

Disciplinary Policy for Students Committing Violent Acts



By Margaret C. Elliott, PAGE Assistant General Counsel

Unfortunately, school employees are sometimes pushed or hit by students. Georgia law OCGA 20-2-751.6 requires disciplinary policies for students who commit acts of physical violence against school employees. The law defines physical violence as:

Intentionally making physical contact of an insulting or provoking nature with the person of another, or

Intentionally making physical contact that causes physical harm to another, unless such physical contacts or physical harms were in defense of himself or herself.

The law requires local boards of education to create policies in the student code of conduct and provide penalties to be assessed against a student by a disciplinary hearing officer, disciplinary panel or

tribunal. This is not merely a suggestion; it is a requirement under the law.

A student found by a disciplinary panel, hearing officer or tribunal to have committed an act of physical violence where the student actually makes physical contact with the school employee and causes physical harm shall be expelled from the public school system for the remainder of the school year (unless the physical contacts or physical harms were in defense of himself or herself).

The local school board, at its discretion, may permit the student to attend an alternative education program for the period of time that the student is expelled. If a student who commits an act of physical violence is in kindergarten through eighth grade, then the local

school board at its discretion and on the recommendation of the disciplinary hearing officer, panel or tribunal may permit such a student to re-enroll in the regular public school program for grades 9-12. If the local school board does not operate an alternative education program for students in kindergarten through sixth grade, the local school board, at its discretion, may permit a student to re-enroll in kindergarten through sixth grade.

Additionally, any student who is found by a disciplinary hearing officer, panel or tribunal to have committed an act of physical violence against a teacher, school bus driver or school employee (where physical contact was made and there was physical harm) shall be referred to juvenile court with a request for a petition alleging delinquent behavior.

Also, any student who is found by a disciplinary hearing officer, panel or tribunal to have committed an act of physical violence under definition (1) of the law (above), which is intentionally making physical contact of an insulting or provoking nature with a school system employee, may be disciplined by expulsion, long-term suspension or short-term suspension.

However, please note that nothing in this code section shall be construed to infringe on any right provided to the students with individualized education programs (IEP or 504 plans) pursuant to federal law.

Some may not be aware of these requirements under the law. If there are questions about this law please call the PAGE legal department, and we will be glad to assist you. ■

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