See* State of Georgia Final Composite Status Sheet, May 3, 1999; SB 49, as introduced, 1999 Ga. Gen. Assem.
15. *See* SB 49, as introduced, 1999 Ga. Gen. Assem.
16. *See id.*
17. *Compare id., with* SB 49 (SCA), 1999 Ga. Gen. Assem.
18. *Compare* SB 49, as introduced, 1999 Ga. Gen. Assem., *with* SB 49 (SCA), 1999 Ga. Gen. Assem.
19. *See* Letter from Sen. Jack Hill, Senate District No. 4 (June 1999) [hereinafter Hill Letter].
20. *Compare* SB 49 (SCA), 1999 Ga. Gen. Assem., *with* O.C.G.A. § 20-2-751.5 (Supp. 1999).

Published by ScholarWorks @ Georgia State University, 1999
HeinOnline -- 16 Ga. St. U. L. Rev. 130 1999-2000

House Education Committee Amendment

The House Education Committee offered an amendment that requires local school boards to create student codes of conduct appropriate to each student's age.[21] Making the provisions age-appropriate allows for flexibility in determining punishment for each individual student.[22] Senator Marable contended that older students have a greater understanding of what is and what is not acceptable behavior; therefore, older students may require greater punishment.[23] In addition, the amendment changed the effective date of the Act to July 1, 2000.[24] This amendment was later withdrawn, but all of its changes were incorporated into the House floor substitute.[25]

House Floor Substitute

Representative Jeanette Jamieson of the 22nd District offered a House floor substitute to the bill, which included all of the changes suggested by the House Education Committee amendment and made other changes as well.[26] Unlike the original version of the bill, Jamieson's substitute did not propose an amendment to Code section 20-2-751.3, but instead proposed adding Code section 20-2-751.5.[27]

Further, Jamieson's substitute reinstated the provision that the codes of conduct address student conduct during school hours.[28] However, the substitute deleted the provisions for addressing student conduct on school buses or on school property.[29] Some confusion existed as to whether school rules still applied after school hours at school-sanctioned functions.[30] Some Georgia counties already provide for school rules to apply not only from the time the student arrives at the bus stop until he or she returns home in the afternoon, but also after school hours at school-sanctioned events.[31] The Act now requires

---

21. *See* SB 49 (HCA), 1999 Ga. Gen. Assem.
22. *See* Marable Interview, *supra* note 2.
23. *See id.*
24. *See* SB 49 (HCA), 1999 Ga. Gen. Assem.
25. *See* SB 49 (HFS), 1999 Ga. Gen. Assem.
26. *Compare* SB 49 (HCA), 1999 Ga. Gen. Assem., *with* SB 49 (HFS), 1999 Ga. Gen. Assem.
27. *Compare* SB 49, as introduced, 1999 Ga. Gen. Assem., *with* SB 49 (HFS), 1999 Ga. Gen. Assem.
28. *See* SB 49 (HFS), 1999 Ga. Gen. Assem.
29. *Compare id.*, *with* SB 49 (SCA), 1999 Ga. Gen. Assem.
30. *See* Marable Interview, *supra* note 2.
31. *See id.*

HeinOnline -- 16 Ga. St. U. L. Rev. 131 1999-2000

: EDUCATION Elementary and Secondary Education: Require that Stude

all school systems to address student conduct "during school hours and at school-related functions."[32]

In addition, the substitute changed the due date for each local school board to send copies of their student codes of conduct to the State Board of Education to August 15, 2000.[33] It also changed the date by which the State Board must notify the local boards of any unaddressed items to October 15, 2000.[34] This version of the bill passed both houses with no further changes.[35]

Many anticipated that the Public School Disciplinary Tribunal Act would serve as an anti-bully law as well.[36] However, the Act does not break any new ground; rather, it simply establishes a precedent for all schools to have clear rules and guidelines.[37] The Act clarifies discipline policies and practices throughout the state.[38] In essence, it creates a standard code of conduct for all Georgia students to follow.[39]

Janet L. Bozeman

---

32. O.C.G.A. § 20-2-751.5 (Supp. 1999).
33. *Compare* SB 49 (HFS), 1999 Ga. Gen. Assem., *with* SB 49 (HCA), 1999 Ga. Gen. Assem.
34. *Compare* SB 49 (HFS), 1999 Ga. Gen. Assem., *with* SB 49 (HCA), 1999 Ga. Gen. Assem.
35. *See* O.C.G.A. § 20-2-751.5 (Supp. 1999).
36. *See* Hill Letter, *supra* note 19.
37. *See* Marable Interview, *supra* note 2.
38. *See* Hill Letter, *supra* note 19.
39. *See* Marable Interview, *supra* note 2.

HeinOnline -- 16 Ga. St. U. L. Rev. 132 1999-2000