



# **Georgia Compilation of School Discipline Laws and Regulations**

Prepared: January 12, 2016

## ***Introduction***

This compilation presents school discipline-related laws and regulations for U.S. states, U.S. territories, and the District of Columbia, and, where available, links to education agency websites or resources related to school discipline and student conduct. The discipline laws and regulations presented in this compilation have been categorized by type of specific discipline issue covered, according to an organizational framework developed by the National Center for Safe and Supportive Learning Environments (NCSSE). For example, one major category encompasses all laws or regulations governing states or territories that mandate specific disciplinary sanctions (such as suspension) for specific offenses (such as drug possession on school grounds). The school discipline laws and regulations were compiled through exhaustive searches of legislative websites that identified all laws and regulations relevant to each specific category. Compiled materials were subsequently reviewed by state education agency (SEA) representatives in the 50 states, Washington D.C., and the U.S. territories.

Discipline categories were not mutually exclusive. Laws and regulations often appeared across multiple categories. For jurisdictions with more extensive laws covering a breadth of topical areas, relevant sections were excerpted from the larger legislative text for inclusion in the appropriate discipline category. Laws, ordered by chapter and section number, appear first within each category followed by regulations. All laws and regulations listed within categories in the compilation also appear in the sources cited section of the document, which lists laws by chapter and section number and title, and where available, includes active hyperlinks to source websites supported or maintained by state legislatures. Additional links to government websites or resources are provided at the end of this document.

## ***Notes & Disclaimers***

To the best of the preparer's knowledge, this Compilation of School Discipline Laws and Regulations is complete and current as of January 2016. Readers should also note that the information in this document was compiled from individual sources that are created by each jurisdiction and which are maintained and updated with varying frequencies. Readers should consult the source information provided directly in order to check for updates to laws and regulations reported in this document or to conduct further research.

For further information, including definitions of the different policy categories, please refer to the [Discipline Laws and Regulations Compendium](#) posted on the Center's website.

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## ***Georgia State Codes Cited***

### **Georgia Revised Laws**

The State of Georgia contracts with LexisNexis to provide free public access to the Georgia Code (<http://www.lexisnexis.com/hottopics/gacode/>). Users must agree to terms and conditions prior to use of the site. All listed laws are searchable by title and chapter number or by using key search terms.

#### **Title 15. Courts**

##### **Chapter 11. Juvenile Code**

##### **Article 9. Access to hearings and Records**

- 15-11-707. Notice to school superintendent
- 15-11-710. Exchange of information

#### **Title 16. Crimes and Offenses**

##### **Chapter 5. Crimes Against the Person**

##### **Article 4. Reckless Conduct**

- 16-5-61. Hazing

##### **Chapter 11. Offenses Against Public Order and Safety**

##### **Article 4. Dangerous Instrumentalities and Practices**

##### **Part 3. Carrying and Possession of Firearms**

- 16-11-127.1. Carrying weapons within school safety zones, at school functions, or on school property
- 16-11-130.1. Allowing personnel to carry weapons within certain school safety zones and at school functions

##### **Chapter 13. Controlled Substances**

##### **Article 2. Regulation of Controlled Substances**

##### **Part 1. Schedules, Offenses, and Penalties**

- 16-13-32.4. Manufacturing, distributing, dispensing, or possessing controlled substances in, on, or near public or private schools

#### **Title 20. Education**

##### **Chapter 1A. Early Care and Learning**

##### **Article 1. General Provisions**

- 20-1A-15. "Inspection warrant" defined; procedure for issuance; evidence generated inadmissible in criminal proceedings

## **Chapter 2. Elementary and Secondary Education**

### **Article 6. Quality Basic Education**

#### **Part 2. Competencies and Core Curriculum**

- 20-2-142. Prescribed courses
- 20-2-145. Comprehensive character education program

#### **Part 3. Educational Programs**

- 20-2-155. School climate management program; model codes of behavior and discipline

#### **Part 14. Other Educational Programs**

- 20-2-314. Development of rape prevention, personal safety education, and teen dating violence prevention programs

#### **Part 15. Miscellaneous Provisions**

- 20-2-324. Internet safety policies in public schools

### **Article 16. Students**

#### **Part 1. School Attendance**

##### **Subpart 2. Compulsory Attendance**

- 20-2-690.1. Mandatory education for children between ages six and 16
- 20-2-690.2. Establishment of student attendance protocol committee; membership and protocol; summary of penalties for failure to comply; reporting
- 20-2-695. Employing attendance officers in addition to visiting teachers; authority and duties
- 20-2-696. Duties of visiting teachers and attendance officers
- 20-2-697. Cooperation of principals and teachers in public schools with visiting teachers and attendance officers; attendance reports and records kept by public schools; letter indicating enrollment
- 20-2-698. Peace officers may take temporary custody of truant children away from home
- 20-2-699. Disposition of children taken into custody
- 20-2-700. Reports by peace officers to school authorities and parent or guardian
- 20-2-701. Responsibility for reporting truants to juvenile or other courts

#### **Part 2. Discipline**

##### **Subpart 1. Corporal Punishment**

- 20-2-730. Policies and regulations on use of corporal punishment
- 20-2-731. When and how corporal punishment may be administered
- 20-2-732. When principal or teacher not liable for administering corporal punishment

##### **Subpart 1A. Improved Student Learning Environment and Discipline**

- 20-2-735. Adoption of policies by local boards to improve student learning environment
- 20-2-736. Student codes of conduct; distribution; disciplinary action for violations; parental involvement
- 20-2-737. Reports by teacher of violations of student code of conduct; notification to parents of support services or disciplinary action

- 20-2-738. Authority of teacher over classroom; procedures following removal of student from classroom; placement review committees
- 20-2-739. Conflict management and resolution; cultural diversity training programs
- 20-2-740. Annual report by local boards of education regarding disciplinary and placement actions; annual study by Department of Education
- 20-2-741. Positive behavioral interventions and supports and response to intervention

**Subpart 2. Public School Disciplinary Tribunals**

- 20-2-750. Short title
- 20-2-751. Definitions
- 20-2-751.1. Expulsion and disciplinary policy for students bringing weapons to school
- 20-2-751.2. Students subject to disciplinary orders of other school systems
- 20-2-751.4. Policies prohibiting bullying; assignment to alternative school; notice
- 20-2-751.5. Student codes of conduct; safety rules on school buses; distribution
- 20-2-751.6. Disciplinary policy for students committing acts of physical violence against teacher, school bus driver, or other school official or employee
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- 20-2-752. Establishment of disciplinary hearing officers, panels, or tribunals for imposition of suspension or expulsion; rules and regulations; appeals
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### **Article 27. Loitering At or Disrupting Schools**

20-2-1181. Disrupting public school; penalty

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### **Chapter 14. Educational Accountability**

#### **Article 3. Opportunity School District**

20-14-105. Intervention models; community feedback; financing issues; student support and opportunities; principals

## **Georgia Regulations**

### **Department 160. Georgia Department of Education**

#### **160-1-3. Rules of General Applicability**

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#### **160-4-2. Division of General Instruction**

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160-4-8-.12. Alternative/Non-traditional education programs

160-4-8-.15. Student discipline

160-4-8-.16. Unsafe School Choice Option (USCO)

160-4-8-.19. Suicide prevention training requirement for certificated school system personnel

#### **160-5-1. Regional Education Services**

160-5-1-.10. Student attendance

160-5-1-.35. Seclusion and restraint for all students

## ***General Provisions***

### **Authority to develop and establish rules of conduct**

#### **LAWS**

##### **20-2-730. Policies and regulations on use of corporal punishment.**

All area, county, and independent boards of education shall be authorized to determine and adopt policies and regulations relating to the use of corporal punishment by school principals and teachers employed by such boards.

##### **20-2-735. Adoption of policies by local boards to improve student learning environment.**

(a) No later than July 1, 2000, each local board of education shall adopt policies designed to improve the student learning environment by improving student behavior and discipline. These policies shall provide for the development of age-appropriate student codes of conduct containing standards of behavior, a student support process, a progressive discipline process, and a parental involvement process. The State Board of Education shall establish minimum standards for such local board policies. The Department of Education shall make available for utilization by each local board of education model student codes of conduct, a model student support process, a model progressive discipline process, and a model parental involvement process.

(b) Student standards of behavior developed pursuant to this subpart shall be designed to create the expectation that students will behave themselves in such a way so as to facilitate a learning environment for themselves and other students, respect each other and school district employees, obey student behavior policies adopted by the local board of education, and obey student behavior rules established by individual schools.

(c) Student support processes developed pursuant to this subpart shall be designed to create the expectation that the process of disciplining students will include due consideration, as appropriate in light of the severity of the behavioral problem, of student support services that may help the student address behavioral problems and that may be available through the school, the school system, other public entities, or community organizations.

##### **20-2-736. Student codes of conduct; distribution; disciplinary action for violations; parental involvement.**

(b) Local boards of education shall provide for disciplinary action against students who violate student codes of conduct.

#### **REGULATIONS**

##### **160-4-7-.10. Discipline.**

(1) General provisions.

(a) According to Georgia school laws, LEAs are given the responsibility to develop appropriate and legally based disciplinary procedures.

##### **160-4-8-.15. Student discipline.**

(2) Requirements.

- (a) Each local board of education shall adopt policies designed to improve the student learning environment by improving student behavior and discipline [...]
- (d) Local boards of education shall provide for disciplinary actions against students who violate student codes of conduct;

## Scope

### LAWS

#### **16-11-127.1. Carrying weapons within school safety zones, at school functions, or on a bus or other transportation furnished by a school.**

- (a) As used in this Code section, the term:
  - (1) "Bus or other transportation furnished by a school" means a bus or other transportation furnished by a public or private elementary or secondary school.
  - (2) "School function" means a school function or related activity that occurs outside of a school safety zone and is for a public or private elementary or secondary school.
  - (3) "School safety zone" means in or on any real property or building owned by or leased to:
    - (A) Any public or private elementary school, secondary school, or local board of education and used for elementary or secondary education; and
    - (B) Any public or private technical school, vocational school, college, university, or other institution of postsecondary education.

#### **20-2-751.4. Policies prohibiting bullying; assignment to alternative school; notice.**

- (a) As used in this Code section, the term "bullying" means an act that is:
  - (D) Has the effect of substantially disrupting the orderly operation of the school. The term applies to acts which occur on school property, on school vehicles, at designated school bus stops, or at school related functions or activities or by use of data or software that is accessed through a computer, computer system, computer network, or other electronic technology of a local school system. The term also applies to acts of cyberbullying which occur through the use of electronic communication, whether or not such electronic act originated on school property or with school equipment, if the electronic communication (1) is directed specifically at students or school personnel, (2) is maliciously intended for the purpose of threatening the safety of those specified or substantially disrupting the orderly operation of the school, and (3) creates a reasonable fear of harm to the students' or school personnel's person or property or has a high likelihood of succeeding in that purpose. For purposes of this Code Section, electronic communication includes but is not limited to any transfer of signs, signals, writings, images, sounds, data or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic, photo electronic or photo optical system.

#### **20-2-751.5. Student codes of conduct; safety rules on school buses; distribution.**

- (a) Each student code of conduct shall contain provisions that address the following conduct of students during school hours, at school related functions, and on the school bus in a manner that is appropriate to the age of the student:
  - (9) Willful or malicious damage to real or personal property of the school or to personal property of any person legitimately at the school;
  - (11) Marking, defacing, or destroying school property;

(17) Falsifying, misrepresenting, omitting, or erroneously reporting information regarding instances of alleged inappropriate behavior by a teacher, administrator, or other school employee toward a student.

With regard to paragraphs (9), (11), and (17) of this subsection, each student code of conduct shall also contain provisions that address conduct of students during off-school hours.

(b)(1) In addition to the requirements contained in subsection (a) of this Code section, each student code of conduct shall include comprehensive and specific provisions prescribing and governing student conduct and safety rules on all public school buses. The specific provisions shall include but not be limited to:

(A) Students shall be prohibited from acts of physical violence as defined by Code Section 20-2-751.6, bullying as defined by subsection (a) of Code Section 20-2-751.4, physical assault or battery of other persons on the school bus, verbal assault of other persons on the school bus, disrespectful conduct toward the school bus driver or other persons on the school bus, and other unruly behavior;

(B) Students shall be prohibited from using any electronic devices during the operation of a school bus, including but not limited to cell phones; pagers; audible radios, tape or compact disc players without headphones; or any other electronic device in a manner that might interfere with the school bus communications equipment or the school bus driver's operation of the school bus; and

(C) Students shall be prohibited from using mirrors, lasers, flash cameras, or any other lights or reflective devices in a manner that might interfere with the school bus driver's operation of the school bus.

(c) Each student code of conduct shall also contain provisions that address any off-campus behavior of a student which could result in the student being criminally charged with a felony and which makes the student's continued presence at school a potential danger to persons or property at the school or which disrupts the educational process.

## **REGULATIONS**

### **160-4-8-15. Student discipline.**

(2) Requirements.

(a) Each local board of education shall adopt policies designed to improve the student learning environment by improving student behavior and discipline. These policies shall provide for the development of age appropriate student codes of conduct that contain the following, at a minimum:

1. Standards for student behavior during school hours, at school-related functions, on school buses, and at school bus stops designed to create the expectation that students will behave themselves in such a way so as to facilitate a learning environment for themselves and other students, respect each other and school district employees, obey student behavior policies adopted by the local board of education, and obey student behavior rules established by individual schools;

15. Any off-campus behavior of a student which could result in the student being criminally charged with a felony and which makes the student's continued presence at school a potential danger to persons or property at the school or which disrupts the educational process;

## Communication of policy

### LAWS

#### **16-13-32.4. Manufacturing, distributing, dispensing, or possessing controlled substances in, on, or near public or private schools.**

(f) A county school board may adopt regulations requiring the posting of signs designating the areas within 1,000 feet of school boards and private or public elementary and secondary schools as "Drug-free School Zones."

#### **20-2-736. Student codes of conduct; distribution; disciplinary action for violations; parental involvement.**

(a) At the beginning of each school year, local boards of education shall provide for the distribution of student codes of conduct developed pursuant to Code Section 20-2-735 to each student upon enrollment. Local boards of education shall provide for the distribution of such student codes of conduct to the parents or guardians of each student through such means as may best accomplish such distribution at the local level and are appropriate in light of the grade level of the student, including distribution of student codes of conduct to students and parents or guardians jointly. Local boards of education shall solicit or require the signatures or confirmation of receipt of students and parents or guardians in acknowledgment of the receipt of such student codes of conduct. A signature or confirmation of receipt may be obtained in writing, via electronic mail or facsimile, or by any other electronic or other means as designated by the local board. A parent or legal guardian that does not acknowledge receipt of the student code of conduct shall not be absolved of any responsibility with respect to the information contained in the student code of conduct. In addition, student codes of conduct shall be available in each school and classroom.

#### **20-2-751.4. Policies prohibiting bullying; assignment to alternative school; notice**

(b) No later than August 1, 2011:

(3) Each local board of education shall establish and publish in its local board policy a method to notify the parent, guardian, or other person who has control or charge of a student upon a finding by a school administrator that such student has committed an offense of bullying or is a victim of bullying; and

(4) Each local board of education shall ensure that students and parents of students are notified of the prohibition against bullying, and the penalties for violating the prohibition, by posting such information at each school and by including such information in student and parent handbooks.

#### **20-2-751.5. Student codes of conduct; safety rules on school buses; distribution.**

(e) Any student handbook which is prepared by a local board or school shall include a copy of the student code of conduct for that school or be accompanied by a copy of the student code of conduct for that school as annually distributed pursuant to Code Section 20-2-736. When distributing a student code of conduct, a local school shall include a form for acknowledgment of the student's parent or guardian's receipt of the code, and the local school shall solicit or require that the form be signed and returned to the school.

## REGULATIONS

### **160-4-8-.15. Student discipline.**

(b) Local boards of education shall provide for the distribution of student codes of conduct to each student upon enrollment and to the parents and guardians of each student and may solicit the signatures of students and parents or guardians in acknowledgment of the receipt of such student codes of conduct.

(c) Student codes of conduct shall be available in each school and classroom.

## ***In-School Discipline***

### **Use of multi-tiered discipline approaches**

#### **LAWS**

##### **20-2-735. Adoption of policies by local boards to improve student learning environment.**

(a) No later than July 1, 2000, each local board of education shall adopt policies designed to improve the student learning environment by improving student behavior and discipline. These policies shall provide for the development of age-appropriate student codes of conduct containing standards of behavior, a student support process, a progressive discipline process, and a parental involvement process. The State Board of Education shall establish minimum standards for such local board policies. The Department of Education shall make available for utilization by each local board of education model student codes of conduct, a model student support process, a model progressive discipline process, and a model parental involvement process.

(d) Progressive discipline processes developed pursuant to this subpart shall be designed to create the expectation that the degree of discipline will be in proportion to the severity of the behavior leading to the discipline, that the previous discipline history of the student being disciplined and other relevant factors will be taken into account, and that all due process procedures required by federal and state law will be followed.

##### **20-2-751.4. Policies prohibiting bullying; assignment to alternative school; notice.**

(c) No later than January 1, 2011, the Department of Education shall develop a model policy regarding bullying, that may be revised from time to time, and shall post such policy on its website in order to assist local school systems. Such model policy shall include:

(4) An age-appropriate range of consequences for bullying which shall include, at minimum and without limitation, disciplinary action or counseling as appropriate under the circumstances;

##### **20-2-751.5. Student codes of conduct; safety rules on school buses; distribution.**

(b) (2) If a student is found to have engaged in physical acts of violence as defined by Code Section 20-2-751.6, the student shall be subject to the penalties set forth in such Code section. If a student is found to have engaged in bullying as defined by subsection (a) of Code Section 20-2-751.4 or in physical assault or battery of another person on the school bus, the local school board policy shall require a meeting of the parent or guardian of the student and appropriate school district officials to form a school bus behavior contract for the student. Such contract shall provide for progressive age-appropriate discipline, penalties, and restrictions for student misconduct on the bus. Contract provisions may include but shall not be limited to assigned seating, ongoing parental involvement, and suspension from riding the bus. This subsection is not to be construed to limit the instances when a school code of conduct or local board of education may require use of a student bus behavior contract.

#### **REGULATIONS**

##### **160-4-8-.15. Student discipline.**

(1) Definitions.

(b) Disciplinary Order - any public or private school or school system order that imposes short-term suspension, long-term suspension, or expulsion upon a student in such school or system.

(c) Discipline Policies- outlines consequences and punishments that will occur in the response to specify unacceptable behaviors.

(d) Progressive Discipline -the levels of consequences assigned to students who violate codes of conduct based on severity of misbehavior, students discipline history, and other relevant factors.

(2) Requirements.

(a) Each local board of education shall adopt policies designed to improve the student learning environment by improving student behavior and discipline. These policies shall provide for the development of age appropriate student codes of conduct that contain the following, at a minimum:

18. Progressive discipline processes designed to create the expectation that the degree of discipline will be in proportion to the severity of the behavior, that the previous discipline history of the student and other relevant factors will be taken into account; and that all due process procedures required by federal and state law will be followed;

**160-5-1-.10. Student attendance.**

(2) Requirements.

(j) Each local board of education shall implement a progressive discipline process and a parental involvement process for truant students before referring the students to the juvenile or other court having jurisdiction.

## **Teacher authority to remove students from classrooms**

### **LAWS**

**20-2-738. Authority of teacher over classroom; procedures following removal of student from classroom; placement review committees.**

(a) A teacher shall have the authority, consistent with local board policy, to manage his or her classroom, discipline students, and refer a student to the principal or the principal's designee to maintain discipline in the classroom. The principal or the principal's designee shall respond when a student is referred by a teacher by employing appropriate discipline management techniques that are consistent with local board policy.

(b) A teacher shall have the authority to remove from his or her class a student who repeatedly or substantially interferes with the teacher's ability to communicate effectively with the students in the class or with the ability of the student's classmates to learn, where the student's behavior is in violation of the student code of conduct, provided that the teacher has previously filed a report pursuant to Code Section 20-2-737 or determines that such behavior of the student poses an immediate threat to the safety of the student's classmates or the teacher. Each school principal shall fully support the authority of every teacher in his or her school to remove a student from the classroom under this Code section. Each school principal shall implement the policies and procedures of the superintendent and local board of education relating to the authority of every teacher to remove a student from the classroom and shall disseminate such policies and procedures to faculty, staff, and parents or guardians of students. The teacher shall file with the principal or the principal's designee a report describing the student's behavior, in one page or less, by the end of the school day on which such removal occurs or at the beginning of the next school day. The principal or the principal's designee shall, within one school day after the student's removal from class, send to the student's parents or guardians written notification that the student was removed from class, a copy of the report filed by the teacher, and information regarding how the student's parents or guardians may contact the principal or the principal's designee.

(c) If a teacher removes a student from class pursuant to subsection (b) of this Code section, the principal or the principal's designee shall discuss the matter with the teacher and the student by the end of the school day on which such removal occurs or at the beginning of the next school day. The principal or the principal's designee shall give the student oral or written notice of the grounds for his or her removal from class and, if the student denies engaging in such conduct, the principal or the principal's designee shall explain the evidence which supports his or her removal from class and give the student an opportunity to present his or her explanation of the situation. If, after such discussions, the principal or the principal's designee seeks to return the student to the teacher's class and the teacher gives his or her consent, the student shall be returned to the class, and the principal or the principal's designee may take action to discipline the student, as may be warranted, pursuant to paragraph (1) of subsection (e) of this Code section. If, after such discussions, the principal or the principal's designee seeks to return the student to the teacher's class and the teacher withholds his or her consent to the student's return to his or her class, the principal or the principal's designee shall determine an appropriate temporary placement for the student by the end of the first school day following such removal and shall also take steps to convene a meeting of a placement review committee. The placement review committee shall convene by the end of the second school day following such removal by the teacher and shall issue a decision by the end of the third school day following such removal by the teacher. An appropriate temporary placement for the student shall be a placement that, in the judgment of the principal or the principal's designee, provides the least interruption to the student's education and reflects other relevant factors, including, but not limited to, the severity of the behavior that was the basis for the removal, the student's behavioral history, the student's need for support services, and the available education settings; provided, however, that the student shall not be returned to the class of the teacher who removed him or her, as an appropriate temporary placement, unless the teacher gives his or her consent. The temporary placement shall be in effect from the time of removal until the decision of the placement review committee is issued or, if applicable, a placement determination is made pursuant to paragraph (2) of subsection (e) of this Code section.

(d) Local board policies adopted pursuant to Code Section 20-2-735 shall provide for the establishment at each school of one or more placement review committees, each of which is to be composed of three members, to determine the placement of a student when a teacher withholds his or her consent to the return of a student to the teacher's class. For each committee established, the faculty shall choose two teachers to serve as members and one teacher to serve as an alternate member, and the principal shall choose one member of the professional staff of the school to serve as a member. The teacher withholding consent to readmit the student may not serve on the committee. The placement review committee shall have the authority to:

- (1) Return the student to the teacher's class upon determining that such placement is the best alternative or the only available alternative; or
- (2) Refer the student to the principal or the principal's designee for appropriate action consistent with paragraph (2) of subsection (e) of this Code section.

The decision of the placement review committee shall be in writing and shall be made within three school days after the teacher withholds consent to the return of a student. Local boards of education shall provide training for members of placement review committees regarding the provisions of this subpart, including procedural requirements; local board policies relating to student discipline; and the student code of conduct that is applicable to the school.

(e) (1) If a placement review committee decides to return a student to a class from which he or she was removed, the principal or the principal's designee shall implement such decision of the placement review committee. In addition, the principal or the principal's designee may, consistent with any applicable procedural requirements of the Constitutions of the United States and this state and after considering the

use of any appropriate student support services, take any of the following actions which are authorized as a response to the alleged violation of the student code of conduct by local board policies adopted pursuant to Code Section 20-2-735:

- (A) Place the student in an alternative education program;
- (B) Impose out-of-school suspension for not more than ten school days, including any time during which the student was subject to out-of-school suspension after his or her removal from class pursuant to subsection (b) of this Code section; or
- (C) Make another disciplinary decision or recommendation consistent with local board policy.

(2) If a placement review committee decides not to return a student to a class from which he or she was removed, the principal or the principal's designee shall implement such decision of the placement review committee. In addition, the principal or the principal's designee shall determine an appropriate placement for the student and may take action to discipline the student, in a manner consistent with any applicable procedural requirements of the Constitutions of the United States and this state and after considering the use of any appropriate student support services, as follows, provided that the placement or disciplinary action is authorized as a response to the alleged violation of the student code of conduct by local board policies adopted pursuant to Code Section 20-2-735:

- (A) Place the student into another appropriate classroom or an alternative education program;
- (B) Impose out-of-school suspension for not more than ten school days, including any time during which the student was subject to out-of-school suspension after his or her removal from class pursuant to subsection (b) of this Code section;
- (C) Make another placement or disciplinary decision or recommendation consistent with local board policy; or
- (D) Implement or recommend any appropriate combination of the above and return the student to the class from which he or she was removed upon the completion of any disciplinary or placement action taken pursuant to this paragraph.

(f) Within one school day of taking action pursuant to subsection (e) of this Code section, the principal or the principal's designee shall send written notification of such action to the teacher and the parents or guardians of the student and shall make a reasonable attempt to confirm that such written notification has been received by the student's parents or guardians.

(g) Parents or guardians of a student who has been removed from class pursuant to subsection (b) of this Code section may be required to participate in conferences that may be requested by the principal or the principal's designee; provided, however, that a student may not be penalized for the failure of his or her parent or guardian to attend such a conference.

(h) The procedures contained in this Code section relating to student conferences and notification of parents or guardians are minimum requirements. Nothing in this Code section shall be construed to limit the authority of a local board of education to establish additional requirements relating to student conferences, notification of parents or guardians, conferences with parents or guardians, or other procedures required by the Constitutions of the United States or this state.

**20-2-751.5. Student codes of conduct; safety rules on school buses; distribution.**

(d) Local board policies relating to student codes of conduct shall provide that each local school superintendent shall fully support the authority of principals and teachers in the school system to remove a student from the classroom pursuant to Code Section 20-2-738, including establishing and disseminating procedures. It is the policy of this state that it is preferable to reassign disruptive students to alternative educational settings rather than to suspend or expel such students from school.

## REGULATIONS

### **160-4-8-15. Student discipline.**

(2) Requirements.

(e) Local board policies relating to student codes of conduct shall provide that each local superintendent shall fully support the authority of principals and teachers in the school system to remove a student from the classroom pursuant to O.C.G.A. § 20-2-738, including establishing and disseminating procedures.

## Alternatives to suspension

### LAWS

#### **20-2-735. Adoption of policies by local boards to improve student learning environment.**

(f) It is the policy of this state that it is preferable to reassign disruptive students to alternative educational settings rather than to suspend or expel such students from school.

#### **20-2-751.5. Student codes of conduct; safety rules on school buses; distribution.**

(d) Local board policies relating to student codes of conduct shall provide that each local school superintendent shall fully support the authority of principals and teachers in the school system to remove a student from the classroom pursuant to Code Section 20-2-738, including establishing and disseminating procedures. It is the policy of this state that it is preferable to reassign disruptive students to alternative educational settings rather than to suspend or expel such students from school.

### REGULATIONS

#### **160-4-8-15. Student discipline.**

(2) Requirements.

(f) It is the preferred policy of the board that disruptive students are placed in alternative education settings in lieu of being suspended or expelled.

## Use of corporal punishment

### LAWS

#### **20-2-730. Policies and regulations on use of corporal punishment.**

All area, county, and independent boards of education shall be authorized to determine and adopt policies and regulations relating to the use of corporal punishment by school principals and teachers employed by such boards.

#### **20-2-731. When and how corporal punishment may be administered.**

An area, county, or independent board of education may, upon the adoption of written policies, authorize any principal or teacher employed by the board to administer, in the exercise of his sound discretion, corporal punishment on any pupil or pupils placed under his supervision in order to maintain proper control and discipline. Any such authorization shall be subject to the following requirements:

(1) The corporal punishment shall not be excessive or unduly severe;

- (2) Corporal punishment shall never be used as a first line of punishment for misbehavior unless the pupil was informed beforehand that specific misbehavior could occasion its use; provided, however, that corporal punishment may be employed as a first line of punishment for those acts of misconduct which are so antisocial or disruptive in nature as to shock the conscience;
- (3) Corporal punishment must be administered in the presence of a principal or assistant principal, or the designee of the principal or assistant principal, employed by the board of education authorizing such punishment, and the other principal or assistant principal, or the designee of the principal or assistant principal, must be informed beforehand and in the presence of the pupil of the reason for the punishment;
- (4) The principal or teacher who administered corporal punishment must provide the child's parent, upon request, a written explanation of the reasons for the punishment and the name of the principal or assistant principal, or designee of the principal or assistant principal, who was present; provided, however, that such an explanation shall not be used as evidence in any subsequent civil action brought as a result of the corporal punishment; and
- (5) Corporal punishment shall not be administered to a child whose parents or legal guardian has upon the day of enrollment of the pupil filed with the principal of the school a statement from a medical doctor licensed in Georgia stating that it is detrimental to the child's mental or emotional stability.

**20-2-732. When principal or teacher not liable for administering corporal punishment.**

No principal or teacher who shall administer corporal punishment to a pupil or pupils under his care and supervision in conformity with the policies and regulations of the area, county, or independent board of education employing him and in accordance also with this subpart shall be held accountable or liable in any criminal or civil action based upon the administering of corporal punishment where the corporal punishment is administered in good faith and is not excessive or unduly severe.

**REGULATIONS**

No relevant regulations found.

## **Use of student and locker searches**

**LAWS**

**20-1A-15. "Inspection warrant" defined; procedure for issuance; evidence generated inadmissible in criminal proceedings.**

- (a) As used in this chapter, the term "inspection warrant" means a warrant authorizing a search or inspection of private property where such a search or inspection is one that is necessary for the enforcement of any of the provisions of laws authorizing licensure, inspection, or regulation by the department.
- (b) The commissioner or the commissioner's delegate, in addition to other procedures now or hereafter provided, may obtain an inspection warrant under the conditions specified in this Code section. Such warrant shall authorize the commissioner or the commissioner's agents to conduct a search or inspection of property, either with or without the consent of the person whose property is to be searched or inspected, if such search or inspection is one that is elsewhere authorized under the rules and regulations duly promulgated under this chapter or any provision of law which authorizes licensure, inspection, or regulation by the department.
- (c) Inspection warrants shall be issued only by a judge of a court of record whose territorial jurisdiction encompasses the property to be inspected.

(d) The issuing judge shall issue the warrant when such judge is satisfied that the following conditions are met:

(1) The one seeking the warrant must establish under oath or affirmation that the property to be inspected is to be inspected as a part of a legally authorized program of inspection which includes that property or that there is probable cause for believing that there is a condition, object, activity, or circumstance which legally justifies such an inspection of that property; and

(2) The issuing judge determines that the issuance of the warrant is authorized by this Code section.

(e) The inspection warrant shall be validly issued only if it meets the following requirements:

(1) The warrant is attached to the affidavit required to be made in order to obtain the warrant;

(2) The warrant describes, either directly or by reference to the affidavit, the property upon which the inspection is to occur and is sufficiently accurate that the executor of the warrant and the owner or possessor of the property can reasonably determine from it the property of which the warrant authorizes an inspection;

(3) The warrant indicates the conditions, objects, activities, or circumstances which the inspection is intended to check or reveal; and

(4) The warrant refers, in general terms, to the statutory or regulatory provisions sought to be enforced.

(f) No facts discovered or evidence obtained in an inspection conducted under authority of an inspection warrant issued pursuant to this chapter shall be competent as evidence in any criminal proceeding against any party.

#### **REGULATIONS**

No relevant regulations found.

### **Other in-school disciplinary approaches**

#### **LAWS**

No relevant laws found.

#### **REGULATIONS**

No relevant regulations found.

# ***Out-of-School and Exclusionary Discipline: Suspensions, Expulsion, Restraint and Seclusion, and Alternative Placements***

## **Grounds for possible suspension or expulsion**

### **LAWS**

#### **20-2-751. Definitions.**

As used in this subpart, the term:

- (1) "Dangerous weapon" shall have the same meaning as set forth in Code Section 16-11-121.
- (2) "Expulsion" means expulsion of a student from a public school beyond the current school quarter or semester.
- (3) "Firearm" shall have the same meaning as set forth in Code Section 16-11-127.1.
- (4) "Hazardous object" means any dirk, bowie knife, switchblade knife, ballistic knife, any other knife having a blade of two or more inches, straight-edge razor, razor blade, spring stick, knuckles, whether made from metal, thermoplastic, wood, or other similar material, blackjack, any bat, club, or other bludgeon-type weapon, or any flailing instrument consisting of two or more rigid parts connected in such a manner as to allow them to swing freely, which may be known as a nun chahka, nun chuck, nunchaku, shuriken, or fighting chain, or any disc, of whatever configuration, having at least two points or pointed blades which is designed to be thrown or propelled and which may be known as a throwing star or oriental dart, or any instrument of like kind, any nonlethal air gun, and any stun gun or taser as defined in subsection (a) of Code Section 16-11-106. Such term shall not include any of these instruments used for classroom work authorized by the teacher.
- (5) "Long-term suspension" means the suspension of a student from a public school for more than ten school days but not beyond the current school quarter or semester.
- (6) "Short-term suspension" means the suspension of a student from a public school for not more than ten school days.

#### **20-2-751.6. Disciplinary policy for students committing acts of physical violence against teacher, school bus driver, or other school official or employee.**

(a) As used in this Code section, the term "physical violence" means:

- (1) Intentionally making physical contact of an insulting or provoking nature with the person of another;  
or
  - (2) Intentionally making physical contact which causes physical harm to another unless such physical contacts or physical harms were in defense of himself or herself, as provided in Code Section 16-3-21.
- (c) (3) Any student who is found by a disciplinary hearing officer, panel, or tribunal to have committed an act of physical violence as defined in paragraph (1) of subsection (a) of this Code section against a teacher, school bus driver, school official, or school employee may be disciplined by expulsion, long-term suspension, or short-term suspension.

### **REGULATIONS**

No relevant regulations found.

# Grounds for mandatory suspension or expulsion

## LAWS

### **20-2-751. Definitions.**

As used in this subpart, the term:

- (1) "Dangerous weapon" shall have the same meaning as set forth in Code Section 16-11-121.
- (2) "Expulsion" means expulsion of a student from a public school beyond the current school quarter or semester.
- (3) "Firearm" shall have the same meaning as set forth in Code Section 16-11-127.1.
- (4) "Hazardous object" means any dirk, bowie knife, switchblade knife, ballistic knife, any other knife having a blade of two or more inches, straight-edge razor, razor blade, spring stick, knuckles, whether made from metal, thermoplastic, wood, or other similar material, blackjack, any bat, club, or other bludgeon-type weapon, or any flailing instrument consisting of two or more rigid parts connected in such a manner as to allow them to swing freely, which may be known as a nun chahka, nun chuck, nunchaku, shuriken, or fighting chain, or any disc, of whatever configuration, having at least two points or pointed blades which is designed to be thrown or propelled and which may be known as a throwing star or oriental dart, or any instrument of like kind, any nonlethal air gun, and any stun gun or taser as defined in subsection (a) of Code Section 16-11-106. Such term shall not include any of these instruments used for classroom work authorized by the teacher.
- (5) "Long-term suspension" means the suspension of a student from a public school for more than ten school days but not beyond the current school quarter or semester.
- (6) "Short-term suspension" means the suspension of a student from a public school for not more than ten school days.

### **20-2-751.1. Expulsion and disciplinary policy for students bringing weapons to school.**

- (a) Each local board of education shall establish a policy, pursuant to this subpart, regarding a student's possession of a firearm, dangerous weapon, or hazardous object at school. With respect to a student who is determined to have possessed a firearm or dangerous weapon at school, such policy shall require expulsion from school for a period of not less than one calendar year; provided, however, that a hearing officer, tribunal, panel, administrator, superintendent, or local board of education shall have the authority to modify such expulsion requirement on a case-by-case basis.
- (b) A hearing officer, tribunal, panel, superintendent, or local board of education shall be authorized to place a student determined to have brought a firearm, dangerous weapon, or hazardous object to school in an alternative educational setting.
- (c) Nothing in this Code section shall infringe on any right provided to students with Individualized Education Programs pursuant to the federal Individuals with Disabilities Education Act, Section 504 of the federal Rehabilitation Act of 1973, or the federal Americans with Disabilities Act.

### **20-2-751.6. Disciplinary policy for students committing acts of physical violence against teacher, school bus driver, or other school official or employee.**

- (a) As used in this Code section, the term "physical violence" means:
  - (1) Intentionally making physical contact of an insulting or provoking nature with the person of another;  
or
  - (2) Intentionally making physical contact which causes physical harm to another unless such physical contacts or physical harms were in defense of himself or herself, as provided in Code Section 16-3-21.

(b) Local board of education policies and student codes of conduct shall provide for the penalties to be assessed against a student found by a disciplinary hearing officer, panel, or tribunal pursuant to Code Section 20-2-752 to have committed any act of physical violence against a teacher, school bus driver, or other school official or employee. Such disciplinary hearing officer, panel, or tribunal shall hold any disciplinary hearing in accordance with the provisions of Code Section 20-2-754. Any student alleged to have committed an act of physical violence shall be suspended pending the hearing by the disciplinary hearing officer, panel, or tribunal. The decision of the disciplinary hearing officer, panel, or tribunal may be appealed to the local school board pursuant to Code Section 20-2-754. If appropriate under paragraph (1) of subsection (c) of this Code section, the decision of the disciplinary hearing officer, panel, or tribunal shall include a recommendation as to whether a student may return to public school and, if return is recommended, a recommended time for the student's return to public school. The local school board may impose penalties not recommended by the disciplinary hearing officer, panel, or tribunal.

(c) (1) A student found by a disciplinary hearing officer, panel, or tribunal to have committed an act of physical violence as defined in paragraph (2) of subsection (a) of this Code section against a teacher, school bus driver, school official, or school employee shall be expelled from the public school system. The expulsion shall be for the remainder of the student's eligibility to attend public school pursuant to Code Section 20-2-150. The local school board at its discretion may permit the student to attend an alternative education program for the period of the student's expulsion. If the student who commits an act of physical violence is in kindergarten through grade eight, then the local school board at its discretion and on the recommendation of the disciplinary hearing officer, panel, or tribunal may permit such a student to reenroll in the regular public school program for grades nine through 12. If the local school board does not operate an alternative education program for students in kindergarten through grade six, the local school board at its discretion may permit a student in kindergarten through grade six who has committed an act of physical violence as defined in paragraph (2) of subsection (a) of this Code section to reenroll in the public school system;

(3) Any student who is found by a disciplinary hearing officer, panel, or tribunal to have committed an act of physical violence as defined in paragraph (1) of subsection (a) of this Code section against a teacher, school bus driver, school official, or school employee may be disciplined by expulsion, long-term suspension, or short-term suspension.

## **REGULATIONS**

No relevant regulations found.

## **Limitations, conditions or exclusions for use of suspension and expulsion**

## **LAWS**

### **20-2-731. When and how corporal punishment may be administered.**

(3) Corporal punishment must be administered in the presence of a principal or assistant principal, or the designee of the principal or assistant principal, employed by the board of education authorizing such punishment, and the other principal or assistant principal, or the designee of the principal or assistant principal, must be informed beforehand and in the presence of the pupil of the reason for the punishment;

### **20-2-751.1. Expulsion and disciplinary policy for students bringing weapons to school.**

(a) Each local board of education shall establish a policy, pursuant to this subpart, regarding a student's possession of a firearm, dangerous weapon, or hazardous object at school. With respect to a student who

is determined to have possessed a firearm or dangerous weapon at school, such policy shall require expulsion from school for a period of not less than one calendar year; provided, however, that a hearing officer, tribunal, panel, administrator, superintendent, or local board of education shall have the authority to modify such expulsion requirement on a case-by-case basis.

(b) A hearing officer, tribunal, panel, superintendent, or local board of education shall be authorized to place a student determined to have brought a firearm, dangerous weapon, or hazardous object to school in an alternative educational setting.

(c) Nothing in this Code section shall infringe on any right provided to students with Individualized Education Programs pursuant to the federal Individuals with Disabilities Education Act, Section 504 of the federal Rehabilitation Act of 1973, or the federal Americans with Disabilities Act.

**20-2-768. Expulsion or suspension of students for felonies; alternative educational system; policy.**

(c) It is the policy of this state that it is preferable to reassign disruptive students to alternative educational settings rather than to suspend or expel such students from school.

**REGULATIONS**

**160-4-7-10. Discipline**

(1) General provisions.

(b) The code of student conduct shall apply to all children unless a child's individualized education program (IEP) specifically provides otherwise . The LEA shall ensure that the parents and the child with a disability receive notice of the rules and regulations applicable to children with disabilities with respect to child management, discipline and suspension/expulsion upon the child's entry into a special education program or at the annual IEP review.

(2) Authority of school personnel.

(a) School personnel may consider any unique circumstances on a case-by-case basis when determining whether a change in placement, consistent with the other requirements of this Rule, is appropriate for a child with a disability who violates a code of student conduct.

**Administrative procedures related to suspension and expulsion**

**LAWS**

**20-2-750. Short title.**

This subpart shall be known and may be cited as the "Public School Disciplinary Tribunal Act."

**20-2-751. Definitions.**

As used in this subpart, the term:

(1) "Dangerous weapon" shall have the same meaning as set forth in Code Section 16-11-121.

(2) "Expulsion" means expulsion of a student from a public school beyond the current school quarter or semester.

(3) "Firearm" shall have the same meaning as set forth in Code Section 16-11-127.1.

(4) "Hazardous object" means any dirk, bowie knife, switchblade knife, ballistic knife, any other knife having a blade of two or more inches, straight-edge razor, razor blade, spring stick, knuckles, whether made from metal, thermoplastic, wood, or other similar material, blackjack, any bat, club, or other bludgeon-type weapon, or any flailing instrument consisting of two or more rigid parts connected in such a manner as to allow them to swing freely, which may be known as a nun chahka, nun chuck,

nunchaku, shuriken, or fighting chain, or any disc, of whatever configuration, having at least two points or pointed blades which is designed to be thrown or propelled and which may be known as a throwing star or oriental dart, or any instrument of like kind, any nonlethal air gun, and any stun gun or taser as defined in subsection (a) of Code Section 16-11-106. Such term shall not include any of these instruments used for classroom work authorized by the teacher.

(5) "Long-term suspension" means the suspension of a student from a public school for more than ten school days but not beyond the current school quarter or semester.

(6) "Short-term suspension" means the suspension of a student from a public school for not more than ten school days.

**20-2-751.6. Disciplinary policy for students committing acts of physical violence against teacher, school bus driver, or other school official or employee.**

(a) As used in this Code section, the term "physical violence" means:

(1) Intentionally making physical contact of an insulting or provoking nature with the person of another; or

(2) Intentionally making physical contact which causes physical harm to another unless such physical contacts or physical harms were in defense of himself or herself, as provided in Code Section 16-3-21.

(b) Local board of education policies and student codes of conduct shall provide for the penalties to be assessed against a student found by a disciplinary hearing officer, panel, or tribunal pursuant to Code Section 20-2-752 to have committed any act of physical violence against a teacher, school bus driver, or other school official or employee. Such disciplinary hearing officer, panel, or tribunal shall hold any disciplinary hearing in accordance with the provisions of Code Section 20-2-754. Any student alleged to have committed an act of physical violence shall be suspended pending the hearing by the disciplinary hearing officer, panel, or tribunal. The decision of the disciplinary hearing officer, panel, or tribunal may be appealed to the local school board pursuant to Code Section 20-2-754. If appropriate under paragraph (1) of subsection (c) of this Code section, the decision of the disciplinary hearing officer, panel, or tribunal shall include a recommendation as to whether a student may return to public school and, if return is recommended, a recommended time for the student's return to public school. The local school board may impose penalties not recommended by the disciplinary hearing officer, panel, or tribunal.

(c) (1) A student found by a disciplinary hearing officer, panel, or tribunal to have committed an act of physical violence as defined in paragraph (2) of subsection (a) of this Code section against a teacher, school bus driver, school official, or school employee shall be expelled from the public school system. The expulsion shall be for the remainder of the student's eligibility to attend public school pursuant to Code Section 20-2-150. The local school board at its discretion may permit the student to attend an alternative education program for the period of the student's expulsion. If the student who commits an act of physical violence is in kindergarten through grade eight, then the local school board at its discretion and on the recommendation of the disciplinary hearing officer, panel, or tribunal may permit such a student to reenroll in the regular public school program for grades nine through 12. If the local school board does not operate an alternative education program for students in kindergarten through grade six, the local school board at its discretion may permit a student in kindergarten through grade six who has committed an act of physical violence as defined in paragraph (2) of subsection (a) of this Code section to reenroll in the public school system;

(2) Any student who is found by a disciplinary hearing officer, panel, or tribunal to have committed an act of physical violence against a teacher, school bus driver, school official, or school employee as defined in paragraph (2) of subsection (a) of this Code section shall be referred to juvenile court with a request for a petition alleging delinquent behavior; and

(3) Any student who is found by a disciplinary hearing officer, panel, or tribunal to have committed an act of physical violence as defined in paragraph (1) of subsection (a) of this Code section against a teacher, school bus driver, school official, or school employee may be disciplined by expulsion, long-term suspension, or short-term suspension.

**20-2-752. Establishment of disciplinary hearing officers, panels, or tribunals for imposition of suspension or expulsion; rules and regulations; appeals.**

Local boards of education may establish by policy, rule, or regulation disciplinary hearing officers, panels, or tribunals of school officials to impose suspension or expulsion. If such hearing officers, panels, or tribunals are established, such rules and regulations must include the following:

- (1) Provisions governing the manner of selecting the hearing officers or members of the panels or tribunals and the number of members thereof;
- (2) Provisions governing procedures to be followed by such hearing officers, panels, or tribunals in fact-finding, hearings, and reporting recommendations to the local board;
- (3) Provisions granting a right to appeal to the local board when the punishment imposed by hearing officers, panels, or tribunals is long-term suspension or expulsion; and
- (4) Provisions whereby the local school superintendent may suspend enforcement of the suspension or expulsion ordered by the hearing officers, panels, or tribunals pending the outcome of any appeal to the local board.

**20-2-753. Disciplinary hearing officer, panel, or tribunal to hold disciplinary hearing following allegation of assault and battery or recommended suspension or expulsion exceeding 10 days.**

(a) In addition to any proceedings which are authorized in Code Section 20-2-752, local boards of education shall appoint a disciplinary hearing officer, panel, or tribunal of school officials to hold a disciplinary hearing following any instance of an alleged violation of the student code of conduct where the principal recommends a suspension or expulsion of longer than ten school days or an alleged assault or battery by a student upon any teacher or other school official or employee, if such teacher or other school official or employee so requests.

(b) Nothing in this Code section shall be construed to infringe on any right provided to students with Individualized Education Programs pursuant to the federal Individuals with Disabilities Education Act, Section 504 of the federal Rehabilitation Act of 1973, or the federal Americans with Disabilities Act of 1990.

**20-2-754. Procedures to be followed by disciplinary officer, panel, or tribunal; review.**

(a) The provisions of Code Section 20-2-1160 shall apply to disciplinary proceedings under this subpart.

(b) A disciplinary officer, panel, or tribunal of school officials appointed as required by Code Section 20-2-753 shall, in addition to any other requirements imposed by rules and regulations which may have been promulgated pursuant to Code Section 20-2-752, ensure that:

- (1) All parties are afforded an opportunity for a hearing after reasonable notice served personally or by mail. This notice shall be given to all parties and to the parent or guardian of the student or students involved and shall include a statement of the time, place, and nature of the hearing; a short and plain statement of the matters asserted; and a statement as to the right of all parties to present evidence and to be represented by legal counsel;
- (2) The hearing is held no later than ten school days after the beginning of the suspension unless the school system and parents or guardians mutually agree to an extension;
- (3) All parties are afforded an opportunity to present and respond to evidence and to examine and cross-examine witnesses on all issues unresolved;

(4) Any teacher who is called as a witness by the school system shall be given notice no later than three days prior to the hearing; and

(5) A verbatim electronic or written record of the hearing shall be made and shall be available to all parties.

(c) If appointed to review an instance pursuant to Code Section 20-2-753, the disciplinary officer, panel, or tribunal shall conduct the hearing and, after receiving all evidence, render its decision, which decision shall be based solely on the evidence received at the hearing. The decision shall be in writing and shall be given to all parties within ten days of the close of the record. Any decision by such disciplinary officer, panel, or tribunal may be appealed to the local board of education by filing a written notice of appeal within 20 days from the date the decision is rendered. Any disciplinary action imposed by such officer, panel, or tribunal may be suspended by the school superintendent pending the outcome of the appeal.

(d) The local board of education shall review the record and shall render a decision in writing. The decision shall be based solely on the record and shall be given to all parties within ten days, excluding weekends and public and legal holidays provided for in Code Section 1-4-1, from the date the local board of education receives the notice of appeal. The board may take any action it determines appropriate, and any decision of the board shall be final. All parties shall have the right to be represented by legal counsel at any such appeal and during all subsequent proceedings.

(e) Either or both parents or guardians or legal counsel of the student involved may obtain a copy of any documents relating to a disciplinary proceeding conducted pursuant to this Code section.

**20-2-755. Authorization of disciplinary officer, panel, or tribunal to determine disciplinary action.**

The disciplinary officer, panel, or tribunal of school officials, when appointed as required in Code Section 20-2-753, shall determine what, if any, disciplinary action shall be taken. Such action may include, but is not limited to, expulsion, long-term suspension, or short-term suspension. Any action taken by such officer, panel, or tribunal shall be subject to modification by the local school board on appeal.

**20-2-757. Applicability of public inspection and open meeting laws.**

(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 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.

**20-2-758. Legal actions not prohibited, restricted, or limited by disciplinary hearing; rights to appeal from decision of school board.**

Nothing in this subpart shall be construed to prohibit, restrict, or limit in any manner any cause of action otherwise provided by law and available to any teacher, school official, employee, or student. The provisions of subsections (b) through (f) of Code Section 20-2-1160 shall apply to all proceedings under this subpart.

**REGULATIONS**

**160-4-7-.10. Discipline.**

(2) Authority of school personnel.

(b) School personnel may remove a child with a disability who violates a code of student conduct from his or her current placement to an appropriate interim alternative educational setting, another setting or suspension, for not more than 10 consecutive school days (to the extent those alternatives are applied to children without disabilities), and for additional removals of not more than 10 consecutive school days in that same school year for separate incidents of misconduct ( as long as those removals do not constitute a change of placement under this Rule).

(c) After a child with a disability has been removed from his or her current placement for 10 school days in the same school year, during any subsequent days of removal the LEA must provide services to the extent required under this Rule.

(d) For disciplinary changes in placement that would exceed 10 consecutive school days, if the behavior that gave rise to the violation of the school code is determined not to be a manifestation of the child's disability under this Rule, school personnel may apply the relevant disciplinary procedures to children with disabilities in the same manner and for the same duration as the procedures would be applied to children without disabilities except as provided in (e) of this Rule.

(e) Services. A child with a disability who is removed from his or her current placement for more than 10 consecutive school days must:

1. Continue to receive educational services, as provided in Rule 160-4-7- .02 Free and Appropriate Public Education, so as to enable the child to continue to participate in the general educational curriculum, although in another setting, and to progress toward meeting the goals set out in the child's IEP ; and
2. Receive, as appropriate, a functional behavioral assessment and behavioral intervention services and modifications as set forth in the behavioral intervention plan and IEP, where appropriate, that are designed to address the behavior violation so it does not recur.
3. The LEA is only required to provide services during periods of removal to a child with a disability who has been removed from his or her current placement for 10 school days or less in that school year, if services are provided to a child without disabilities who has been similarly removed.
4. After a child with a disability has been removed from his or her current placement for 10 school days in the same school year, if the current removal is not for more than 10 consecutive school days and is not a change in placement because of disciplinary removals, school personnel, in consultation with at least one of the child's teachers, determine the extent to which services are needed in order to provide a free, appropriate public education, so as to enable the child to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals set out in the child's IEP.
5. If the removal is for more than 10 consecutive school days or is a change in placement because of disciplinary removals, the child's IEP Team determines appropriate services needed in order to provide a free, appropriate public education, so as to enable the child to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals set out in the child's IEP.
6. The services required in (e) may be provided in an interim alternative educational setting.

### (3) Manifestation determination.

(a) Within 10 school days of any decision to change the placement of a child with a disability because of a violation of a code of student conduct, the LEA, the parent, and the relevant members of the child's IEP Team (as determined by the parent and the LEA) must review all relevant information in the child's file, including the child's IEP, any teacher observations, and any relevant information provided by the parents to determine:

1. If the conduct in question was caused by, or had a direct and substantial relationship to, the Child's disability; or

2. If the conduct in question was the direct result of the LEA's failure to implement the IEP.

(b) The conduct must be determined to be a manifestation of the child's disability if the LEA, the parent and relevant members of the child's IEP Team determine that the conduct in question was caused by, or had a direct and substantial relationship to, the child's disability; or the conduct in question was the direct result of the LEA's failure to implement the IEP.

(c) If the LEA, the parent and the relevant members of the child's IEP Team determines the conduct in question was a direct result of the failure of the LEA to implement the IEP, the LEA must take immediate steps to remedy those deficiencies.

(4) Determination that behavior was a manifestation.

(a) If the LEA, the parent and relevant members of the IEP Team make the determination that the conduct was a manifestation of the child's disability, the IEP Team must either:

1. Conduct a functional behavioral assessment, unless the LEA had conducted a functional behavioral assessment before the behavior that resulted in the change of placement occurred, and implement a behavioral intervention plan for the child; or

2. If a behavioral intervention plan already has been developed, review the behavioral intervention plan, and modify it, as necessary, to address the behavior, and except as provided in paragraph (5) below, return the child to the placement from which the child was removed, unless the parent and the LEA agree to a change of placement as part of the modification of the behavioral intervention plan.

(5) Special circumstances.

(a) School personnel may remove a child to an interim alternative educational setting for not more than 45 school days without regard to whether the behavior is determined to be a manifestation of the child's disability, if the child :

1. Carries a weapon to or possesses a weapon at school, on school premises, or at a school function under the jurisdiction of the State or the LEA;

2. Knowingly possesses or uses illegal drugs, or sells or solicits the sale of a controlled substance, while at school, on school premises, or to a school function under the jurisdiction of the State or the LEA ; or

3. Has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function under the jurisdiction of the State or the LEA.

(b) The interim alternative educational setting is determined by the IEP Team.

(6) Notification.

(a) On the date on which the decision is made to make a removal that constitutes a change of placement of a child with a disability because of a violation of a code of child conduct, the LEA must notify the parents of that decision, and provide the parents the procedural safeguards notice described in Rule 160-4-7-.09 Procedural Safeguards.

(7) Definitions.

For purpose of this section, the following definitions apply:

(a) Controlled substance - a drug or other substance identified under schedules I, II, III, IV, or V in section 202(c) of the Controlled Substances Act (21 U.S.C. 812(c)).

(b) Illegal drug - a controlled substance ; but does not include a controlled substance that is legally possessed or used under the supervision of a licensed health-care professional or that is legally

possessed or used under any other authority under that Act or under any other provision of Federal law.

(c) Serious bodily injury - has the meaning given the term "serious bodily injury" under paragraph (3) of subsection (h) of section 1365 of title 18, United States Code.

(d) Weapon - has the meaning given the term "dangerous weapon" under paragraph (2) of the first subsection (g) of section 930 of title 18, United States Code.

#### (8) Appeal

(a) The parent of a child with a disability who disagrees with any decision regarding placement or the manifestation determination under this Rule, or an LEA that believes that maintaining the current placement of the child is substantially likely to result in injury to the child or others, may appeal the decision by requesting a hearing. The hearing is requested by filing a due process hearing request pursuant to Rule 160-4-7-.12 Dispute Resolution.

(b) Authority of administrative law judge or hearing officer. An judge or hearing officer under Rule 160-4-7-.12 Dispute Resolution makes a determination regarding an appeal under the disagreement C.F.R. § 300.531(b)(1) administrative law hears the facts and in (8)(a) above.

1. In making a determination under this Rule, the administrative law judge or hearing officer may:

(i) Return the child with a disability to the placement from which the child was removed if the administrative law judge or hearing officer determines that the removal was a violation of this Rule or that the child's behavior was a manifestation of the child's disability; or

(ii) Order a change of placement of the child with a disability to an appropriate interim alternative educational setting for not more than 45 school days if the administrative law judge or hearing officer determines that maintaining the current placement of the child is substantially likely to result in injury to the child or to others.

(c) These appeal procedures may be repeated, if the LEA believes that returning the child to the original placement is substantially likely to result in injury to the child or to others.

(d) Expedited due process hearing. Whenever a hearing is requested under paragraph (8)(a) this Rule, the parents or the LEA involved in the dispute must have an opportunity for an impartial due process hearing consistent with Rule 160-4-7-.12 Dispute Resolution, except as provided in (d) 1 and 2 below.

1. The State is responsible for arranging the expedited due process hearing, which must occur within 20 school days of the date the complaint requesting the hearing is filed. The administrative law judge or hearing officer must make a determination within 10 school days after the hearing.

2. Unless the parents and LEA agree in writing to waive the resolution meeting described in Rule 160-4-7-.12 Dispute Resolution or agree to use the mediation process described in the same Rule:

(a) A resolution meeting must occur within seven days of receiving notice of the due process hearing request/complaint; and

(b) The due process hearing may proceed unless the matter has been resolved to the satisfaction of both parties within 15 days of the receipt of the due process hearing request/complaint.

(c) The decisions on expedited due process hearings are appealable consistent with Rule 160-4-7-.12 Dispute Resolution.

#### (9) Placement during appeals.

(a) When an appeal under this Rule has been made by either the parent or the LEA, the child must remain in the interim alternative educational setting pending the decision of the administrative law judge or hearing officer or until the expiration of the 45 school day time period provided for in this Rule, section 5, Special Circumstances, whichever comes first, unless the parent and the LEA agree otherwise.

(10) Protections for children not yet eligible for special education and related services.

(a) A child who has not been determined to be eligible for special education and related services and who has engaged in behavior that violated a code of student conduct, may assert any of the protections provided for in this Rule if the LEA had knowledge (as determined in accordance with this Rule) that the child was a child with a disability before the behavior that precipitated the disciplinary action occurred.

1. An LEA must be deemed to have knowledge that a child is a child with a disability if before the behavior that precipitated the disciplinary action occurred -

(i) The parent of the child expressed concern in writing to supervisory or administrative personnel of the appropriate educational agency or a teacher of the child, that the child is in need of special education and related services;

(ii) The parent of the child requested an evaluation of the child pursuant to Rule 160-4-7- .04 Eligibility Determinations and Criteria; or

(iii) The teacher of the child or other personnel of the LEA expressed specific concerns about a pattern of behavior demonstrated by the child directly to the director of special education of the LEA or to other supervisory personnel of the LEA.

2. A n LEA would not be deemed to have knowledge that a child is a child with a disability if the parent of the child has not allowed an evaluation of the child or has refused services or the child has been evaluated and determined not to be a child with a disability as described in Rule 160-4-7- .04 Eligibility Determinations and Criteria.

3. If an LEA does not have knowledge that a child is a child with a disability prior to taking disciplinary measures against the child, the child may be subjected to the disciplinary measures applied to children without disabilities who engaged in comparable behaviors.

4. If a request is made for an evaluation of a child during the time period in which the child is subjected to disciplinary measures, the evaluation must be conducted in an expedited manner. Until the evaluation is completed, the child remains in the educational placement determined by school authorities, which can include suspension or expulsion without educational services. If the child is determined to be a child with a disability, taking into consideration information from the evaluation conducted by the agency and the information provided by the parents, the agency must provide special education and related services.

(11) Referral to and action by law enforcement and judicial authorities.

(a) Nothing in this Rule prohibits a LEA from reporting a crime committed by a child with a disability to appropriate authorities or prevents State law enforcement or judicial authorities from exercising their responsibilities with regard to the application of Federal and State law to crimes committed by a child with a disability.

(b) A LEA reporting a crime committed by a child with a disability must ensure that copies of the special education and disciplinary records of the child are transmitted for consideration by the appropriate authorities to whom the agency reports the crime.

(c) A LEA reporting a crime under this Rule may transmit copies of the child's special education and disciplinary records only to the extent that the transmission is permitted by the Family Educational Rights and Privacy Act.

(12) Change of placement because of disciplinary removals.

(a) For purposes of removals of a child with a disability from the child's current educational placement under this Rule, a change in placement occurs if:

1. The removal is for more than 10 consecutive school days, o r

2. The child has been subjected to a series of removals that constitute a pattern -

- (i) Because the series of removals total more than 10 school days in a school year;
  - (ii) Because the child's behavior is substantially similar to the child's behavior in previous incidents that resulted in the series of removals, and;
  - (iii) Because of such additional factors as the length of each removal, the total amount of time the child has been removed, and the proximity of the removals to one another.
- (b) The L EA determines on a case-by-case basis whether a pattern of removals constitutes a change of placement.
1. This determination is subject to review through due process hearings and judicial proceedings.

**160-4-8-.15. Student discipline.**

(2) Requirements.

- (f) It is the preferred policy of the board that disruptive students are placed in alternative education settings in lieu of being suspended or expelled.
- (g) Local board policies shall require the filing of a report by a teacher documenting a student's violation of the student code of conduct which repeatedly or substantially interferes with the teacher's ability to communicate effectively with the students in his or her class or with the ability of such student's classmates to learn within one school day of the most recent occurrence of such behavior. The report shall be filed with the principal or principal's designee, shall not exceed one page, and shall describe the behavior. The principal or principal's designee shall, within one day of receiving such report, send to the student's parents or guardians a copy of the report, and information regarding how the principal or principal's designee may be contacted.
- (h) The principal or the principal's designee shall send written notification to the teacher and to the student's parents or guardians of the student support services being utilized or the disciplinary action taken within one school day and shall make a reasonable attempt to confirm receipt of such written notification by the student's parents or guardians. Written notification shall include information regarding how student's parents or guardians may contact the principal or principal's designee.
- (i) Each local board of education shall observe Georgia law in developing and implementing disciplinary hearings held by a disciplinary hearing officer, disciplinary panel, or disciplinary tribunal pursuant to O.C.G.A. § 20-2-751 through § 20-2-758 including the ability to honor disciplinary orders of private schools and other public schools/school systems pursuant to O.C.G.A. § 20-2-751.2.
  1. Disciplinary hearings shall be held no later than ten school days after the beginning of the student's suspension unless the school system and parents or guardians mutually agree to an extension.
  2. Any teacher who is called as a witness by the school system shall be given notice no later than three days prior to the hearing.

**In-school suspension**

**LAWS**

No relevant laws found.

**REGULATIONS**

**160-4-8-.12. Alternative/Non-traditional education programs.**

(1) Definitions.

- (j) In-School Suspension program – any program that serves the instructional needs of students who have been suspended from his/her regular classroom for a maximum of ten consecutive days.

## Return to school following removal

### LAWS

#### **20-2-738. Authority of teacher over classroom; procedures following removal of student from classroom; placement review committees.**

(c) If a teacher removes a student from class pursuant to subsection (b) of this Code section, the principal or the principal's designee shall discuss the matter with the teacher and the student by the end of the school day on which such removal occurs or at the beginning of the next school day. The principal or the principal's designee shall give the student oral or written notice of the grounds for his or her removal from class and, if the student denies engaging in such conduct, the principal or the principal's designee shall explain the evidence which supports his or her removal from class and give the student an opportunity to present his or her explanation of the situation. If, after such discussions, the principal or the principal's designee seeks to return the student to the teacher's class and the teacher gives his or her consent, the student shall be returned to the class, and the principal or the principal's designee may take action to discipline the student, as may be warranted, pursuant to paragraph (1) of subsection (e) of this Code section. If, after such discussions, the principal or the principal's designee seeks to return the student to the teacher's class and the teacher withholds his or her consent to the student's return to his or her class, the principal or the principal's designee shall determine an appropriate temporary placement for the student by the end of the first school day following such removal and shall also take steps to convene a meeting of a placement review committee. The placement review committee shall convene by the end of the second school day following such removal by the teacher and shall issue a decision by the end of the third school day following such removal by the teacher. An appropriate temporary placement for the student shall be a placement that, in the judgment of the principal or the principal's designee, provides the least interruption to the student's education and reflects other relevant factors, including, but not limited to, the severity of the behavior that was the basis for the removal, the student's behavioral history, the student's need for support services, and the available education settings; provided, however, that the student shall not be returned to the class of the teacher who removed him or her, as an appropriate temporary placement, unless the teacher gives his or her consent. The temporary placement shall be in effect from the time of removal until the decision of the placement review committee is issued or, if applicable, a placement determination is made pursuant to paragraph (2) of subsection (e) of this Code section.

(d) Local board policies adopted pursuant to Code Section 20-2-735 shall provide for the establishment at each school of one or more placement review committees, each of which is to be composed of three members, to determine the placement of a student when a teacher withholds his or her consent to the return of a student to the teacher's class. For each committee established, the faculty shall choose two teachers to serve as members and one teacher to serve as an alternate member, and the principal shall choose one member of the professional staff of the school to serve as a member. The teacher withholding consent to readmit the student may not serve on the committee. The placement review committee shall have the authority to:

- (1) Return the student to the teacher's class upon determining that such placement is the best alternative or the only available alternative; or
- (2) Refer the student to the principal or the principal's designee for appropriate action consistent with paragraph (2) of subsection (e) of this Code section.

The decision of the placement review committee shall be in writing and shall be made within three school days after the teacher withholds consent to the return of a student. Local boards of education shall provide training for members of placement review committees regarding the provisions of this subpart,

including procedural requirements; local board policies relating to student discipline; and the student code of conduct that is applicable to the school.

(e) (1) If a placement review committee decides to return a student to a class from which he or she was removed, the principal or the principal's designee shall implement such decision of the placement review committee. In addition, the principal or the principal's designee may, consistent with any applicable procedural requirements of the Constitutions of the United States and this state and after considering the use of any appropriate student support services, take any of the following actions which are authorized as a response to the alleged violation of the student code of conduct by local board policies adopted pursuant to Code Section 20-2-735:

- (A) Place the student in an alternative education program;
- (B) Impose out-of-school suspension for not more than ten school days, including any time during which the student was subject to out-of-school suspension after his or her removal from class pursuant to subsection (b) of this Code section; or
- (C) Make another disciplinary decision or recommendation consistent with local board policy.

**20-2-766. Students returning from expulsion or suspension; notice to parents; conference with principal or teacher to devise disciplinary and behavioral correction plan.**

Before any chronic disciplinary problem student is permitted to return from an expulsion or suspension, the school to which the student is to be readmitted shall request by telephone call and by either certified mail or statutory overnight delivery with return receipt requested or first-class mail at least one parent or guardian to schedule and attend a conference with the principal or his or her designee to devise a disciplinary and behavioral correction plan. Failure of the parent or guardian to attend shall not preclude the student from being readmitted to the school. At the discretion of the principal, a teacher, counselor, or other person may attend the conference. The principal shall ensure that a notation of the conference is placed in the student's permanent file.

**REGULATIONS**

No relevant regulations found.

**Use of restraint and seclusion**

**LAWS**

No relevant laws found.

**REGULATIONS**

**160-5-1-.35 Seclusion and restraint for all students.**

(1) Definitions

- (a) Chemical restraint - any medication that is used to control behavior or restrict the student's freedom of movement that is not a prescribed treatment for the student's medical or psychiatric condition. Use of chemical restraint is prohibited in Georgia public schools and educational programs.
- (b) Mechanical restraint - the use of any device or material attached to or adjacent to a student's body that is intended to restrict the normal freedom of movement and which cannot be easily removed by the student. The term does not include an adaptive or protective device recommended by a physician or therapist when used as recommended by the physician or therapist to promote normative body positioning and physical functioning, and/or to prevent self injurious behavior. The term also does not

include seatbelts and other safety equipment when used to secure students during transportation. Use of Mechanical restraint is prohibited in Georgia public schools and educational programs.

(c) Physical restraint - direct physical contact from an adult that prevents or significantly restricts a student's movement. The term physical restraint does not include prone restraint, mechanical restraint, or chemical restraint. Additionally, physical restraint does not include: providing limited physical contact and/or redirection to promote student safety, providing physical guidance or prompting when teaching a skill, redirecting attention, providing guidance to a location, or providing comfort.

(d) Prone restraint - a specific type of restraint in which a student is intentionally placed face down on the floor or another surface, and physical pressure is applied to the student's body to keep the student in the prone position. Use of prone restraint is prohibited in Georgia public schools and educational programs.

(e) Seclusion - a procedure that isolates and confines the student in a separate area until he or she is no longer an immediate danger to himself/herself or others. The seclusion occurs in a specifically constructed or designated room or space that is physically isolated from common areas and from which the student is physically prevented from leaving. Seclusion may also be referred to as monitored seclusion, seclusion timeout, or isolated timeout. Seclusion does not include situations in which a staff member trained in the use of de-escalation techniques or restraint is physically present in the same unlocked room as the student, time-out as defined in paragraph (1)(g) of this rule, in-school suspension, detention, or a student-requested break in a different location in the room or in a separate room. Use of seclusion is prohibited in Georgia public schools and educational programs.

(g) Time-out – a behavioral intervention in which the student is temporarily removed from the learning activity but in which the student is not confined.

## (2) Requirements.

(a) The use of seclusion is prohibited in Georgia public schools and educational programs.

(b) The use of prone restraint is prohibited in Georgia public schools and educational programs.

(c) The use of mechanical restraint is prohibited in Georgia public schools and educational programs.

(d) The use of chemical restraint is prohibited in Georgia public schools and educational programs.

(e) The use of physical restraint is prohibited in Georgia public schools and educational programs except in those situations in which the student is an immediate danger to himself or others and the student is not responsive to less intensive behavioral interventions including verbal directives or other de-escalation techniques.

1. Notwithstanding the foregoing, physical restraint is prohibited in Georgia public schools and educational programs:

(i) as a form of discipline or punishment,

(ii) when the student cannot be safely restrained, and

(iii) when the use of the intervention would be contraindicated due to the student's psychiatric, medical, or physical conditions as described in the student's educational records.

(f) All physical restraint must be immediately terminated when the student is no longer an immediate danger to himself or others or if the student is observed to be in severe distress.

(g) Schools and programs that use physical restraint in accordance with paragraph (2)(e) of this rule must develop and implement written policies to govern the use of physical restraint. Parents must be provided information regarding the school or program's policies governing the use of physical restraint. The written policies must include the following provisions:

1. Staff and faculty training on the use of physical restraint and the school or programs policy and procedures,

2. Written parental notification when physical restraint is used to restrain their student within a reasonable time not to exceed one school day from the use of restraint,
3. Procedures for observing and monitoring the use of physical restraint.
4. The use of physical restraint to be documented by staff or faculty participating in or supervising the restraint for each student in each instance in which the student is restrained.
5. Procedures for the periodic review of the use of restraint and the documentation described in paragraph (2)(g)(4).

(h) Schools and programs that use physical restraints in accordance with paragraph (2)(e) of this rule, must ensure that staff and faculty are trained in the use of physical restraint. This training shall be provided as a part of a program which addresses a full continuum of positive behavioral intervention strategies as well as prevention and deescalation techniques. Schools and programs must maintain written or electronic documentation on training provided and the list of participants in each training. Records of such training must be made available to the Georgia Department of Education or any member of the public upon request.

(i) Nothing in this rule shall be construed to interfere with a school system, school or program, or school or program employee's authority to utilize time-out as defined in paragraph (1)(g) of this rule or any other classroom management technique or approach, including a student's removal from the classroom, that is not specifically addressed in this rule.

(j) Nothing in this rule shall be construed to prohibit a school system, school, or program employee from taking appropriate action to diffuse a student fight or altercation.

(k) Nothing in this rule shall be construed to eliminate or restrict the ability of an employee of a school system, school or program to use his or her discretion in the use of physical restraint to protect students or others from imminent harm or bodily injury. Nothing in this rule shall be construed to impose ministerial duties on individual employees of a school system, school or program when acting to protect students or others from imminent harm or bodily injury.

## Alternative placements

### LAWS

#### **20-2-738. Authority of teacher over classroom; procedures following removal of student from classroom; placement review committees.**

(e) (1) If a placement review committee decides to return a student to a class from which he or she was removed, the principal or the principal's designee shall implement such decision of the placement review committee. In addition, the principal or the principal's designee may, consistent with any applicable procedural requirements of the Constitutions of the United States and this state and after considering the use of any appropriate student support services, take any of the following actions which are authorized as a response to the alleged violation of the student code of conduct by local board policies adopted pursuant to Code Section 20-2-735:

(A) Place the student in an alternative education program;

(2) If a placement review committee decides not to return a student to a class from which he or she was removed, the principal or the principal's designee shall implement such decision of the placement review committee. In addition, the principal or the principal's designee shall determine an appropriate placement for the student and may take action to discipline the student, in a manner consistent with any applicable procedural requirements of the Constitutions of the United States and this state and after considering the use of any appropriate student support services, as follows, provided that the

placement or disciplinary action is authorized as a response to the alleged violation of the student code of conduct by local board policies adopted pursuant to Code Section 20-2-735:

- (A) Place the student into another appropriate classroom or an alternative education program;
- (C) Make another placement or disciplinary decision or recommendation consistent with local board policy; or
- (D) Implement or recommend any appropriate combination of the above and return the student to the class from which he or she was removed upon the completion of any disciplinary or placement action taken pursuant to this paragraph.

**20-2-751.1. Expulsion and disciplinary policy for students bringing weapons to school.**

(b) A hearing officer, tribunal, panel, superintendent, or local board of education shall be authorized to place a student determined to have brought a firearm, dangerous weapon, or hazardous object to school in an alternative educational setting.

**20-2-751.4. Policies prohibiting bullying; assignment to alternative school; notice.**

(b) No later than August 1, 2011:

- (1) Each local board of education shall adopt a policy that prohibits bullying of a student by another student and shall require such prohibition to be included in the student code of conduct for schools in that school system;
- (2) Each local board policy shall require that, upon a finding by the disciplinary hearing officer, panel, or tribunal of school officials provided for in this subpart that a student in grades six through 12 has committed the offense of bullying for the third time in a school year, such student shall be assigned to an alternative school;

**20-2-767. Definitions.**

As used in this subpart, the term:

- (1) "Expulsion" means expulsion of a student from a public school beyond the current school quarter or semester.
- (2) "Suspension" means the short-term suspension of a student from a public school for not more than ten days or long-term suspension for more than ten days pursuant to Code Section 20-2-751.

**20-2-768. Expulsion or suspension of students for felonies; alternative educational system; policy.**

(a) Each local board of education is authorized to refuse to readmit or enroll any student who has been suspended or expelled for being convicted of, being adjudicated to have committed, being indicted for, or having information filed for the commission of any felony or any delinquent act under Code Section 15-11-602 and 15-11-707 which would be a felony if committed by an adult. If refused readmission or enrollment, the student or the student's parent or legal guardian has the right to request a hearing pursuant to the procedures provided for in Code Section 20-2-754.

(b) A hearing officer, tribunal, panel, superintendent, or local board of education shall be authorized to place a student denied enrollment in a local school system under subsection (a) of this Code section in an alternative educational system as appropriate and in the best interest of the student and the education of other students within the school system.

(c) It is the policy of this state that it is preferable to reassign disruptive students to alternative educational settings rather than to suspend or expel such students from school.

## REGULATIONS

### **160-4-7-.10. Discipline.**

#### (2) Authority of school personnel.

(b) School personnel may remove a child with a disability who violates a code of student conduct from his or her current placement to an appropriate interim alternative educational setting, another setting or suspension, for not more than 10 consecutive school days (to the extent those alternatives are applied to children without disabilities), and for additional removals of not more than 10 consecutive school days in that same school year for separate incidents of misconduct ( as long as those removals do not constitute a change of placement under this Rule).

(c) After a child with a disability has been removed from his or her current placement for 10 school days in the same school year, during any subsequent days of removal the LEA must provide services to the extent required under this Rule.

(d) For disciplinary changes in placement that would exceed 10 consecutive school days, if the behavior that gave rise to the violation of the school code is determined not to be a manifestation of the child's disability under this Rule, school personnel may apply the relevant disciplinary procedures to children with disabilities in the same manner and for the same duration as the procedures would be applied to children without disabilities except as provided in (e) of this Rule.

(e) Services. A child with a disability who is removed from his or her current placement for more than 10 consecutive school days must:

1. Continue to receive educational services, as provided in Rule 160-4-7-.02 Free and Appropriate Public Education, so as to enable the child to continue to participate in the general educational curriculum, although in another setting, and to progress toward meeting the goals set out in the child's IEP ; and
2. Receive, as appropriate, a functional behavioral assessment and behavioral intervention services and modifications as set forth in the behavioral intervention plan and IEP, where appropriate, that are designed to address the behavior violation so it does not recur.
3. The LEA is only required to provide services during periods of removal to a child with a disability who has been removed from his or her current placement for 10 school days or less in that school year, if services are provided to a child without disabilities who has been similarly removed.
4. After a child with a disability has been removed from his or her current placement for 10 school days in the same school year, if the current removal is not for more than 10 consecutive school days and is not a change in placement because of disciplinary removals, school personnel, in consultation with at least one of the child's teachers, determine the extent to which services are needed in order to provide a free, appropriate public education, so as to enable the child to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals set out in the child's IEP.
5. If the removal is for more than 10 consecutive school days or is a change in placement because of disciplinary removals, the child's IEP Team determines appropriate services needed in order to provide a free, appropriate public education, so as to enable the child to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals set out in the child's IEP.
6. The services required in (e) may be provided in an interim alternative educational setting.

#### (9) Placement during appeals.

(a) When an appeal under this Rule has been made by either the parent or the LEA, the child must remain in the interim alternative educational setting pending the decision of the administrative law judge

or hearing officer or until the expiration of the 45 school day time period provided for in this Rule, section 5, Special Circumstances, whichever comes first, unless the parent and the LEA agree otherwise

**160-4-8-.12. Alternative/Non-traditional education programs.**

(1) Definitions.

- (a) Alternative/ Non-traditional Education Program - an Alternative/Nontraditional Education Program that operates in affiliation with a school(s). A program does not report Full-Time Equivalent (FTE) or receive an Adequate Yearly Progress (AYP) designation. Achievement data for students enrolled in the program are reported back to the school where the student is reported for FTE. The program may be housed within a school, on the same site, or at a different location. Adherence to all requirements as stated in SBOE Rule 160-4-8-.17 Case management consultation for agency placed transfer students is required. Programs may include Attendance Recovery, Credit Recovery, Disciplinary Program, Early College, Evening School, and Open Campus.
- (b) Alternative/Non-traditional Education School - an Alternative/Nontraditional Education School has an official school code and serves as the home school for students enrolled. The school receives an AYP designation; reports FTE counts for all enrolled students; and earns Quality Basic Education (QBE) formula funds directly. Adherence to all requirements as stated in SBOE Rule 160-4-8-.17 Case management consultation for agency placed transfer students is required.
- (c) Attendance Recovery Program - a type of alternative/non-traditional program designed to allow students the opportunity to make-up an absence(s) by attending a program outside the normal school day (e.g., Saturday program) that provides the equivalent instructional time and curriculum for the time the student was absent within the current academic year.
- (d) Community-based Alternative Education/Non-traditional Program - a type of Alternative Education /Non-traditional Program where students are engaged in educationally relevant and meaningful learning experiences in the school and larger community. The academic curriculum is integrated into work-based learning and structured work experiences utilizing partnerships among business, industry, government, community, and school, including Performance Learning Centers.
- (e) Credit Recovery Program - a type of alternative/non-traditional program designed to allow students the opportunity to retake a course that he/she previously did not earn credits toward graduation.
- (f) Educational Management Organization - any type of alternative/nontraditional program or school operated by a private vendor. The program or school may operate on or off campus.
- (g) Facility and School Registry (FSR) – a database for the creation of all site, facility, school and program codes.
- (h) Georgia Department of Education (GaDOE) – the state agency charged with the fiscal and administrative management of certain aspects of K-12 public education; including the implementation of federal and state mandates. Such management is subject to monitoring and oversight by the State Board of Education.
- (i) Georgia Professional Standards Commission – a government agency, separate from the Georgia Department of Education, with the central responsibility for establishing a certification/licensure process for educational personnel in Georgia.
- (j) In-School Suspension program – any program that serves the instructional needs of students who have been suspended from his/her regular classroom for a maximum of ten consecutive days.
- (k) Local Educational Agency (LEA) – local school system pursuant to local board of education control and management.

(l) Sparsity Grant – grant provided to each LEA that is unable to offer its students or a portion of its students educational programs and services comparable to those which are typically being offered to students in this state. The inability to offer students comparable programs and services is attributable, at least in part, to the fact that the LEA has full-time equivalent counts less than base size specified in state law.

(2) Requirements.

(a) Each LEA shall provide an Alternative/Non-traditional Education Program/School to serve students in grades 6-12 with appropriate due process, who have been suspended from his or her regular classroom.

(b) Each LEA may provide an Alternative/Non-traditional Education Program/School to serve students who are eligible to remain in his or her regular classroom but are more likely to succeed in a non-traditional educational setting.

(c) Each LEA may provide an Alternative Education/Non-traditional Program/School jointly with one or more other LEAs.

(d) Each LEA may contract with Educational Management Organizations to provide a Non-traditional/Alternative Education Program/School. If contracting with an Educational Management Organization to provide Non-traditional/Alternative Education Program(s)/School(s), the LEA must:

1. Ensure that no federal or state funding of any kind disbursed by GaDOE is expended on any resources, educational or otherwise, for any student not pursuing a Georgia High School Diploma or Special Education Diploma as defined by SBOE Rules and state law.
2. Maintain and report to GaDOE annually by a date established by GaDOE the Georgia Testing Identifier (GTID) of each student served in Nontraditional/Alternative Education Programs and Schools operated by Educational Management Organizations.
3. Maintain and report to GaDOE annually by a date established by the department the GTID of each student who transferred from the Full-Time Equivalent (FTE) reporting school to the private school operated by the Educational Management Organization prior to receiving a Georgia high school diploma.

(e) A LEA may use Sparsity grant funds for all Alternative/Non-traditional Education Program(s)/School(s). Funds must be used exclusively for salaries and benefits for certified positions and assistants/paraprofessionals working in the Alternative/Non-traditional Education Program/School.

(f) Each LEA shall ensure that all Alternative/Non-traditional Education Program(s)/School(s) only provide curriculum aligned to Georgia Performance Standards (GPS). Curriculum may be delivered through Computer Assisted Instruction and On-line courses.

(g) Each LEA shall ensure that all Alternative/Non-traditional Education Programs/Schools provide standardized testing as specified in SBOE Rule 160-3-1-.07 Testing programs - student assessment.

(h) Each LEA shall ensure that all Alternative/Non-traditional Education Programs/Schools provide counseling services to enable the student to make academic progress.

(i) Each LEA shall ensure that all Alternative/Non-traditional Education Programs/Schools operate in full compliance with federal and state laws and State Board Rules governing special education students and students with special needs.

(j) Each LEA shall ensure that all Alternative/Non-traditional Education Programs/Schools provide teachers that meet the requirements of the Georgia Professional Standards Commission in all classes. Paraprofessionals may be used to staff In-school Suspension programs as provided by law or regulation.

- (k) Each LEA shall ensure that all Alternative/Non-traditional Education Programs/Schools adhere to class size maximum as stated in SBOE Rule 160-5-1-.08 Class size.
- (l) Each LEA shall ensure that all Alternative/Non-traditional Education Programs/Schools provide courses that will satisfy state and local requirements for meeting grade level requirements for obtaining a Georgia High School Diploma.
- (m) Each LEA shall allocate to all Alternative/Non-traditional Education Programs/Schools the same expenditure per segment(s) based on what the student earns at his or her Full Time Equivalent reporting school. These funds include federal and state funds allocated to the LEA for the student.
- (n) For students in grades 9-12, each LEA may award course credit based on the student's demonstrated competency on course examination(s) for course work completed while enrolled in the Alternative/Non-traditional Education Program/School in lieu of the 150/135 clock hours of instruction as required by SBOE rules. Each Alternative/Non-traditional Education Program/School shall adhere to all instructional time requirements for all other grades.
- (o) For students in grades 9-12, each LEA may determine the length of time students will be in classes in the Alternative/Non-traditional Education Program(s)/School(s) in lieu of the requirement of as specified in SBOE Rule 160-5-1-.02. Each Alternative/ Non-traditional Education Program/School shall adhere to all instructional time requirements for all other grades.
- (3) Reporting requirements.
- (a) Each LEA shall adhere to all reporting requirements established by SBOE Rule 160-5-1-.07 Student data collection.
- (b) Each LEA shall ensure that all Alternative/Non-traditional Education Program(s)/School(s) report to GaDOE both the number of actual absences (excused and unexcused) that students served by the Attendance Recovery Program incurred during the school year and the number of absences the students served by the Attendance Recovery Program recovered during the same school year.
- (c) Each LEA shall submit official requests for state entity (facility/school/program codes for the Alternative/Non-traditional Education Program/School) through the Facility and School Registry (FSR).
- (4) School improvement plan.
- (a) Each LEA shall maintain and report to GaDOE a school improvement plan for each of its Alternative/Non-traditional Education Programs/Schools annually by a date established by GaDOE.
- (b) Each Alternative/Non-traditional Education Program/School school improvement plan shall meet the requirements established by GaDOE and contained in the Alternative Education Program Standards.
- (c) Each Alternative/Non-traditional Education Program/School school improvement plan must demonstrate how the Alternative /Non- traditional Education Program/School modified SBOE rules, including, but not limited to, methods to measure competency as well as what is defined as a full school day.
- (d) Each LEA should seek public and parental input on each Alternative/Nontraditional Education Program/School school improvement plan prior to submitting the plan to GaDOE.
- (e) Alternative/Non-traditional Education Program/School school improvement plans shall be presented to the LEA's Local Board of Education at a regularly scheduled public meeting and published on the LEA's website for the duration of the plan. For those stakeholders that may not have access to the Internet, the LEA shall make copies available upon request in accordance with the state's Open Records law (O.C.G.A § 50-18-70).
- (f) Each Alternative/Non-traditional Education Program/School school improvement plan will be evaluated by GaDOE based on demonstrated elements and requirements as specified by GaDOE in the Alternative Education Program Standards.

### **160-4-8-.16. Unsafe School Choice Option (USCO).**

#### (1) Definitions.

(a) Corrective action plan – a written plan developed by a local school system and adopted by the local board of education for a public school that is identified as a persistently dangerous school for the purpose of remedying the causes that result in this school being identified as persistently dangerous.

(b) Jurisdiction of a public school – events that are sponsored by a public school and that occur away from the property of a public school over which the public school has direct control or authority.

(c) Official action – an official tribunal held by the school system; a hearing conducted by a disciplinary hearing officer of the school system (O.C.G.A. § 20-2-752 through § 20-2-758); through a waiver process; through an action of the local board of education; or for non-felony drug offenses that result in placement in a drug intervention program.

(d) Persistently dangerous school – a public school in which for each of three consecutive years on the property of the public school, or at an event within the jurisdiction of a public school, or at a school sponsored event:

1. At least one student enrolled in that school is found by official action to have committed an offense in violation of a school rule that involved one or more of the following criminal offenses.

- (i) Aggravated battery (O.C.G.A. § 16-5-24)
- (ii) Aggravated child molestation (O.C.G.A. § 16-6-4)
- (iii) Aggravated sexual battery (O.C.G.A. § 16-6-22.2)
- (iv) Aggravated sodomy (O.C.G.A. § 16-6-2)
- (v) Armed robbery (O.C.G.A. § 16-8-41)
- (vi) Arson – first degree (O.C.G.A. § 16-7-60)
- (vii) Kidnapping (O.C.G.A. § 16-5-40)
- (viii) Murder (O.C.G.A. § 16-5-1)
- (ix) Rape (O.C.G.A. § 16-6-1)
- (x) Voluntary manslaughter (O.C.G.A. § 16-5-2)

or

2. Two percent or more of the student population or ten students, whichever is greater, are found by official action to have committed an offense in violation of a school rule that involved one or more of the following offenses:

- (i) Non-felony drugs (O.C.G.A. § 16-13-2)
- (ii) Felony drugs (O.C.G.A. §§ 16-13-30; 16-13-31; 16-13-32.4)
- (iii) Felony weapons (O.C.G.A. § 16-11-127.1)
- (iv) Terroristic threats (O.C.G.A. § 16-11-37)

or

3. Any combination of paragraphs (1)(d)1. or (1)(d)2.

(e) Property of a public school – Any building, land, school bus, or other vehicular equipment owned or leased by the local school system.

(f) Student population – the unduplicated October full-time equivalent (FTE) count.

(g) Unsafe School Choice Option (USCO) – the process of allowing students who attend a persistently dangerous public school or students who become victims of a violent criminal offense while on the property of a public school in which they are enrolled to transfer to a safe public school.

(h) Victim – a person against whom a violent criminal offense has been committed and whose perpetrator has been found by official action to be in violation of a school rule related to the violent criminal offense.

(i) Violent criminal offense – for the purposes of this rule, the following felony transgressions of law as defined in state statute, including aggravated battery (O.C.G.A. § 16-5-24), aggravated child molestation (O.C.G.A. § 16-6-4), aggravated sexual battery (O.C.G.A. § 16-6-22.2), aggravated sodomy (O.C.G.A. § 16-6-2), armed robbery (O.C.G.A. § 16-8-41), first degree arson (O.C.G.A. § 16-7-60), felony weapons charge (O.C.G.A. § 16-11-127.1), kidnapping (O.C.G.A. § 16-5-40), murder (O.C.G.A. § 16-5-1), rape (O.C.G.A. § 16-6-1), voluntary manslaughter (O.C.G.A. § 16-5-2), or terroristic threats (O.C.G.A. § 16-11-37).

## (2) Requirements.

(a) Local school systems (LSSs) shall annually report to the Georgia Department of Education on a date and in a manner specified by the Department data regarding students found by official action to be in violation of a school rule related to a criminal offense as identified in paragraphs (1)(d)1. and (1)(d)2.

(b) The Georgia Department of Education shall identify by July 1 of each year persistently dangerous public schools using the criteria specified in paragraph (1)(d) and shall notify the LSS superintendent of such identification.

(c) The LSS shall within ten school days of notification by the Georgia Department of Education notify the parents/guardians of students enrolled in a school that has been classified as a persistently dangerous school. This parental notification shall be written in English and any other language prevalent in the student population of that school. This notification shall also specify the process adopted by the local board of education to be used for the transfer of a student to a safe public school, including a charter school, either within the school system or to one located in another school system with which the system has an agreement, upon the request of a parent/guardian or by a student if the student has reached the age of 18. Following student transfer guidelines consistent with the No Child Left Behind Act of 2001, LSSs shall allow students to transfer to a school that is making adequate yearly progress and has not been identified as being in school improvement, corrective action, or restructuring. Student transfers to safe schools within the school system or to a safe school within another school system with which the school system has an agreement shall be completed within 30 school days of the request.

(d) Any student who is the victim of a violent criminal offense that occurs on the property of a public school in which the student is enrolled, while attending a school-sponsored event that occurs on the property of a public school, or while attending an event under the jurisdiction of a public school shall be permitted to attend a safe public school, including a charter school. Each local board of education shall adopt a policy that facilitates the transfer of students who are victims of violent criminal offenses. This policy shall provide that the transfer shall occur within ten school days of the commission of the violent criminal offense, and to the extent possible, shall allow victims to transfer to a school that is making adequate yearly progress and has not been identified as being in school improvement, corrective action, or restructuring.

(e) A local board of education with one or more of its schools identified as persistently dangerous is not required to cover the cost of transportation to a safe public school beyond the levels identified by federal legislation.

(f) LSSs shall develop and local boards of education shall adopt a corrective action plan for each school identified by the Georgia Department of Education as a persistently dangerous school. The corrective action plan shall be based on an analysis of the problems faced by the school and address the issues that resulted in the school being identified as persistently dangerous. The LSS shall submit to the Georgia Department of Education for approval the corrective action plan. This plan shall be submitted

within 20 school days after the Georgia Department of Education notifies the local school system that a school has been classified as a persistently dangerous school.

1. Upon completion of its planned corrective action, a LSS may apply to the Georgia Department of Education to have the school removed from the list of persistently dangerous schools. After ensuring that all corrective action has been completed, the Georgia Department of Education shall reassess the school using the criteria for persistently dangerous schools as specified in paragraph (1)(d) of this rule.

## ***Disciplinary Approaches Addressing Specific Infractions and Conditions***

### **Firearms (as required by the Gun-Free Schools Act)**

#### **LAWS**

#### **16-11-127.1. Carrying weapons within school safety zones, at school functions, or on a bus or other transportation furnished by a school.**

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

(4) "Weapon" means and includes any pistol, revolver, or any weapon designed or intended to propel a missile of any kind, or any dirk, bowie knife, switchblade knife, ballistic knife, any other knife having a blade of two or more inches, straight-edge razor, razor blade, spring stick, knuckles, whether made from metal, thermoplastic, wood, or other similar material, blackjack, any bat, club, or other bludgeon-type weapon, or any flailing instrument consisting of two or more rigid parts connected in such a manner as to allow them to swing freely, which may be known as a nun chahka, nun chuck, nunchaku, shuriken, or fighting chain, or any disc, of whatever configuration, having at least two points or pointed blades which is designed to be thrown or propelled and which may be known as a throwing star or oriental dart, or any weapon of like kind, and any stun gun or taser as defined in subsection (a) of Code Section 16-11-106. This paragraph excludes any of these instruments used for classroom work authorized by the teacher.

(b)

(1) Except as otherwise provided in subsection (c) of this Code section, it shall be unlawful for any person to carry to or to possess or have under such person's control while within a school safety zone, at a school function, or on a bus or other transportation furnished by a school any weapon or explosive compound, other than fireworks or consumer fireworks the possession of which is regulated by Chapter 10 of Title 25.

(2) Any license holder who violates this subsection shall be guilty of a misdemeanor. Any person who is not a license holder who violates this subsection shall be guilty of a felony and, upon conviction thereof, be punished by a fine of not more than \$10,000.00, by imprisonment for not less than two nor more than ten years, or both.

(3) Any person convicted of a violation of this subsection involving a dangerous weapon or machine gun, as such terms are defined in Code Section 16-11-121, shall be punished by a fine of not more than \$10,000.00 or by imprisonment for a period of not less than five nor more than ten years, or both.

(4) A child who violates this subsection may be subject to the provisions of Code Section 15-11-601.

#### **20-2-751. Definitions.**

As used in this subpart, the term:

(1) "Dangerous weapon" shall have the same meaning as set forth in Code Section 16-11-121.

(2) "Expulsion" means expulsion of a student from a public school beyond the current school quarter or semester.

(3) "Firearm" shall have the same meaning as set forth in Code Section 16-11-127.1.

(4) "Hazardous object" means any dirk, bowie knife, switchblade knife, ballistic knife, any other knife having a blade of two or more inches, straight-edge razor, razor blade, spring stick, knuckles, whether

made from metal, thermoplastic, wood, or other similar material, blackjack, any bat, club, or other bludgeon-type weapon, or any flailing instrument consisting of two or more rigid parts connected in such a manner as to allow them to swing freely, which may be known as a nun chahka, nun chuck, nunchaku, shuriken, or fighting chain, or any disc, of whatever configuration, having at least two points or pointed blades which is designed to be thrown or propelled and which may be known as a throwing star or oriental dart, or any instrument of like kind, any nonlethal air gun, and any stun gun or taser as defined in subsection (a) of Code Section 16-11-106. Such term shall not include any of these instruments used for classroom work authorized by the teacher.

(5) "Long-term suspension" means the suspension of a student from a public school for more than ten school days but not beyond the current school quarter or semester.

(6) "Short-term suspension" means the suspension of a student from a public school for not more than ten school days.

#### **20-2-751.1. Expulsion and disciplinary policy for students bringing weapons to school.**

(a) Each local board of education shall establish a policy, pursuant to this subpart, regarding a student's possession of a firearm, dangerous weapon, or hazardous object at school. With respect to a student who is determined to have possessed a firearm or dangerous weapon at school, such policy shall require expulsion from school for a period of not less than one calendar year; provided, however, that a hearing officer, tribunal, panel, administrator, superintendent, or local board of education shall have the authority to modify such expulsion requirement on a case-by-case basis.

(b) A hearing officer, tribunal, panel, superintendent, or local board of education shall be authorized to place a student determined to have brought a firearm, dangerous weapon, or hazardous object to school in an alternative educational setting.

(c) Nothing in this Code section shall infringe on any right provided to students with Individualized Education Programs pursuant to the federal Individuals with Disabilities Education Act, Section 504 of the federal Rehabilitation Act of 1973, or the federal Americans with Disabilities Act.

#### **20-2-751.5. Student codes of conduct; safety rules on school buses; distribution.**

(a) Each student code of conduct shall contain provisions that address the following conduct of students during school hours, at school related functions, and on the school bus in a manner that is appropriate to the age of the student:

(12) Possession of a firearm, as provided for in Code Section 16-11-127.1, and possession of a dangerous weapon or hazardous object;

### **REGULATIONS**

No relevant regulations found.

### **Other weapons**

### **LAWS**

#### **16-11-127.1. Carrying weapons within school safety zones, at school functions, or on school property.**

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

(1) "Bus or other transportation furnished by a school" means a bus or other transportation furnished by a public or private elementary or secondary school.

- (2) "School function" means a school function or related activity that occurs outside of a school safety zone and is for a public or private elementary or secondary school.
- (3) "School safety zone" means in or on any real property or building owned by or leased to:
- (A) Any public or private elementary school, secondary school, or local board of education and used for elementary or secondary education; and
  - (B) Any public or private technical school, vocational school, college, university, or other institution of postsecondary education.
- (4) "Weapon" means and includes any pistol, revolver, or any weapon designed or intended to propel a missile of any kind, or any dirk, bowie knife, switchblade knife, ballistic knife, any other knife having a blade of two or more inches, straight-edge razor, razor blade, spring stick, knuckles, whether made from metal, thermoplastic, wood, or other similar material, blackjack, any bat, club, or other bludgeon-type weapon, or any flailing instrument consisting of two or more rigid parts connected in such a manner as to allow them to swing freely, which may be known as a nun chahka, nun chuck, nunchaku, shuriken, or fighting chain, or any disc, of whatever configuration, having at least two points or pointed blades which is designed to be thrown or propelled and which may be known as a throwing star or oriental dart, or any weapon of like kind, and any stun gun or taser as defined in subsection (a) of Code Section 16-11-106. This paragraph excludes any of these instruments used for classroom work authorized by the teacher.

(b)

- (1) Except as otherwise provided in subsection (c) of this Code section, it shall be unlawful for any person to carry to or to possess or have under such person's control while within a school safety zone, at a school function, or on a bus or other transportation furnished by a school any weapon or explosive compound, other than fireworks or consumer fireworks the possession of which is regulated by Chapter 10 of Title 25.
- (2) Any license holder who violates this subsection shall be guilty of a misdemeanor. Any person who is not a license holder who violates this subsection shall be guilty of a felony and, upon conviction thereof, be punished by a fine of not more than \$10,000.00, by imprisonment for not less than two nor more than ten years, or both.
- (3) Any person convicted of a violation of this subsection involving a dangerous weapon or machine gun, as such terms are defined in Code Section 16-11-121, shall be punished by a fine of not more than \$10,000.00 or by imprisonment for a period of not less than five nor more than ten years, or both.
- (4) A child who violates this subsection may be subject to the provisions of Code Section 15-11-601.

(c) The provisions of this Code section shall not apply to:

- (1) Baseball bats, hockey sticks, or other sports equipment possessed by competitors for legitimate athletic purposes;
- (2) Participants in organized sport shooting events or firearm training courses;
- (3) Persons participating in military training programs conducted by or on behalf of the armed forces of the United States or the Georgia Department of Defense;
- (4) Persons participating in law enforcement training conducted by a police academy certified by the Georgia Peace Officer Standards and Training Council or by a law enforcement agency of the state or the United States or any political subdivision thereof;
- (5) The following persons, when acting in the performance of their official duties or when en route to or from their official duties:
- (A) A peace officer as defined by Code Section 35-8-2;
  - (B) A law enforcement officer of the United States government;

- (C) A prosecuting attorney of this state or of the United States;
  - (D) An employee of the Department of Corrections or a correctional facility operated by a political subdivision of this state or the United States who is authorized by the head of such department or correctional agency or facility to carry a firearm;
  - (E) An employee of the Department of Community Supervision who is authorized by the commissioner of community supervision to carry a firearm;
  - (F) A person employed as a campus police officer or school security officer who is authorized to carry a weapon in accordance with Chapter 8 of Title 20; and
  - (G) Medical examiners, coroners, and their investigators who are employed by the state or any political subdivision thereof;
- (6) A person who has been authorized in writing by a duly authorized official of a public or private elementary or secondary school or a public or private technical school, vocational school, college, university, or other institution of postsecondary education or a local board of education as provided in Code Section 16-11-130.1 to have in such person's possession or use within a school safety zone, at a school function, or on a bus or other transportation furnished by a school a weapon which would otherwise be prohibited by this Code section. Such authorization shall specify the weapon or weapons which have been authorized and the time period during which the authorization is valid;
- (7) A person who is licensed in accordance with Code Section 16-11-129 or issued a permit pursuant to Code Section 43-38-10, when such person carries or picks up a student within a school safety zone, at a school function, or on a bus or other transportation furnished by a school or a person who is licensed in accordance with Code Section 16-11-129 or issued a permit pursuant to Code Section 43-38-10 when he or she has any weapon legally kept within a vehicle when such vehicle is parked within a school safety zone or is in transit through a designated school safety zone;
- (8) A weapon possessed by a license holder which is under the possessor's control in a motor vehicle or which is in a locked compartment of a motor vehicle or one which is in a locked container in or a locked firearms rack which is on a motor vehicle which is being used by an adult over 21 years of age to bring to or pick up a student within a school safety zone, at a school function, or on a bus or other transportation furnished by a school, or when such vehicle is used to transport someone to an activity being conducted within a school safety zone which has been authorized by a duly authorized official or local board of education as provided by paragraph (6) of this subsection; provided, however, that this exception shall not apply to a student attending a public or private elementary or secondary school;
- (9) Persons employed in fulfilling defense contracts with the government of the United States or agencies thereof when possession of the weapon is necessary for manufacture, transport, installation, and testing under the requirements of such contract;
- (10) Those employees of the State Board of Pardons and Paroles when specifically designated and authorized in writing by the members of the State Board of Pardons and Paroles to carry a weapon;
- (11) The Attorney General and those members of his or her staff whom he or she specifically authorizes in writing to carry a weapon;
- (12) Community supervision officers employed by and under the authority of the Department of Community Supervision when specifically designated and authorized in writing by the commissioner of community supervision;
- (13) Public safety directors of municipal corporations;
- (14) State and federal trial and appellate judges;
- (15) United States attorneys and assistant United States attorneys;
- (16) Clerks of the superior courts;

(17) Teachers and other personnel who are otherwise authorized to possess or carry weapons, provided that any such weapon is in a locked compartment of a motor vehicle or one which is in a locked container in or a locked firearms rack which is on a motor vehicle; or

(18) Constables of any county of this state.

(d)

(1) This Code section shall not prohibit any person who resides or works in a business or is in the ordinary course transacting lawful business or any person who is a visitor of such resident located within a school safety zone from carrying, possessing, or having under such person's control a weapon within a school safety zone; provided, however, that it shall be unlawful for any such person to carry, possess, or have under such person's control while at a school building or school function or on school property or a bus or other transportation furnished by a school any weapon or explosive compound, other than fireworks the possession of which is regulated by Chapter 10 of Title 25.

(2) Any person who violates this subsection shall be subject to the penalties specified in subsection (b) of this Code section.

(e) It shall be no defense to a prosecution for a violation of this Code section that:

(1) School was or was not in session at the time of the offense;

(2) The real property was being used for other purposes besides school purposes at the time of the offense; or

(3) The offense took place on a bus or other transportation furnished by a school.

(f) In a prosecution under this Code section, a map produced or reproduced by any municipal or county agency or department for the purpose of depicting the location and boundaries of the area of the real property of a school board or a private or public elementary or secondary school that is used for school purposes or the area of any public or private technical school, vocational school, college, university, or other institution of postsecondary education, or a true copy of the map, shall, if certified as a true copy by the custodian of the record, be admissible and shall constitute prima-facie evidence of the location and boundaries of the area, if the governing body of the municipality or county has approved the map as an official record of the location and boundaries of the area. A map approved under this Code section may be revised from time to time by the governing body of the municipality or county. The original of every map approved or revised under this subsection or a true copy of such original map shall be filed with the municipality or county and shall be maintained as an official record of the municipality or county. This subsection shall not preclude the prosecution from introducing or relying upon any other evidence or testimony to establish any element of this offense. This subsection shall not preclude the use or admissibility of a map or diagram other than the one which has been approved by the municipality or county.

(g) A county school board may adopt regulations requiring the posting of signs designating the areas of school boards and private or public elementary and secondary schools as "Weapon-free and Violence-free School Safety Zones."

(h) Nothing in this Code section shall in any way operate or be construed to affect, repeal, or limit the exemptions provided for under Code Section 16-11-130.

#### **20-2-751.1. Expulsion and disciplinary policy for students bringing weapons to school.**

(a) Each local board of education shall establish a policy, pursuant to this subpart, regarding a student's possession of a firearm, dangerous weapon, or hazardous object at school. With respect to a student who is determined to have possessed a firearm or dangerous weapon at school, such policy shall require expulsion from school for a period of not less than one calendar year; provided, however, that a hearing

officer, tribunal, panel, administrator, superintendent, or local board of education shall have the authority to modify such expulsion requirement on a case-by-case basis.

(b) A hearing officer, tribunal, panel, superintendent, or local board of education shall be authorized to place a student determined to have brought a firearm, dangerous weapon, or hazardous object to school in an alternative educational setting.

(c) Nothing in this Code section shall infringe on any right provided to students with Individualized Education Programs pursuant to the federal Individuals with Disabilities Education Act, Section 504 of the federal Rehabilitation Act of 1973, or the federal Americans with Disabilities Act.

**20-2-751.5. Student codes of conduct; safety rules on school buses; distribution.**

(a) Each student code of conduct shall contain provisions that address the following conduct of students during school hours, at school related functions, and on the school bus in a manner that is appropriate to the age of the student:

- (12) Possession of a firearm, as provided for in Code Section 16-11-127.1, and possession of a dangerous weapon or hazardous object;

**REGULATIONS**

**160-4-7-.10. Discipline.**

(5) Special circumstances.

(a) School personnel may remove a child to an interim alternative educational setting for not more than 45 school days without regard to whether the behavior is determined to be a manifestation of the child's disability, if the child :

- 1. Carries a weapon to or possesses a weapon at school, on school premises, or at a school function under the jurisdiction of the State or the LEA;
- 3. Has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function under the jurisdiction of the State or the LEA.

(7) Definitions.

For purpose of this section, the following definitions apply:

- (c) Serious bodily injury - has the meaning given the term "serious bodily injury" under paragraph (3) of subsection (h) of section 1365 of title 18, United States Code.
- (d) Weapon - has the meaning given the term "dangerous weapon" under paragraph (2) of the first subsection (g) of section 930 of title 18, United States Code.

**160-4-8-.15. Student discipline.**

(2) Requirements.

- 11. Possession of a weapon, as provided for in O.C.G.A. § 16-11-127.1;
- 20. A statement that major offenses including, but not limited to, drug and weapon offenses can lead to schools being named as an Unsafe School according to the provisions of State Board of Education Rule 160-4-8-.16 Unsafe School Choice Option.

## Students with chronic disciplinary issues

### LAWS

#### **20-2-751.5. Student codes of conduct; safety rules on school buses; distribution.**

(a) Each student code of conduct shall contain provisions that address the following conduct of students during school hours, at school related functions, and on the school bus in a manner that is appropriate to the age of the student:

- (14) Willful and persistent violation of the student code of conduct;

#### **20-2-764. Definitions.**

As used in this subpart, the term:

- (1) "Chronic disciplinary problem student" means a student who exhibits a pattern of behavioral characteristics which interfere with the learning process of students around him or her and which are likely to recur.
- (2) "Expulsion" means expulsion of a student from a public school beyond the current school quarter or semester.
- (3) "Suspension" means the short-term suspension of a student from a public school for not more than ten days or long-term suspension for more than ten days pursuant to Code Section 20-2-751.

#### **20-2-765. Notification of parent or guardian of chronic disciplinary problem student; observance of child by parent or guardian; attendance of conference with principal or teacher or both.**

Any time a teacher or principal identifies a student as a chronic disciplinary problem student, the principal shall notify by telephone call and by either certified mail or statutory overnight delivery with return receipt requested or first-class mail the student's parent or guardian of the disciplinary problem, invite such parent or guardian to observe the student in a classroom situation, and request at least one parent or guardian to attend a conference with the principal or the teacher or both to devise a disciplinary and behavioral correction plan.

#### **20-2-766. Students returning from expulsion or suspension; notice to parents; conference with principal or teacher to devise disciplinary and behavioral correction plan.**

Before any chronic disciplinary problem student is permitted to return from an expulsion or suspension, the school to which the student is to be readmitted shall request by telephone call and by either certified mail or statutory overnight delivery with return receipt requested or first-class mail at least one parent or guardian to schedule and attend a conference with the principal or his or her designee to devise a disciplinary and behavioral correction plan. Failure of the parent or guardian to attend shall not preclude the student from being readmitted to the school. At the discretion of the principal, a teacher, counselor, or other person may attend the conference. The principal shall ensure that a notation of the conference is placed in the student's permanent file.

#### **20-2-766.1. Proceeding against parents for failure to cooperate in educational programs; penalty.**

The local board of education may, by petition to the juvenile court, proceed against a parent or guardian as provided in this Code section. 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. After notice and opportunity for hearing, the court may impose a fine, not to exceed \$500.00, on a parent or guardian who willfully disobeys an order of the court entered under this

Code section. The court may use its contempt and other powers specified in Code Section 15-11-31 to enforce any order entered under this Code section.

## **REGULATIONS**

### **160-4-7-.10. Discipline.**

(12) Change of placement because of disciplinary removals.

(a) For purposes of removals of a child with a disability from the child's current educational placement under this Rule, a change in placement occurs if:

1. The removal is for more than 10 consecutive school days, or
2. The child has been subjected to a series of removals that constitute a pattern -
  - (i) Because the series of removals total more than 10 school days in a school year;
  - (ii) Because the child's behavior is substantially similar to the child's behavior in previous incidents that resulted in the series of removals, and;
  - (iii) Because of such additional factors as the length of each removal, the total amount of time the child has been removed, and the proximity of the removals to one another.

### **160-4-8-.15. Student discipline.**

(2) Requirements.

13. Willful and persistent violation of student codes of conduct;

## **Attendance and truancy**

## **LAWS**

### **20-2-690.1. Mandatory education for children between ages 6 and 16.**

(a) Mandatory attendance in a public school, private school, or home school program shall be required for children between their sixth and sixteenth birthdays. Such mandatory attendance shall not be required where the child has successfully completed all requirements for a high school diploma.

(b) Every parent, guardian, or other person residing within this state having control or charge of any child or children during the ages of mandatory attendance as required in subsection (a) of this Code section shall enroll and send such child or children to a public school, a private school, or a home study program that meets the requirements for a public school, a private school, or a home study program; and such child shall be responsible for enrolling in and attending a public school, a private school, or a home study program that meets the requirements for a public school, a private school, or a home study program under such penalty for noncompliance with this subsection as is provided in Chapter 11 of Title 15, unless the child's failure to enroll and attend is caused by the child's parent, guardian, or other person, in which case the parent, guardian, or other person alone shall be responsible; provided, however, that tests and physical exams for military service and the National Guard and such other approved absences shall be excused absences. The requirements of this subsection shall apply to a child during the ages of mandatory attendance as required in subsection (a) of this Code section who has been assigned by a local board of education or its delegate to attend an alternative public school program established by that local board of education, including an alternative public school program provided for in Code Section 20-2-154.1, regardless of whether such child has been suspended or expelled from another public school program by that local board of education or its delegate, and to the parent, guardian, or other person residing in this state who has control or charge of such child. Nothing in this Code section shall be

construed to require a local board of education or its delegate to assign a child to attend an alternative public school program rather than suspending or expelling the child.

(c) Any parent, guardian, or other person residing in this state who has control or charge of a child or children and who violates this Code section shall be guilty of a misdemeanor and, upon conviction thereof, shall be subject to a fine of not less than \$25.00 and not greater than \$100.00, imprisonment not to exceed 30 days, community service, or any combination of such penalties, at the discretion of the court having jurisdiction. Each day's absence from school in violation of this part after the child's school system notifies the parent, guardian, or other person who has control or charge of a child of five unexcused days of absence for a child shall constitute a separate offense. After two reasonable attempts to notify the parent, guardian, or other person who has control or charge of a child of five unexcused days of absence without response, the school system shall send a notice to such parent, guardian, or other person by certified mail, return receipt requested, or first-class mail. Prior to any action to commence judicial proceedings to impose a penalty for violating this subsection on a parent, guardian, or other person residing in this state who has control or charge of a child or children, a school system shall send a notice to such parent, guardian, or other person by certified mail, return receipt requested. Public schools shall provide to the parent, guardian, or other person having control or charge of each child enrolled in public school a written summary of possible consequences and penalties for failing to comply with compulsory attendance under this Code section for children and their parents, guardians, or other persons having control or charge of children. The parent, guardian, or other person who has control or charge of a child or children shall sign a statement indicating receipt of such written statement of possible consequences and penalties; children who are age ten years or older by September 1 shall sign a statement indicating receipt of such written statement of possible consequences and penalties. After two reasonable attempts by the school to secure such signature or signatures, the school shall be considered to be in compliance with this subsection if it sends a copy of the statement, via certified mail, return receipt requested, or first-class mail, to such parent, guardian, or other person who has control or charge of a child or children. Public schools shall retain signed copies of statements through the end of the school year.

(d) Local school superintendents in the case of private schools, the Department of Education in the case of home study programs, and visiting teachers and attendance officers in the case of public schools shall have authority and it shall be their duty to file proceedings in court to enforce this subpart. The Department of Education shall coordinate with local school superintendents with respect to attendance records and notification for students in home study programs.

(e) An unemancipated minor who is older than the age of mandatory attendance as required in subsection (a) of this Code section who has not completed all requirements for a high school diploma who wishes to withdraw from school shall have the written permission of his or her parent or legal guardian prior to withdrawing. Prior to accepting such permission, the school principal or designee shall convene a conference with the child and parent or legal guardian within two school days of receiving notice of the intent of the child to withdraw from school. The principal or designee shall make a reasonable attempt to share with the student and parent or guardian the educational options available, including the opportunity to pursue a general educational development (GED) diploma and the consequences of not having earned a high school diploma, including lower lifetime earnings, fewer jobs for which the student will be qualified, and the inability to avail oneself of higher educational opportunities. Every local board of education shall adopt a policy on the process of voluntary withdrawal of unemancipated minors who are older than the mandatory attendance age. The policy shall be filed with the Department of Education no later than January 1, 2007. The Department of Education shall provide annually to all local school superintendents model forms for the parent or guardian signature requirement contained in this subsection and updated information from reliable sources relating to the consequences of withdrawing from school without completing all requirements for a high school diploma. Such form shall include information relating to the opportunity to pursue a general educational development (GED)

diploma and the consequences of not having earned a high school diploma, including lower lifetime earnings, fewer jobs for which the student will be qualified, and the inability to avail oneself of higher educational opportunities. Each local school superintendent shall provide such forms and information to all of its principals of schools serving grades six through twelve for the principals to use during the required conference with the child and parent or legal guardian.

**20-2-690.2. Establishment of student attendance protocol committee; summary of penalties for failure to comply; reporting.**

(a) The chief judge of the superior court of each county shall establish a student attendance protocol committee for its 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. 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 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) 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) 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.
- (g) 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.
- (h) 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.
- (i) Each local board of education shall report student attendance rates 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.

**20-2-701. Responsibility for reporting truants to juvenile or other courts.**

Local school superintendents as applied to private schools, the Department of Education as applied to home study programs, or visiting teachers and attendance officers as applied to public schools, after written notice to the parent or guardian of a child, shall report to the juvenile or other court having jurisdiction under Chapter 11 of Title 15 any child who is absent from a public or private school or a home study program in violation of this subpart. If the judge of the court places such child in a home or in a public or private institution pursuant to Chapter 11 of Title 15, school shall be provided for such child. The Department of Education shall coordinate with local school superintendents with respect to attendance records and notification for students in home study programs.

**REGULATIONS**

**160-4-8-12. Alternative/Non-traditional education programs.**

(1) Definitions.

- (c) Attendance Recovery Program - a type of alternative/non-traditional program designed to allow students the opportunity to make-up an absence(s) by attending a program outside the normal school

day (e.g., Saturday program) that provides the equivalent instructional time and curriculum for the time the student was absent within the current academic year.

(3) Reporting requirements.

(b) Each LEA shall ensure that all Alternative/Non-traditional Education Program(s)/School(s) report to GaDOE both the number of actual absences (excused and unexcused) that students served by the Attendance Recovery Program incurred during the school year and the number of absences the students served by the Attendance Recovery Program recovered during the same school year.

**160-4-8-.15. Student discipline.**

(2) Requirements.

(a) Each local board of education shall adopt policies designed to improve the student learning environment by improving student behavior and discipline. These policies shall provide for the development of age appropriate student codes of conduct that contain the following, at a minimum:

7. Guidelines and consequences resulting from failure to comply with compulsory attendance as required under O.C.G.A. § 20-2-690.1;

**160-5-1-.10. Student attendance.**

(1) Definitions.

(a) Foster Care Student – a student who is in a foster home or otherwise in the foster care system under the Division of Family and Children Services of the Department of Human Services.

(b) Student Attendance Protocol – procedures to be used in identifying, reporting, investigating and prosecuting cases of alleged violations of O.C.G.A. § 20-2-690.1, relating to mandatory school attendance and appropriately addressing the issue with parents and guardians. The protocol shall also include recommendations for policies relating to tardiness.

(c) Student Attendance Protocol Committee – a committee established, pursuant to O.C.G.A. § 20-2-690.2, by the chief judge of the superior court of each county for the purpose of ensuring 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.

(d) Student Teen Election Participant (STEP) – a program designed to permit fulltime public, private, and home schooled high school students the opportunity to volunteer to work as poll officers during any primary, special, or general election according to the provisions set forth in O.C.G.A. § 21-2-92.

(e) Truant – any child subject to compulsory attendance who during the school calendar year has more than five days of unexcused absences.

(2) Requirements.

(a) School days missed as a result of an out of school suspension shall not count as unexcused days for the purpose of determining student truancy.

(b) Local boards of education shall adopt policies and procedures excusing students from school under the following circumstances, as a minimum. Policies may require submission of appropriate documentation.

1. Personal illness or when attendance in school endangers the student's health or the health of others.

(i) Local boards of education may require students to present appropriate medical documentation upon return to school for the purpose of validating that the absence is an excused absence. With

proper verification a student may be eligible for hospital/homebound instruction as outlined in State Board of Education Rule 160-4-2-.31 Hospital/Homebound (HHB) Services.

2. A serious illness or death in a student's immediate family necessitating absence from school.
    - (i) In the event of a serious illness in a student's immediate family, local boards of education may require students to present appropriate medical documentation regarding the family member upon return to school for the purpose of validating that the absence is an excused absence.
  3. A court order or an order by a government agency, including preinduction physical examinations for service in the armed forces, mandating absence from school.
  4. The observation of religious holidays, necessitating absence from school.
  5. Conditions rendering attendance impossible or hazardous to student health or safety.
  6. Registering to vote or voting in a public election, which shall not exceed one day.
  7. A student whose parent or legal guardian is in military service in the armed forces of the United States or the National Guard, and such parent or legal guardian has been called to duty for or is on leave from overseas deployment to a combat zone or combat support posting, shall be granted excused absences, up to a maximum of five school days per school year, for the day or days missed from school to visit with his or her parent or legal guardian prior to such parent's or legal guardian's deployment or during such parent's or legal guardian's leave. Nothing in this Code section shall be construed to require a local school system to revise any policies relating to maximum number of excused and unexcused absences for any purposes. (O.C.G.A. § 20-2-692.1)
- (c) Local boards of education shall count students present when they are serving as pages of the Georgia General Assembly as set forth in O.C.G.A. § 20-2-692.
- (d) A foster care student who attends court proceedings relating to the student's foster care shall be credited as present by the school and shall not be counted as an absence, either excused or unexcused, for any day, portion of a day, or days missed from school as set forth in O.C.G.A. § 20-2-692.2
- (e) A student who successfully participates in the Student Teen Election Participant (STEP) program shall be counted as present and given full credit for the school day during which he or she served in the STEP program. No student shall be permitted to be absent from school or participate in the STEP program for more than two school days per school year.
- (f) Final course grades of students shall not be penalized because of absences if the following conditions are met:
1. Absences are justified and validated for excusable reasons.
  2. Make up work for excused absences was completed satisfactorily.
- (g) Local boards of education are not required to provide make-up work for unexcused absences.
- (h) Nothing in this rule should be construed to encourage student absences or as an approval of excessive unexcused absences.
- (i) To reduce unexcused absences, each local board of education shall adopt policies and procedures that shall include but are not limited to:
1. Requiring the school system to notify the parent, guardian or other person who has control or charge of the student when such student has five unexcused absences. The notice shall outline the penalty and consequences of such absences and that each subsequent absence shall constitute a separate offense. After two reasonable attempts to notify the parent, guardian or other person who has charge of the student, the school system shall send written notice via certified mail with return receipt requested, or first-class mail; and

2. Prior to any action to commence judicial proceedings to impose a penalty on a parent, guardian, or other person residing in this state who has control or charge of the school aged child for failing to comply with compulsory attendance, a school system shall send a notice to such parent, guardian, or other person by certified mail, return receipt requested; and
  3. Requiring public schools to provide to the parent, guardian, or other person having control or charge of each student enrolled in public school a written summary of possible consequences and penalties for failing to comply with compulsory attendance. By September 1 of each school year or within 30 school days of a student's enrollment in the school system, the parent, guardian, or other person having control or charge of such student shall sign a statement indicating receipt of such written statement of possible consequences and penalties. After two reasonable attempts by the school to secure such signature or signatures, the school shall be considered to be in compliance with this subsection if it sends a copy of the statement, via certified mail, return receipt requested, or first-class mail, to such parent, guardian, or other person who has control or charge of a child, or children. In addition, students age ten or older by September 1 shall sign a statement indicating receipt of written statement of possible consequences for noncompliance to the local system's policy.
- (j) Each local board of education shall implement a progressive discipline process and a parental involvement process for truant students before referring the students to the juvenile or other court having jurisdiction.
- (k) Each local board of education shall adopt policies requiring the local school superintendent or the superintendent's designee to use his or her best efforts including first class mail to notify a student age 14 and older when the student has only three absences remaining before violating the state's attendance requirements pursuant to O.C.G.A. § 40-5-22 regarding the denial of driver's permits and licenses.
- (l) Each local board of education shall adopt as a part of the student codes of conduct developed pursuant to O.C.G.A. § 20-2-735 a definition of truancy that contains the minimum standards established by State Board of Education Rule 160-5-1-.10 Student Attendance and a summary of possible consequences and penalties for truancy. The summary of possible consequences for students shall include possible dispositions for unruly children in accordance with O.C.G.A. § 15-11-67, including the possible denial or suspension of a driver's license for a child.
- (m) Pursuant to O.C.G.A. § 20-2-690.2, each local school system shall participate in a student attendance protocol committee. 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 the chief judge of the superior court of a county encompassed by its geographic area to establish an independent student attendance protocol committee.
1. The superintendent or the superintendent's designee of the local school system shall fully and actively assist in the planning, implementation, and evaluation activities of the local school system student attendance protocol committee.
  2. The superintendent, a certificated school employee, 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, shall serve on the student attendance protocol committee.
  3. Each local board of education shall consider and publicly announce its decisions regarding the recommendations of the student attendance protocol committee.
  4. Each local board of education shall report annual student attendance rates to the student attendance protocol committee and the State Board of Education by September 1 following each school year.

5. The local school system shall be responsible for providing a copy of the written student attendance protocol to the Department by July 1, 2005, and upon any subsequent revisions or amendments.
6. The Department shall develop and disseminate exemplary model protocols that may be implemented by local boards of education.

## Substance use

### LAWS

#### **16-13-32.4. Manufacturing, distributing, dispensing, or possessing controlled substances in, on, or near public or private schools.**

(a) It shall be unlawful for any person to manufacture, distribute, dispense, or possess with intent to distribute a controlled substance or marijuana in, on, or within 1,000 feet of any real property owned by or leased to any public or private elementary school, secondary school, or school board used for elementary or secondary education.

(b) Any person who violates or conspires to violate subsection (a) of this Code section shall be guilty of a felony and upon conviction shall receive the following punishment:

(1) Upon a first conviction, imprisonment for not more than 20 years or a fine of not more than \$20,000.00, or both; or

(2) Upon a second or subsequent conviction, imprisonment for not less than five years nor more than 40 years or a fine of not more than \$40,000.00, or both. It shall be mandatory for the court to impose a minimum sentence of five years which may not be suspended unless otherwise provided by law.

A sentence imposed under this Code section shall be served consecutively to any other sentence imposed.

(c) A conviction arising under this Code section shall not merge with a conviction arising under any other provision of this article.

(d) It shall be no defense to a prosecution for a violation of this Code section that:

(1) School was or was not in session at the time of the offense;

(2) The real property was being used for other purposes besides school purposes at the time of the offense; or

(3) The offense took place on a school vehicle.

(e) In a prosecution under this Code section, a map produced or reproduced by any municipal or county agency or department for the purpose of depicting the location and boundaries of the area on or within 1,000 feet of the real property of a school board or a private or public elementary or secondary school that is used for school purposes, or a true copy of the map, shall, if certified as a true copy by the custodian of the record, be admissible and shall constitute prima-facie evidence of the location and boundaries of the area, if the governing body of the municipality or county has approved the map as an official record of the location and boundaries of the area. A map approved under this Code section may be revised from time to time by the governing body of the municipality or county. The original of every map approved or revised under this subsection or a true copy of such original map shall be filed with the municipality or county and shall be maintained as an official record of the municipality or county. This subsection shall not preclude the prosecution from introducing or relying upon any other evidence or testimony to establish any element of this offense. This subsection shall not preclude the use or admissibility of a map or diagram other than the one which has been approved by the municipality or county.

(f) A county school board may adopt regulations requiring the posting of signs designating the areas within 1,000 feet of school boards and private or public elementary and secondary schools as "Drug-free School Zones."

(g) It is an affirmative defense to prosecution for a violation of this Code section that the prohibited conduct took place entirely within a private residence, that no person 17 years of age or younger was present in such private residence at any time during the commission of the offense, and that the prohibited conduct was not carried on for purposes of financial gain. Nothing in this subsection shall be construed to establish an affirmative defense with respect to any offense under this chapter other than the offense provided for in subsection (a) of this Code section.

#### **20-2-142. Prescribed courses.**

(b)

(1) The State Board of Education and the Board of Driver Services shall jointly establish an alcohol and drug course for the purpose of informing the young people of this state of the dangers involved in consuming alcohol or certain drugs in connection with the operation of a motor vehicle. The course shall be designed to generate greater interest in highway safety and accident prevention. The state board and the Board of Driver Services shall jointly, by rules or regulations, determine the contents of the course and its duration. The commissioner of driver services shall make available officers, employees, officials, agents, contractors, or other appropriate representatives as determined by the commissioner of driver services to teach the alcohol and drug course. The alcohol and drug course shall be offered periodically but not less than once annually in the public schools of this state to students in grades nine and above in the manner prescribed by the state board.

(2) The alcohol and drug course required by this subsection shall make available as a part of such course a voluntary parent or guardian participation component which substantially complies with the following requirements:

(A) A joint session with the parent or guardian and child which provides opportunities for parents or guardians to voluntarily participate in the guidance and delivery of the antidrug and antialcohol instruction; and

(B) A separate voluntary component solely for parental or guardian instruction that provides drug prevention strategies, legal accountability information, an opportunity for parent or guardian questions, and any other information that would offer parents or guardians a framework for the protection of their children from alcohol and other drug use.

(3) All schools with grade nine or above which receive funds in any manner from the state shall make available to eligible students and their parents or guardians the alcohol and drug course provided in this subsection.

(4) The commissioner of driver services shall make the alcohol and drug course, and instructors where necessary, available to the private schools in this state. In addition, the commissioner of driver services shall offer the alcohol and drug course periodically at various locations in this state in the manner provided by the Board of Driver Services. The commissioner shall also be authorized to offer such course electronically online or in such other manner as determined appropriate by the commissioner.

(c) The State Board of Education shall prescribe a course of study in health and physical education for all grades and grade levels in the public schools and shall establish minimum time requirements and standards for its administration. The course shall include instruction concerning the impact of alcohol, tobacco, and drug use upon health. A manual setting out the details of such courses of study shall be prepared or approved by the State School Superintendent in cooperation with the Department of Public Health, the state board, and such expert advisers as they may choose. The Department of Education is directed to assemble or develop instructional resources and materials concerning alcohol and drug

abuse, taking into consideration technological enhancements available for utilization of such instructional resources.

(d) The funds allocated under Code Section 20-2-13 shall be used for the purpose of creating and maintaining state educational research services for purposes which shall include, but shall not be limited to, the following:

(1) For the development, production, and procurement of curriculum materials and units of instruction on the scientific facts in regard to the influence and effect of alcohol on human health and behavior and on social and economic conditions, including suggested methods of instruction in ways of working with boys and girls and young people in the various age groups and grade levels of the public schools of the state, as aids to classroom teachers and others responsible for the conduct of the educational program in the public schools;

(2) For the publication, procurement, and dissemination of curriculum materials, units of instruction, and suggested methods of instruction relating to the influence and effect of alcohol on human health and behavior and on social and economic conditions for the school teachers and educational officials in the various local school systems of the state, the Department of Education, and the various educational institutions of the state which are engaged in the education and training of teachers; and

(3) For cooperative work, by and between the state educational research service and the local school systems of the state, the Department of Education, and the educational institutions of the state which are engaged in the education and training of teachers, through conferences, study groups, demonstrations of methods and materials of instruction, and other means.

(e) The state board is authorized to expend such amounts as may be necessary of the moneys allocated to it under Code Section 20-2-13 for the employment of a specialist or specialists or for contracting for the services of specialists in research and in development and production of curriculum materials and units of instruction on the scientific facts in regard to the influence of alcohol on human health and behavior and on social and economic conditions, including methods of instruction; for the employment of secretarial and clerical assistants and other office expenses; for expenses of conferences, study groups, and demonstrations; and for all other expenses necessary in carrying out the purposes of this Code section.

#### **20-2-751.5. Student codes of conduct; safety rules on school buses; distribution.**

(a) Each student code of conduct shall contain provisions that address the following conduct of students during school hours, at school related functions, and on the school bus in a manner that is appropriate to the age of the student:

(13) Unlawful use or possession of illegal drugs or alcohol;

### **REGULATIONS**

#### **160-4-2-.12. Comprehensive health and physical education program plan.**

(1) Definitions.

(a) Alcohol and other drug use education – a planned program of instruction that provides information about the use, misuse and abuse of alcohol, tobacco, legal and illegal drugs.

(2) Requirements.

(a) The local board of education shall develop and implement an accurate, comprehensive health and physical education program that shall include information and concepts in the following areas.

1. Alcohol and other drug use

(d) Each school containing any grade K-12 shall provide alcohol and other drug use education on an annual basis at each grade level.

**160-4-7-.10. Discipline.**

(5) Special circumstances.

(a) School personnel may remove a child to an interim alternative educational setting for not more than 45 school days without regard to whether the behavior is determined to be a manifestation of the child's disability, if the child :

2. Knowingly possesses or uses illegal drugs, or sells or solicits the sale of a controlled substance, while at school, on school premises, or to a school function under the jurisdiction of the State or the LEA ; or

(7) Definitions.

For purpose of this section, the following definitions apply:

(a) Controlled substance - a drug or other substance identified under schedules I, 11, 111, IV , or V in section 202(c) of the Controlled Substances Act (21 U.S.C. 812(c)).

(b) Illegal drug - a controlled substance ; but does not include a controlled substance that is legally possessed or used under the supervision of a licensed health-care professional or that is legally possessed or used under any other authority under that Act or under any other provision of Federal law.

**160-4-8-.15. Student discipline.**

(2) Requirements.

12. Unlawful use or possession of illegal drugs or alcohol;

## **Bullying, harassment, or hazing**

### **LAWS**

**16-5-61. Hazing.**

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

(1) "Haze" means to subject a student to an activity which endangers or is likely to endanger the physical health of a student, regardless of a student's willingness to participate in such activity.

(2) "School" means any school, college, or university in this state.

(3) "School organization" means any club, society, fraternity, sorority, or a group living together which has students as its principal members.

(4) "Student" means any person enrolled in a school in this state.

(b) It shall be unlawful for any person to haze any student in connection with or as a condition or precondition of gaining acceptance, membership, office, or other status in a school organization.

(c) Any person who violates this Code section shall be guilty of a misdemeanor of a high and aggravated nature.

**20-2-751.4. Policies prohibiting bullying; assignment to alternative school; notice.**

(a) As used in this Code section, the term "bullying" means an act that is:

(1) Any willful attempt or threat to inflict injury on another person, when accompanied by an apparent present ability to do so;

(2) Any intentional display of force such as would give the victim reason to fear or expect immediate bodily harm; or

(3) Any intentional written, verbal, or physical act which a reasonable person would perceive as being intended to threaten, harass, or intimidate, that:

(A) Causes another person substantial physical harm within the meaning of Code Section 16-5-23.1 or visible bodily harm as such term is defined in Code Section 16-5-23.1;

(B) Has the effect of substantially interfering with a student's education;

(C) Is so severe, persistent, or pervasive that it creates an intimidating or threatening educational environment; or

(D) Has the effect of substantially disrupting the orderly operation of the school. The term applies to acts which occur on school property, on school vehicles, at designated school bus stops, or at school related functions or activities or by use of data or software that is accessed through a computer, computer system, computer network, or other electronic technology of a local school system. The term also applies to acts of cyberbullying which occur through the use of electronic communication, whether or not such electronic act originated on school property or with school equipment, if the electronic communication (1) is directed specifically at students or school personnel, (2) is maliciously intended for the purpose of threatening the safety of those specified or substantially disrupting the orderly operation of the school, and (3) creates a reasonable fear of harm to the students' or school personnel's person or property or has a high likelihood of succeeding in that purpose. For purposes of this Code Section, electronic communication includes but is not limited to any transfer of signs, signals, writings, images, sounds, data or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic, photo electronic or photo optical system.

(b) No later than August 1, 2011:

(1) Each local board of education shall adopt a policy that prohibits bullying of a student by another student and shall require such prohibition to be included in the student code of conduct for schools in that school system;

(2) Each local board policy shall require that, upon a finding by the disciplinary hearing officer, panel, or tribunal of school officials provided for in this subpart that a student in grades six through 12 has committed the offense of bullying for the third time in a school year, such student shall be assigned to an alternative school;

(3) Each local board of education shall establish and publish in its local board policy a method to notify the parent, guardian, or other person who has control or charge of a student upon a finding by a school administrator that such student has committed an offense of bullying or is a victim of bullying; and

(4) Each local board of education shall ensure that students and parents of students are notified of the prohibition against bullying, and the penalties for violating the prohibition, by posting such information at each school and by including such information in student and parent handbooks.

(c) No later than January 1, 2011, the Department of Education shall develop a model policy regarding bullying, that may be revised from time to time, and shall post such policy on its website in order to assist local school systems. Such model policy shall include:

(1) A statement prohibiting bullying;

(2) A requirement that any teacher or other school employee who has reliable information that would lead a reasonable person to suspect that someone is a target of bullying shall immediately report it to the school principal;

(3) A requirement that each school have a procedure for the school administration to promptly investigate in a timely manner and determine whether bullying has occurred;

(4) An age-appropriate range of consequences for bullying which shall include, at minimum and without limitation, disciplinary action or counseling as appropriate under the circumstances;

- (5) A procedure for a teacher or other school employee, student, parent, guardian, or other person who has control or charge of a student, either anonymously or in such person's name, at such person's option, to report or otherwise provide information on bullying activity;
  - (6) A statement prohibiting retaliation following a report of bullying; and
  - (7) Provisions consistent with the requirements of subsection (b) of this Code section.
- (d) The Department of Education shall develop and post on its website a list of entities and their contact information which produce antibullying training programs and materials deemed appropriate by the department for use in local school systems.
- (e) Any person who reports an incident of bullying in good faith shall be immune from civil liability for any damages caused by such reporting.
- (f) Nothing in this Code section or in the model policy promulgated by the Department of Education shall be construed to require a local board of education to provide transportation to a student transferred to another school as a result of a bullying incident.
- (g) Any school system which is not in compliance with the requirements of subsection (b) of this Code section shall be ineligible to receive state funding pursuant to Code Sections 20-2-161 and 20-2-260.

**20-2-751.5. Student codes of conduct; safety rules on school buses; distribution.**

- (a) Each student code of conduct shall contain provisions that address the following conduct of students during school hours, at school related functions, and on the school bus in a manner that is appropriate to the age of the student:
- (15) Bullying as defined by Code Section 20-2-751.4;
- (b) (2) If a student is found to have engaged in physical acts of violence as defined by Code Section 20-2-751.6, the student shall be subject to the penalties set forth in such Code section. If a student is found to have engaged in bullying as defined by subsection (a) of Code Section 20-2-751.4 or in physical assault or battery of another person on the school bus, the local school board policy shall require a meeting of the parent or guardian of the student and appropriate school district officials to form a school bus behavior contract for the student. Such contract shall provide for progressive age-appropriate discipline, penalties, and restrictions for student misconduct on the bus. Contract provisions may include but shall not be limited to assigned seating, ongoing parental involvement, and suspension from riding the bus. This subsection is not to be construed to limit the instances when a school code of conduct or local board of education may require use of a student bus behavior contract.

**REGULATIONS**

**160-4-8-.15. Student discipline.**

(2) Requirements.

(a) Each local board of education shall adopt policies designed to improve the student learning environment by improving student behavior and discipline. These policies shall provide for the development of age appropriate student codes of conduct that contain the following, at a minimum:

14. Bullying as defined in O.C.G.A. § 20-2-751.4;

16. Each local board of education shall adopt policies, applicable to students in grades 6 through 12 that prohibit bullying of a student by another student and shall require such prohibition to be included in the student code of conduct in that school system. Local board policies shall require that, upon a finding that a student in grades 6 through 12 has committed the offense of bullying for the third time in a school year, such student shall be assigned to an alternative school.

## Other special infractions or conditions

### LAWS

#### **20-2-751.5. Student codes of conduct; safety rules on school buses; distribution.**

(a) Each student code of conduct shall contain provisions that address the following conduct of students during school hours, at school related functions, and on the school bus in a manner that is appropriate to the age of the student:

- (1) Verbal assault, including threatened violence, of teachers, administrators, and other school personnel;
- (2) Physical assault or battery of teachers, administrators, and other school personnel;
- (3) Disrespectful conduct toward teachers, administrators, and other school personnel, including use of vulgar or profane language;
- (4) Verbal assault of other students, including threatened violence or sexual harassment as defined pursuant to Title IX of the Education Amendments of 1972;
- (5) Physical assault or battery of other students, including sexual harassment as defined pursuant to Title IX of the Education Amendments of 1972;
- (6) Disrespectful conduct toward other students, including use of vulgar or profane language;
- (7) Verbal assault of, physical assault or battery of, and disrespectful conduct, including use of vulgar or profane language, toward persons attending school related functions;
- (8) Failure to comply with compulsory attendance as required under Code Section 20-2-690.1;
- (9) Willful or malicious damage to real or personal property of the school or to personal property of any person legitimately at the school;
- (10) Inciting, advising, or counseling of others to engage in prohibited acts;
- (11) Marking, defacing, or destroying school property;
- (12) Possession of a firearm, as provided for in Code Section 16-11-127.1, and possession of a dangerous weapon or hazardous object;
- (13) Unlawful use or possession of illegal drugs or alcohol;
- (14) Willful and persistent violation of the student code of conduct;
- (15) Bullying as defined by Code Section 20-2-751.4;
- (16) Marking, defacing, or destroying the property of another student; and
- (17) Falsifying, misrepresenting, omitting, or erroneously reporting information regarding instances of alleged inappropriate behavior by a teacher, administrator, or other school employee toward a student.

With regard to paragraphs (9), (11), and (17) of this subsection, each student code of conduct shall also contain provisions that address conduct of students during off-school hours.

(b)(1) In addition to the requirements contained in subsection (a) of this Code section, each student code of conduct shall include comprehensive and specific provisions prescribing and governing student conduct and safety rules on all public school buses. The specific provisions shall include but not be limited to:

- (A) Students shall be prohibited from acts of physical violence as defined by Code Section 20-2-751.6, bullying as defined by subsection (a) of Code Section 20-2-751.4, physical assault or battery of other persons on the school bus, verbal assault of other persons on the school bus, disrespectful conduct toward the school bus driver or other persons on the school bus, and other unruly behavior;

(B) Students shall be prohibited from using any electronic devices during the operation of a school bus, including but not limited to cell phones; pagers; audible radios, tape or compact disc players without headphones; or any other electronic device in a manner that might interfere with the school bus communications equipment or the school bus driver's operation of the school bus; and

(C) Students shall be prohibited from using mirrors, lasers, flash cameras, or any other lights or reflective devices in a manner that might interfere with the school bus driver's operation of the school bus.

## **REGULATIONS**

### **160-4-8-15. Student discipline.**

(2) Requirements.

(a) Each local board of education shall adopt policies designed to improve the student learning environment by improving student behavior and discipline. These policies shall provide for the development of age appropriate student codes of conduct that contain the following, at a minimum:

1. Standards for student behavior during school hours, at school-related functions, on school buses, and at school bus stops designed to create the expectation that students will behave themselves in such a way so as to facilitate a learning environment for themselves and other students, respect each other and school district employees, obey student behavior policies adopted by the local board of education, and obey student behavior rules established by individual schools;
2. Verbal assault, including threatening violence, of teachers, administrators, and other school personnel;
3. Physical assault or battery of teachers, administrators or other school personnel;
4. Disrespectful conduct toward teachers, administrators, other school personnel, persons attending school related functions or other students, including use of vulgar or profane language;
5. Verbal assault of other students, including threatening violence or sexual harassment as defined pursuant to Title IX of the Education Amendments of 1972;
6. Sexual harassment as defined pursuant to Title IX of the Education Amendments of 1972 or physical assault or battery of other students.
7. Guidelines and consequences resulting from failure to comply with compulsory attendance as required under O .C.G.A § 20-2-690.1;
8. Willful or malicious damage to real or personal property of the school or to personal property of any person legitimately at the school;
9. Inciting, advising, or counseling of others to engage in prohibited acts;
10. Marking, defacing or destroying school property or the property of another student;
11. Possession of a weapon, as provided for in O.C.G.A. § 16-11-127.1;
12. Unlawful use or possession of illegal drugs or alcohol;
13. Willful and persistent violation of student codes of conduct;
14. Bullying as defined in O.C.G.A. § 20-2-751.4;
15. Any off-campus behavior of a student which could result in the student being criminally charged with a felony and which makes the student's continued presence at school a potential danger to persons or property at the school or which disrupts the educational process;

## ***Prevention and Behavioral Interventions (Non-Punitive)***

### **Prevention**

#### **LAWS**

##### **20-2-142. Prescribed courses.**

(b)

(1) The State Board of Education and the Board of Driver Services shall jointly establish an alcohol and drug course for the purpose of informing the young people of this state of the dangers involved in consuming alcohol or certain drugs in connection with the operation of a motor vehicle. The course shall be designed to generate greater interest in highway safety and accident prevention. The state board and the Board of Driver Services shall jointly, by rules or regulations, determine the contents of the course and its duration. The commissioner of driver services shall make available officers, employees, officials, agents, contractors, or other appropriate representatives as determined by the commissioner of driver services to teach the alcohol and drug course. The alcohol and drug course shall be offered periodically but not less than once annually in the public schools of this state to students in grades nine and above in the manner prescribed by the state board.

(2) The alcohol and drug course required by this subsection shall make available as a part of such course a voluntary parent or guardian participation component which substantially complies with the following requirements:

(A) A joint session with the parent or guardian and child which provides opportunities for parents or guardians to voluntarily participate in the guidance and delivery of the antidrug and antialcohol instruction; and

(B) A separate voluntary component solely for parental or guardian instruction that provides drug prevention strategies, legal accountability information, an opportunity for parent or guardian questions, and any other information that would offer parents or guardians a framework for the protection of their children from alcohol and other drug use.

(3) All schools with grade nine or above which receive funds in any manner from the state shall make available to eligible students and their parents or guardians the alcohol and drug course provided in this subsection.

(4) The commissioner of driver services shall make the alcohol and drug course, and instructors where necessary, available to the private schools in this state. In addition, the commissioner of driver services shall offer the alcohol and drug course periodically at various locations in this state in the manner provided by the Board of Driver Services. The commissioner shall also be authorized to offer such course electronically online or in such other manner as determined appropriate by the commissioner.

(c) The State Board of Education shall prescribe a course of study in health and physical education for all grades and grade levels in the public schools and shall establish minimum time requirements and standards for its administration. The course shall include instruction concerning the impact of alcohol, tobacco, and drug use upon health. A manual setting out the details of such courses of study shall be prepared or approved by the State School Superintendent in cooperation with the Department of Public Health, the state board, and such expert advisers as they may choose. The Department of Education is directed to assemble or develop instructional resources and materials concerning alcohol and drug abuse, taking into consideration technological enhancements available for utilization of such instructional resources.

(d) The funds allocated under Code Section 20-2-13 shall be used for the purpose of creating and maintaining state educational research services for purposes which shall include, but shall not be limited to, the following:

(1) For the development, production, and procurement of curriculum materials and units of instruction on the scientific facts in regard to the influence and effect of alcohol on human health and behavior and on social and economic conditions, including suggested methods of instruction in ways of working with boys and girls and young people in the various age groups and grade levels of the public schools of the state, as aids to classroom teachers and others responsible for the conduct of the educational program in the public schools;

(2) For the publication, procurement, and dissemination of curriculum materials, units of instruction, and suggested methods of instruction relating to the influence and effect of alcohol on human health and behavior and on social and economic conditions for the school teachers and educational officials in the various local school systems of the state, the Department of Education, and the various educational institutions of the state which are engaged in the education and training of teachers; and

(3) For cooperative work, by and between the state educational research service and the local school systems of the state, the Department of Education, and the educational institutions of the state which are engaged in the education and training of teachers, through conferences, study groups, demonstrations of methods and materials of instruction, and other means.

(e) The state board is authorized to expend such amounts as may be necessary of the moneys allocated to it under Code Section 20-2-13 for the employment of a specialist or specialists or for contracting for the services of specialists in research and in development and production of curriculum materials and units of instruction on the scientific facts in regard to the influence of alcohol on human health and behavior and on social and economic conditions, including methods of instruction; for the employment of secretarial and clerical assistants and other office expenses; for expenses of conferences, study groups, and demonstrations; and for all other expenses necessary in carrying out the purposes of this Code section.

(f) The state board shall make available uniformly to the public schools of the state and the educational institutions of the state engaged in the education and training of teachers the curriculum materials, the units of instruction, and the suggested methods of instruction which are developed under this Code section.

**20-2-145. Comprehensive character education program.**

(a) The State Board of Education shall develop by the start of the 1997-1998 school year a comprehensive character education program for levels K-12. This comprehensive character education program shall be known as the "character curriculum" and shall focus on the students' development of the following character traits: courage, patriotism, citizenship, honesty, fairness, respect for others, kindness, cooperation, self-respect, self-control, courtesy, compassion, tolerance, diligence, generosity, punctuality, cleanliness, cheerfulness, school pride, respect for the environment, respect for the creator, patience, creativity, sportsmanship, loyalty, perseverance, and virtue. Such program shall also address, by the start of the 1999-2000 school year, methods of discouraging bullying and violent acts against fellow students. Local boards shall implement such a program in all grade levels at the beginning of the 2000-2001 school year and shall provide opportunities for parental involvement in establishing expected outcomes of the character education program.

(b) The Department of Education shall develop character education program workshops designed for employees of local school systems.

**20-2-155. School climate management program; model codes of behavior and discipline.**

The State Board of Education shall establish a state-wide school climate management program to help local schools and systems requesting assistance in developing school climate improvement and management processes. Such projects will be designed to optimize local resources through voluntary community, student, teacher, administrator, and other school personnel participation. These processes will be designed for, but will not be limited to, 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. The state board upon request of a local school system is authorized to provide the necessary on-site technical assistance to local schools and systems and to offer other assistance through regional and state-wide conferences and workshops, printed material, and such other assistance as may be deemed appropriate under this Code section. The state board shall, upon request of a local school system, produce model codes of behavior and discipline and shall produce guidelines for application and administration of such codes. The results of this program shall be annually presented to the General Assembly for review in determining future appropriations for state-level technical assistance necessary to perform the duties assigned to the state board under this Code section.

**20-2-314. Development of rape prevention, personal safety education, and teen dating violence prevention programs.**

The State Board of Education shall develop, with input from appropriate experts, such as rape crisis centers and family violence shelters, a rape prevention and personal safety education program and a program for preventing teen dating violence for grade eight through grade 12 which are consistent with the content standards provided for in Code Section 20-2-140. Local boards may implement such programs at any time and for any grade level local boards find appropriate, and the state board shall encourage the implementation of such programs. In addition, the state board shall make information regarding such programs available to the Board of Regents of the University System of Georgia.

**20-2-739. Conflict management resolution; cultural diversity training program.**

On and after July 1, 2000, the Department of Education shall provide training programs in conflict management and resolution and in cultural diversity for voluntary implementation by local boards of education for school employees, parents and guardians, and students.

**REGULATIONS**

**160-4-2-.12. Comprehensive health and physical education program plan.**

(1) Definitions.

(a) Alcohol and other drug use education – a planned program of instruction that provides information about the use, misuse and abuse of alcohol, tobacco, legal and illegal drugs.

(2) Requirements.

(a) The local board of education shall develop and implement an accurate, comprehensive health and physical education program that shall include information and concepts in the following areas.

1. Alcohol and other drug use

(d) Each school containing any grade K-12 shall provide alcohol and other drug use education on an annual basis at each grade level.

## Behavioral interventions and student support services

### LAWS

#### **20-2-735. Adoption of policies by local boards to improve student learning environment.**

(c) Student support processes developed pursuant to this subpart shall be designed to create the expectation that the process of disciplining students will include due consideration, as appropriate in light of the severity of the behavioral problem, of student support services that may help the student address behavioral problems and that may be available through the school, the school system, other public entities, or community organizations.

#### **§ 20-2-741. Positive behavioral interventions and supports and response to intervention.**

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

(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.

#### **§ 20-14-105. Intervention models; community feedback; financing issues; student support and opportunities; principals.**

(f) Opportunity schools shall develop and provide for positive behavioral interventions and supports, which means an evidence based data-driven framework to reduce the disciplinary incidents, increase a school's sense of safety, and support improved academic outcomes through a multitiered approach, using disciplinary data and principles of behavior analysis to develop school-wide, targeted, and individualized interventions and supports. Additionally, opportunity schools shall develop and provide for response to intervention, which means a framework of identifying and addressing the academic and behavioral needs of students through a tiered system.

### REGULATIONS

#### **160-4-8-.01. Student support services.**

(1) Definitions.

- (a) Alternative Education Program (AEP) - an educational program that serves students who are eligible to remain in the regular classroom but are more likely to succeed in a nontraditional setting such as that provided in an alternative education program, as well as students who are excluded from the regular classroom because of disciplinary reasons.

- (b) Counseling - a process where some students receive assistance from professionals who assist them to overcome emotional and social problems or concerns which may interfere with learning.
- (c) Guidance - a process of regular assistance that all students receive from parents, teachers, school counselors, and others to assist them in making appropriate educational and career choices.
- (d) School Climate Management - systematic plan for addressing the factors that affect school climate including a consistent management style and leadership by the principal, a code of expected behavior, a code of disciplinary responses, a code of ethics for educators, a Student Support Team, delivery of counseling and psychological mental health services, methods to reduce absences and increase attendance, physical health support services, efforts to enlist parent and community support, utilization of volunteers, support by and for the parent teacher organization, a preventive safety plan and a crisis response plan, staff development, and the maintenance program for the school's physical plant.
- (e) School Counseling and Guidance Services - guidance program planning, implementation and evaluation; individual and group counseling; classroom and small group guidance; career and educational development; parent and teacher consultation; and referral.
- (f) School Health Services - a process to address medically related health and safety issues and address requests by parents and physicians that the school provide appropriate health procedures to allow students to remain in school and increase opportunities for academic success.
- (g) School Psychological Services - psychoeducational evaluation; crisis intervention; case study; consultation to student support teams, parents, teachers, and administrators; behavioral observations and analysis; and psychological counseling.
- (h) School Social Work/Visiting Teacher Services - technical assistance on school climate issues; assessment and intervention, including written social histories; individual, group, and family counseling; and networking of appropriate home, school, and community services to address identified student problems.
- (i) Student Support Services (SSS) - integrated and collaborative programs of school counseling and guidance services, school climate management and student discipline, school health services, school psychology services, alternative education programs, and school social work/visiting teacher services, provided individually or through a team approach, to all students at all grade levels.
- (2) Requirements.
- (a) Each local school system shall develop a Student Services Plan that prescribes and identifies programs and services that incorporate school climate improvement and management processes.
- (b) Each Student Services Plan must minimally include guidelines for the systematic provision of the following components:
1. Alternative education programs
  2. School psychological services
  3. School climate management
  4. School counseling and guidance services
  5. School health services
  6. School social work/visiting teacher services
- (c) The local board of education (LBOE) shall provide for a School Climate Management Process to include improved student behavior and discipline in accordance with state and federal laws and State Board of Education rules regarding the Improved Student Learning Environment and Discipline Act of 1999.
- (d) The LBOE shall provide for School Guidance and Counseling Services in accordance with state and federal laws, State Board of Education rules, and department guidelines.

(e) The LBOE shall provide School Social Work/Visiting Teacher Services by promoting home, school, and community cooperation to address the needs of the at-risk student population characterized by poverty, high absenteeism, academic failure, pregnancy, disruptive behavior or other student dysfunctions.

(f) The LBOE shall provide for School Psychological Services sufficient to satisfy federal and state regulations and additional legal obligations incurred through court agreement.

(g) The LBOE shall provide an Alternative Education Program in accordance with state and federal laws, State Board of Education rules, and department guidelines.

(h) The LBOE shall provide for a School Health Nurse Program and must establish policies and procedures regarding a School Health Nurse Program in accordance with state and federal laws.

#### **160-4-8-.15. Student discipline.**

(2) Requirements.

17. Behavior support processes designed to consider, as appropriate in light of the severity of the behavioral problem, support services that may be available through the school, school system, other public entities, or community organizations that may help the student address behavioral problems; This rule neither mandates nor prohibits the use of student support teams as part of the student support process;

## **Professional development**

### **LAWS**

#### **20-2-145. Comprehensive character education program.**

(a) The State Board of Education shall develop by the start of the 1997-1998 school year a comprehensive character education program for levels K-12. This comprehensive character education program shall be known as the "character curriculum" and shall focus on the students' development of the following character traits: courage, patriotism, citizenship, honesty, fairness, respect for others, kindness, cooperation, self-respect, self-control, courtesy, compassion, tolerance, diligence, generosity, punctuality, cleanliness, cheerfulness, school pride, respect for the environment, respect for the creator, patience, creativity, sportsmanship, loyalty, perseverance, and virtue. Such program shall also address, by the start of the 1999-2000 school year, methods of discouraging bullying and violent acts against fellow students. Local boards shall implement such a program in all grade levels at the beginning of the 2000-2001 school year and shall provide opportunities for parental involvement in establishing expected outcomes of the character education program.

(b) The Department of Education shall develop character education program workshops designed for employees of local school systems.

#### **20-2-155. School climate management program; model codes of behavior and discipline.**

The State Board of Education shall establish a state-wide school climate management program to help local schools and systems requesting assistance in developing school climate improvement and management processes. Such projects will be designed to optimize local resources through voluntary community, student, teacher, administrator, and other school personnel participation. These processes will be designed for, but will not be limited to, 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. The state board upon request of a local school system is authorized to provide the necessary on-site

technical assistance to local schools and systems and to offer other assistance through regional and state-wide conferences and workshops, printed material, and such other assistance as may be deemed appropriate under this Code section. The state board shall, upon request of a local school system, produce model codes of behavior and discipline and shall produce guidelines for application and administration of such codes. The results of this program shall be annually presented to the General Assembly for review in determining future appropriations for state-level technical assistance necessary to perform the duties assigned to the state board under this Code section.

**20-2-739. Conflict management resolution; cultural diversity training program.**

On and after July 1, 2000, the Department of Education shall provide training programs in conflict management and resolution and in cultural diversity for voluntary implementation by local boards of education for school employees, parents and guardians, and students.

**§ 20-2-779.1. Suicide prevention and awareness training; no duty of care imposed.**

(a)

(1) The Department of Education shall adopt rules to require that all certificated public school personnel receive annual training in suicide awareness and prevention. This training shall be provided within the framework of existing in service training programs offered by the Department of Education or as part of required professional development offered by a local school system.

(2) 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, and suicide prevention experts, develop a list of approved training materials to fulfill the requirements of this subsection which may include training materials currently being used by a local school system if such training materials meet any criteria established by the department.

(3) Approved materials shall include training on how to identify appropriate mental health services, both within the school and also within the larger community, and when and how to refer youth and their families to those services.

(4) Approved materials may include programs that can be completed through self-review of suitable suicide prevention materials.

(5)

(A) Each local school system shall adopt a policy on student suicide prevention. Such policies 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) To assist local school systems in developing their own policies for student suicide 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 local school systems in accordance with this Code section.

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

## REGULATIONS

### **160-4-8-.19 Suicide prevention training requirement for certificated school system personnel.**

#### (1) Definitions.

(a) Georgia Department of Education (GaDOE) – the state agency charged with the fiscal and administrative management of certain aspects of K-12 public education, including the implementation of federal and state mandates. Such management is subject to supervision and oversight by the State Board of Education.

(b) Local Education Agency (LEA) – local school system pursuant to local board of education control and management.

(c) Certificated School System Personnel – individuals trained in education who hold a Clearance (C), Teaching (T), Leadership (L), Service (S), Technical Specialist (TS), or Permit (P) certification issued by the Georgia Professional Standards Commission or is an educator teaching students under a highly qualified definition.

#### (2) Requirements.

(a) Local education agencies shall adopt a policy on student suicide prevention. Such policies 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) To assist LEAs in developing their own policies for student suicide prevention, the Georgia Department of Education (GaDOE), in consultation with the Suicide Prevention Program within the Department of Behavioral Health and Developmental Disabilities (DBHDD), shall establish a model policy for use by LEAs in accordance with O.C.G.A. § 20-2-779.1.

(c) All certificated public school personnel shall receive annual training in suicide awareness and prevention. This training shall be provided within the framework of existing in-service training programs offered by the Georgia Department of Education or as part of required professional development offered by an LEA.

(d) The Georgia Department of Education shall, in consultation with the DBHDD, the Suicide Prevention Program established pursuant to O.C.G.A. § 37-1-27, and suicide prevention experts, develop a list of approved training materials to fulfill the requirements of this subsection which may include training materials currently being used by an LEA if such training materials meet any criteria established by the GaDOE.

(e) Approved materials shall include training on how to identify appropriate mental health services, both within the school and also within the larger community, and when and how to refer youth and their families to those services.

(f) Approved materials may include programs that can be completed through selfreview of suitable suicide prevention materials.

### **160-5-1-.35 Seclusion and restraint for all students.**

#### (2) Requirements. The written policies must include the following provisions:

(g) 1. Staff and faculty training on the use of physical restraint and the school or programs policy and procedures,

(h) Schools and programs that use physical restraints in accordance with paragraph (2)(e) of this rule, must ensure that staff and faculty are trained in the use of physical restraint. This training shall be provided as a part of a program which addresses a full continuum of positive behavioral intervention strategies as well as prevention and deescalation techniques. Schools and programs must maintain

written or electronic documentation on training provided and the list of participants in each training. Records of such training must be made available to the Georgia Department of Education or any member of the public upon request.

## ***Monitoring and Accountability***

### **Formal incident reporting of conduct violations**

#### **LAWS**

#### **20-2-737. Reports by teacher of violations of student code of conduct; notification to parents of support services or disciplinary action.**

(a) Local board policies adopted pursuant to Code Section 20-2-735 shall require the filing of a report by a teacher who has knowledge that a student has exhibited behavior that repeatedly or substantially interferes with the teacher's ability to communicate effectively with the students in his or her class or with the ability of such student's classmates to learn, where such behavior is in violation of the student code of conduct. Such report shall be filed with the principal or the principal's designee within one school day of the most recent occurrence of such behavior, shall not exceed one page, and shall describe the behavior. The principal or the principal's designee shall, within one school day after receiving such a report from a teacher, send to the student's parents or guardian a copy of the report and information regarding how the student's parents or guardians may contact the principal or the principal's designee.

(b) If student support services are utilized or if disciplinary action is taken in response to such a report by the principal or the principal's designee, the principal or the principal's designee shall send written notification to the teacher and the student's parents or guardians of the student support services being utilized or the disciplinary action taken within one school day after such utilization or action and shall make a reasonable attempt to confirm that such written notification has been received by the student's parents or guardians. Such written notification shall include information regarding how the student's parents or guardians may contact the principal or the principal's designee.

#### **20-2-1184. Reporting of students committing prohibited acts.**

(a) Any teacher or other person employed at any public or private elementary or secondary school or any dean or public safety officer employed by a college or university who has reasonable cause to believe that a student at that school has committed any act upon school property or at any school function, which act is prohibited by Code Section 16-5-21 or 16-5-24, Chapter 6 of Title 16, and Code Section 16-11-127, 16-11-127.1, 16-11-132, or 16-13-30, shall immediately report the act and the name of the student to the principal or president of that school or the principal's or president's designee; provided, however, that an act which is prohibited by Code Section 16-11-127.1 shall be reported only when it involves a:

- (1) Firearm, as defined in Code Section 16-11-131;
- (2) Dangerous weapon or machine gun, as defined in Code Section 16-11-121; or
- (3) Weapon, as defined in Code Section 16-11-127.1, together with an assault.

(b) The principal or designee who receives a report made pursuant to subsection (a) of this Code section who has reasonable cause to believe that the report is valid shall make an oral report thereof immediately by telephone or otherwise to the appropriate school system superintendent and to the appropriate police authority and district attorney.

(c) Any person participating in the making of a report or causing a report to be made as authorized or required pursuant to this Code section or participating in any judicial proceeding or any other proceeding resulting therefrom shall in so doing be immune from any civil or criminal liability that might otherwise be incurred or imposed, providing such participation pursuant to this Code section is made in good faith.

(d) Any person required to make a report pursuant to this Code section who knowingly and willfully fails to do so shall be guilty of a misdemeanor.

## **REGULATIONS**

### **160-4-8-.15. Student discipline.**

(2) Requirements.

(g) Local board policies shall require the filing of a report by a teacher documenting a student's violation of the student code of conduct which repeatedly or substantially interferes with the teacher's ability to communicate effectively with the students in his or her class or with the ability of such student's classmates to learn within one school day of the most recent occurrence of such behavior. The report shall be filed with the principal or principal's designee, shall not exceed one page, and shall describe the behavior. The principal or principal's designee shall, within one day of receiving such report, send to the student's parents or guardians a copy of the report, and information regarding how the principal or principal's designee may be contacted.

## **Parental notification**

## **LAWS**

### **20-2-699. Disposition of children taken into custody.**

Any person assuming temporary custody of a child pursuant to Code Section 20-2-698 shall immediately deliver the child either to the parent, guardian, or other person having control or charge of the child or to the school from which the child is absent, or if the child is found to have been adjudged a delinquent child or a child in need of services, the person shall cause the child to be brought before the juvenile probation officer or community supervision officer of the county having jurisdiction over such child.

### **20-2-700. Reports by peace officers to school authorities and parent or guardian.**

Any person taking action pursuant to Code Section 20-2-699 shall report the matter and the disposition made by him of the child to the school authorities of the county, independent or area school system, and to the child's parent or guardian.

### **20-2-731. When and how corporal punishment may be administered.**

(4) The principal or teacher who administered corporal punishment must provide the child's parent, upon request, a written explanation of the reasons for the punishment and the name of the principal or assistant principal, or designee of the principal or assistant principal, who was present; provided, however, that such an explanation shall not be used as evidence in any subsequent civil action brought as a result of the corporal punishment;

### **20-2-737. Reports by teacher of violations of student code of conduct; notification to parents of support services or disciplinary action.**

(a) Local board policies adopted pursuant to Code Section 20-2-735 shall require the filing of a report by a teacher who has knowledge that a student has exhibited behavior that repeatedly or substantially interferes with the teacher's ability to communicate effectively with the students in his or her class or with the ability of such student's classmates to learn, where such behavior is in violation of the student code of conduct. Such report shall be filed with the principal or the principal's designee within one school day of the most recent occurrence of such behavior, shall not exceed one page, and shall describe the behavior. The principal or the principal's designee shall, within one school day after receiving such a report from a

teacher, send to the student's parents or guardian a copy of the report and information regarding how the student's parents or guardians may contact the principal or the principal's designee.

(b) If student support services are utilized or if disciplinary action is taken in response to such a report by the principal or the principal's designee, the principal or the principal's designee shall send written notification to the teacher and the student's parents or guardians of the student support services being utilized or the disciplinary action taken within one school day after such utilization or action and shall make a reasonable attempt to confirm that such written notification has been received by the student's parents or guardians. Such written notification shall include information regarding how the student's parents or guardians may contact the principal or the principal's designee.

**20-2-738. Authority of teacher over classroom; procedures following removal of student from classroom; placement review committees.**

(f) Within one school day of taking action pursuant to subsection (e) of this Code section, the principal or the principal's designee shall send written notification of such action to the teacher and the parents or guardians of the student and shall make a reasonable attempt to confirm that such written notification has been received by the student's parents or guardians.

(g) Parents or guardians of a student who has been removed from class pursuant to subsection (b) of this Code section may be required to participate in conferences that may be requested by the principal or the principal's designee; provided, however, that a student may not be penalized for the failure of his or her parent or guardian to attend such a conference.

(h) The procedures contained in this Code section relating to student conferences and notification of parents or guardians are minimum requirements. Nothing in this Code section shall be construed to limit the authority of a local board of education to establish additional requirements relating to student conferences, notification of parents or guardians, conferences with parents or guardians, or other procedures required by the Constitutions of the United States or this state.

**20-2-751.4. Policies prohibiting bullying; assignment to alternative school; notice.**

(b) No later than August 1, 2011:

(3) Each local board of education shall establish and publish in its local board policy a method to notify the parent, guardian, or other person who has control or charge of a student upon a finding by a school administrator that such student has committed an offense of bullying or is a victim of bullying;

**20-2-765. Notification of parent or guardian of chronic disciplinary problem student; observance of child by parent or guardian; attendance of conference with principal or teacher or both.**

Any time a teacher or principal identifies a student as a chronic disciplinary problem student, the principal shall notify by telephone call and by either certified mail or statutory overnight delivery with return receipt requested or first-class mail the student's parent or guardian of the disciplinary problem, invite such parent or guardian to observe the student in a classroom situation, and request at least one parent or guardian to attend a conference with the principal or the teacher or both to devise a disciplinary and behavioral correction plan.

**REGULATIONS**

**160-4-7-.10. Discipline.**

(6) Notification.

(a) On the date on which the decision is made to make a removal that constitutes a change of placement of a child with a disability because of a violation of a code of child conduct, the LEA must

notify the parents of that decision, and provide the parents the procedural safeguards notice described in Rule 160-4-7- .09 Procedural Safeguards.

#### **160-4-8-.15. Student discipline.**

##### (2) Requirements.

(g) Local board policies shall require the filing of a report by a teacher documenting a student's violation of the student code of conduct which repeatedly or substantially interferes with the teacher's ability to communicate effectively with the students in his or her class or with the ability of such student's classmates to learn within one school day of the most recent occurrence of such behavior. The report shall be filed with the principal or principal's designee, shall not exceed one page, and shall describe the behavior. The principal or principal's designee shall, within one day of receiving such report, send to the student's parents or guardians a copy of the report, and information regarding how the principal or principal's designee may be contacted.

(h) The principal or the principal's designee shall send written notification to the teacher and to the student's parents or guardians of the student support services being utilized or the disciplinary action taken within one school day and shall make a reasonable attempt to confirm receipt of such written notification by the student's parents or guardians. Written notification shall include information regarding how student's parents or guardians may contact the principal or principal's designee.

#### **160-4-8-.16. Unsafe School Choice Option (USCO).**

##### (2) Requirements.

(c) The LSS shall within ten school days of notification by the Georgia Department of Education notify the parents/guardians of students enrolled in a school that has been classified as a persistently dangerous school. This parental notification shall be written in English and any other language prevalent in the student population of that school. This notification shall also specify the process adopted by the local board of education to be used for the transfer of a student to a safe public school, including a charter school, either within the school system or to one located in another school system with which the system has an agreement, upon the request of a parent/guardian or by a student if the student has reached the age of 18. Following student transfer guidelines consistent with the No Child Left Behind Act of 2001, LSSs shall allow students to transfer to a school that is making adequate yearly progress and has not been identified as being in school improvement, corrective action, or restructuring. Student transfers to safe schools within the school system or to a safe school within another school system with which the school system has an agreement shall be completed within 30 school days of the request.

#### **160-5-1-.10. Student attendance.**

##### (2) Requirements.

(i) To reduce unexcused absences, each local board of education shall adopt policies and procedures that shall include but are not limited to:

1. Requiring the school system to notify the parent, guardian or other person who has control or charge of the student when such student has five unexcused absences. The notice shall outline the penalty and consequences of such absences and that each subsequent absence shall constitute a separate offense. After two reasonable attempts to notify the parent, guardian or other person who has charge of the student, the school system shall send written notice via certified mail with return receipt requested, or first-class mail; and
2. Prior to any action to commence judicial proceedings to impose a penalty on a parent, guardian, or other person residing in this state who has control or charge of the school aged child for failing to

comply with compulsory attendance, a school system shall send a notice to such parent, guardian, or other person by certified mail, return receipt requested; and

3. Requiring public schools to provide to the parent, guardian, or other person having control or charge of each student enrolled in public school a written summary of possible consequences and penalties for failing to comply with compulsory attendance. By September 1 of each school year or within 30 school days of a student's enrollment in the school system, the parent, guardian, or other person having control or charge of such student shall sign a statement indicating receipt of such written statement of possible consequences and penalties. After two reasonable attempts by the school to secure such signature or signatures, the school shall be considered to be in compliance with this subsection if it sends a copy of the statement, via certified mail, return receipt requested, or first-class mail, to such parent, guardian, or other person who has control or charge of a child, or children. In addition, students age ten or older by September 1 shall sign a statement indicating receipt of written statement of possible consequences for noncompliance to the local system's policy.

(j) Each local board of education shall implement a progressive discipline process and a parental involvement process for truant students before referring the students to the juvenile or other court having jurisdiction.

#### **160-5-1-.35 Seclusion and restraint for all students.**

(2) Requirements.

(g) Schools and programs that use physical restraint in accordance with paragraph (2)(e) of this rule must develop and implement written policies to govern the use of physical restraint. Parents must be provided information regarding the school or program's policies governing the use of physical restraint. The written policies must include the following provisions:

2. Written parental notification when physical restraint is used to restrain their student within a reasonable time not to exceed one school day from the use of restraint,

## **Reporting and referrals between schools and law enforcement**

### **LAWS**

#### **20-2-695. Employing attendance officers in addition to visiting teachers; authority and duties.**

(b) The authority and duties of any attendance officer so appointed by a local board of education shall include:

(4) The duty to report children absent from school to the juvenile court or other court having jurisdiction as provided for in Code Section 20-2-701;

#### **20-2-699. Disposition of children taken into custody.**

Any person assuming temporary custody of a child pursuant to Code Section 20-2-698 shall immediately deliver the child either to the parent, guardian, or other person having control or charge of the child or to the school from which the child is absent, or if the child is found to have been adjudged a delinquent child or a child in need of services, the person shall cause the child to be brought before the juvenile probation officer or community supervision officer of the county having jurisdiction over such child.

#### **20-2-700. Reports by peace officers to school authorities and parent or guardian.**

Any person taking action pursuant to Code Section 20-2-699 shall report the matter and the disposition made by him of the child to the school authorities of the county, independent or area school system, and to the child's parent or guardian.

**§ 20-2-701. Responsibility for reporting truants to juvenile or other courts.**

Local school superintendents as applied to private schools, the Department of Education as applied to home study programs, or visiting teachers and attendance officers as applied to public schools, after written notice to the parent or guardian of a child, shall report to the juvenile or other court having jurisdiction under Chapter 11 of Title 15 any child who is absent from a public or private school or a home study program in violation of this subpart. If the judge of the court places such child in a home or in a public or private institution pursuant to Chapter 11 of Title 15, school shall be provided for such child. The Department of Education shall coordinate with local school superintendents with respect to attendance records and notification for students in home study programs.

**15-11-707. Notice to school superintendent.**

Within 30 days of any proceeding in which a child is adjudicated for committing a delinquent act for a second or subsequent time or is adjudicated for committing a class A designated felony act or class B designated felony act, the court shall provide written notice to the school superintendent of the school in which such child is enrolled or his or her designee or, if the information is known, of the school in which such child plans to be enrolled at a future date. Such notice shall include the specific delinquent act or class A designated felony act or class B designated felony act such child committed.

**15-11-710. Exchange of information.**

(a) As used in this Code section, the term "governmental entity" shall mean the court, superior court, DJJ, DBHDD, DFACS, county departments of family and children services, or public schools, as such term is defined in Code Section 16-11-35.

(b) Governmental entities and state, county, municipal, or consolidated government departments, boards, or agencies shall exchange with each other all information not held as confidential pursuant to federal law and relating to a child which may aid a governmental entity in the assessment, treatment, intervention, or rehabilitation of a child, notwithstanding Code Section 15-1-15, 15-11-40, 15-11-105, 15-11-170, 15-11-264, 15-11-541, 15-11-542, 15-11-603, 15-11-708, 15-11-709, 15-11-744, 20-2-751.2, 20-14-40, 24-12-10, 24-12-11, 24-12-20, 26-4-5, 26-4-80, 26-5-17, 31-5-5, 31-33-6, 37-1-53, 37-2-9.1, 42-5-36, 42-8-40, 42-8-109.2, 49-5-40, 49-5-41, 49-5-41.1, 49-5-44, 49-5-45, 49-5-183, 49-5-184, 49-5-185, or 49-5-186, in order to serve the best interests of such child. Information which is shared pursuant to this subsection shall not be utilized to assist in the prosecution of a child in juvenile, superior, or state court or utilized to the detriment of such child.

(c) Information released pursuant to this Code section shall not change or rescind the confidential nature of such information and such information shall not be subject to public disclosure or inspection unless otherwise provided by law.

**20-2-756. Reports to law enforcement officials.**

(a) The school administration, disciplinary hearing officer, panel, tribunal of school officials, or the local board of education may, when any alleged criminal action by a student occurs, report the incident to the appropriate law enforcement agency or officer for investigation to determine if criminal charges or delinquent proceedings should be initiated.

(b) No individual reporting any incident under this subpart to a law enforcement agency or officer shall be subject to any action for malicious prosecution, malicious abuse of process, or malicious use of process.

**20-2-1184. Reporting of students committing prohibited acts**

(a) Any teacher or other person employed at any public or private elementary or secondary school or any dean or public safety officer employed by a college or university who has reasonable cause to believe that a student at that school has committed any act upon school property or at any school function, which

act is prohibited by Code Section 16-5-21 or 16-5-24, Chapter 6 of Title 16, and Code Section 16-11-127, 16-11-127.1, 16-11-132, or 16-13-30, shall immediately report the act and the name of the student to the principal or president of that school or the principal's or president's designee; provided, however, that an act which is prohibited by Code Section 16-11-127.1 shall be reported only when it involves a:

- (1) Firearm, as defined in Code Section 16-11-131;
- (2) Dangerous weapon or machine gun, as defined in Code Section 16-11-121; or
- (3) Weapon, as defined in Code Section 16-11-127.1, together with an assault.

(b) The principal or designee who receives a report made pursuant to subsection (a) of this Code section who has reasonable cause to believe that the report is valid shall make an oral report thereof immediately by telephone or otherwise to the appropriate school system superintendent and to the appropriate police authority and district attorney.

(c) Any person participating in the making of a report or causing a report to be made as authorized or required pursuant to this Code section or participating in any judicial proceeding or any other proceeding resulting therefrom shall in so doing be immune from any civil or criminal liability that might otherwise be incurred or imposed, providing such participation pursuant to this Code section is made in good faith.

(d) Any person required to make a report pursuant to this Code section who knowingly and willfully fails to do so shall be guilty of a misdemeanor.

## **REGULATIONS**

### **160-4-7-.10. Discipline.**

(11) Referral to and action by law enforcement and judicial authorities.

(a) Nothing in this Rule prohibits a LEA from reporting a crime committed by a child with a disability to appropriate authorities or prevents State law enforcement or judicial authorities from exercising their responsibilities with regard to the application of Federal and State law to crimes committed by a child with a disability.

(b) A LEA reporting a crime committed by a child with a disability must ensure that copies of the special education and disciplinary records of the child are transmitted for consideration by the appropriate authorities to whom the agency reports the crime.

(c) A LEA reporting a crime under this Rule may transmit copies of the child's special education and disciplinary records only to the extent that the transmission is permitted by the Family Educational Rights and Privacy Act.

## **Disclosure of school records**

## **LAWS**

### **20-2-751.2. Students subject to disciplinary orders of other school systems.**

(a) As used in this Code section, the term "disciplinary order" means any order of a local school system in this state, a private school in this state, or a public school outside of this state which imposes short-term suspension, long-term suspension, or expulsion upon a student in such system or school.

(b) A local board of education which has a student who attempts to enroll or who is enrolled in any school in its school system during the time in which that student is subject to a disciplinary order is authorized to refuse to enroll or subject that student to short-term suspension, long-term suspension, or expulsion for any time remaining in that other school system's or school's disciplinary order upon receiving a certified

copy of such order if the offense which led to such suspension or expulsion in the other school system or school was an offense for which suspension or expulsion could be imposed in the enrolling school.

(c) A local school system or school may request of another school system or school whether any disciplinary order has been imposed by the other school system or school upon a student who is seeking to enroll or is enrolled in the requesting system or school. If such an order has been imposed and is still in effect for such student, the requested school system or private school in this state shall so inform the requesting system or school and shall provide a certified copy of the order to the requesting system or school.

(d) If any school administrator determines from the information obtained pursuant to this Code section or from Code Section 15-11-28 or 15-11-80 that a student has been convicted of or has been adjudicated to have committed an offense which is a class A designated felony act or class B designated felony act under Code Section 15-11-63, such administrator shall so inform all teachers to whom the student is assigned and other school personnel to whom the student is assigned. Such teachers and other certificated professional personnel as the administrator deems appropriate may review the information in the student's file provided pursuant to this Code section that has been received from other schools or from the juvenile courts or superior courts. Such information shall be kept confidential.

## **REGULATIONS**

No relevant regulations found.

## **Data collection, review, and reporting of disciplinary policies and actions**

### **LAWS**

#### **20-2-695. Employing attendance officers in addition to visiting teachers; authority and duties.**

(b) The authority and duties of any attendance officer so appointed by a local board of education shall include:

- (1) The duty to cooperate with state agencies, make monthly reports to that officer's school superintendent, and comply with state and local rules as provided in Code Section 20-2-696;

#### **20-2-696. Duties of visiting teachers and attendance officers.**

In the discharge of the duties of their office, visiting teachers, acting visiting teachers, or attendance officers shall:

- (2) Make monthly and annual reports to their respective local school superintendents on attendance and other problems of child school adjustment in the public schools of their territory; and

#### **20-2-740. Annual report by local boards of education regarding disciplinary and placement actions; annual study by Department of Education.**

(a) Each local board of education shall file an annual report, by August 1 of each year, with the Department of Education regarding disciplinary and placement actions taken during the prior school year. Such report shall classify the types of actions into the following categories:

- (1) Actions in which a student was assigned to in-school suspension;
- (2) Actions in which a student was suspended for a period of ten days or less;
- (3) Actions in which a student was suspended for a period of more than ten days but not beyond the current school quarter or semester;

- (4) Actions in which a student was expelled beyond the current school quarter or semester but not permanently expelled;
- (5) Actions in which a student was permanently expelled;
- (6) Actions in which a student was placed in an alternative educational setting;
- (7) Actions in which a student was suspended from riding the bus;
- (8) Actions in which corporal punishment was administered; and
- (9) Actions in which a student was removed from class pursuant to subsection (b) of Code Section 20-2-738.

(b) For each category of disciplinary or placement action listed in paragraphs (1) through (9) of subsection (a) of this Code section, the local board shall provide the following information: the number of students subject to the type of disciplinary or placement action; the age and grade level of such students; such students' race and gender; and the number of students subject to the type of disciplinary action who were eligible for free or reduced price lunches under federal guidelines. For each action listed in paragraph (9) of subsection (a) of this Code section, the local board shall also provide information regarding the decisions of placement review committees and the disciplinary and placement decisions made by principals or their designees. The data required by this Code section shall be reported separately for each school within the local school system and collected and reported in compliance with the requirements of 20 U.S.C. Sections 1232g and 1232h.

(c) The Department of Education shall conduct a study for each school year based upon the statistical data filed by local boards pursuant to this Code section for the purpose of determining trends in discipline. The department shall also utilize existing demographic data on school personnel as needed to establish trends in discipline. Nothing in this Code section shall be construed to authorize the public release of personally identifiable information regarding students or school personnel. The department shall prepare a report for the General Assembly on the study annually and notify the members of the General Assembly of the availability of the report in the manner which it deems to be most effective and efficient.

## **REGULATIONS**

No relevant regulations found.

## ***School Resource and Safety Officers (SROs/SSOs) and Truant/Attendance Officers***

### **Authority and power to implement school arrest**

#### **LAWS**

##### **20-2-695. Employing attendance officers in addition to visiting teachers; authority and duties.**

(b) The authority and duties of any attendance officer so appointed by a local board of education shall include:

(3) When specifically authorized by the appointing local board of education, the authority to assume temporary custody of children absent from school in the same manner as authorized for peace officers under Code Sections 20-2-698 through 20-2-700; and any attendance officer so authorized by the appointing local board of education shall, when engaged in such function, have the same duties, authority, rights, privileges, and immunities as applicable to a peace officer engaged in such function, provided that the same shall not extend to the carrying of a weapon unless the attendance officer holds a valid certification as a peace officer from the Georgia Peace Officer Standards and Training Council;

##### **20-2-698. Peace officers may take temporary custody of truant children away from home.**

Any peace officer may assume temporary custody, during school hours, of any child subject to compulsory school attendance who is found away from home and who is absent from a public or private school or a home study program without a valid written excuse from school officials or from the parent or guardian in charge of the home study program.

##### **20-2-699. Disposition of children taken into custody.**

Any person assuming temporary custody of a child pursuant to Code Section 20-2-698 shall immediately deliver the child either to the parent, guardian, or other person having control or charge of the child or to the school from which the child is absent, or if the child is found to have been adjudged a delinquent child or a child in need of services, the person shall cause the child to be brought before the juvenile probation officer or community supervision officer of the county having jurisdiction over such child.

#### **REGULATIONS**

No relevant regulations found.

### **Certification or training**

#### **LAWS**

##### **20-2-695. Employing attendance officers in addition to visiting teachers; authority and duties.**

(b) The authority and duties of any attendance officer so appointed by a local board of education shall include:

(3) When specifically authorized by the appointing local board of education, the authority to assume temporary custody of children absent from school in the same manner as authorized for peace officers under Code Sections 20-2-698 through 20-2-700; and any attendance officer so authorized by the appointing local board of education shall, when engaged in such function, have the same duties, authority, rights, privileges, and immunities as applicable to a peace officer engaged in such function,

provided that the same shall not extend to the carrying of a weapon unless the attendance officer holds a valid certification as a peace officer from the Georgia Peace Officer Standards and Training Council;

## **REGULATIONS**

No relevant regulations found.

## **MOUs, authorization, and/or funding**

## **LAWS**

### **20-2-695. Employing attendance officers in addition to visiting teachers; authority and duties.**

(a) A local board of education may employ an attendance officer or attendance officers in addition to a visiting teacher or visiting teachers. Such an attendance officer must be paid wholly from local funds of the local board unless state funds are specifically appropriated for purposes of employment of attendance officers, in which case state funds may be used to the extent so appropriated. Attendance officers shall not be required to qualify under rules and regulations promulgated by the Professional Standards Commission for the certification of visiting teachers.

(b) The authority and duties of any attendance officer so appointed by a local board of education shall include:

- (1) The duty to cooperate with state agencies, make monthly reports to that officer's school superintendent, and comply with state and local rules as provided in Code Section 20-2-696;
- (2) The authority to receive cooperation and attendance reports from that officer's school system as provided for in Code Section 20-2-697;
- (3) When specifically authorized by the appointing local board of education, the authority to assume temporary custody of children absent from school in the same manner as authorized for peace officers under Code Sections 20-2-698 through 20-2-700; and any attendance officer so authorized by the appointing local board of education shall, when engaged in such function, have the same duties, authority, rights, privileges, and immunities as applicable to a peace officer engaged in such function, provided that the same shall not extend to the carrying of a weapon unless the attendance officer holds a valid certification as a peace officer from the Georgia Peace Officer Standards and Training Council;
- (4) The duty to report children absent from school to the juvenile court or other court having jurisdiction as provided for in Code Section 20-2-701; and
- (5) Such other authority and duties as may be provided by law or as may be provided by the appointing local board of education in conformity with law.

### **20-2-696. Duties of visiting teachers and attendance officers.**

In the discharge of the duties of their office, visiting teachers, acting visiting teachers, or attendance officers shall:

- (1) Cooperate fully with the Department of Human Services, the Department of Labor, and other state agencies;
- (2) Make monthly and annual reports to their respective local school superintendents on attendance and other problems of child school adjustment in the public schools of their territory; and
- (3) Comply with the rules and regulations of the county and independent school system boards of education and the State Board of Education.

**20-2-697. Cooperation of principals and teachers in public schools with visiting teachers and attendance officers; attendance reports and records kept by public schools; letter indicating enrollment.**

(a) Visiting teachers and attendance officers shall receive the cooperation and assistance of all teachers and principals of public schools in the local school systems within which they are appointed to serve. It shall be the duty of the principals or local school site administrators and of the teachers of all public schools to report, in writing, to the visiting teacher or attendance officer of the local school system the names, ages, and residences of all students in attendance at their schools and classes within 30 days after the beginning of the school term or terms and to make such other reports of attendance in their schools or classes as may be required by rule or regulation of the State Board of Education. All public schools shall keep daily records of attendance, verified by the teachers certifying such records. Such reports shall be open to inspection by the visiting teacher, attendance officer, or duly authorized representative at any time during the school day. Any such attendance records and reports which identify students by name shall be used only for the purpose of providing necessary attendance information required by the state board or by law, except with the permission of the parent or guardian of a child, pursuant to the subpoena of a court of competent jurisdiction, or for verification of enrollment by the Department of Driver Services for the purposes set forth in subsection (a.1) of Code Section 40-5-22. Such attendance records shall also be maintained in a format which does not identify students by name, and in this format shall be a part of the data collected for the student record component of the state-wide comprehensive educational information system pursuant to subsection (b) of Code Section 20-2-320.

(a.1) Any student shall have the right to request and receive, within three business days from the date of such request, a letter from his or her school administrator indicating that the student is enrolled full-time and has an attendance record in good standing for the current academic year.

(b) Any person failing to carry out the duties required by subsection (a) of this Code section shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine not to exceed \$100.00.

(c) The provisions of this Code section shall not apply to private schools or home study programs, and enrollment and attendance information required for private schools or home study programs and penalties for failure to comply with such requirements shall be as provided in Code Section 20-2-690.

**REGULATIONS**

No relevant regulations found.

## ***State Education Agency Support***

### **State model policies and implementation support**

#### **LAWS**

##### **20-2-155. School climate management program; model codes of behavior and discipline.**

The State Board of Education shall establish a state-wide school climate management program to help local schools and systems requesting assistance in developing school climate improvement and management processes. Such projects will be designed to optimize local resources through voluntary community, student, teacher, administrator, and other school personnel participation. These processes will be designed for, but will not be limited to, 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. The state board upon request of a local school system is authorized to provide the necessary on-site technical assistance to local schools and systems and to offer other assistance through regional and state-wide conferences and workshops, printed material, and such other assistance as may be deemed appropriate under this Code section. The state board shall, upon request of a local school system, produce model codes of behavior and discipline and shall produce guidelines for application and administration of such codes. The results of this program shall be annually presented to the General Assembly for review in determining future appropriations for state-level technical assistance necessary to perform the duties assigned to the state board under this Code section.

##### **20-2-735. Adoption of policies by local boards to improve student learning environment.**

(a) No later than July 1, 2000, each local board of education shall adopt policies designed to improve the student learning environment by improving student behavior and discipline. These policies shall provide for the development of age-appropriate student codes of conduct containing standards of behavior, a student support process, a progressive discipline process, and a parental involvement process. The State Board of Education shall establish minimum standards for such local board policies. The Department of Education shall make available for utilization by each local board of education model student codes of conduct, a model student support process, a model progressive discipline process, and a model parental involvement process.

##### **20-2-751.4. Policies prohibiting bullying; assignment to alternative school; notice.**

(c) No later than January 1, 2011, the Department of Education shall develop a model policy regarding bullying, that may be revised from time to time, and shall post such policy on its website in order to assist local school systems. Such model policy shall include:

- (1) A statement prohibiting bullying;
- (2) A requirement that any teacher or other school employee who has reliable information that would lead a reasonable person to suspect that someone is a target of bullying shall immediately report it to the school principal;
- (3) A requirement that each school have a procedure for the school administration to promptly investigate in a timely manner and determine whether bullying has occurred;
- (4) An age-appropriate range of consequences for bullying which shall include, at minimum and without limitation, disciplinary action or counseling as appropriate under the circumstances;

- (5) A procedure for a teacher or other school employee, student, parent, guardian, or other person who has control or charge of a student, either anonymously or in such person's name, at such person's option, to report or otherwise provide information on bullying activity;
  - (6) A statement prohibiting retaliation following a report of bullying; and
  - (7) Provisions consistent with the requirements of subsection (b) of this Code section.
- (d) The Department of Education shall develop and post on its website a list of entities and their contact information which produce antibullying training programs and materials deemed appropriate by the department for use in local school systems.

**§ 20-2-779.1. Suicide prevention and awareness training; no duty of care imposed.**

(a)

(1) The Department of Education shall adopt rules to require that all certificated public school personnel receive annual training in suicide awareness and prevention. This training shall be provided within the framework of existing in service training programs offered by the Department of Education or as part of required professional development offered by a local school system.

(2) 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, and suicide prevention experts, develop a list of approved training materials to fulfill the requirements of this subsection which may include training materials currently being used by a local school system if such training materials meet any criteria established by the department.

(3) Approved materials shall include training on how to identify appropriate mental health services, both within the school and also within the larger community, and when and how to refer youth and their families to those services.

(4) Approved materials may include programs that can be completed through self-review of suitable suicide prevention materials.

(5)

(A) Each local school system shall adopt a policy on student suicide prevention. Such policies 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) To assist local school systems in developing their own policies for student suicide 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 local school systems in accordance with this Code section.

**REGULATIONS**

**160-4-8-.19 Suicide prevention training requirement for certificated school system personnel.**

(2) Requirements.

(a) Local education agencies shall adopt a policy on student suicide prevention. Such policies 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) To assist LEAs in developing their own policies for student suicide prevention, the Georgia Department of Education (GaDOE), in consultation with the Suicide Prevention Program within the

Department of Behavioral Health and Developmental Disabilities (DBHDD), shall establish a model policy for use by LEAs in accordance with O.C.G.A. § 20-2-779.1.

(c) All certificated public school personnel shall receive annual training in suicide awareness and prevention. This training shall be provided within the framework of existing in-service training programs offered by the Georgia Department of Education or as part of required professional development offered by an LEA.

(d) The Georgia Department of Education shall, in consultation with the DBHDD, the Suicide Prevention Program established pursuant to O.C.G.A. § 37-1-27, and suicide prevention experts, develop a list of approved training materials to fulfill the requirements of this subsection which may include training materials currently being used by an LEA if such training materials meet any criteria established by the GaDOE.

(e) Approved materials shall include training on how to identify appropriate mental health services, both within the school and also within the larger community, and when and how to refer youth and their families to those services.

(f) Approved materials may include programs that can be completed through selfreview of suitable suicide prevention materials.

## **Funding appropriations**

### **LAWS**

#### **20-2-751.4. Policies prohibiting bullying; assignment to alternative school; notice.**

(g) Any school system which is not in compliance with the requirements of subsection (b) of this Code section shall be ineligible to receive state funding pursuant to Code Sections 20-2-161 and 20-2-260.

### **REGULATIONS**

No relevant regulations found.

## ***Other or Uncategorized***

### **Professional immunity or liability**

#### **LAWS**

#### **20-2-1000. Limitation on civil damages for disciplining student; "educator" defined; frivolous or nonmeritorious actions; legal counsel for the educator.**

(a) As used in this Code section, the term "educator" means any principal, school administrator, teacher, guidance counselor, paraprofessional, school bus driver, volunteer assisting teachers in the classroom, tribunal members, or certificated professional personnel.

(b) No educator shall be liable for any civil damages for, or arising out of, any act or omission concerning, relating to, or resulting from the discipline of any student or the reporting of any student for misconduct, except for acts or omissions of willful or wanton misconduct.

(c) If a judgment or finding is rendered in favor of a defendant educator in any action, complaint, disciplinary proceeding, or other administrative proceeding brought by a student, a parent or guardian of a student, or any other person on behalf of a student and arising out of or resulting from the discipline of such student or if the complaint is found to be nonmeritorious, frivolous, or without just cause, all reasonable court costs, reasonable attorneys' fees, and reasonable expenses incurred by the defendant educator in defending such action or complaint shall be assessed by the court, agency, or other tribunal against the plaintiff and shall be paid by the plaintiff. Any educator shall have a right to bring an action or a counterclaim against the plaintiff in any such action or proceeding for any damages suffered by the educator as a result of the actions of the student or the filing of any frivolous or nonmeritorious action, complaint, or report. Nothing in this subsection shall be construed to apply to any educator filing a complaint as required by the rules, regulations, or code of ethics of the Professional Standards Commission; any child abuse reporting statute; any applicable local board of education rule, regulation, or policy; or any State Board of Education rule, regulation, or policy.

(d) If any civil action is brought against any educator or any report or complaint is made or filed against any educator with the county or local board of education, the Department of Education, the Professional Standards Commission, or any other regulatory agency or tribunal by a student, a parent or guardian of a student, or any other person on behalf of a student and arising out of or relating to the discipline of such student, it shall be the duty of the county or local board of education employing such educator to provide counsel for the educator, if requested by the educator, unless such board of education determines, after an independent investigation of the report or complaint, that the act or omission of the educator constituted willful or wanton misconduct or constituted gross misconduct in violation of the express written policies of the board of education. Neither testimony given in such independent investigation nor the results of any such independent investigation by the board of education shall be admissible in any other proceeding. The provision of counsel to such educator shall be for an educational purpose and any funds available to the board of education may be expended for such purpose. Any attorneys' fees recovered pursuant to subsection (c) of this Code section attributable to the services furnished by any counsel provided to an educator by his or her employer shall be paid to the employer.

#### **20-2-1001. Limited immunity from criminal liability.**

(a) As used in this Code section, the term "educator" means any principal, school administrator, teacher, guidance counselor, paraprofessional, school bus driver, volunteer assisting teachers in the classroom, tribunal members, or certificated professional personnel.

(b) An educator shall be immune from criminal liability for any act or omission concerning, relating to, or resulting from the discipline of any student or the reporting of any student for misconduct, provided that the educator acted in good faith.

**20-2-732. When principal or teacher not liable for administering corporal punishment.**

No principal or teacher who shall administer corporal punishment to a pupil or pupils under his care and supervision in conformity with the policies and regulations of the area, county, or independent board of education employing him and in accordance also with this subpart shall be held accountable or liable in any criminal or civil action based upon the administering of corporal punishment where the corporal punishment is administered in good faith and is not excessive or unduly severe.

**20-2-751.4. Policies prohibiting bullying; assignment to alternative school; notice.**

(e) Any person who reports an incident of bullying in good faith shall be immune from civil liability for any damages caused by such reporting.

**20-2-756. Reports to law enforcement officials.**

(a) The school administration, disciplinary hearing officer, panel, tribunal of school officials, or the local board of education may, when any alleged criminal action by a student occurs, report the incident to the appropriate law enforcement agency or officer for investigation to determine if criminal charges or delinquent proceedings should be initiated.

(b) No individual reporting any incident under this subpart to a law enforcement agency or officer shall be subject to any action for malicious prosecution, malicious abuse of process, or malicious use of process.

**REGULATIONS**

No relevant regulations found.

**Community input or involvement**

**LAWS**

**20-2-735. Adoption of policies by local boards to improve student learning environment.**

(e) Parental involvement processes developed pursuant to this subpart shall be designed to create the expectation that parents and guardians, teachers, and school administrators will work together to improve and enhance student behavior and academic performance and will communicate freely their concerns about and actions in response to student behavior that detracts from the learning environment. The student code of conduct developed pursuant to this Code section shall encourage parents and guardians to inform their children of the consequences, including potential criminal penalties, of underage sexual conduct and crimes for which a minor can be tried as an adult.

**20-2-736. Student codes of conduct; distribution; disciplinary action for violations; parental involvement.**

(c) Local boards of education shall provide opportunities for parental involvement in developing and updating student codes of conduct.

**20-2-85. Legislative findings; role of local boards of education and school councils.**

(a) The General Assembly recognizes the need to improve communication and participation of parents and the community in the management and operation of local schools. The General Assembly believes that parent and community support is critical to the success of students and schools. The intent of this

article is to bring communities and schools closer together in a spirit of cooperation to solve difficult education problems, improve academic achievement, provide support for teachers and administrators, and bring parents into the school-based decision-making process. The establishment of school councils is intended to help local boards of education develop and nurture participation, bring parents and the community together with teachers and school administrators to create a better understanding of and mutual respect for each other's concerns, and share ideas for school improvement. School councils shall be reflective of the school community.

(b) The management and control of public schools shall be the responsibility of local boards of education, and the school leader shall be the principal. School councils shall provide advice, recommendations, and assistance and represent the community of parents and businesses. Each member of the council, as a community representative, shall be accorded the respect and attention deserving of such election.

## **REGULATIONS**

### **160-4-8-.01. Student support services.**

(1) Definitions.

(h) School Social Work/Visiting Teacher Services - technical assistance on school climate issues; assessment and intervention, including written social histories; individual, group, and family counseling; and networking of appropriate home, school, and community services to address identified student problems.

(2) Requirements.

(a) Each local school system shall develop a Student Services Plan that prescribes and identifies programs and services that incorporate school climate improvement and management processes.

(b) Each Student Services Plan must minimally include guidelines for the systematic provision of the following components:

6. School social work/visiting teacher services

(e) The LBOE shall provide School Social Work/Visiting Teacher Services by promoting home, school, and community cooperation to address the needs of the at-risk student population characterized by poverty, high absenteeism, academic failure, pregnancy, disruptive behavior or other student dysfunctions.

### **160-4-8-.15. Student discipline.**

(2) Requirements.

19. Parental involvement processes designed to create the expectation that parents, guardians, teachers and school administrators will work together to improve and enhance student behavior and academic performance and will communicate freely their concerns about, and actions in response to, student behavior that detracts from the learning environment. Local boards of education shall provide opportunities for parental involvement in developing and updating student codes of conduct.

## **Other or Uncategorized**

### **LAWS**

#### **16-11-130.1. Allowing personnel to carry weapons within certain school safety zones and at school functions.**

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

- (1) "Bus or other transportation furnished by a school" means a bus or other transportation furnished by a public or private elementary or secondary school.
- (2) "School function" means a school function or related activity that occurs outside of a school safety zone for a public or private elementary or secondary school.
- (3) "School safety zone" means in or on any real property or building owned by or leased to any public or private elementary or secondary school or local board of education and used for elementary or secondary education.
- (4) "Weapon" shall have the same meaning as set forth in Code Section 16-11-127.1.

(b) This Code section shall not be construed to require or otherwise mandate that any local board of education or school administrator adopt or implement a practice or program for the approval of personnel to possess or carry weapons within a school safety zone, at a school function, or on a bus or other transportation furnished by a school nor shall this Code section create any liability for adopting or declining to adopt such practice or program. Such decision shall rest with each individual local board of education. If a local board of education adopts a policy to allow certain personnel to possess or carry weapons as provided in paragraph (6) of subsection (c) of Code Section 16-11-127.1, such policy shall include approval of personnel to possess or carry weapons and provide for:

- (1) Training of approved personnel prior to authorizing such personnel to carry weapons. The training shall at a minimum include training on judgment pistol shooting, marksmanship, and a review of current laws relating to the use of force for the defense of self and others; provided, however, that the local board of education training policy may substitute for certain training requirements the personnel's prior military or law enforcement service if the approved personnel has previously served as a certified law enforcement officer or has had military service which involved similar weapons training;
- (2) An approved list of the types of weapons and ammunition and the quantity of weapons and ammunition authorized to be possessed or carried;
- (3) The exclusion from approval of any personnel who has had an employment or other history indicating any type of mental or emotional instability as determined by the local board of education; and
- (4) A mandatory method of securing weapons which shall include at a minimum a requirement that the weapon, if permitted to be carried concealed by personnel, shall be carried on the person and not in a purse, briefcase, bag, or similar other accessory which is not secured on the body of the person and, if maintained separate from the person, shall be maintained in a secured lock safe or similar lock box that cannot be easily accessed by students.

(c) Any personnel selected to possess or carry weapons within a school safety zone, at a school function, or on a bus or other transportation furnished by a school shall be a license holder, and the local board of education shall be responsible for conducting a criminal history background check of such personnel annually to determine whether such personnel remains qualified to be a license holder.

(d) The selection of approved personnel to possess or carry a weapon within a school safety zone, at a school function, or on a bus or other transportation furnished by a school shall be done strictly on a voluntary basis. No personnel shall be required to possess or carry a weapon within a school safety zone, at a school function, or on a bus or other transportation furnished by a school and shall not be terminated or otherwise retaliated against for refusing to possess or carry a weapon.

(e) The local board of education shall be responsible for any costs associated with approving personnel to carry or possess weapons within a school safety zone, at a school function, or on a bus or other transportation furnished by a school; provided, however, that nothing contained in this Code section shall prohibit any approved personnel from paying for part or all of such costs or using any other funding mechanism available, including donations or grants from private persons or entities.

(f) Documents and meetings pertaining to personnel approved to carry or possess weapons within a school safety zone, at a school function, or on a bus or other transportation furnished by a school shall be considered employment and public safety security records and shall be exempt from disclosure under Article 4 of Chapter 18 of Title 50.

**20-2-324. Internet safety policies in public schools.**

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

- (1) "Acceptable-use policy" means a policy for Internet usage adopted by a local board of education that meets the requirements of this Code section.
- (2) "Child pornography" means any computer depiction or other material depicting a child under the age of 18 years engaging in sexually explicit conduct or in the simulation of such conduct.
- (3) "Harmful to minors" has the meaning given to such term in Code Section 16-12-100.1.
- (4) "Internet" means a global network that connects computers via telephone lines, fiber networks, or both to electronic information.
- (5) "Obscene" has the meaning given to such term in Code Section 16-12-80.
- (6) "Sexually explicit conduct" has the meaning given to such term in Code Section 16-12-100.

(b) No later than January 1, 2007, each local board of education shall adopt an acceptable-use policy for its school system. At a minimum, an acceptable-use policy shall contain provisions which are reasonably designed to:

- (1) Prevent students and employees of the school system from using any computer equipment and communication services owned or leased by the school system for sending, receiving, viewing, or downloading visual depictions of obscenity, child pornography, or material that is harmful to minors;
- (2) Establish appropriate measures to be taken against students and school employees who willfully violate the acceptable-use policy; and
- (3) Provide for expedited review and resolution of a claim that the policy is denying a student or school employee access to material that is not within the prohibition of the acceptable-use policy.

(c) A local board of education shall take such steps as it deems appropriate to implement and enforce the acceptable-use policy, which shall include, but not be limited to:

- (1) Use of software programs reasonably designed to block access to visual depictions of obscenity, child pornography, and material that is harmful to minors; or
- (2) Selection of online servers that block access to visual depictions of obscenity, child pornography, and material that is harmful to minors.

(d) Each local school system shall provide, upon written request of a parent or guardian, a copy of the acceptable-use policy adopted pursuant to subsection (b) of this Code section.

(e) The Attorney General and the department shall consult with and assist any local board of education in the development and implementation of an acceptable-use policy pursuant to this Code section.

(f)

- (1) No later than January 31, 2007, each local board of education shall submit a copy of the acceptable-use policy adopted pursuant to subsection (b) of this Code section to the State Board of Education. Such submission shall also include the identification of any software program or online server that is being utilized to block access to material in accordance with subsection (c) of this Code section.
- (2) The State Board of Education shall review each acceptable-use policy and any subsequent revisions submitted pursuant to paragraph (3) of this subsection. If the state board determines after review that a policy or revision is not reasonably designed to achieve the requirements of this Code section, the state board shall provide written notice to the local board of education explaining the nature

of such noncompliance and the local board of education shall have 30 days from the receipt of written notice to correct such noncompliance. The state board may provide an extension to the 30 day period on a showing of good cause.

(3) No revision of an acceptable-use policy which has been approved by the state board pursuant to paragraph (2) of this subsection shall be implemented until such revision is approved by the state board. If the state board fails to disapprove the revision within 60 days after the submission is received, the local board of education may proceed with the implementation of the revision.

(4) The state board shall be authorized to withhold a portion of state funding to a local school system if the local board of education:

(A) Fails to timely submit an acceptable-use policy in accordance with paragraph (1) of this subsection;

(B) Submits an acceptable-use policy that is not reasonably designed to achieve the requirements of this Code section; or

(C) Is not enforcing or is substantially disregarding its acceptable-use policy.

(5) If the state board disapproves an acceptable-use policy of a local board of education or any revision thereof or notifies the local board of education that it is subject to the withholding of funding pursuant to paragraph (4) of this subsection, the local board of education may appeal the decision to the superior court of the county where the local board of education is situated.

(g)

(1) The state board shall be responsible for conducting investigations and making written determinations as to whether a local board of education has violated the requirements of this Code section.

(2) If the state board determines that a local board of education is in violation of the requirements of this Code section, it shall direct the local board of education to acknowledge and correct the violation within 30 days and to develop a corrective plan for preventing future recurrences.

(h)

(1) Notwithstanding any other provision of this Code section to the contrary, an administrator or supervisor of a local school system, or designee thereof, may disable the software program or online server that is being utilized to block access to material for an adult or for a minor who provides written consent from his or her parent or guardian to enable access to the Internet for bona fide research or other lawful purpose.

(2) Nothing in paragraph (1) of this subsection shall be construed to permit any person to have access to material the character of which is illegal under federal or state law.

(i) A local board of education which is fulfilling the requirements of the federal Children's Internet Protection Act, P.L. 106-554, is not required to comply with this Code section.

**20-2-751.7. State mandated process for students to follow in reporting instances of alleged inappropriate behavior by teacher or other school personnel; notice of process; training; investigations.**

(a) The Professional Standards Commission shall establish a state mandated process for students to follow in reporting instances of alleged inappropriate behavior by a teacher, administrator, or other school employee toward a student which shall not prohibit the ability of a student to report the incident to law enforcement authorities. Each local school system shall be required to implement and follow such state mandated process and shall include the mandated process in student handbooks and in employee handbooks or policies.

(b) If it is determined through the state mandated process established pursuant to subsection (a) of this Code section that a complaint against a teacher, administrator, or other school employee is unsubstantiated and without merit, the local school system shall, at the request of the aggrieved party, submit a written statement to that effect to all local print and television media outlets that published any articles or reported any news relating to such complaint against the teacher, administrator, or employee.

(c) The Professional Standards Commission shall coordinate a training program on educator sexual misconduct. Such program shall be delivered by trained staff from the Professional Standards Commission, regional educational service agencies, and local school systems. The superintendent of each local school system shall ensure that all certified staff in its school system receive such training.

(d) (1) The staff of the Professional Standards Commission shall be authorized, without notification to the Professional Standards Commission, to immediately open an investigation submitted to the commission by a local school superintendent, with approval of the local board of education, of a complaint by a student against an educator alleging a sexual offense, as provided for in Code Sections 16-6-1 through 16-6-17, 16-6-20, 16-6-22.2, or 16-12-100.

(2) The Professional Standards Commission shall have on staff a minimum of one investigator specifically trained in investigating educator sexual misconduct. The investigation of any complaint of sexual misconduct shall be completed in no more than 60 days and shall be presented at the commission meeting immediately following the conclusion of the investigation.

(3) If the Professional Standards Commission's review of the investigative report results in a sanction against the educator, the educator shall have the right to appeal the commission decision to a hearing before an administrative law judge within 90 days of such sanction.

(e) Nothing in this Code section shall be construed to infringe on any right provided to students with Individualized Education Programs pursuant to the federal Individuals with Disabilities Education Act, Section 504 of the federal Rehabilitation Act of 1973, or the federal Americans with Disabilities Act of 1990.

#### **20-2-1181. Disrupting public school; penalty.**

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 school boards of education. Any person violating this Code section shall be guilty of a misdemeanor of a high and aggravated nature.

#### **20-2-1185. School safety plans.**

(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, fire service, public safety, and emergency management agencies. 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.

(b) A public school may request funding assistance from the state for the installation of safety equipment including, but not limited to, video surveillance cameras, metal detectors, and other similar security

devices. 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 Department of Education, and the Georgia Emergency Management Agency.

(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 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.

## **REGULATIONS**

### **160-1-3-.04. School law tribunals and appeals.**

(1) Purpose. The purpose of this rule is to specify the procedures for appeals from local boards of education (LBOEs) to the State Board of Education on issues respecting the administration or construction of school law.

(2) Role of the Vice Chairperson.

(a) The vice chairperson for appeals of the state board or a hearing officer contracted with or employed by the state board shall conduct a review of appeals to the state board and shall acquaint state board members with the matters to be considered.

(b) The vice chairperson for appeals or the hearing officer shall draft the ruling of the state board.

(3) Procedures before the Local Board of Education.

(a) LBOEs shall hold hearings when required by law. The LBOE shall adopt, except as otherwise provided for by law, the following hearing procedures:

1. The LBOE shall notify the parties of the time and place of the hearing.

2. The LBOE shall sign and issue subpoenas.

3. All witnesses shall testify under oath and shall be subject to cross-examination.

4. The LBOE shall require the testimony and other evidence to be transcribed by a court reporter or recorded by other appropriate means.

5. The strict rules of evidence prevailing in courts of law shall not be applicable to hearings before LBOEs.

6. At the conclusion of the hearing, or within 15 days thereafter, the LBOE shall notify the parties of its decision in writing and shall notify the parties of their right to appeal the decision to the State Board of Education.

(4) Appeals to the State Board of Education.

(a) After a hearing by the LBOE when held in accordance with state law and/or state board policies, regulations or rules, any party aggrieved by a decision of the LBOE rendered on an issue respecting the administration or construction of school law may appeal to the state board by filing the appeal in writing with the local school superintendent. The appeal shall set forth:

1. The question in dispute;

2. The decision of the local board; and
  3. A concise statement of the reasons why the decision is being appealed.
- (b) The party making the appeal shall file with the appeal the complete record, including a transcript of testimony certified as true and correct by the local school superintendent or a request that the superintendent transcribe and prepare such transcript. The party making the appeal shall assume the costs of such preparation.
- (c) When any party is unable to pay the cost of a transcript of the hearing because of indigence, the party shall be relieved from paying the cost if said party provides to the local school superintendent an affidavit to that effect. The party's rights shall be the same as those had the party paid the cost of the transcript. Upon receipt of an affidavit, the local school superintendent may inquire into the ability of the applicant to pay the cost of the transcript. After a hearing, the local school superintendent may order the party to pay the cost of the transcript by a certain date. Such decision of the local school superintendent may be appealed by the party to the State Board of Education in the same manner as other issues. If a party appeals the order of the local board to pay the cost, the local school superintendent shall submit to the State Board of Education a transcript of the hearing on indigence that is certified by the local school superintendent. If no appeal of the issue of indigence is filed and the cost is not paid as ordered by the LBOE, or if an appeal is filed and the State Board of Education affirms the local board decision, the appeal shall not be docketed.
- (d) The appeal to the State Board of Education shall be filed with the local school superintendent within 30 days of the decision in question.
- (e) Transmission to the State School Superintendent. The local superintendent shall within 10 days after the filing of the appeal, transmit to the state school superintendent a copy of the appeal, together with the transcript of evidence and proceedings, the decision of the local board and other matters in the file relating to the appeal. All materials should be certified as true and correct. The appeal may be amended and a transcript filed any time prior to transmission to the state board.
- (f) Notice. After a determination by the state school superintendent or designee that the appeal is in proper form for hearing, the appeal shall be docketed and placed on the calendar for review before the hearing officer of the state board at the earliest practical time.
- (g) The party requesting the appeal shall file a brief with the state board discussing the party's position within 20 days of the date of docketing. The opposing party shall have 40 days from the date of docketing to file a brief.
- (h) Oral arguments shall not be heard unless requested by a party or requested by the hearing officer. Oral arguments must be requested by a party within 10 days of the date the appeal is docketed.
- (i) Procedure at Oral Argument. If oral argument is ordered or granted, the appellant may be represented by counsel. The argument shall be confined to the issues in the record and the evidence transmitted from previous proceedings. No new evidence shall be received. The state board shall not consider any question not specifically raised in the written appeal or the statement of contentions.
- (j) Decision of State Board. The state board shall render its decision in a written order within 25 days after it hears the case and shall notify the parties in writing of its decision and of their right to appeal the decision to the Superior Court of the county wherein the LBOE is located.
- (k) Dismissal of Appeal. Failure to comply with any of the provisions herein may be grounds for dismissal.
- (l) No Supersedeas. No appeal shall act as a stay of a local board's order unless so ordered by the local board or by the vice chairperson for appeals of the state board.

(5) Severability. The provisions of this rule are hereby declared to be severable, and the invalidation of any part hereof shall not affect or invalidate any other part.

## ***State-Sponsored, Publicly Available Websites or Other Resources on School Discipline***

Safe, supportive learning environments use disciplinary policies and practices that help students stay out of the justice system, while ensuring academic engagement and success for all students. The following resources provided by Georgia provide additional context to state policy and regulations and, in some cases, may support the readers' efforts to provide a positive disciplinary school climate.

<b>Title</b>	<b>Description</b>	<b>Website address (if applicable)</b>
<b><i>Website</i></b>		
Bullying Prevention ToolKit	Contains links to bullying prevention resources, training, and videos.	<a href="http://www.gadoe.org/Curriculum-Instruction-and-Assessment/Curriculum-and-Instruction/Pages/Bullying-Prevention-Toolkit.aspx">http://www.gadoe.org/Curriculum-Instruction-and-Assessment/Curriculum-and-Instruction/Pages/Bullying-Prevention-Toolkit.aspx</a>
Student Attendance Guidance	Resources for addressing attendance issues, including model protocols, sample letters, and best practices and research.	<a href="http://archives.gadoe.org/pea_policy.aspx?PageReq=PEASchoolAttendance">http://archives.gadoe.org/pea_policy.aspx?PageReq=PEASchoolAttendance</a>
Education Guidance	Resources regarding, bullying, restraint and seclusion, attendance, and training.	<a href="http://www.gadoe.org/External-Affairs-and-Policy/Policy/Pages/Education-Guidance.aspx">http://www.gadoe.org/External-Affairs-and-Policy/Policy/Pages/Education-Guidance.aspx</a>
<b><i>Documents</i></b>		
State of Georgia Department of Education, Guidelines for Developing Model Codes of Conduct, Model Behavior Support Process, Model Progressive Discipline Process, and Model Parental Involvement Process	Provides guidelines and models to assist schools in developing codes of conduct, behavior support processes, progressive discipline, and parental involvement processes in compliance with state law.	<a href="https://www.gadoe.org/Curriculum-Instruction-and-Assessment/Curriculum-and-Instruction/Documents/Model%20Code%20of%20Conduct.pdf">https://www.gadoe.org/Curriculum-Instruction-and-Assessment/Curriculum-and-Instruction/Documents/Model%20Code%20of%20Conduct.pdf</a>
<b><i>Other Resources</i></b>		
CyberSafety	A step-by-step guide to Cybersafety.	<a href="http://www.gadoe.org/Technology-Services/Instructional-Technology/Pages/Cybersafety.aspx">http://www.gadoe.org/Technology-Services/Instructional-Technology/Pages/Cybersafety.aspx</a>