

Document: O.C.G.A. § 20-2-738

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Official Code of Georgia Annotated TITLE 20. EDUCATION CHAPTER 2. ELEMENTARY AND SECONDARY EDUCATION ARTICLE 16. STUDENTS PART 2. DISCIPLINE SUBPART 1A. DISCIPLINE STUDENT LEARNING ENVIRONMENT AND DISCIPLINE

§ 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 20-2-738 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 in 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 a disciplinary action against 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 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 removal by the teacher and shall issue a decision by the end of the third school day following 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 educational 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 of each school's 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) R f r th stud nt to th principal or th principal's d si n for appropriat action consist nt with para raph (2) of subs ction () of this Cod s ction.

Th d cision of th plac m nt r vi w committ shall b in writin and shall b mad within thr school days aft r th t ach r withholds cons nt to th r turn of a stud nt. Local boards of ducation shall provid trainin for m mb rs of plac m nt r vi w committ s r ardin th provisions of this subpart, includin proc dural r quir m nts; local board polici s r latin to stud nt disciplin ; and th stud nt cod of conduct that is applicabl to th school.

(e) (1) If a plac m nt r vi w committ d cid s to r turn a stud nt to a class from which h or sh was r mov d, th principal or th principal's d si n shall impl m nt such d cision of th plac m nt r vi w committ . In addition, th principal or th principal's d si n may, consist nt with any applicabl proc dural r quir m nts of th Constitutions of th Unit d Stat s and this stat and aft r consid rin th us of any appropriat stud nt support s rvic s, tak any of th followin actions which ar authoriz d as a r spons to th all d violation of th stud nt cod of conduct by local board polici s adopt d pursuant to Cod S ction 20-2-735:

(A) Plac th stud nt in an alt rnativ ducation pro ram;

(B) Impos out-of-school susp nsion for not mor than t n school days, includin any tim durin which th stud nt was subj ct to out-of-school susp nsion aft r his or h r r moval from class pursuant to subs ction (b) of this Cod s ction; or

(Mak anoth r disciplinary d cision or r comm ndation consist nt with local board policy.

(2) If a plac m nt r vi w committ d cid s not to r turn a stud nt to a class from which h or sh was r mov d, th principal or th principal's d si n shall impl m nt such d cision of th plac m nt r vi w committ . In addition, th principal or th principal's d si n shall d t rmin an appropriat plac m nt for th stud nt and may tak action to disciplin th stud nt, in a mann r consist nt with any applicabl proc dural r quir m nts of th Constitutions of th Unit d Stat s and this stat and aft r consid rin th us of any appropriat stud nt support s rvic s, as follows, provid d that th plac m nt or disciplinary action is authoriz d as a r spons to th all d violation of th stud nt cod of conduct by local board polici s adopt d pursuant to Cod S ction 20-2-735:

(A) Plac th stud nt into anoth r appropriat classroom or an alt rnativ ducation pro ram;

(B) Impos out-of-school susp nsion for not mor than t n school days, includin any tim durin which th stud nt was subj ct to out-of-school susp nsion aft r his or h r r moval from class pursuant to subs ction (b) of this Cod s ction;

(Mak anoth r plac m nt or disciplinary d cision or r comm ndation consist nt with local board policy; or

(Impl m nt or r comm nd any appropriat combination of th abov and r turn th stud nt to th class from which h or sh was r mov d upon th compl tion of any disciplinary or plac m nt action tak n pursuant to this para raph.

(f) Within on school day of takin action pursuant to subs ction () of this Cod s ction, th principal or th principal's d si n shall s nd writt n notification of such action to th t ach r and th par nts or uardians of th stud nt and shall mak a r asonabl att mpt to confirm that such writt n notification has b n r c iv d by th stud nt's par nts or uardians.

(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.

History

Code 1981, § 20-2-738, enacted by Ga. L. 1999, p. 438, § 4; Ga. L. 2000, p. 618, § 65; Ga. L. 2004, p. 107, § 12.

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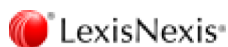
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