

# Northeast Georgia RESA

# Policy Manual



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**BOARD POLICY**

**Descriptor Code: BBA**

**Internal Organization Officers**

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Date Adopted: February 23, 2010  
Last Revised:

The Northeast Georgia RESA Board of Control shall elect annually by majority vote a Chairperson, a Vice-Chairperson, who shall preside in the absence of the Chairperson, and any other officers needed to function effectively. With the exception of the Secretary (Executive Director), all Northeast Georgia RESA Board of Control officers shall be elected annually to serve terms July 1 immediately following their election, or until their successors are elected.

The Chairperson shall preside at all Northeast Georgia RESA Board of Control meetings, appoint all committees, and assign special responsibilities to board members when necessary. The Chairperson shall sign, on behalf of the Northeast Georgia RESA Board of Control, documents requiring such signature.

The Chairperson and the Vice-Chairperson may have other duties delegated to them by the Board of Control. When serving as presiding officer at any meeting of the Board of Control, the Chairperson or Vice-Chairperson shall have the privilege of participating in debate and voting.

The Northeast Georgia RESA Executive Director shall be the ex-officio secretary/treasurer of the Board of Control with all duties as set forth in state law and State Board of Education rules.

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Possible Reference:

<b>Georgia Code</b>	<b>Description</b>
O.C.G.A. 20-02-0057	<u>Organization of LBOEs; chairperson and secretary; quorum; record of proceedings</u>

**BOARD POLICY**

**Descriptor Code: BBB**

Board of Control Membership

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Date Adopted: February 23, 2010  
Last Revised:

Members of the RESA Board of Control are delineated in legislation. The Board of Control is comprised of the Superintendents of the RESA member systems, the President or highest administrator of state support post-secondary schools in the RESA, and a local or regional public library director.

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Possible References:

**Georgia Code**

**Description**

O.C.G.A. § 20-2-272

Agency board of control membership; powers and duties; planning boards

**BOARD POLICY****Descriptor Code: BCAB****Regular Meetings**

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Date Adopted: February 23, 2010  
Last Revised:

Unless otherwise scheduled, regular meetings of the Board of Control shall be held monthly, at such time as the Board may by resolution provide.

The Northeast Georgia RESA Board of Control shall hold regular monthly meetings at Northeast Georgia RESA; the times and dates will be determined at the June meeting of each year. All meetings of the Board shall comply with the Open Meetings Law.

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## Possible References:

<b>Georgia Code:</b>	<b>Description</b>
O.C.G.A. § 50-14-0002	<u>Privileges</u>
O.C.G.A. § 50-14-0003	<u>Excluded proceedings</u>
O.C.G.A. § 50-14-0005	<u>Jurisdiction</u>
O.C.G.A. § 50-14-0004	<u>Closed meeting procedures</u>
O.C.G.A. § 20-2-0057	<u>Organization of LBOEs; chairperson and secretary; quorum; record of proceedings</u>
O.C.G.A. § 20-2-0058	<u>Regular month meetings; notice</u>
O.C.G.A. § 20-2-0757	<u>Applicability of public inspection and open meeting laws</u>
O.C.G.A. § 50-14-0001	<u>Open Meetings Law</u>
O.C.G.A. § 50-18-0070	<u>Inspection of public records</u>

**BOARD POLICY**

**Descriptor Code: BCAC**

**Calling of Special Board Meetings**

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Date Adopted: February 23, 2010  
Last Revised:

Special meetings of the Board of Control ("Board") may be called in accordance with the requirements of state law at the discretion of the Chairperson, by the Executive Director with the concurrence of the Board Chairperson (or the Vice-Chairperson acting in the absence of the Chair), or at the request of the majority of the Board.

The agenda shall be available upon request and shall be posted at the meeting site, as far in advance of the meeting as reasonably possible.

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Possible References:

<b>Georgia Code</b>	<b>Description</b>
O.C.G.A. § 50-14-0002	Privileges
O.C.G.A. § 50-14-0003	Excluded proceedings
O.C.G.A. § 50-14-0005	Jurisdiction
O.C.G.A. § 50-14-0004	Closed meeting procedures
O.C.G.A. § 50-14-0001	Open Meetings Law

**BOARD POLICY**

**Descriptor Code: BCBF**

Rules of Order

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Date Adopted: February 23, 2010  
Last Revised:

The rules contained in Robert's Rules of Order Newly Revised shall be used as a general guide for meetings in all cases to which they are applicable and in which they are not inconsistent with Board policies or special rules of the Board.

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**BOARD POLICY**

**Descriptor Code: BCBFA**

Quorum

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Date Adopted: February 23, 2010  
Last Revised:

A Quorum shall consist of a majority of the Superintendents of the Board of Control, or in the case of committee meetings, a simple majority of the committee members.

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Possible References:

<b>Georgia Code</b>	<b>Description</b>
O.C.G.A. § 01-03-0001	<u>Interpretation of statutes</u>
O.C.G.A. § 20-2-0057	<u>Organization of LBOEs; chairperson and secretary; quorum; record of proceedings</u>

**BOARD POLICY**

**Descriptor Code: BCBG**

**Voting Method**

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Date Adopted: February 23, 2010  
Last Revised:

These policies may be amended at any regular meeting of the Board of Control by a two-thirds vote of the members present, a quorum being present, provided the amendment was submitted in writing at the previous regular meeting of the Board.

Amendments shall go into effect immediately upon their adoption unless the motion to adopt specifies a time for the amendment to go into effect, or unless the Board has previously adopted a motion to that effect.

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Possible References:

<b>Georgia Code</b>	<b>Description</b>
O.C.G.A. 01-03-0001	<u>Interpretation of statutes</u>
O.C.G.A. 50-14-0001	<u>Open Meetings Law</u>

**BOARD POLICY**

**Descriptor Code: BCBI**

**Public Participation at Board Meetings**

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Date Adopted: February 23, 2010  
Last Revised:

All meetings of the Board of Control are open to the public except as provided by law. It is the policy of the Board to hear all citizens who desire to be heard. However, to insure a hearing at a particular meeting, a notice of 3 days in advance of the meeting shall be given to the secretary of the Board. If advance notice is not received, the Board reserves the right to approve and limit the time of each presentation.

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Possible References:

<b>Georgia Code</b>	<b>Description</b>
O.C.G.A 50-14-1	<u>Meetings to be open to the public; limitation on action to contest agency action; recording; notice of time and place; access to minutes; telecommunications conferences.</u>

## BOARD POLICY

**Descriptor Code: BD**

### Policy Development

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Date Adopted: February 23, 2010  
Last Revised:

The Northeast Georgia RESA Board of Control ("Board") is the governing body that establishes policies to be implemented in the operation of the RESA. The Board delegates to the Executive Director the authority to manage the affairs of the RESA through the execution of Board policies.

The Executive Director is authorized to establish such administrative processes as will be needed to ensure that board policies are reviewed periodically and that adequate deliberation by all interested parties precedes any recommendation by the Executive Director to the Board regarding a proposed policy or policy amendment.

Following full review by the Executive Director, the policy shall be brought to the Board for consideration with the Executive Director's recommendation.

Except for policy actions to be taken on emergency measures, the final vote to adopt or not to adopt shall take place at a regular or called meeting that follows the meeting at which policy proposals are first placed on the agenda.

The repeal of a policy shall follow the same procedures as for the adoption of a new policy or revision of an existing policy.

### EMERGENCY PROCEDURE

On matters of unusual urgency, the Board, by a majority vote of the Board, may waive the two-meeting limitation and take immediate action to adopt new or revised existing policies. When such immediate action is necessary, the Executive Director shall state at the meeting the reasons for this necessity.

### POLICY DISSEMINATION

All policies of the Board of Control shall be available for review at the Executive Director's office and may be placed online in accordance with procedures set by the Executive Director.

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Possible Reference:

**Georgia Code:**

**Description:**

O.C.G.A. § 20-2-59

LBOE rule-making authority

## BOARD POLICY

Descriptor Code: BE

### Records Retention

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Date Adopted: February 23, 2010

Last Revised:

### Records Management

The intent of this policy is to meet the requirement of O.C.G.A. § 50-18-99, The Georgia Records Act, as amended in 1981, and to more efficiently operate the Northeast Georgia RESA.

In carrying out this policy, the Northeast Georgia RESA Executive Director or designee shall plan, coordinate, implement and manage such activities and procedures as may be necessary to comply with state and federal requirements regarding the retention, storage, retrieval, and destruction of records, including electronic documents and communications. Such procedures shall be followed on a consistent basis throughout all RESA programs/departments and shall provide for accurate and effective production of records and/or the prevention of routine destruction of records related to a legal claim that may be made against the Northeast Georgia RESA.

The Northeast Georgia RESA Executive Director shall designate a staff member who will coordinate and perform the responsibilities for implementing a Records Management Program as envisioned under this Act.

Retention of records will be based on the legal, fiscal, administrative, and historical needs of the record.

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#### Possible References:

<b>Georgia Code</b>	<b>Description</b>
O.C.G.A. 50-18-0071	<u>Right of access to make photographs or reproductions</u>
O.C.G.A. 20-02-0160	<u>Determination of enrollment; determination of funding</u>
O.C.G.A. 20-02-0167	<u>Funding for direct instructional, media center and staff development costs; submission of budget</u>
O.C.G.A. 20-02-0210	<u>Annual performance evaluation of all school personnel</u>
O.C.G.A. 20-02-0057	<u>Organization of LBOEs; chairperson and secretary; quorum; record of proceedings</u>
O.C.G.A. 20-02-0757	<u>Applicability of public inspection and open meeting laws</u>
O.C.G.A. 24-09-0047	<u>Disclosure of AIDS confidential information</u>
O.C.G.A. 31-22-0009.1	<u>HIV tests - Who may perform test</u>
O.C.G.A. 50-18-0070	<u>Inspection of public records</u>
O.C.G.A. 50-18-0072	<u>When public disclosure is not required</u>
O.C.G.A. 50-18-0099	<u>Records management programs for local governments</u>
<b>US Code</b>	<b>Description</b>
20 USC 1232g	<u>Family Educational Rights and Privacy Act of 1974 (FERPA)</u>

**BOARD POLICY**

**Descriptor Code: CE**

**Administrative Goals/Duties of the Executive Director**

Date Adopted: February 23, 2010

Last Revised:

Effective Agency administration is essential if the RESA is to meet its goals. The general purpose of the Agency administration shall be to coordinate and supervise, under the policies of the Board, the creation and operation of an environment in which staff members can most effectively and efficiently contribute to the achievement of Agency goals. The Board shall rely on its chief executive officer, the Executive Director, to provide the professional administrative leadership demanded by such a broad goal.

The RESA administrator is expected to administer RESA in accordance with Board policy and the Agency’s rules and procedures. However, the mere execution of directives cannot, by itself, be construed as good administration. Vision, initiative, resourcefulness, and wise leadership - as well as consideration and concern for other staff members and member systems’ personnel - are essential for effective administration.

The Executive Director shall have the authority and responsibility necessary for specific administrative assignments. The Executive Director shall likewise be accountable for the effectiveness with which the administrative assignment is carried out. The Board shall be responsible for clearly specifying requirements and expectations of the Executive Director, then holding the Executive Director accountable by evaluating how well those requirements and expectations have been met. In turn, the Executive Director shall be responsible for clearly specifying that requirements and expectations have been met.

The major goals of administration in the Agency shall be the following:

- To manage the Agency’s various departments and programs effectively and efficiently
- To maintain a viable organization that will be responsive to the needs of member systems.
- To provide all staff members with appropriate information relative to the role and function of the RESA.
- To keep member systems informed of services available through the RESA.

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Possible References:

<b>Georgia Code</b>	<b>Description</b>
O.C.G.A. 20-02-0101	<u>Superintendent's Contract</u>
O.C.G.A. 20-02-0109	<u>Duties of superintendents</u>
O.C.G.A. 20-02-0160	<u>Determination of enrollment; determination of funding</u>
O.C.G.A. 20-02-0211	<u>Annual contract; disqualifying acts; fingerprinting; criminal record checks</u>

O.C.G.A. 20-02-0395	<u>Notes for money borrowed</u>
O.C.G.A. 20-02-0396	<u>Use of borrowed money</u>
O.C.G.A. 20-02-0410	<u>Liability for and distribution of funds</u>
O.C.G.A. 20-02-0057	<u>Organization of LBOEs; chairperson and secretary; quorum record of proceedings</u>
O.C.G.A. 45-02-0001	<u>Persons ineligible to hold civil office; vacation of office; validity of acts while in office</u>

**BOARD POLICY****Descriptor Code: CEI**Evaluation of the Executive Director

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Date Adopted: February 23, 2010  
Last Revised:

Evaluation of the Executive Director shall be a continuous process which stresses goals for excellence and suggestions for improvement.

The evaluation process shall be to assist the Executive Director in improving the job performance, to provide ways by which needs for improvement can be met, to clarify the Board of Control's expectations of the Executive Director, to improve communications between the Board and Executive Director and to foster high levels of trust between the Executive Director and the Board of Control.

The process for evaluating the Executive Director shall follow the steps listed below:

1. Each member of the Board of Control shall complete an assessment of the Executive Director's performance in each of the areas described in the Major Areas of Responsibility.
2. The completed assessment forms shall be returned to the Chairman of the Board of Control. The Chairman shall compile a composite of the assessment and discuss the assessment with the Executive Director.
3. The Executive Director shall acknowledge receipt of the evaluation by signing a copy and returning it to the Chairman of the Board of Control. The Executive Director's signature does not denote concurrence. One copy will be retained by the Executive Director, one copy returned to the Board Chairman, and one copy placed in the Executive Director's personnel file.

The evaluation process should provide an annual written assessment of the status of the Executive Director's job performance, a basis for planning cooperatively and a forum for open and rational discussion.

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**Possible References:**

<b>Georgia Code:</b>	<b>Description:</b>
O.C.G.A. § 20-2-210	<u>Annual performance evaluation of all school personnel</u>
O.C.G.A. § 20-2-230	<u>New board member orientation to educational program objectives required</u>



**BOARD POLICY**

**Descriptor Code: DCC**

**Budget Preparation Final Budget Adoption**

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Date Adopted: February 23, 2010  
Last Revised:

The budget shall be prepared in tentative form under the supervision of the Executive Director. It shall be presented to the Board of Control as soon as financial information is available from State and Federal revenue sources. The budget is presented during a regularly scheduled meeting for review and is acted upon at the next scheduled meeting.

The budget shall be adopted at the legal level of budgetary control which is the aggregate level (i.e. expenditures may not exceed the total appropriation for any aggregate level without the Board’s approval). The Executive Director shall have the authority to transfer appropriations between and among functions within a given fund, and between and among objects within a given function.

The approved budget shall be advertised in the legal organ for the county in which it deems adequate. The budget shall itemize each proposed expenditure.

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Possible References:

<b>Georgia Code:</b>	<b>Description</b>
O.C.G.A § 20-2-167	<u>Funding for direct instructional, media center and staff development costs; submission of budget</u>
O.C.G.A § 20-2-243	<u>Withholding funds for failure to comply with school laws</u>
SBOE Rule 160-5-2-.21	<u>Annual Financial and Budget Reports</u>

**BOARD POLICY**

**Descriptor Code: DCH**

Periodic Budget Reconciliation

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Date Adopted: February 23, 2010  
Last Revised:

The Board of Control shall be presented for their review a monthly report of all revenue and disbursements.

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Possible References:

<b>Georgia Code:</b>	<b>Description</b>
O.C.G.A. § 20-2-67	<u>Local school system or school subject to corrective action plan for budget deficit</u>
O.C.G.A. § 20-2-162	<u>Annual recalculation of funding; mid-term adjustment</u>
O.C.G.A. § 20-2-167	<u>Funding for direct instructional, media center and staff development costs; submission of budget</u>

## BOARD POLICY

Descriptor Code: DIB

### Financial Reporting/Fixed Assets

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Date Adopted: February 23, 2010  
Last Revised: June 23, 2015

For financial reporting purposes only, the Northeast Georgia RESA Board of Control has established the capitalization limit of fixed assets at **\$5,000.00**.

#### **CAPITAL ASSETS POLICY**

A record and inventory shall be maintained on all tangible and intangible (software) fixed assets which have a historical cost of \$5,000 or more and a normal expected life of one year or more.

Each director/coordinator shall have the responsibility for the maintenance and control of all tangible personal property located in their school/building. Tangible personal property is defined within the asset class of Machinery and Equipment, and further defined to include computer hardware, outdoor equipment, miscellaneous equipment, truck, vans, forklifts, etc.

The Executive Director shall have the responsibility for the maintenance and control of all other tangible and intangible (software) property, both real and personal owned by Northeast GA RESA. All other tangible/intangible personal property shall be defined as Machinery and Equipment, and shall include such items as computer hardware, outdoor equipment, miscellaneous equipment, trucks, vans, forklifts, etc. not located within the confines of a school building.

All tangible real property shall be defined as buildings, building additions, building improvements, construction in progress, land and land improvements.

A fixed asset is a piece of property that meets all of the following requirements:

1. The asset is tangible and complete.
2. The asset is used in the operation of the school system's activities.
3. The asset has a useful life of longer than the current fiscal year.
4. The asset is of significant value.

The following significant values will be used for different classes of assets:

<u>Class of Fixed Asset</u>	<u>Significant Value</u>
Computer Applications & Network Infrastructure	\$100,000 or more
Machinery & Equipment	\$10,000 or more
Buildings & Building Improvements	\$100,000 or more
Land Improvements	\$50,000 or more

Fixed assets may be acquired through donation, purchase or may be self-constructed. The asset value for donations will be the fair market value at the time of the donation. The asset value, when purchased, will be the initial cost plus the trade-in value of any old asset given up, plus all costs related to placing the asset into operation. The cost of self-constructed assets will include all costs of construction.

## **Land**

Land acquired by purchase is recorded at cost to include the amount paid for the land itself and all incidental costs.

Land acquired by gift or bequest is recorded at the fair market value at the date of the acquisition.

When land is acquired with buildings, erected thereon, total cost is allocated between the two in reasonable proportion at the date of acquisition. If the transfer document does not show the allocation; other sources of the information may be used as an expert appraisal or the real estate tax assessment records.

Land is not depreciable.

## **Land Improvements**

This category will include parking lots, outdoor lighting, covered walkways, fences, etc. The RESA does not capitalize landscaping. Land improvements will be depreciated over their estimated useful lives.

## **Buildings**

Buildings will be recorded at either their acquisition cost or construction cost. If a building is acquired by purchase, the capitalized cost should include the purchase price and other incidental expenses at the time of acquisition. If a building is constructed, the capitalized cost should include all construction costs. The constructed building will be capitalized upon completion of the project. For the first year, all the component units of the building, such as HVAC, plumbing system, sprinkler systems, etc. will be included in the capitalized cost of the building.

### **A. Major Renovations or Alterations**

Any major renovations or alterations within an existing building will be added to the cost of the original building. These renovations/alterations will be depreciated over the remaining life of the building/structure.

### **B. Maintenance improvement projects including but not limited to HVAC, plumbing, electrical repairs, repainting, etc will not be capitalized as long as the maintenance does not add more than \$100,000 to the value of the building and or/ 10 years life expectancy. Maintenance-type exterior renovation, such as repainting, replacement of deteriorated siding, roofing, masonry sections, etc will not be capitalized as it does not add value to the building.**

## **Construction in Progress**

This includes all projects for buildings or land improvements construction that are not completed at the end of the fiscal year.

## **Machinery & Equipment**

Expenditures for machinery, furnishings, or equipment including computers costing \$10,000 or more per item and have an estimated life of more than one year will be capitalized. Library books will not be capitalized.

## **Computer Applications and Network Infrastructure**

Expenditures for software applications and/or network infrastructure costing \$100,000 or more collectively for combined modules which are essential to the operation of the day to day activities of the RESA will be capitalized.

## DEPRECIATION POLICY

The "straight line" method of depreciation should be utilized to depreciate fixed assets, except for land, over the estimated useful lives of the related assets principally as follows:

	ASSET TYPE	USEFUL LIFE
L	Land	N/A
B	Buildings	
	Mobile Classroom	10 years
	Permanent	50 years
I	Improvements Other than Buildings	remaining useful life (up to 50 years)
C	Computers and Computer Equipment	5 years
E	Equipment	5-10 years
N	Network Infrastructure	10 years
V	Vehicles	6 years

Depreciation will be calculated utilizing the "Half-Year" convention. Under this convention, an asset is treated as though it were placed in service or disposed of the first day of the seventh month of the fiscal year. One- half of a full year's depreciation is allowed for the asset in its first year placed in service, regardless of when it was actually placed in service during that year.

## DISPOSITION OF ASSETS

When fixed assets are sold or otherwise disposed of, the property should be relieved of the cost of the asset and the associated accumulated depreciation. Items will be removed on an annual basis in conjunction of the annual update. Then appropriate depreciation will be taken the year of the disposal.

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Possible References:

<b>Georgia Code</b>	<b>Description</b>
O.C.G.A. 20-02-0160	<u>Determination of enrollment; determination of funding</u>
O.C.G.A. 20-02-0162	<u>Annual recalculation of funding; mid-term adjustment</u>
O.C.G.A. 20-02-0167	<u>Funding for direct instructional, media center and staff development costs; submission of budget</u>
O.C.G.A. 20-02-0720	<u>Inspection of student's records by parents</u>
O.C.G.A. 20-02-0962	<u>Quarterly reports by principals; audits by boards</u>
Rule 160-5-2-.21	<u>Annual Financial and Budget Reports</u>

**BOARD POLICY**

**Descriptor Code: DJEG**

**Purchase Orders**

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Date Adopted: February 23, 2010  
Last Revised:

All purchases will be made with purchase order forms, and no person shall be allowed to make purchases in the name of the agency without an authorized purchase order.

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Possible References:

<b>Georgia Code</b>	<b>Description</b>
O.C.G.A. 20-02-0109	<u>Duties of superintendents</u>
O.C.G.A. 20-02-0168	<u>Distribution of federal funds; summer school programs; year-round operation</u>
O.C.G.A. 20-02-0500	<u>Regulations for contracts over \$100</u>
O.C.G.A. 20-02-0501	<u>Noncompliance with rules re: contracts/purchases over \$100</u>
O.C.G.A. 20-02-0503	<u>Purchasing educational information, literature and services</u>
O.C.G.A. 50-05-0070	<u>Purchases for county boards of education</u>

## Northeast Georgia RESA Purchasing Procedures

### **(1) Purchasing Procedures**

- (a) The Northeast Georgia RESA Board of Control through its Executive Director or his/her designee shall have the authority to expend state and federal funds as authorized by law or applicable regulations.
- (b) The Northeast Georgia RESA Board of Control authorizes the Executive Director to commit the Northeast Georgia RESA Board of Control by contract to goods and/or services costing up to and including \$50,000, or up to and including \$50,000 on a purchase order when such funds are in the approved budget of the Northeast Georgia RESA Board of Control. When the cumulative amount of any contract or purchase order exceeds \$50,000, prior approval of the Northeast Georgia RESA Board of Control must be obtained. Prior Northeast Georgia RESA Board of Control approval must also be obtained to amend a contract or purchase order when the cumulative amount of the contract, purchase order will exceed \$50,000. Any subsequent amendments where the cumulative amount of the contract or purchase order is greater than \$50,000 shall be submitted to the Northeast Georgia RESA Board of Control for prior approval.
- (c) In purchasing goods and services, the Executive Director shall meet the needs of the RESA at most economical cost. The competitive process shall be utilized as determined by Executive Director. No purchase shall be made from the Board of Control or Executive Director in violation of O.C.G.A. § 20-2-505.
- (d) The Executive Director shall report to the Northeast Georgia RESA Board of Control at the next regularly scheduled meeting any expenditure for goods and services by contract funds exceeding \$5,000 authorized under this procedure. This report shall contain the amount of the expenditure, name of contractor, purpose of the expenditure, and beginning and ending dates of the contract.

### **(2) Funds Designated for Specific Programs**

Any purchase using funds designated for specific programs shall be made in accordance with any regulation, agreements or assurances applicable to that program.

GNETS: Prior to expending state or federal GNETS grant funds to purchase any equipment that (1) has a useful life of two or more years and (2) would be purchased with \$1,000 or more of state funds or \$5,000 or more in federal grant funds, the GNETS Program shall submit a purchase

order request to GaDOE for approval. Prior to submitting the request, the competitive pricing process shall be utilized and documented by the purchaser.

GLRS: Purchasing procedures outlined in (1) of this document shall also apply to the purchasing of goods and services when using federal GLRS grant funds.

School Improvement Grant: Purchasing procedures outlined in (1) of this document shall also apply to purchasing goods and services when using federal school improvement grant funds.



**BOARD POLICY**

**Descriptor Code: DO**

**Agency Properties Disposal Procedures**

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Date Adopted: November 30, 2010  
Last Revised:

The Board of Control shall have the authority to sell any unnecessary or surplus property at its discretion. Before any sale and/or disposal is made of property with an estimated current worth over \$500.00, the Board of Control shall adopt a resolution declaring that the property is no longer necessary for agency purposes and authorize the Executive Director to conduct the sale and/or disposal of the property. The Board of Control shall reserve the right to sell surplus property at private sale.

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Possible References:

<b>Georgia Code</b>	<b>Description</b>
O.C.G.A. 10-06-0085	<u>Agents – individual liability</u>
O.C.G.A. 10-06-0088	<u>Public agents – no individual liability for public contracts</u>
O.C.G.A. 20-02-0520	<u>Acquiring/disposing of school sites; building, repairing, renting, and furnishing school houses</u>
O.C.G.A. 20-02-0600	<u>Leases of 50 years or less authorized</u>
O.C.G.A. 36-09-0002	<u>Control and disposal of county property</u>

**Equal Opportunity Employment**

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Date Adopted: February 23, 2010

Last Revised:

Every applicant for employment, employee, student, parent or other person is entitled to equal treatment with regard to educational opportunities and all terms and conditions of employment including hiring, promotion, compensation, training, and discipline. The Northeast Georgia RESA Board of Control is an equal opportunity employer, and does not consider race, color, sex, religion, national origin, age, marital or veteran status, or any other legally protected status in any employment decision or employment/educational practice. Disability may only be considered as permitted under the Americans with Disabilities Act, and will not disqualify any qualified individual from employment or educational opportunities.

The Northeast Georgia RESA Board of Control will not tolerate harassment, discrimination, or differential treatment of any employee or student based upon a legally protected status. Any individual who reasonably believes such discrimination or harassment has been practiced is encouraged to seek relief through the grievance procedure provided in this policy.

The Northeast Georgia RESA Executive Director shall appoint a coordinator for all civil rights and discrimination complaints.

**Complaint Procedures:**

Complaints made to the Northeast Georgia RESA regarding alleged discrimination or harassment on the basis of race, color, or national origin in violation of Title VI, on the basis of religion in violation of Title VII, on the basis of sex in violation of Title IX, on the basis of disability in violation of the Rehabilitation Act of 1973, also known as Section 504, or the Americans with Disabilities Act or on the basis of age in violation of the Age Discrimination in Employment Act will be processed in accordance with the following procedure:

- 1) Any student, employee, applicant for employment or other person with a complaint alleging a violation as described above shall promptly notify, in writing or orally, the Northeast Georgia RESA Executive Director. If the complaint is oral, either the Northeast Georgia RESA Executive Director or Director to whom the complaint is told shall promptly prepare a memorandum or written statement of the complaint as told by the complainant and shall have the complainant read and sign the memorandum or state if it accurately reflects the complaint made. If the complaint is told to the Northeast Georgia RESA Executive Director, he/she shall be responsible for notifying the appropriate Director of the complaint.
- 2) The Northeast Georgia RESA Executive Director or designated Director shall have fifteen (15) days to gather all information relevant to the complaint, review the information, determine the facts relating to the complaint, review the action requested by the complainant, and attempt to resolve the complaint with the complainant and other persons involved. The Northeast Georgia RESA Executive Director or designated Director shall prepare a written response to the complaint detailing any action to be taken in response to the complaint and the time frame in which such action will be taken, and copies of this response shall be furnished to the complainant and the Northeast Georgia RESA Educational Program Director or the Northeast Georgia RESA Executive Director, whomever is appropriate.

- 3) If the complaint is not resolved at the conclusion of the fifteen (15)-day period or if the complainant is not satisfied with the resolution of the complaint, the complainant shall have the right, within five (5) days of receiving a copy of the written response, to have the complaint referred to the Northeast Georgia RESA Executive Director.
- 4) The Northeast Georgia RESA Executive Director shall have fifteen (15) days to review the complaint and response of the Director or designee and attempt to resolve the complaint. The Northeast Georgia RESA Executive Director shall furnish to the complainant a written response setting forth either approval of the action recommended by the designated Director or the action to be taken by the system in response to the complaint in lieu of that recommended by the designated Director and the time frame in which such action shall be taken.
- 5) If the complainant is dissatisfied with the response of the Northeast Georgia RESA Executive Director, then the complainant shall have the right, within fifteen (15) days of the receipt of the written response of the Northeast Georgia RESA Executive Director, to have the complaint referred to the Northeast Georgia RESA Board of Control. In order to have the Northeast Georgia RESA Board of Control review the Northeast Georgia RESA Executive Director's decision, the complainant must file with the Northeast Georgia RESA Executive Director a written statement setting forth the reasons he or she disagrees with the response of the Northeast Georgia RESA Executive Director and the action the complainant is requesting the Northeast Georgia RESA to take. The complainant shall also include in the written response a request that the complaint be referred to the Northeast Georgia RESA Board of Control.
- 6) Within thirty (30) days of receipt of the written request of the complainant, the Northeast Georgia RESA Executive Director shall present the matter to the Northeast Georgia RESA Board of Control at its regular meeting or at a special meeting called for that purpose. The Northeast Georgia RESA Board of Control shall review the original complaint, the response of the Director or designee, the response of the Northeast Georgia RESA Executive Director, and the response of the complainant. In addition, the Northeast Georgia RESA Board of Control may, but is not required to, hear directly from any individuals with knowledge of any relevant facts relating to the complaint.
- 7) The Northeast Georgia RESA Board of Control will either uphold the recommendations of the Northeast Georgia RESA Executive Director or require the Northeast Georgia RESA to take some other action in response to the complaint. A copy of the action of the Northeast Georgia RESA Board of Control will be furnished to the complainant, either as a part of the minutes of the Northeast Georgia RESA Board of Control or as a separate written statement. The Northeast Georgia RESA Board of Control shall be the final reviewing authority within the system.
- 8) This policy is not intended to deprive any employee of any right he/she may have to file a grievance pursuant to any other policy of the Northeast Georgia RESA Board of Control, specifically policy GAE, designed to implement O.C.G.A. 20-2-989.5, where appropriate. This policy is not intended to provide an alternative process for resolving evaluation and employment disputes where there already exists a due process procedure mandated by state law or Georgia State Department of Education regulations. The complainant retains at all times the right to contact the Office of Civil Rights or the Equal Opportunity Commission with regard to any allegations that the system has violated the statutes described above.

- 9) The Northeast Georgia RESA shall be responsible for distributing and disseminating information relevant to this policy and procedure to students, applicants for employment, and employees through appropriate procedures.
- 10) No reprisal shall occur as a result of reporting unlawful discrimination or harassment under this policy, and any attempt to retaliate against a complainant shall be disciplined as is appropriate.
- 11) The confidentiality of any individual making a complaint or report in accordance with this policy, to the extent it is reasonably possible, shall be protected, although the discovery of the truth and the elimination of unlawful harassment shall be the overriding consideration.

Inquiries concerning the application of the Perkins Act, Title VI, Title VII, Title IX, ADEA, or Section 504 and ADA to the policies and practices of the agency may be addressed to the Northeast Georgia RESA Executive Director listed below.

Executive Director  
 Northeast Georgia RESA  
 375 Winter Street  
 Winterville, Georgia 30683

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Possible References:

<b>Georgia Code</b>	<b>Description</b>
O.C.G.A. 34-06A-0002	<u>Equal Employment for persons with disabilities; Definitions</u>
O.C.G.A. 34-06A-0003	<u>Inquiries by employer as to existence of disability; employment decisions based on disability</u>
O.C.G.A. 34-06A-0004	<u>Prohibited discriminatory activities</u>
O.C.G.A. 34-06A-0005	<u>Retaliation by employers against employees; labor organization members</u>
O.C.G.A. 34-06A-0006	<u>Actions against persons engaged in unfair employment practices; remedies, court costs, and attorney's fees</u>
O.C.G.A. 45-19-0029	<u>Fair Employment Practices Act of 1978-Unlawful practices generally</u>
O.C.G.A. 45-19-0031	<u>Unlawful practices in advertisement of employment</u>
O.C.G.A. 45-01-0004	<u>Whistleblower</u>
O.C.G.A. 20-02-0211	<u>Annual contract; disqualifying acts; fingerprinting; criminal record checks</u>
O.C.G.A. 30-01-0001	<u>"Deaf person" defined</u>

**Complaints and Grievances**

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Date Adopted: February 23, 2010

Last Revised:

**1. Purpose: Informal Resolution Preferred.**

It is the purpose of this policy to implement the provisions of the Act of the General Assembly of 1992, OCGA 20-2-989.5 et seq. In accordance with the foregoing, it is the policy of the Northeast Georgia RESA Board of Control that certified personnel shall have the right to present and resolve complaints relating to certain matters affecting the employment relationship at the lowest organizational level possible.

The Northeast Georgia RESA Board of Control encourages all employees to resolve their complaints informally in a spirit of collegiality where possible. This policy and procedure are available where such efforts do not succeed or, where for any other reason, the certificated employee desires to pursue this procedure.

**2. Definitions:**

- a. **"Complainant"** means the certified employee filing a complaint.
- b. **"Level One Administrator"** means the principal of a school with respect to teachers and other certificated personnel assigned to that school. With respect to the certified Administrators supervised by the Northeast Georgia RESA Executive Director, the "Level One Administrator" shall be the Northeast Georgia RESA Executive Director. In any case not covered by this paragraph, the "Level One Administrator" shall be the supervisory certificated person designated by the Northeast Georgia RESA Board of Control or in the absence thereof, by the Northeast Georgia RESA Executive Director.
- c. **"Central Office Administrator"** means the Northeast Georgia RESA Executive Director.
- d. **"Complaint"** means any claim or grievance by a certificated employee of the Northeast Georgia RESA which is filed pursuant to this policy and which comes within the scope of the policy.
- e. **"Notification"** means delivery in person to the party entitled to notification, or deposit in the United States Mail (certified mail, return receipt requested), or statutory overnight delivery to the last known address of the party notified.

**3. Right to Make Complaint: Scope.**

- a. **Scope** – Unless excluded by paragraph (b) hereof, this complaint and grievance procedure is applicable to any claim by any professional employee certificated by the Professional Standards Commission who is affected in his or her employment relationship by an alleged violation, misinterpretation, or misapplication of statutes, policies, rules, regulations,

- b. or written agreements of this organization or with which the organization is required to comply.
- c. **Exclusions** – This procedure shall not apply to:
  - 1. Performance ratings contained in personnel evaluation and professional learning plans pursuant to Code Section 20-2-210.
  - 2. Job performance.
  - 3. Termination, non-renewal of contract, demotion, suspension, or reprimand of any employee, as set forth in Code Section 20-2-940.
  - 4. The revocation, suspension, or denial of certificates of any employee, as set forth in Code Section 20-2-984.5.
- c. A certified employee who chooses to appeal under Code Section 20-2-1160 shall be barred from pursuing the same complaint under this policy.

**4. Hearing Rights; Evidence; Representation; Decisions; Records.**

- a. **Hearing: Evidence** – The complainant shall be entitled to an opportunity to be heard, to present relevant evidence, and to examine witnesses at each level, but the complainant may not present additional evidence at the Second and Third hearing levels unless notice of the Complainant's intention and the evidence to be presented are submitted in writing five (5) days prior to the hearing to the Administrator who will preside at such level, and in the case of the Northeast Georgia RESA Board of Control, the Northeast Georgia RESA Executive Director. When hearing an appeal from a prior level, the Northeast Georgia RESA Board of Control shall hear and decide all appeals de novo (all evidence heard again).
- b. **Representation** – The complainant and the administrator against whom the complaint is filed or whose decision is appealed shall be entitled to the presence of an individual, including an attorney, to assist in the presentation of the complaint and the response thereto, at the Northeast Georgia RESA Executive Director and at the Northeast Georgia RESA Board of Control level. The presence of any individual other than the Complainant and the Administrator at Level One is prohibited, except witnesses who present testimony or documents. Nothing herein shall be interpreted as authorization or permitting collective bargaining by or on behalf of any employee or group of employees.
- c. **Hearing Officer** – The Northeast Georgia RESA Board of Control may appoint a member of the State Bar to serve as law officer who shall rule on all issues of law and other objections, but such attorney shall not assist in the presentation of the case for either party.
- d. **Overall Hearing Time Schedules** – The overall time frame from the initiation of the complaint until rendition of the decision by the Northeast Georgia RESA Board of Control and notification thereof to the Complainant shall not exceed sixty (60) days.

- e. **Automatic Referral to Next Level** – Any complaint not processed by the administrator or the local unit of administration within the time frame required by this policy shall be forwarded to the next level for determination.
- f. **Records** – Accurate records of the proceedings at each level shall be kept; the proceedings shall be recorded by mechanical means; all evidence shall be preserved and made available to the parties at all times; and all costs and fees shall be borne by the party incurring them unless otherwise agreed upon by the parties, except that the cost of preparing and preserving the record of the proceedings shall be borne by the Northeast Georgia RESA Board of Control; provided, however, the cost of transcribing the transcript of evidence and proceedings before the Northeast Georgia RESA Board of Control shall be borne by the party requesting same, and all costs of the record on appeal to the superior courts and appellate courts shall be paid by the party required to do so by the laws relating thereto.
- g. **Decisions** – Each decision shall be made in writing and dated, and shall contain findings of fact and reason for the particular decision reached.
- h. **Notice** – The decision at each level shall be delivered to the Complainant by a person designated by the Northeast Georgia RESA Executive Director, either (1) being hand delivered or (2) being deposited in the United States Mail (certified mail, return receipt requested), or (3) sent by statutory overnight delivery. Notice to the Complainant shall be deemed to have been made on the date of hand delivery, delivery to a statutory overnight delivery service, or deposit in the United States Mail by certified mail, return receipt requested to the address stated in the complaint or, if not contained in the complaint, to the last known address of the Complainant on file with the Northeast Georgia RESA Board of Control.

##### **5. First Level; Presentation; Time; Contents.**

The complaint shall be presented in writing to the Level One Administrator, within ten (10) calendar days after the most recent incident or other matter for which the complaint is filed. The complaint shall include the following:

- a. The mailing address of the Complainant to which all notices and other documents may be mailed.
- b. The intent of the Complainant to utilize this complaint procedure clearly stated.
- c. A reference or description of the statute, policy, rule, contract provision, or regulation that is alleged to have been violated, misinterpreted, or misapplied.
- d. A brief statement of the facts reasonably calculated to show how such statute, policy, rule, or regulation was violated or misapplied, and how it substantially affects the employment relationship of the Complainant.
- e. A statement of the relief desired.

## **6. First Level; Filing; Hearing; Decision.**

The Northeast Georgia RESA Executive Director shall prepare forms for use in accordance with the foregoing requirements.

The Level One Administrator shall record the date of filing on the complaint. The Administrator shall give notice to the Complainant of the time and place of the hearing, whether by mail or by being hand-delivered by a person designated by the Northeast Georgia RESA Executive Director. When notice is given by mail, it shall be sent by certified mail, return receipt requested, or statutory overnight delivery to the address set forth in the complaint. If no address was included in the complaint, then the notice shall be sent to the last known address of the Complainant on file with the Northeast Georgia RESA Board of Control. Where service or notice is made by certified mail or statutory overnight delivery as provided above, it shall be deemed to have been perfected when timely deposited in the mail, regardless of whether it was actually received or not. The Complainant shall be afforded an opportunity to be heard, to present relevant evidence and to examine witnesses. The Level One Administrator shall make and retain accurate minutes of matters considered and shall preserve all evidence presented, all of which shall be available to the parties involved.

## **7. Second Level; Appeal from First Level to Level Two Administrator.**

A Complainant dissatisfied with the decision of the first level shall be entitled to appeal to the Level Two Administrator or designee by filing written notice of appeal with the Office of the Northeast Georgia RESA Executive Director. The appeal must be filed within ten (10) calendar days after the date of the decision from Level One. The Level Two Administrator shall record the date of the filing on the appeal and shall notify the Complainant in writing of the time and place of the hearing in the same manner provided for notices under Section 6 above.

The Level Two Administrator shall obtain copies of all minutes, documents, and other records relating to the complaint and shall conduct a hearing and render decision within ten (10) calendar days of the date of the filing of the appeal.

The hearing may be conducted by any designated representative of the Level Two Administrator who shall promptly submit recommendations and findings to the Level Two Administrator for final decision. The Level Two Administrator or representative shall keep accurate minutes of the hearing and preserve all evidence and make it available to the parties involved. The decision shall be made in writing and dated, shall contain statements of fact, set forth reasons supporting the decision, and shall be sent by mail or hand-delivered to the Complainant in the same manner as provided in Section 4(h) above.

## **8. Third Level; Appeal to Northeast Georgia RESA Board of Control.**

A Complainant or Level One Administrator dissatisfied with the decision of the Level Two Administrator may appeal to the Northeast Georgia RESA Board of Control by filing written notice of appeal with the Office of the Northeast Georgia RESA Executive Director. The appeal must be filed within ten (10)



calendar days after the date of the decision. The Northeast Georgia RESA Executive Director shall record the date of filing on the appeal. The appeal shall be heard and determined by the Northeast Georgia RESA Board of Control within twenty (20) calendar days after the filing.

The Complainant and Administrators shall be entitled to appear before the Northeast Georgia RESA Board of Control, or any hearing officer designated by it, and be heard. The Northeast Georgia RESA Board of Control may direct that a pre-hearing conference be held prior to the hearing to identify issues and facilitate presentation.

Notice of the time and place of the hearing/pre-conference shall be given in the same manner as provided in Section 6 above. The proceedings before the Northeast Georgia RESA Board of Control or its designated representative shall be recorded, dated, and preserved in such manner as to permit transcribing. The minutes shall be made available to the parties involved. If either party desires a transcription of the proceedings, the party shall have it prepared at the party's cost.

**9. Costs.**

All costs and fees shall be borne by the party incurring them unless otherwise agreed upon by the parties involved, except that the cost of preparing and preserving the record of the proceedings shall be borne by the Northeast Georgia RESA Board of Control.

**10. Appeals to State Board of Education.**

Appeals from the decision of the Northeast Georgia RESA Board of Control shall be governed by the State Board Rule BCAEA (Appeals and Hearings) and O.C.G.A. 20-2-1160.

**11. Reprisal.**

A complainant shall not be subjected to any reprisal as a result of filing a complaint under this policy. Should any reprisal occur, the Complainant may refer the matter to the Professional Standards Commission.

**12. Repeals.**

All policies and parts of policies in conflict with this policy are hereby repealed.

**13. Collective Bargaining Disclaimer.**

Nothing in this policy shall be construed to permit or foster collective bargaining.

Possible References:

<b>Georgia Code</b>	<b>Description</b>
O.C.G.A. 20-02-0989.6	<u>Complaints - Definitions</u>
O.C.G.A. 20-02-0989.7	<u>Complaints - Performance Ratings/Evaluations</u>
O.C.G.A. 20-02-0989.8	<u>Complaints - Policy</u>
O.C.G.A. 20-02-0989.9	<u>Complaints - Supplemental rules and policies</u>
O.C.G.A. 45-01-0004	<u>Whistleblower</u>
O.C.G.A. 20-02-1160	<u>LBOE tribunal power to determine local school controversies; appeals; special ed provisions</u>
O.C.G.A. 20-02-0940	<u>Grounds/procedure for terminating or suspending contract of employment (Fair Dismissal law)</u>
O.C.G.A. 20-02-0989.5	<u>Complaints policy; legislative intent</u>
Rule 160-1-3-.04	<u>School Law Tribunals and Appeals</u>

**Criminal Background Check**

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Date Adopted: February 23, 2010  
Last Revised:

**Fingerprint and Criminal Record Checks Prior to Employment**

In order to be employed for the first time by the Northeast Georgia RESA Board of Control, an applicant must first submit to a fingerprint and criminal records check. Northeast Georgia RESA shall forward the prospective employee's fingerprints and appropriate requests to the Georgia Crime Information Center (GCIC) and the Federal Bureau of Investigation System (FBIS) for a criminal record check under standards adopted by the State of Georgia. Such fingerprinting and criminal record check shall be required even though the applicant may already have undergone fingerprinting and criminal record checks by another RESA or school system in Georgia or elsewhere.

**Provisional Hiring**

Each person employed for the first time to fill a certificated position with the agency shall be issued a temporary contract which shall expire on the date the Northeast Georgia RESA Executive Director or designee has notified the employee in writing that the criminal record check has been received or after 200 calendar days, whichever shall first occur. If the criminal record check reflects that the employee has not been arrested, charged, pleaded guilty or no contest, or been convicted of any criminal offense other than traffic violation, the Northeast Georgia RESA Executive Director shall have the authority without further authorization from the Northeast Georgia RESA Board of Control, to sign on behalf of the Northeast Georgia RESA Board of Control a standard employment contract with the employee for the balance of that school year based on the terms and conditions of employment and the assignment of the employee as previously approved by the Northeast Georgia RESA Board of Control.

In the event the criminal record check reflects the employee has been charged with, pleaded to or been convicted of an offense other than a traffic violation, a recommendation shall be submitted to the Northeast Georgia RESA Executive Director who will bring the matter to the Northeast Georgia RESA Board of Control at its next meeting or sooner, if warranted, for a decision. If the Northeast Georgia RESA Executive Director elects, the employee may continue in the employment of RESA pending final Northeast Georgia RESA Board of Control decision.

For each person employed for the first time to fill a non-certified position with the agency or designated as a substitute teacher, the same process shall apply as described in the two preceding paragraphs except that no contract will be issued.

**Continued Employment of Personnel**

All certificated employees, whose employment is renewed, shall have a criminal record check made upon any certificate renewal application to the Professional Standards Commission.

All non-certificated personnel, whose employment is continued, shall have a criminal record check made every five years.

### **Fees**

The fingerprinting and record checks shall be initiated by the Northeast Georgia RESA Board of Control at the appropriate time, and the fee for such shall be paid by the applicant/employee.

### **Use and Handling of Criminal Record Information**

Criminal record check information shall be used by the Northeast Georgia RESA, its officials and employees only for the purpose of determining whether to grant regular employment and in any administrative or judicial proceeding calling such employment in question. Such information shall be stored, restricted, and disposed of in such manner as may be required by federal or state regulations.

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Possible References:

<b>Georgia Code</b>	<b>Description</b>
O.C.G.A. 20-02-0211	Annual contract; disqualifying acts; fingerprinting; criminal record checks

## Reduction in Force

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Date Adopted: February 23, 2010

Last Revised: February 26, 2013

### **RESPONSIBILITIES AND PREROGATIVES OF THE BOARD OF CONTROL**

The most important functions of the RESA Board of Control are to employ personnel and manage resources within the limitations defined by the funding sources of the RESA. Consequently, it shall be the prerogative of the Board of Control (hereinafter the "Board") to abolish job positions, to reduce the length of the work year and salary (hereinafter "to downgrade") and/or to reduce the number of employees when seeking to cope effectively with program changes or financial exigency.

### **REASONS FOR REDUCTION IN FORCE (HEREINAFTER "RIF")**

The Board shall consider a reduction in the professional work force to include the abolition of job positions, the downgrading of an employee's position, and/or the reduction of the number of employees, as a response to the following:

1. A decrease in student enrollment in the RESA programs which would necessitate a decrease in personnel or a discontinuation of programs;
2. A change in state or local curriculum, personnel, or financial practices which would necessitate a change in or elimination of programs or services provided by the RESA;
3. A loss of funds due to a reduction in state funds, reduction in local funds or other funds that make necessary a reduction in spending;
4. A lack of funding for programs, personnel, or services provided by the RESA;
5. Any reasonable reorganization plan, to include the elimination of programs or services, to achieve a more efficient RESA.

### **APPLICABILITY OF POLICY**

Nothing in this policy shall be construed to extend to any employee substantive or procedural rights not required under state law. Specifically, nothing in this policy shall extend to professional personnel any expectation of re-employment or due process rights greater than are available under state law. This policy is not to be construed to mandate the promotion, transfer or reassignment of an employee to any other position with the RESA, even though the employee who is to be terminated or non-renewed may be qualified or certified for a higher or other position.

### **RIF PROCEDURE**

When the Executive Director determines that the application of this reduction in force policy is necessary, it shall be his or her primary responsibility to prepare for presentation to the Board a plan for reduction in force (RIF).

In proposing the plan, the Executive Director may: (1) determine the group(s) of employees to which the RIF will be applied, (2) select individuals or positions to be subject to the RIF, or (3) any combination of (1) and (2). The primary factor to be considered by the Executive Director in devising a RIF plan shall be the performance of the educator, one measure of

which may be student academic performance; provided, however, that this provision shall not apply if the RESA eliminates an entire program. Other factors to be considered may include, but shall not be limited to, the professional expertise, effectiveness, professionalism, performance of duties and responsibilities, relationship with students, parents and staff, tenure status, level of certification, fields of certification, length of continuous service with the RESA, number of successful years in public education, and performance of extra responsibilities.

## **NOTICE AND HEARING PROCEDURES**

If the Board accepts the recommendation of the Executive Director, the Executive Director shall notify any employee affected by the application of the plan in a manner consistent with the provisions of Georgia law and he or she shall have whatever rights the Fair Dismissal Act provides for such employee.

When a termination or non-renewal is to be based solely on O.C.G.A. § 20-2-940(a)(6), the basis for the employment action will be the necessary reduction in staff and not the performance issue of the employee.

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Possible References:

<b>Georgia Code</b>	<b>Description</b>
O.C.G.A. 20-02-1160	<u>LBOE tribunal power to determine local school controversies; appeals; special ed provisions</u>
O.C.G.A. 20-02-0211	<u>Annual contract; disqualifying acts; fingerprinting; criminal record checks</u>
O.C.G.A. 20-02-0940	<u>Grounds/procedure for terminating or suspending contract of employment (Fair Dismissal law)</u>
O.C.G.A. 20-02-0942	<u>Nonrenewal after acceptance of 4th consecutive contract; tenure</u>
O.C.G.A. 20-02-0943	<u>Powers of LBOE under Fair Dismissal Act</u>
O.C.G.A. 20-02-0948	<u>Reduction in force policies</u>

**BOARD POLICY****Descriptor Code: GAL**Salary Deductions

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Date Adopted: February 23, 2010  
Last Revised:

Payroll deductions are authorized for the following reasons:

1. Dues for professional organizations;
2. Premiums on approved insurance plans;
3. Payments to approved tax deferred annuity plans;
4. Voluntary contributions or other payments to agencies meeting the requirements set forth in regulations to be developed by the Executive Director and staff; and
5. Legally mandated deductions, including those for federal and state income tax, social security and retirement plans.

The Executive Director and staff shall develop regulations including the process for obtaining signed authorization from the individual employee, the timing of payroll deductions and any other matters necessary to implement this policy.

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## Possible References:

<b>Georgia Code</b>	<b>Description</b>
O.C.G.A. 20-02-0219	<u>Payroll deduction services provided by local units of administration</u>
O.C.G.A. 18-04-0020	<u>Property subject to garnishment</u>
O.C.G.A. 18-04-0021	<u>Garnishment of salaries of officials/employees of the state and its subdivisions</u>
O.C.G.A. 18-04-0062	<u>Summons of garnishment; Answer requirements</u>
O.C.G.A. 20-02-0892	<u>Contributions by employees, state and local employers; withholding/deducting from contributions</u>
O.C.G.A. 20-02-0920	<u>Withholding or deducting employee contributions to the plan</u>
O.C.G.A. 33-24-0034	<u>Group insurance for government employees</u>
O.C.G.A. 47-18-0041	<u>Plans for old-age, survivors and disability insurance coverage submitted by political subdivisions</u>
O.C.G.A. 47-03-0041	<u>Annuity savings fund</u>
<b>US Code</b>	<b>Description</b>
15 USC 1673	<u>Restriction on garnishment</u>
15 USC 1674	<u>Restriction on discharge from employment by reason of garnish</u>

## Drug-Free Workplace

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Date Adopted: February 23, 2010

Last Revised:

The Northeast Georgia RESA Board of Control declares that the manufacture, distribution, sale or possession of controlled substances, marijuana and other dangerous drugs in an unlawful manner or being at work under the influence of alcohol, controlled substances, marijuana or other dangerous drugs is a serious threat to the public health, safety and welfare. With this in mind, the Board of Control declares that its work force must be absolutely free of any person who would knowingly manufacture, distribute, sell or possess a controlled substance, marijuana or a dangerous drug in an unlawful manner. This prohibition specifically includes, but is not limited to, the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance or alcohol in the employee's workplace. This prohibition also includes, but is not limited to, an employee's being under the influence of alcohol or controlled substances while on duty.

Any employee who is convicted for the first time, under the laws of this state, the United States, or any other state, of any criminal offense involving the manufacture, distribution, sale or possession of a controlled substance, marijuana or a dangerous drug shall be subject to disciplinary action. At a minimum, such an employee shall be suspended for a period of not less than two months and shall be required to complete, at his or her own expense, a drug abuse treatment and education program licensed under Chapter 5 of Title 26 of the Official Code of Georgia and approved by the Board of Control. At a maximum, such an employee may be terminated from his employment with Northeast Georgia RESA. Any employee who is convicted for a second or subsequent time under the laws of this state, the United States, or any other state, of any criminal offense involving the manufacture, distribution, sale or possession of a controlled substance, marijuana or a dangerous drug shall be terminated from his or her employment and shall be ineligible for employment for a period of five years from the most recent date of conviction.

If, prior to an arrest for an offense involving a controlled substance, marijuana or a dangerous drug, an employee notifies the Northeast Georgia RESA Executive Director or designee that the employee illegally uses a controlled substance, marijuana or a dangerous drug and is receiving or agrees to receive treatment under a drug abuse treatment and education program licensed under Chapter 5 of Title 26 of the Official Code of Georgia and approved by the Board of Control, the employee shall be entitled to maintain his or her employment for up to one year as long as the employee follows the treatment plan. During this period, the employee shall not be separated from employment solely on the basis of the employee's drug dependence, but the employee's work activities may be restructured if practicable to protect persons or property. No statement made by an employee to the Executive Director or designee in order to comply with this code section shall be admissible in any civil, administrative or criminal proceeding as evidence against the public employee. The rights granted by this policy shall be available to an employee only once during a five year period and are intended to be and shall be interpreted as being the same as those minimum rights granted pursuant to the Georgia Drug-Free Work Force Act and any subsequent amendments thereof.



As a condition of employment, each employee must abide by the terms of this policy and must notify the Executive Director within five days after any arrest on any drug-related criminal charge and further notify the Executive Director within five days of any conviction of a drug-related offense. The Executive Director shall promptly notify the Board of Control of such arrests or convictions.

A copy of this policy shall be disseminated to all employees either directly or through employee handbooks or other publications.

The Board of Control shall not consider for employment any applicant who has been convicted for the first time of any drug offense as described above for a three month period from the date of conviction nor shall the Board of Control consider any applicant for employment who has been convicted for the second time of any drug offense as described above for a five year period from the most recent date of conviction.

For purposes of this policy, "conviction" refers to any final conviction in a court of competent jurisdiction, specifically including acceptance of a plea of guilty, nolo contendere, or any plea entered under the First Offenders Act of Georgia or any comparable state or federal legislation.

No certified employee or employee with a contract for a definite term shall be subject to suspension or termination pursuant to this policy except in compliance with the provisions of the Fair Dismissal Act of Georgia, Official Code of Georgia Annotated §§ 20-2-940 through 947. This policy is not intended and shall not be interpreted as prohibiting Northeast Georgia RESA from taking appropriate disciplinary action against any employee where there exists evidence that an employee uses, distributes or sells illegal drugs even though the employee has not been convicted of any criminal offense or where there exists evidence that an employee is under the influence of alcohol while on duty, except that Northeast Georgia RESA may not use the statement of any employee to the Executive Director requesting treatment as described in this policy.

RESA shall provide such staff development as required by state or federal law to inform employees of the dangers of drug abuse, the availability of employee assistance and drug counseling and treatment and the terms of this policy.

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Possible References:

<b>Georgia Code</b>	<b>Description</b>
O.C.G.A. 45-23-0006	<u>Drug-free Public Work Force Act of 1990-Additional or more stringent sanctions authorized</u>
O.C.G.A. 45-23-0008	<u>Drug-free Public Work Force Act of 1990-Administrative Procedures</u>
O.C.G.A. 45-23-0007	<u>Drug-free Public Work Force Act of 1990-Continuance of employment for drug user; requirements and procedure</u>
O.C.G.A. 45-23-0002	<u>Drug-free Public Work Force Act of 1990-Legislative finding and declaration</u>

O.C.G.A. 45-23-0003	<u>Drug-free Public Work Force Act of 1990-Definitions</u>
O.C.G.A. 45-23-0004	<u>Drug-free Public Work Force Act of 1990-Suspension or termination of public employee convicted of drug offense</u>
O.C.G.A. 45-23-0005	<u>Drug-free Public Work Force Act of 1990-Ineligibility for public employment of person convicted of drug offense</u>
O.C.G.A. 26-05-0001	<u>Drug Abuse Treatment and Education Act-Short Title</u>
O.C.G.A. 20-02-0011	<u>State Board of Education - budget, supervision of DOE, funding</u>
O.C.G.A. 20-02-1121	<u>Bus drivers subject to random alcohol/drug testing</u>
O.C.G.A. 20-02-0940	<u>Grounds/procedure for terminating or suspending contract of employment (Fair Dismissal law)</u>
Rule 160-5-3-.15	<u>Alcohol and Controlled Substances Testing</u>

**US Code**

**Description**

41 USC 702	<u>Requirements for federal grant recipients</u>
41 USC 703	<u>Employee Sanctions and Remedies</u>
21 USC 812	<u>Schedules of controlled substances</u>
41 USC 701	<u>Drug-free workplace requirements for Federal contractors</u>

**Communicable Diseases**

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Date Adopted: February 23, 2010

Last Revised:

No student shall be denied access to, nor shall an otherwise qualified individual be denied employment in the educational programs of Northeast Georgia RESA solely because he/she is infected with a communicable disease. The agency shall adopt routine procedures for handling blood and body fluids consistent with the Centers for Disease Control's Universal Precautions for Handling Blood and Body Fluids.

**Definitions:**

- 1) *Communicable disease* – a disease that can be directly or indirectly transmitted from one person to another.
- 2) *HIV Infection* – an infection in which the human immunodeficiency virus is present.

All employees shall be educated about HIV infection and other communicable diseases, including transmission, risk reduction and universal precautions for handling blood and body fluids. As part of the educational program, abstinence from sexual relations shall be emphasized.

If Northeast Georgia RESA has reasonable cause to believe that a student or an employee has become infected with a communicable disease, the determination of a student's or employee's condition shall be based on reasonable medical judgment given the state of medical knowledge about:

- 1) The nature of the risk, i.e., how the disease is transmitted;
- 2) The duration of the risk, i.e., how long the carrier is infectious;
- 3) The severity of the risk, i.e., the degree of potential harm to third parties; and
- 4) The probability that the disease will be transmitted and will cause varying degrees of harm.

After consideration of the criteria set forth in the above paragraph, the agency shall allow an infected student or employee to remain in his/her education or employment setting unless he/she currently presents a significant risk of contagion as determined by the agency after consultation with the student's or employee's physician (at Northeast Georgia RESA's option). After a determination of the student's or employee's medical condition has been made using the criteria set forth above, the agency, after consultation with the student's or employee's physician, a public health official knowledgeable about the disease and/or the agency's physician (at Northeast Georgia RESA's option), shall determine whether reasonable accommodations will allow the student to perform in the classroom or the employee to meet the essential functions of the job. An accommodation is reasonable unless it imposes either an undue financial hardship or administrative burden on the agency.

Notwithstanding the requirements for evaluation of a student or an employee who may be infected with a communicable disease set forth hereinabove, Northeast Georgia RESA may immediately remove a student or employee for a period of time

not to exceed ten (10) calendar days from his or her educational or employment setting for the purpose of obtaining a reasonable medical judgment, as required above, as to whether the student or employee constitutes a significant risk of contagion to others.

The agency shall not deny an individual employment based solely upon the individual's infection with a communicable disease unless the agency, after consultation with the applicant's physician, a public health official knowledgeable about the disease, and/or the agency's physician (at Northeast Georgia RESA's option), determines that the communicable disease is of such nature or at a stage that the individual should not be in the agency setting.

The Northeast Georgia RESA shall not disclose medical information about a student or employee with HIV infection or other communicable disease without the consent of the student or employee or his/her parent or guardian, whichever is applicable, or only as required by this policy by law, or by court order.

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Possible References:

<b>Georgia Code</b>	<b>Description</b>
O.C.G.A. 20-02-0940	<u>Grounds/procedure for terminating or suspending contract of employment (Fair Dismissal law)</u>
O.C.G.A. 24-09-0047	<u>Disclosure of AIDS confidential information</u>
O.C.G.A. 31-12A-0004	<u>Quarantine of diseased persons</u>
O.C.G.A. 31-22-0009.1	<u>HIV tests - Who may perform test</u>
Rule 160-1-3-.03	<u>Communicable Diseases</u>
<b>US Code</b>	<b>Description</b>
29 USC 794	<u>Nondiscrimination under Federal grants and programs</u>

**Leaves and Absences**

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Date Adopted: February 23, 2010  
Last Revised: November 30, 2010

**Sick Leave: Certified and Non Certified**

Sick leave for all personnel, certified and noncertified, except those on daily or hourly (part-time) contracts, will accrue at the rate of 1 ¼ days per month worked.

Employees may have sick leave accrue from one fiscal year to the next up to a maximum of 90 days.

Georgia law provides that certified employees are entitled to transfer up to 45 days of accrued sick leave.

No payment will be made for accrued sick leave upon termination of employment.

All sick leave must be approved in writing by the RESA Director.

Sick leave may be used for absence due to personal illness, physical disability (including disability related to maternity), exposure to contagious disease, family illness, or injury. However, if the Director disagrees with any doctor's statement of disability, or ability, he may appoint a physician of the same medical specialty as the employee's physician for the purpose of receiving independent medical judgment.

The employee's immediate supervisor may require the employee to furnish a physician's statement certifying the employee's personal illness, physical disability or injury.

For any sick leave in an amount above that which is allowed by policy, there shall be a deduction from the full salary of the employee equal to one day's salary for each day of sick leave.

10 month contract (190 days) = 12.5 days  
11 month contract = 13.75 days  
12 month contract = 15 days

**Bereavement**

Sick leave may also be used for absence due to illness or death in the employee's immediate family.

The term "immediate family" shall be interpreted to mean father, mother, brother, sister, child, husband, wife, grandmother, grandfather, mother-in-law, or father-in-law of the employee concerned or a relative living in the residence of the employee.

Under normal circumstances, sick leave due to the death of an immediate family member will consist of up to three days.

**Personal Leave**

Employees may use 3 days of accrued sick leave for personal reasons during the fiscal year.

Requests for personal leave must be submitted in writing to the Department Head and to the Director a minimum of three days in advance of the anticipated absence. Personal leave is not transferable from one year to the next.

If an emergency occurs, employees must notify the Department Head or the Director as soon as possible. When the employee returns to work, he/she must address the emergency in writing to the Department Head or Director.

For any personal leave in an amount above that which is allowed by policy, there shall be a deduction from the full salary of the employee equal to one day's salary for each day of personal leave.

### **Extended Leave Without Pay**

1. Extended leave without pay will only be granted for the employee's own illness, injury, impairment, or physical or mental condition that renders the employee unable to perform one or more essential functions of his or her job.

2. An employee must apply for extended leave without pay at least fifteen (15) days in advance of the date such leave will commence. The application must include documentation from a physician which (1) certifies that the employee is disabled as a result of a specific medical condition; and (2) provides an anticipated return to work date. Northeast Georgia RESA, at its own expense, may require that employee obtain a second opinion from a physician of the RESA's choosing.

3. Extended leave without pay may not exceed the current school year<sup>1</sup> unless the employee is undergoing treatment for a medical condition which requires a regime of continuing medical intervention which consists of multiple in-person visits for treatment involving more than a course of prescribed medication (e.g., chemotherapy or radiation for cancer treatment). The period of extended leave without pay which may be granted under this provision is limited to 60 days. No additional leave without pay will be granted beyond the 60 day extension.

Leave under this section will be subject to approval by the Executive Director.

4. Upon an employee's return to work after leave under this section, the employee must undergo a fitness for duty evaluation. The cost of such evaluation shall be borne by the employee. The employee may not return to work until the employee submits the required fitness-for-duty certification. If an employee is unable to resume his/her job responsibilities after the approved period of extended leave without pay, the employee will be terminated.

<sup>1</sup> School year is defined as July 1-June 30.

### **Maternity Leave**

1. Female employees who are not eligible for FMLA leave or who have exhausted FMLA and/ or sick leave shall be granted a leave of absence without pay for the estimated length of any physical disability caused by or related to pregnancy, childbirth, or related medical conditions.

2. Except in case of emergency, the employee shall notify her supervisor and the Executive Director at least 60 calendar days prior to the date on which her leave is to begin. the expected date of delivery, the date through which the employee may work prior to delivery, and the anticipated date of return to work following the birth of the child.

3. The employee may continue in active employment as late into her pregnancy as she desires provided she is able to safely and properly perform the required functions of her job.

4. An employee who has been granted leave for the period of physical disability only shall be entitled to return to active employment upon presentation of a doctor's statement of fitness to perform the required functions of the job and shall be assigned to a substantially equivalent position to be approved by the Executive Director.

### **Annual Leave**

Northeast Georgia RESA employees, certified and non-certified, who are employed on a 12-month basis from July 1 through June 30, shall earn 1 day of annual leave for each work month completed, maximum of 12 days. Any annual leave earned in the current fiscal year above the 10-day accumulation must be taken by Sept. 15<sup>th</sup> of the following fiscal year. Leave not taken above the 10-day accumulation will be forfeited.

Northeast Georgia RESA employees, certified and non-certified, who are employed on a 12-month, benefits-eligible, part-time basis, from July 1 through June 30, shall earn prorated annual leave.

An employee must be on paid status at least ten (10) days during the month before annual leave is earned for that month.

Northeast Georgia RESA employees, certified and non-certified, who are employed on an 11-month basis from August 1 through June 30, shall not earn annual leave.

Northeast Georgia RESA employees, certified and non-certified, who are employed on a 10-month basis from September 1 through June 30, shall not earn annual leave.

Personnel terminating employment with Northeast Georgia RESA may take all earned annual leave prior to the end of the fiscal year, but not more than a maximum of twenty (20) days during the last three (3) months of employment. This leave is subject to the approval of the Northeast Georgia RESA Director and requires completion of work assignments. Exceptions may be granted by the Board of Control.

### **Religious Leave**

The Northeast Georgia RESA Board of Control through its Director will make reasonable accommodations to the religious needs of employees and prospective employees where such accommodations can be made without undue hardship on the board's operations. Such absence will be deducted from available personal leave

### **Military Leave**

Persons employed by Northeast Georgia RESA, excluding those on a temporary basis, shall be entitled to military leave for ordered military duty with full employment reinstatement rights as provided by the law. An employee shall be allowed a leave of absence from his or her duties while performing ordered military duty.

#### **Definition:**

The term "ordered military duty" as defined by O.C.G.A.38-2-279 shall mean the following:

Any military duty performed in the service of the state or of the United States by a public officer or employee as a voluntary member of any force of the organized militia or any reserve force or reserve component of the armed forces of the United States pursuant to orders issued by the competent state and federal authority without the consent of the public officer or employee. Such duty shall include, but is not limited to, attendance at any service school or schools conducted by the armed forces of the United States.

Military duty, performed for a period or periods not exceeding a total of 30 days in any one federal fiscal year, shall be deemed ordered military duty regardless of whether such orders are or may be issued with the consent of the public officer or employee.

Compensation:

Every public officer and employee shall be paid his or her salary or other compensation as a public officer or employee for a period or periods of absence while engaged in the performance of ordered military duty while going to and returning from such duty, not exceeding a total of 18 days in one federal fiscal year and not exceeding 18 days in any one continuous period of such absence.

State Emergency:

In the event the governor declares an emergency and orders any public officer or employee to state active duty as a member of the National Guard, the public officer or employee shall be paid his or her salary or other compensation as a public officer or employee for a period not exceeding 30 days in any one federal fiscal year and not exceeding 30 days in any one continuous period of such state active duty service.

**Jury Duty**

There shall be no loss of pay or employment benefits because of a jury duty absence as provided in law, nor shall such employee using jury leave be required to pay the cost of employing a substitute.

Proper notification is to be given by the employee to the Division Director of Northeast Georgia RESA. The courts pay will be considered as a per diem to the employee. When an employee is excused and when two (2) or more hours remain in a work day, the employee is expected to perform duties in behalf of the agency. If an employee chooses not to return to work when excused, the employee may use annual leave for the time remaining in the day.

Witness Duty:

The employee will give advanced notification to the Division director or director of time required away from their jobs upon receiving a subpoena to appear in court as a witness. When an employee is excused by the court and two (2) or more hours remain in the workday, the employee is expected to perform duties in behalf of the agency.

Witness duty time or attendance at any judicial proceeding in response to a subpoena, pertaining to the employee's job shall not be deducted from the employee's leave.

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Possible References:



<b>Georgia Code</b>	<b>Description</b>
O.C.G.A. 20-02-0182	<u>Program weights to reflect funds for payment of salaries and benefits</u>
O.C.G.A. 20-02-0850	<u>Sick leave for school personnel</u>
O.C.G.A. 20-02-0852	<u>Maternity leave</u>
O.C.G.A. 20-02-0870	<u>Right to leave for jury duty or when subpoenaed</u>
O.C.G.A. 21-02-0404	<u>Affording employees time off to vote</u>
O.C.G.A. 34-01-0003	<u>Discrimination against employee for attending judicial proceeding in response to subpoena prohibited</u>
O.C.G.A. 38-02-0279	<u>Rights of public officers and employees absent on military duty</u>
O.C.G.A. 45-20-0030	<u>Leave of absence for blood donation</u>
O.C.G.A. 47-03-0092	<u>Absence from employment due to sick leave; creditable service</u>
<b>US Code</b>	<b>Description</b>
29 USC 260	<u>Family and Medical Leave Act</u>

**BOARD POLICY**

**Descriptor Code: GBC**

**Professional Personnel Recruitment**

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Date Adopted: February 23, 2010  
Last Revised:

The Northeast Georgia RESA Board of Control believes that a program of active recruitment of professional personnel is essential in attracting the most competent and qualified personnel.

In operating the most effective and efficient organization possible, the Northeast Georgia RESA Executive Director may recommend to the Board of Control the transfer or reassignment of personnel into positions that best meet the needs of the organization. Positions which are filled through transfers or lateral reassignments shall not be considered vacant within the meaning of this policy and shall not be subject to the announcement, advertisement or any other provision of this policy.

It is the policy of Northeast Georgia RESA to offer equal opportunity for employment and advancement to all qualified individuals regardless of race, creed, color, national origin, sex, age, or disability and to conform to all applicable laws and regulations. This policy applies to all aspects of the employment relationship, including hiring, promotion, transfer, selection for training, wages demotion, and layoff or termination. This statement shall be included in all announcements of vacant positions. Written announcements will be posted on the Teach Georgia and Northeast Georgia RESA websites.

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Possible References:

<b>Georgia Code</b>	<b>Description</b>
O.C.G.A. 20-02-0001	<u>Creation/powers of State Board of Education</u>
O.C.G.A. 20-02-0211	<u>Annual contract; disqualifying acts; fingerprinting; criminal record checks</u>
O.C.G.A. 35-03-0035	<u>Dissemination of criminal history records</u>
O.C.G.A. 49-05-0110	<u>Criminal background checks; definitions</u>

**BOARD POLICY**

**Descriptor Code: GBRC**

**Professional Personnel Work Loads**

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Date Adopted: February 23, 2010  
Last Revised:

The minimum workday for employees shall be defined as eight (8) hours, and the minimum workweek shall be defined as forty (40) hours. The minimum workday shall entail the duties for which the base salary is paid, such as teaching, consulting, preparation, staff meetings, planning conferences, and related Northeast Georgia RESA activities.

Non-exempt employees, as per the Fair Labor Standards Act, are not entitled to overtime pay or compensatory time off for work done in excess of forty (40) hours per week, unless the Northeast Georgia RESA Executive Director has given such approval. In this case the approved employee would receive time and a half pay based on their current hourly wage.

All professional positions, such as teachers, administrators, and Northeast Georgia RESA Directors/Coordinators are exempt positions.

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Possible References:

<b>Georgia Code</b>	<b>Description</b>
O.C.G.A. 20-02-0168	<u>Distribution of federal funds; summer school programs; year-round operation</u>
O.C.G.A. 20-02-0218	<u>Duty free lunch period for teachers in grades K-5</u>
Rule 160-5-1-.06	<u>Employee Work Day</u>

**Federal Family and Medical Leave Act**

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Date Adopted: February 23, 2010

Last Revised: May 27, 2014

It is the purpose of this policy to set out in summary form the provisions of the Family and Medical Leave Act ("the Act" or "FMLA") and its implementing regulations. The Board of Control ("Board") does not intend by this policy to create any additional rights to leave not provided by the Act; provided, however, the Board does wish to extend the rights of the Act to certain employees who have worked at least 12 months for the Board. The Board does intend to elect certain options as the Act authorizes. Any portion of this policy inconsistent or contrary to the Act is unintentional and shall not be given effect. As to the interpretation of this policy, the Board's employees should look to the Act itself and its regulations.

**A. ELIGIBLE EMPLOYEES**

Employees of the Board who have been employed by the Board for at least 12 months and who have worked at least 1250 hours during the 12 month period immediately preceding the commencement of the leave are eligible to take unpaid leave under the FMLA.

**B. DEFINITIONS**

"Covered Active Duty" means, for members of the regular Armed Forces, duty during deployment to a foreign county; for members of a Reserves component of the Armed Forces, duty during deployment to a foreign country under a call or order to active duty pursuant to federal law.

"Covered Servicemember" (for qualifying exigency leave) means the employee's spouse, child, or parent under a federal call or order to covered active duty.

"Covered Servicemember" (for military caregiver leave) means the employee's spouse, child, parent or next of kin who is (1) a current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness; or (2) a veteran who was a member of the Armed Forces at any time during the five years preceding the date on which the veteran undergoes such medical treatment, recuperation, or therapy.

"Instructional employee" means an employee whose principal function is to teach and instruct students in a class, a small group, or an individual setting.

"Next of Kin" of a covered servicemember means the nearest blood relative other than the covered servicemember's spouse, parent, son or daughter, in the following order of priority: blood relatives granted legal custody, brothers and sisters, grandparents, aunts and uncles, and first cousins, unless the covered servicemember has specifically designated in writing another blood relative for purposes of FMLA caregiver leave.

"Outpatient Status," with respect to a covered servicemember, means the status of a member of the Armed Forces assigned to either a military medical treatment facility as an outpatient; or a unit established for the purpose of providing command and control of members of the Armed Forces receiving medical care as outpatients.

"Parent" means a biological, adoptive, step or foster mother or father or one who acted in place of a parent when the employee was a child. The term "parent" does not include parent "in law."

"Parent of covered servicemember" means a biological, adoptive, step or foster parent or any other individual who acted in place of a parent of the covered servicemember. The term does not include parents "in law."

"Serious Health Condition" means an illness, injury, impairment, or physical or mental condition that involves inpatient care requiring an overnight stay in a hospital, hospice or residential medical care facility or continuing treatment by a health care provider, all as further defined in the FMLA regulations.

"Serious Injury or Illness" means, an injury or illness incurred by a covered servicemember in the line of duty on active duty (or that existed before active duty and was aggravated by line of duty active service) that may render the servicemember medically unfit to perform the duties of the member's office, grade, rank, or rating. In the case of a veteran, "serious injury or illness" means a qualifying injury or illness incurred during or aggravated by active duty during the five years before undergoing treatment, recuperation, or therapy, and that manifested itself before or after the member became a veteran.

"Son or daughter" means a biological, adopted or foster child, a stepchild, a legal ward, or a child for whom the employee acts as a parent. The son or daughter must be under age 18 or, if the son or daughter is age 18 or older, he/she must be incapable of self-care due to a mental or physical disability at the time FMLA leave is to begin.

"Son or daughter of a covered servicemember" means a covered servicemember's biological, adopted, or foster child, stepchild, legal ward, or a child for whom the covered servicemember acted in the place of a parent, and who is of any age.

"Spouse" means a husband or wife as defined or recognized under Georgia law.

"Twelve weeks" means sixty work days

#### C. AMOUNT AND TYPE OF LEAVE TAKEN

An eligible employee may request leave for one or more of the following reasons:

1. Birth of a son or daughter and to care for the newborn child;
2. Adoption or foster placement with the employee of a son or daughter and to care for the newly placed child;
3. To care for the employee's spouse, son, daughter or parent, if that person has a serious health condition;
4. Serious health condition of the employee that prevents the employee from performing his/her job functions;
5. Any qualifying exigency arising from the fact that the employee's family member (the covered servicemember) is on covered active duty. Qualifying exigencies are defined as short-notice deployment (seven or less calendar days); military events and related activities; childcare and school activities; financial and legal arrangements; counseling; rest and recuperation (up to fifteen calendar days per instance); post-deployment activities; parental care; additional activities where the employer and employee agree that

- the leave is an exigency and agree to both timing and duration of the leave; and
6. Military caregiver leave to care for a covered servicemember with a serious injury or illness if the employee is the spouse, son, daughter, parent, or next of kin of the servicemember.

In the event of the birth, adoption or foster placement of a son or daughter, all leave must be completed within twelve months after the birth, adoption or foster placement. Except as provided below, an employee may take up to a total of 12 weeks leave during any twelve-month period.

If both spouses work for the RESA and both are eligible for FMLA leave, they are authorized to take only a combined total of 12 weeks leave during any one 12 month period to care for a newborn or adopted child, a child placed with the employee for foster care, or a parent with a serious health condition. Both spouses are authorized to take leave for twelve (12) weeks to care for a spouse or child with a serious health condition.

An eligible employee is eligible to take up to 26 weeks of military caregiver leave during a "single 12-month period." The "single 12-month period" begins on the date the employee first takes military caregiver leave and ends 12 months after that date, regardless of the method used to determine the leave entitlement period for other FMLA reasons.

If both spouses work for the RESA and both are eligible for FMLA leave, they are authorized to take only a combined total of 26 weeks during the "single 12-month period" described above for military caregiver leave or a combination of military caregiver leave and leave taken for other FMLA reasons.

An employee may take a total of 12 weeks of FMLA leave during any "twelve-month period". The "twelve-month period" shall be measured backward from the date the employee begins using FMLA leave. Under this method, a "rolling year" shall be used to determine the "twelve-month period" during which the 12 weeks of leave entitlement may occur. That is, each time an employee takes FMLA leave, the remaining leave entitlement will be any balance of the 12 weeks which has not been used during the immediately preceding twelve months.

The RESA will require that any accrued paid leave (sick, personal, vacation, or any other paid leave) be substituted for (run concurrently with) all or a part of the otherwise unpaid FMLA leave under the terms and conditions of the RESA's normal leave policies. Because leave pursuant to an employee's disability benefit plan or workers' compensation absence is not unpaid, the provision for required substitution of accrued paid leave is not applicable in such cases.

#### D. INTERMITTENT OR REDUCED LEAVE

An employee may take leave on an intermittent or reduced leave schedule where it is medically necessary due to the serious health condition of a covered family member, the employee, or the serious injury or illness of a covered servicemember, or when necessary because of a qualifying exigency. The RESA will require a certification, in the form designated by the RESA, to document the necessity of such intermittent leave or reduced schedule leave.

#### E. NOTIFICATION OF LEAVE

If the need for FMLA leave is foreseeable, an employee requesting leave must provide at least 30 days advance notice to the Executive Director or his/her designee. If such advance notice is not possible, the employee must give notice as soon as

practicable, which means as soon as both possible and practical, taking into account all of the facts and circumstances in the individual case. If an employee does not provide at least 30 days notice of foreseeable leave, he or she must explain why such notice was not practicable if so requested by the RESA. When the need for leave is not foreseeable, an employee must provide notice as soon as practicable, ordinarily within two or three working days of learning for the need for leave. When planning medical treatment, the employee should make a reasonable effort to schedule the treatment, subject to the approval of the health care provider, so that any corresponding leave will not disrupt unduly the operations of the RESA.

Employees must provide sufficient information for the RESA to reasonably determine whether the FMLA may apply to the leave request. When an employee seeks leave due to an FMLA-qualifying reason for which the RESA has previously provided FMLA leave, the employee must specifically reference either the previous qualifying reason for leave or the need for FMLA leave.

F. BENEFITS AND RETURN TO WORK

Employees will be eligible to maintain health care benefits provided by the RESA while on FMLA leave. The RESA will pay the employer's portion, if any, of such benefits. The employee will pay the same portion, if any, of such benefits as the employee paid before beginning the leave.

The RESA may recover any health care benefit premiums paid on behalf of an employee if the employee does not return to work after the leave period has expired, unless the employee did not return due to a serious health condition of the employee or the employee's spouse, parent or child, or a serious injury or illness of a covered servicemember or other circumstances beyond the employee's control. The RESA may require certification from the health care provider that a serious health condition of the employee or family member, or the covered servicemember's serious injury or illness, prevented the employee from returning to work.

With the exception of paid vacation, personal, sick, or any other paid leave required to be substituted for unpaid leave under Section C above, the employee's absence during leave will not alter benefits which the employee accrued before taking leave. Any accrued benefits will not be lost during the leave.

Upon return from leave, the employee is entitled to be reinstated to a position equivalent to the one the employee held when he/she left on FMLA leave, with equivalent pay, benefits and other terms and conditions of employment. Upon proper notice, however, the RESA may deny reinstatement under this policy to an employee whose salary is in the highest 10% of the employees employed by the RESA if such denial is necessary to prevent substantial and grievous economic injury to the RESA's operation, as determined by the RESA.

G. REQUIRED CERTIFICATION AND REPORTING

The RESA requires that a request for leave due to a serious health condition of an employee or an employee's family member or a serious injury or illness of a covered servicemember be supported by certification by the appropriate health care provider of the eligible employee or family member on a form to be provided by the RESA. This certification for a serious health condition must include (1) the name, address, telephone and fax numbers of the healthcare provider and type of practice/specialization; (2) the approximate date on which the serious health condition commenced, and its probable duration; (3) a statement or description of

appropriate medical facts regarding the patient's health condition for which FMLA leave is requested; (4) if the purpose of the leave is to care for a family member, a statement that the employee is needed to care for the family member and an estimate of the frequency and duration of the leave required for such care; (5) if the leave is due to the employee's own serious health condition, a statement that the employee is unable to perform his/her essential job functions, the nature of other work restrictions, and the likely duration of such inability; and (6) if intermittent or reduced schedule leave is requested, information sufficient to establish the medical necessity for the same and an estimate of the dates and duration of treatments and any periods of recovery. The employer may require that the eligible employee obtain subsequent recertification on a reasonable basis as requested by the RESA in accordance with the FMLA regulations.

The RESA, at its own expense, may obtain the opinion of a second health care provider of the RESA's choice, if the RESA should choose to do so. If a conflict exists between the opinion in the certification and the second opinion, the RESA may, at its own expense, obtain a third opinion from a health care provider upon which the RESA and the employee jointly agree. Such a third opinion as to the necessity for the leave is binding on both the RESA and the employee.

Upon an employee's return to work after leave for the employee's own serious health condition, the RESA may require the employee to obtain certification from his/her health care provider that the employee is able to resume work.

The RESA may require that a first request for leave because of a qualifying exigency arising from active duty or a call to active duty be supported by a copy of the covered servicemember's active duty orders or other documentation issued by the military. A certification form requesting the required information to support a request for exigency leave will be provided by the RESA upon request.

The RESA may require an employee on FMLA leave to report periodically to his/her building administrator or supervisor on the employee's status and intent to return to work.

If an employee is unable to resume his/her job responsibilities after expiration of FMLA leave entitlement and no additional leave is available, the employee may be terminated.

#### H. SPECIAL PROVISIONS

When an instructional employee seeks intermittent leave or leave on a reduced schedule in connection with a family or personal serious health condition or to care for a covered servicemember that would constitute at least 20% of the total number of working days during which the leave would extend, the RESA may require the employee to elect to take leave in a block (not intermittently) for the entire period or to transfer to an available alternative position within the RESA that is equivalent in pay, for which the employee is qualified, and which better accommodates the intermittent situation.

If an instructional employee begins leave more than five weeks before the end of a semester, the RESA may require the employee to continue taking leave until the end of the semester if

- (a) the leave will last at least three weeks; and
- (b) the employee would return to work during the three-week period before the end of the term.



If an instructional employee begins leave for a purpose other than the employee's own serious health condition during the five-week period before the end of the semester, the RESA may require the employee to continue taking leave until the end of the semester if

- (a) the leave will last more than two weeks; and
- (b) the employee would return to work during the two-week period before the end of the term.

If an instructional employee begins leave for a purpose other than the employee's own serious health condition during the three-week period before the end of a semester, and the leave will last more than five working days, the RESA may require the employee to continue taking leave until the end of the semester.

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Possible References:

<b>Georgia Code</b>	<b>Description</b>
O.C.G.A. 20-02-0852	<u>Maternity leave</u>
29 CFR Part 825	<a href="#"><u>The Family and Medical Leave Act of 1993 - Regulations</u></a>
29 CFR 1604.10	<a href="#"><u>Employment policies relating to pregnancy and childbirth</u></a>
29 USC 2601	<a href="#"><u>Family and Medical Leave Act</u></a>

These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

**BOARD POLICY****Descriptor Code: GCRD**Classified Personnel Overtime Pay

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Date Adopted: February 23, 2010  
Last Revised:

Overtime is defined as time worked in excess of 40 hours of physical work (not including hours absent on sick leave, personal leave, or annual leave) during one regular workweek (Saturday through Friday).

Employees are not to perform overtime work or direct that overtime work be performed without written authorization by the Executive Director of Northeast Georgia RESA or his designee. Authorization shall be given only in cases involving emergency situations, limited timelines, or the assignment of additional responsibilities to an employee on a temporary basis.

Overtime compensation will be paid at one and one-half the employee's regular rate of pay for all hours of overtime worked. One and one-half hours of compensatory time off in lieu of pay may be taken for each hour of overtime worked.

Violation of this policy concerning prior approval for overtime work may result in disciplinary action against the employee, up to and including termination.

Employees eligible for overtime compensation as described herein are those defined as nonexempt personnel by the Fair Labor Standards Act and its implementing regulations. Such personnel shall be responsible for documenting time worked and for insuring the accuracy of such records.

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**Possible References:**

<b>Georgia Code</b>	<b>Description</b>
O.C.G.A. 34-04-0003	<u>Minimum wage amount</u>
O.C.G.A. 34-04-0003.1	<u>Wages and employment benefits by local government entities</u>
O.C.G.A. 34-04-0005	<u>Employer's records of hours worked by and wages paid to employees</u>
O.C.G.A. 34-04-0006	<u>Action to recover difference where employee paid less than minimum wage</u>
O.C.G.A. 34-04-0001	<u>Georgia Minimum Wage law - short title</u>
<b>US Code</b>	<b>Description</b>
29 USC 213	<u>Fair Labor Standards - Exemptions</u>
29 USC 207	<u>Maximum hours</u>
29 USC 206	<u>Minimum wage</u>
29 USC 201	<u>Fair Labor Standard Amendment of 1985</u>

**Internet Acceptable Use**

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Date Adopted: February 23, 2010

Last Revised:

The purpose of the INTERNET service is to provide professional learning participants, employees, and students access to the INTERNET to: (1) enhance delivery of education; (2) provide access to career and professional learning activities; and (3) allow for limited high-quality self-discovery.

Everyone that uses the INTERNET has an obligation to use the technology in a manner specified by the Northeast Georgia RESA Board of Control.

Specifically, the agency supports resources that will enhance the learning environment. Any student with access to and use of the INTERNET at Northeast Georgia RESA will be under staff direction and will be monitored, as in any other classroom activity.

The use of the INTERNET will reflect on the agency; therefore, employees, participants, and students are to guide their activities accordingly.

Student access to information via school Northeast Georgia RESA computers and computer systems has the potential to support the RESA's curricular objectives: to promote innovation, collaboration, and communication; and to prepare students for their roles in a technical society. Such access to information, including access to the Internet, is, therefore, to be encouraged within guidelines that protect students and the rights of others.

For purposes of this policy:

- "Electronic information resources" shall apply to computers, computer systems, and information accessed via computer systems including, but not limited to, material on the Internet. This policy shall govern student use of and access to all such resources owned by Northeast Georgia RESA as well as to student use of any electronic information resources while on school property, or while attending a school-sponsored activity, or while en route to or from school or a school-sponsored activity.
- "Minor" shall mean an individual who has not attained the age of 17.
- "Child pornography" shall have the meaning given in United States Code, title 18, section 2256.
- "Harmful to minors" shall mean any picture, image, graphic image file, or other visual depiction that:
  1. Taken as a whole and with respect to minors appeals to prurient interest in nudity, sex or excretion;
  2. Depicts, describes, or represents in a patently offensive way with respect to what is suitable for minors an actual or simulated sexual act or sexual contact, actual or simulated normal or perverted sexual acts, or a lewd exhibition of the genitals; and
  3. Taken as a whole lacks serious literary, artistic, political or scientific value as to minors.
- "Obscene" shall have the meaning given in United States Code, title 18, section 1460.
- "Sexual act" and "sexual conduct" shall have the meanings given in United States Code, title 18, section 2246.

- "Technology protection measure" shall mean a technology that blocks or filters access to selected material on the Internet.
- "Access to the Internet" shall mean access to a computer or computer system capable of accessing the Internet and, thereby, to content that is not controlled by the school district. It shall not apply necessarily to all printed or electronic materials that may have originated on the Internet.

## **Students**

Student use of Northeast Georgia RESA owned equipment or access to electronic information resources on school owned equipment shall be limited as follows:

- Students shall not access material that is obscene, pornographic, or harmful to minors or that the school district otherwise declares to be inappropriate.
- Students shall not engage in "hacking" or any other attempt to compromise the security of any computer system including the use of proxy servers and other filter avoidance measures.
- Students shall not engage in illegal activities.
- Students shall not publish any material that is derogatory or offensive to others.
- Students shall not inappropriately use hardware or software to disrupt instruction i.e. using a teacher remote without teacher permission to freeze screens or using LinQ to take command of a teacher machine without permission.
- Students shall use electronic mail, chat rooms, and other forms of direct electronic communications during instructional time only for specifically approved instructional purposes under the direct supervision of a Northeast Georgia RESA staff member.
- Northeast Georgia RESA provides for students accessing the Internet through RESA-owned equipment age appropriate instruction regarding safe and appropriate behavior on social networking sites, chat rooms, and other Internet services, behaviors that may constitute cyber bullying, and how to respond when subjected to cyber bullying.

Technology protection measures shall be installed in the district's computer system(s) to limit student and adult access to content on the Internet. Such measures shall protect against access by any system user to visual depictions of obscenity or child pornography and additionally shall protect against access by minors to visual depictions that are harmful to minors. Additionally, technology protection measures may be configured to protect against other material judged under this policy and supporting regulations to be inappropriate.

The Northeast Georgia RESA Director or the Director's designee may disable a technology protection measure to enable adult access for bona fide research or for other lawful purpose.

Notwithstanding the installation of technology protection measures, no student use of or access to electronic information resources, especially access to the Internet, shall be conducted without personal supervision. All students have access to the Internet and other digital resources as basic instructional materials unless parents have notified the school district in writing denying this access.

Student use of and access to electronic information resources carry no expectation of privacy and constitutes consent to authorized monitoring.

The Executive Director shall promulgate regulations for the implementation of this policy, including: (1) rules for students use of and access to electronic information resources, (2)

regulations for disciplining students who fail to follow such rules, and (3) procedures for challenging RESA decisions regarding electronic access to information.

## **Employees**

This section prescribes standards for employee's use of all Northeast Georgia RESA district computer systems.

RESA computer systems and networks shall be used for official and authorized personal purposes only. Official uses are those directly related to the discharge of Northeast Georgia RESA business. Authorized personal uses are those that fall outside official use but are expressly permitted below.

Authorized personal use shall be limited to the following:

- Professional development and continuing education purposes.
- Occasional one-to-one correspondence with family or friends.
- Scheduling appointments or travel.
- Brief Internet research and transactions.
- Participation in non-profit or professional organizations.

Authorized personal use shall be further limited as follows:

- The use must not impede the performance of official duties.
- The use must not impede student learning or student access to the network.
- The use must serve a legitimate public interest, such as keeping users at their work place, enhancing skills, furthering education, or improving morale.
- The use must be during off-duty hours or during authorized breaks in the day, and it must be of short duration.
- The use must not overburden the network's capacity to carry information for official purposes. Burdening uses which may be restricted include, but are not limited to, the transmission of images, especially moving images and sound, notwithstanding that the cessation of all personal use may be directed if required to free the network for official use. Restrictions may be imposed by the Executive Director's designee as either continuing written procedure or as unwritten immediate directives as network conditions require.
- The use must not result in significant consumption of resources such as printing paper or toner.
- Users must not incur any tolls, charges, or other fees for which Northeast Georgia RESA is liable.

All computer use, official and personal, shall be limited as follows:

- The use must accord with Northeast Georgia RESA policies and law. Prior to using school district computers, staff members shall be familiar with the Family Educational Rights and Privacy Act and with copyright law.
- Users may not access material that is obscene, pornographic, or has the intent to harm others or that the school district otherwise declares to be inappropriate.
- Users may not install software of any type regardless of intended use or source on school district computers or servers without the prior approval of the Director's designee.
- Users may not install unlicensed software on Northeast Georgia RESA computers or servers.
- Users may not place any hardware on RESA's network that does not comply with hardware standards as set by the Executive Director's designee. Equipment not complying with hardware standards must have prior approval of the Executive

Director's designee. This includes, but not limited to donated hardware, personally owned computers and wireless equipment.

- Users may not participate in unauthorized scanning of networks for security vulnerabilities.
- Users may not install unauthorized wiring, including attempts to create unauthorized network connections, or any unauthorized extension or retransmission of any computer or network services.
- Users may not attempt to alter any of Northeast Georgia RESA's computing or networking components (including, but not limited to, computers, servers, bridges, routers, and switches) without authorization or beyond one's level of authorization.
- Users may not store personal files on network drives.
- Users must guard against introducing malicious software (viruses) into the system.
- Users must not solicit business, advertise, or engage in any other selling activities in support of private business enterprises or fund raising.
- The use must not reflect adversely on Northeast Georgia RESA. Employees shall take precautions that their personal views are not interpreted to be those of the school district.
- Users may not send or solicit chain letters, harassing e-mail, pornographic material, or indecent language.
- Users may not engage in any type of discrimination or harassment, including disparaging or degrading terms and comments or other communication that implies a negative stereotype about a person.

All computer networks and systems are subject to authorized monitoring. Use of any such network or system carries no expectation of privacy and constitutes consent to authorized monitoring.

No RESA employee, including computer technicians and software programmers, shall monitor or disclose the content of another staff member's electronic communications or documents except when:

- The monitoring or disclosure is in accordance with the written directions of the Executive Director.
- The employee's job requires the employee to have access to the information. Such would be the case for Personnel Department staff that must have routine access to employee's application letters.
- The originator of the communication or document has explicitly or implicitly given permission for viewing, use or disclosure. Such permission can be granted, for example, by storing a document in a system shared folder and assigning public viewing rights.

Employees shall exercise due care to protect confidential information from disclosure.

Specifically:

- Employees have a duty to insure that computer screens are hidden when appropriate from the view of all students and other unauthorized persons.
- Employees have a duty to insure that computers designated for administrative use are not used by students or other unauthorized persons.
- Employees have a duty to exercise caution when they will be away from their desks for extended periods of time by locking their screens or turning their computers off if necessary.
- No employee shall log on to a computer under another employee's account, and no employee shall reveal their password to another person.
- No employee shall access confidential information except on a need-to-know basis.

- Employees who discover that confidential information either has been compromised or is subject to compromise have a duty to report such security breaches to Technology Services or to an appropriate RESA official.

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Possible References:

<b>Georgia Code</b>	<b>Description</b>
O.C.G.A. 16-09-0090	<u>Georgia Computer Systems Protection Act</u>
O.C.G.A. 16-09-0091	<u>Computer Related Crime</u>
O.C.G.A. 16-09-0092	<u>Definitions</u>
O.C.G.A. 16-09-0093	<u>Computer crimes defined</u>
O.C.G.A. 16-09-0093.1	<u>Misleading transmittal</u>
O.C.G.A. 16-09-0094	<u>Violations</u>
O.C.G.A. 39-05-0003	<u>Immunity</u>
O.C.G.A. 39-05-0002	<u>Subscriber's control of minor's use of internet</u>
O.C.G.A. 39-05-0004	<u>Internet safety report of certain information</u>
O.C.G.A. 16-11-0037.1	<u>Dissemination of information relating to terroristic acts</u>
<b>US Code</b>	<b>Description</b>
20 USC 6777	<u>Internet Safety</u>
47 USC 254(h)	<u>Universal Service</u>
15 USC 6501	<u>Children's Online Privacy Protection Act - Definitions</u>
15 USC 6502	<u>Children's Online Privacy Protection Act - Collection and use of personal information from and about children on the Internet</u>
15 USC 6503	<u>Children's Online Privacy Protection Act - Safe harbors</u>
15 USC 6504	<u>Children's Online Privacy Protection Act - Actions by states</u>
15 USC 6505	<u>Children's Online Privacy Protection Act - Administration and Applicability</u>

**Student Behavior Code**

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Date Adopted: February 23, 2010

Last Revised:

Students under the jurisdiction of Northeast Georgia RESA shall be subject to an age-appropriate behavior code which outlines expected behaviors, prohibited behavior, and subsequent disciplinary actions which may be taken by school officials when students violate the behavior code. This code will comply with state law and State Board of Education Rule 160-4-8-.15. The code shall include the following:

1. Standards for student behavior 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. The standards should be designed also to encourage students to respect each other and Northeast Georgia RESA employees, to motivate students to obey student behavior policies adopted by the Board of Control and to obey student behavior rules.
2. Student support processes designed to assist students to address behavioral problems, which support processes shall be appropriate in light of the severity of the behavior problem, and shall consider involvement of other public entities or community organizations;
3. Progressive discipline processes designed to create the expectation that the degree of discipline imposed will be in proportion to the severity of the behavior of a particular student, the previous discipline history of the student and other relevant factors, while ensuring that each student receives the due process mandated by federal and state law;
4. Parental involvement processes designed to require parents, guardians, teachers and administrators to work together to improve and enhance student behavior and academic performance. The process should enable parents, guardians and school employees to communicate freely their concerns about student behaviors which detract from the learning environment.

The student code of conduct shall be distributed to each student and the student's parents or guardians during the first week of school and upon enrollment of each new student. The parents shall be request to sign an acknowledgement of the receipt of the code of conduct and return promptly the acknowledgement to the school. The student code of conduct shall be available in the school office and each classroom.

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## Possible References:

**Georgia Code****Description**

O.C.G.A. 20-02-1126

Written policies and procedures for operation of school buses; receipt of code of conduct by students; acknowledgement by parent or guardians



O.C.G.A. 20-02-0751.4	<u>Policies prohibiting bullying; assignment to alternative school; notice</u>
O.C.G.A. 20-02-0751.5	<u>Required provisions for student code of conduct</u>
O.C.G.A. 16-11-0037	<u>Terroristic threats and acts</u>
O.C.G.A. 16-11-0037.1	<u>Dissemination of information relating to terroristic acts</u>
O.C.G.A. 20-02-0751.7	<u>Student reporting of inappropriate behavior by teacher/staff</u>
O.C.G.A. 16-11-0037	<u>Terroristic threats and acts; penalties</u>
O.C.G.A. 20-02-0735	<u>Adoption of policies by LBOEs to improve student learning environment</u>
O.C.G.A. 20-02-0736	<u>Student codes of conduct; distribution</u>
O.C.G.A. 20-02-0737	<u>Reports by teacher of violations of student code of conduct; parental notice</u>
O.C.G.A. 20-02-0738	<u>Authority of teacher to remove student from classroom; procedures</u>
Rule 160-4-8-.15	<u>Student Discipline</u>

**BOARD POLICY****Descriptor Code: JCDAE**Weapons

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Date Adopted: February 23, 2010

Last Revised:

It is the policy of the Board of Control ("Board") that a student shall not possess, use, handle or transmit any object that reasonably can be considered a weapon. Weapons may include, but are not limited to: any pistol, revolver, or any weapon designed or intended to propel a missile of any kind, or any type of knife or switchblade, straight-edge razor, razor blade, spring stick, metal knucks, blackjack, or any flailing instrument, nunchaku, chains, throwing star, oriental dart, or any bat, club or other bludgeon-type weapon, as well as other weapons described in O.C.G.A. 16-11-127.1. Any student who is determined to have brought a firearm to school or to a school-sponsored or school-related function shall be expelled from school for a period of not less than one (1) year, but the Board of Control or the Executive Director may modify and mitigate such expulsion for good cause on a case-by-case basis. The Rutland Academy may refer such case back to the Local Education Agency.

**Disciplinary Action and Procedures**

All employees must report violations of this policy to the building administrator or designee of the facility where the violation occurred. If the administrator has reasonable cause to believe that a report is valid, he/she must immediately make an oral report to the Executive Director and to the police and district attorney.

The student's parents or guardian will be notified immediately of his/her child's involvement in any activity involving weapons.

Students will be given a copy of the Code of Conduct, which includes a statement of prohibited conduct with regard to weapons and possible disciplinary actions.

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**Possible References:**

<b>Georgia Code</b>	<b>Description</b>
O.C.G.A. 20-02-0751.1	<u>Expulsion policy for students bringing weapons to school</u>
O.C.G.A. 20-02-0751.5	<u>Required provisions for student code of conduct</u>
O.C.G.A. 15-11-0063	<u>Designated felony acts; definitions; restrictive custody dispositions, notice to schools</u>
O.C.G.A. 16-11-0106	<u>Possession of firearm or knife during commission of or attempt to commit certain crimes</u>
O.C.G.A. 16-11-0127.1	<u>Carrying weapons within school safety zones, at school functions or on school property</u>

O.C.G.A. 16-11-0129	<u>License to carry pistol or revolver; temporary renewal permit</u>
O.C.G.A. 20-02-0751	<u>Expulsion/Suspension definitions</u>
O.C.G.A. 35-08-0002	<u>Employment and training of peace officers – definitions</u>
O.C.G.A. 43-38-0010	<u>Permits to carry firearms</u>
Rule 160-4-3-.10	<u>Eye Protection</u>
Rule 160-4-8-.15	<u>Student Discipline</u>
<b>US Code</b>	<b>Description</b>
20 USC 7151	<u>Gun-free requirements</u>
18 USC 921	<u>Definitions</u>

**Bullying**

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Date Adopted: June 28, 2011

Last Revised

The Northeast Georgia RESA Board of Control believes that all students can learn better in a safe school environment. Behavior that infringes on the safety of students will not be tolerated. Bullying, as the term is defined in Georgia law, of a student by another student is strictly prohibited.

Bullying is defined as follows: An act which occurs on school property, on school vehicles, 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, 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.

Any teacher or other school employee who, in the exercise of his or her personal judgment and discretion, believes he or she has reliable information that would lead a reasonable person to suspect that someone is a target of bullying is encouraged to immediately report it to the Rutland Academy Director. Any report will be appropriately investigated by the administration based on the nature of the complaint in a timely manner to determine whether bullying has occurred, whether there are other procedures related to illegal harassment or discrimination that should be implemented and what other steps should be taken. Any report of retaliation for reporting bullying will also be investigated and addressed as called for in this policy and in accordance with school procedures.

Acts of bullying shall be punished by a range of consequences through the progressive discipline process.

Upon a finding by a school administrator that a student has committed an act of bullying or is a victim of bullying, the administrator or designee shall notify the parent, guardian, or other person having control or charge of the student by telephone call or through written notice, which may be done electronically.

Students and parents will be notified of the prohibition against bullying and the penalties for violating the prohibition by posting information at each school and by including such information in the student/parent handbooks.

Possible Reference:

<b>Georgia Code</b>	<b>Description</b>
O.C.G.A. 20-02-0751.4	<a href="#"><u>Policies prohibiting bullying; assignment to alternative school; notice</u></a>
O.C.G.A. 20-02-0751.5	<a href="#"><u>Required provisions for student code of conduct</u></a>
O.C.G.A. 20-02-0145	<a href="#"><u>Character education</u></a>

These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

**BOARD POLICY****Descriptor Code: JDA****Corporal Punishment**

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Date Adopted: February 23, 2010  
Last Revised:

Corporal punishment shall not be administered to students under the jurisdiction of Northeast Georgia RESA.

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Possible References:

<b>Georgia Code</b>	<b>Description</b>
O.C.G.A. 20-02-0740	<u>Annual report by LBOE regarding disciplinary and placement action</u>
O.C.G.A. 20-02-0731	<u>When and how corporal punishment may be administered</u>
O.C.G.A. 20-02-0732	<u>When principal or teacher not liable for administering corporal punishment</u>
O.C.G.A. 20-02-0215	<u>"In loco parentis" status of permitted personnel and paraprofessionals</u>
O.C.G.A. 20-02-0730	<u>Corporal punishment</u>

**BOARD POLICY**

**Descriptor Code: JDF**

**Teacher Authority to Remove Students from Classrooms**

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Date Adopted: February 23, 2010

Last Revised:

A teacher shall have the authority, consistent with Board of Control policy, to manage his or her classroom, discipline students, and refer a student to the Director or his/her designee to maintain discipline in the classroom. Any teacher who has knowledge that a student has exhibited behavior which violates the student code of conduct and repeatedly or substantially interferes with the teacher’s ability to communicate effectively with the students in his/her class or with the ability of such student’s classmates to learn shall file a report of such behavior with the principal or his designee. The principal and teacher shall thereafter follow the procedures set forth in Georgia law, specifically O.C.G.A. §20-2-737-738.

The administration shall develop the necessary regulations to carry out this policy.

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Possible References:

<b>Georgia Code</b>	<b>Description</b>
O.C.G.A. 20-02-0751.5	<u>Required provisions for student code of conduct</u>
O.C.G.A. 20-02-0737	<u>Reports by teacher of violations of student code of conduct; parental notice</u>
O.C.G.A. 20-02-0738	<u>Authority of teacher to remove student from classroom; procedures</u>

**Medicines**

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Date Adopted: February 23, 2010

Last Revised:

All medications other than the exceptions listed in this policy, whether prescription or over-the-counter, may be administered only in accordance with the guidelines set forth by the building administrator or designee of each facility. All medications must be taken by the student, parent or guardian to the office immediately upon arrival at school and must be in original pharmaceutical containers, clearly labeled as to the name of the student, the name of the medication, the appropriate dosage, and the times for dosage. Any student possessing prescription or over-the-counter medication not in accordance with these guidelines will be considered in violation of the RESA's drug policy and shall be subject to the discipline set forth in the student code of conduct and/or the student/parent handbook.

A student for whom the facility has on file supporting medical documentation may carry at all times with parental/guardian permission inhalers for asthma, auto-injectable epinephrine (epi pens) for allergic reactions and glucagon for diabetes. Students authorized to self-administer such medications shall be instructed not to permit any other student to handle, possess, or otherwise attempt to use his/her medication and shall be informed that violations of such instructions will be dealt with in accordance with the student code of conduct.

In order for the student to carry and self-administer such medications, the parents must provide a written statement from a licensed physician confirming that the student is able to self-administer the medication and written permission from the parent for the nurse or designated employee to consult with the doctor regarding any questions that may arise concerning the medication. Such permission shall release the RESA and its employees and agents from civil liability if the self-administering student suffers an adverse reaction as a result of self-administration of such medication. Parents are encouraged to provide to the facility duplicate medication and supplies in the event a student is unable to self-administer or fails to bring the medication or equipment to the facility.

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**Possible References:**

<b>Georgia Code</b>	<b>Description</b>
O.C.G.A. 20-02-0774	<u>Self administration of asthma medication</u>
O.C.G.A. 20-02-0776	<u>PE Assessments</u>
O.C.G.A. 16-13-0073	<u>Labeling prescription containers of dangerous drugs</u>
O.C.G.A. 16-13-0075	<u>Drugs to be kept in original container</u>



**Emergency Use of Restraint and Seclusion**

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Date Adopted: January 25, 2011

Last Revised:

The Northeast Georgia RESA Board of Control shall require all programs within the organization to comply with State Board of Education Rule 160-5-1-.35 concerning "seclusion" and "restraint", as those terms are defined within the rule.

Rutland Academy GNETS Program does not use seclusion as an intervention as defined by State Board of Education Rule 160-5-1-.35. Rutland Academy may utilize physical restraint in those situations in which the student is an immediate danger to him/herself or others and the student is not responsive to less intensive behavioral interventions including verbal directives or other de-escalation techniques. The Board of Control recognizes that in determining when and how to implement this policy and any procedures related to it, educators will have to exercise their professional judgment and discretion. Therefore, the policy is not to be construed as imposing ministerial duties on individual employees. Further, it is not intended to interfere with the duties of law enforcement or emergency medical personnel.

**Definition of Physical Restraint**

Physical restraint is 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.

**Staff Training**

The GNETS Program Director or designee(s) will annually identify those staff that needs to be trained in the use of physical restraint. All staff members who work in a position that may require them to use physical restraint should receive training at least annually and as deemed necessary by the program director or designee(s). 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 de-escalation techniques. Documentation of this training as well as a list of staff trained shall be maintained on file in the Rutland Academy Director's office.

**Physical Restraint Use**

The physical restraint techniques used by the Rutland Academy GNETS Program work to assure that students are restrained in a manner that is safe to the student and the staff implementing the restraint. Restraint will not be used any longer than necessary to allow the student to regain control of his or her dangerous behavior. All restraints will be documented in a written report that is submitted to the designated supervisor. All policies and procedures, as well as the documentation forms used, will be reviewed periodically to ensure compliance.

**Notice to Parents**

The Rutland Academy GNETS information on the Emergency Use of Restraint and Seclusion will be shared with parents annually. Additionally, each time physical restraint is used with a child the parent of that child will be notified in writing within a reasonable amount of time, not to exceed one school day from the use of restraint.

**BOARD POLICY****Descriptor Code: JGI****Child Abuse or Neglect**

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Date Adopted: February 23, 2010

Last Revised:

All employees of the RESA Board of Control ("Board"), including all teachers, administrators, guidance counselors and visiting teachers, as well as all school social workers and school psychologists employed by the Board, who have reason or cause to believe that a child is being or has been abused shall report that abuse immediately, but in no case later than 24 hours from the time there is reasonable cause to believe a child has been abused, in accordance with Georgia law and the applicable protocol for handling child abuse cases.

Under no circumstances shall the principal or designee to whom a report of child abuse has been made exercise any control, restraint, modification or make other change to the information provided by a mandated reporter, although the reporter may be consulted prior to the making of a report and may provide any additional, relevant and necessary information when making the report.

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## Possible References:

<b>Georgia Code</b>	<b>Description</b>
O.C.G.A. 19-15-0002	<u>Child Abuse Protocol</u>
O.C.G.A. 15-11-0058	<u>Child welfare - removing a child from home</u>
O.C.G.A. 16-06-0009	<u>Prostitution</u>
O.C.G.A. 19-07-0005	<u>Reporting child abuse</u>
O.C.G.A. 20-02-1184	<u>Mandatory reporting of students committing certain prohibited Acts</u>
O.C.G.A. 49-05-0041	<u>Persons and agencies permitted access to records</u>
Rule 160-4-8-.04	<u>Child Abuse and Neglect Reporting</u>

**Student Records**

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Date Adopted: February 23, 2010

Last Revised:

It is the policy of the RESA Board of Control ("Board") that all employees shall comply with the requirements of the Family Educational Rights and Privacy Act (FERPA) and the Pupil Protection Rights Amendment (PPRA). The Executive Director shall implement procedures whereby every building administrator is directed to develop a means to notify, on an annual basis, students and parents, including non-English-speaking parents, of their rights under the FERPA and the PPRA, either by letter or through a student handbook distributed to each student in the RESA program.

**FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT (FERPA)**

Confidentiality of student records shall be preserved while access is provided to parents, eligible students (those over eighteen years of age or enrolled in post-secondary educational institutions), school officials with legitimate educational interests, and those federal or state officials whose access is authorized in connection with an audit or evaluation of federal or state supported education programs or for the enforcement or compliance with federal legal requirements related to those programs. Records will be sent to a school where the student seeks or intends to enroll or has already enrolled upon request of the school.

With the exception of directory information as defined below, personally identifiable information will not be released by the RESA from an education record without prior written consent of the parent or eligible student, except where authorized by the regulations governing the FERPA. In accordance with the regulations, disclosures will be made to comply with state law, Internal Revenue Service laws and regulations, judicial orders or lawfully issued subpoenas, in which case a reasonable effort will be made to notify parents or students in advance of such disclosures, unless otherwise required by a judicial order or federal grand jury subpoena; to accrediting institutions to carry out their accrediting functions; to organizations conducting studies on behalf of the school system; or in connection with a health or safety emergency.

The Board designates the following information as "directory information." Unless a parent or eligible student makes a timely request to the administrator of the school where the student is enrolled that such information not be designated directory information on the individual student, such information will not be considered confidential and may be disclosed upon request.

- (a) Student's name, address and telephone number;
- (b) Student's date and place of birth;
- (c) Student's participation in official school clubs and sports;
- (d) Weight and height of student if he/she is a member of an athletic team;
- (e) Dates of attendance at schools within the school district;
- (f) Honors and awards received during the time enrolled in the district's schools;
- (g) Photograph; and
- (h) Grade level.

## **Procedures For Obtaining Access to Student Records**

Any eligible student or any parent whose parental rights have not been specifically revoked by court order, any guardian, or any individual acting as a parent in the absence of a parent or guardian may inspect the education records of his or her child.

Generally, a parent will be permitted to obtain a copy of education records of his child upon reasonable notice and payment of reasonable copying costs.

Each records custodian in the RESA shall maintain a record of each request for access to and each disclosure of personally identifiable information from the educational records of a student in accordance with the FERPA regulations.

A parent or eligible student who believes the student's record contains an error may request its correction by submitting a written explanation of the error and the basis for believing it to be in error to the building administrator or designee, who shall investigate and determine whether or not to amend the record. If the matter cannot be thus resolved, a parent or eligible student may request a hearing pursuant to federal regulations at 34 C.F.R. 99.21-99.22, as well as applicable state regulations. If the hearing results in a determination that the record contained erroneous information, it shall be corrected and the parent or eligible student shall be informed in writing of the correction; if the information contained in the record is determined not to be erroneous, the parent may place a statement in the record commenting upon the contested information and stating the basis for disagreement. The statement shall thereafter be disclosed whenever the portion to which it relates is disclosed.

## **PROTECTION OF PUPIL RIGHTS AMENDMENT (PPRA)**

### Definition of Terms Used in PPRA:

"Instructional Material" - Instructional material that is provided to a student, regardless of format, including printed or representational materials, audio-visual materials, and materials in electronic or digital formats (such as material accessible through the Internet). The term does not include academic tests or academic assessments.

"Invasive Physical Examination" - Any medical examination that involves the exposure of private body parts, or any act during such examination that includes incision, insertion, or injection into the body, but does not include a hearing, vision, or scoliosis screening.

"Personal Information" - Individually identifiable information including: (1) a student or parent's first and last name; (2) home address; (3) telephone number; or (4) social security number.

### Requirements:

No student shall be required to submit to a survey, analysis, or evaluation that reveals information concerning:

1. Political affiliations or beliefs of the student or the student's parent;
2. Mental or psychological problems of the student or the student's family;
3. Sex behavior or attitudes;
4. Illegal, anti-social, self-incriminating, or demeaning behavior;
5. Critical appraisals of other individuals with whom respondents have close family relationships;

6. Legally recognized privileged or analogous relationships, such as those of lawyers, physicians, and ministers;
7. Religious practices, affiliations, or beliefs of the student or student's parent; or
8. Income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program), without prior written consent of the parent or eligible student.

A parent of a student may, upon request, inspect any survey created by a third party containing one or more of the items listed as (1) through (8) above before the survey is administered or distributed by a school to a student and may choose to opt the student out of participation in the survey. The Executive Director shall develop procedures for: (1) granting a request by a parent for reasonable access to such survey within a reasonable period of time after the request is received, and (2) making arrangements to protect student privacy in the event of the administration or distribution of a survey to a student containing one or more of the items listed as (1) through (8). The requirements of PPRA do not apply to a survey administered to a student in accordance with the Individuals with Disabilities Education Act (IDEA).

A parent of a student may, upon request, inspect any instructional material used as part of the educational curriculum for the student. The Executive Director shall develop procedures for granting a request by a parent for reasonable access to instructional material within a reasonable period of time after the request is received.

Parents shall be notified prior to the administration of physical examinations or screenings that the RESA may administer to students. This notice shall offer the parent the opportunity to opt the student out of any non-emergency, invasive physical examination or screening that is (1) required as a condition of attendance; (2) administered by the RESA and scheduled by the RESA in advance; and (3) not necessary to protect the immediate health and safety of the student, or of other students.

The parent of a student shall be notified prior to the commencement of activities involving the collection, disclosure, or use of personal information collected from students for the purpose of marketing or for selling that information (or otherwise providing that information to others for that purpose). Such notice shall offer the parent the opportunity to inspect, upon request, any instrument used in the collection of such information before the instrument is administered or distributed to a student and to opt the student out of such activities. The Executive Director shall develop procedures that: (1) make arrangements to protect student privacy in the event of such collection, disclosure, or use, and (2) grant a request by a parent for reasonable access to such instrument within a reasonable period of time after the request is received.

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Possible References

<b>Georgia Code</b>	<b>Description</b>
O.C.G.A. 20-02-2150	<u>Military children; educational records</u>
O.C.G.A. 15-11-0066	<u>Delinquent children - court adjudication</u>
O.C.G.A. 19-07-0005	<u>Reporting child abuse</u>

O.C.G.A. 20-02-1013	<u>Free textbook system; care and protection of textbooks and materials</u>
O.C.G.A. 20-02-0133	<u>Free public instruction; exceptions; eligibility; transfer and utilization; funding</u>
O.C.G.A. 20-02-0150	<u>Eligibility for enrollment</u>
O.C.G.A. 20-02-0160	<u>Determination of enrollment; determination of funding</u>
O.C.G.A. 20-02-0320	<u>Information Steering Committee re: QBE Program</u>
O.C.G.A. 20-02-0670	<u>Reqs. for transferring students beyond 6th grade</u>
O.C.G.A. 20-02-0690	<u>Requirements for private schools and home study programs</u>
O.C.G.A. 20-02-0697	<u>Cooperation of principals and teachers with attendance officers and visiting teachers</u>
O.C.G.A. 20-02-0720	<u>Inspection of student's records by parents</u>
O.C.G.A. 20-02-0757	<u>Applicability of public inspection and open meeting laws</u>
O.C.G.A. 24-09-0047	<u>Disclosure of AIDS confidential information</u>
O.C.G.A. 31-22-0009.1	<u>HIV tests - Who may perform test</u>
O.C.G.A. 40-05-0022	<u>Requirements for licensure; school attendance requirements</u>
O.C.G.A. 49-05-0040	<u>Child Abuse and Deprivation Records; definitions, confidentiality of records</u>
O.C.G.A. 50-18-0070	<u>Inspection of public records</u>
O.C.G.A. 50-18-0072	<u>When public disclosure is not required</u>
O.C.G.A. 50-18-0099	<u>Records management programs for local governments</u>
Rule 160-5-1-.07	<u>Student Data Collection</u>
Rule 160-5-1-.14	<u>Transfer of Student Records</u>
<b>US Code</b>	<b>Description</b>
20 USC 1232g	<u>Family Educational Rights and Privacy Act of 1974 (FERPA)</u>
20 USC 1232h	<u>Protection of Pupil Rights Amendment (PPRA)</u>