

GEORGIA ASSOCIATION OF EDUCATIONAL LEADERS

GETTING READY FOR THE NEW YEAR
ANNUAL CHECKLIST FOR 2019
JULY 16, 2019

Phillip L. Hartley
Harben, Hartley & Hawkins, LLP
340 Jesse Jewell Parkway, Suite 750
Gainesville, Georgia 30501
(770) 534-7341
phartley@hhhlawyers.com

Fall Legal Issues Workshop

2

November 4, 5, and 6, 2019

Georgia Center
Athens, Georgia

Save the Date!

Save the Date!

**ONLY LEGAL ISSUES WORKSHOP THIS
SCHOOL YEAR**

Be prepared for review and implementation of new Title IX sexual harassment regulations from USDOE/OCR related to students, including those accused; include redrafting of policies JAA and JCAC.

Review Code of Conduct
to insure discipline rules
align with new definition of
sexual harassment in
federal regulations.

Review any pending OCR matters to determine if new compliance manual at OCR can be useful in resolving them.

Look for federal guidelines on restraint and seclusion and compare with current SBOE rule.

SBOE Rule 160-5-1-.35 (JGF(2))

Determine how to address new discipline safety issues for students from vaping to CBD products.

Prepare for SBOE guidelines on screening K-3 students for dyslexia; pilot program in 2020-21 and all districts implement in 2024-25.

O.C.G.A. § 20-2-159.6

Put into place procedures to track home study notices from SDOE and notify DFCS if no notice or transfer after 45 days of student withdrawing.

O.C.G.A. §§ 20-2-690 and 785

Review guidelines related to sudden cardiac arrest for student athletes, train coaches on guidelines and rules; prepare for parent meetings.

O.C.G.A. § 20-2-324.5

Notify parents that as of 2020-21 new rules in place as to meningococcal booster shot (MCV4) for students entering 11th grade.

Post in public area of each school sign with toll-free DFCS number.

O.C.G.A. § 20-2-324.4

Review all bus routes again, especially those with highways divided by a turn lane, for new statute returning to old rules.

O.C.G.A. § 40-6-163(b)

Review enrollment procedures for students of military families with orders even before they establish residency.

O.C.G.A. § 20-2-150

Review new statute implementing REACH scholarship program and determine whether to participate or continue to participate.

O.C.G.A. §§ 20-2-495 through 499.4

Plan for computer science classes in high schools beginning in 2022-23.

O.C.G.A. § 20-2-149.3

Determine whether to make elective courses on the Hebrew Scriptures, Old Testament or the New Testament or combined course available to students.

O.C.G.A. § 20-2-148

If District has start up charter school, enrollment can be based on residency in attendance zone at time of enrollment and not necessarily at application for lottery.

O.C.G.A. § 20-2-2066

Train all administrators how to implement overlapping requirements of federal regulations on harassment, state bullying rules and discipline rules.

Be prepared for decision of USSC as to whether “sex” in Title VII includes sexual orientation and gender identity.

Carefully review and consider developing cases related to drug testing of employees in school environment.

Friedenberg v. School Board of Palm Beach County, (11th Cir. 2018)

Submit name and driver's license number to DPS for those allowed to operate a bus; put in place procedures to update list twice a year and respond to notices of license suspension.

O.C.G.A. §§ 20-2-1127; 50-18-72(a)

Check with sheriff, police or fire chief as to nonsworn law enforcement employees trained and authorized to direct traffic at school crossings.

O.C.G.A. §§ 20-2-1131; 35-1-11

Be aware that OCR is beginning directed investigations to review website and social media accessibility for the disabled, especially if District had previous OCR complaint pending.

Review procedures for any bid or request for proposal of more than \$100,000 to publish notice in Georgia Procurement Registry.

O.C.G.A. § 36-80-27

Require contract from consultants that draft specs or requirements for bids or proposals that they will avoid any appearance of impropriety and will disclose any potential conflict.

O.C.G.A. § 36-80-28

If District has a “monument” intended to be displayed permanently that is to be removed or concealed, review and follow statute.

O.C.G.A. § 50-3-1

Make note that reapportionment legislation will have to be approved by Legislative Reapportionment Office through new statutory framework, once the census is complete.

O.C.G.A. § 20-2-690

WARNING: THIS JOB MAY BE HAZARDOUS TO YOUR HEALTH

29

Do Not Take a School Administrative Position if:
You are allergic to teachers, parents, students or administration

Side effects can include nausea, dry mouth, loss of appetite, tiredness, lightheadedness, insomnia, and increased sweating. If any of these effects persist or worsen, do not tell your superintendent as her symptoms are worse.

Tell your doctor right away if any of these serious side effects occur: confusion, shaking (tremors), or decreased interest in sex.

This position may raise your blood pressure. Check your blood pressure regularly and tell your secretary if the results are high so she can hold all of your calls.

To reduce the risk of these side effects, leave your office very carefully and only when absolutely necessary.

The use of alcohol has been known to increase these side effect, unless used in sufficient amounts when it at least will allow you to pass out for some period of time.

Remember that your superintendent has prescribed this position because he or she has judged that the benefit to the school is greater than the risk of side effects to you. Some people in these positions do not have all of these serious side effects.

Do Not Take A School Administrative Position:

- ▶ If you are allergic
- ▶ To Teachers
- ▶ Parents
- ▶ Students
- ▶ Or Administration

Side effects may include

31

- ▶ Side effects can include nausea, dry mouth, loss of appetite, tiredness, lightheadedness, insomnia, and increased sweating. If any of these effects persist or worsen, do not tell your superintendent as his or her symptoms are worse.
- ▶ Tell your doctor right away if any of these serious side effects occur: confusion, shaking(tremors), or decreased interest in sex.
- ▶ This position may raise your blood pressure. Check your blood pressure regularly and tell your secretary if the results are high so she can hold all of your calls.
- ▶ To reduce the risk of these side effects, leave your office very carefully and only when absolutely necessary.

Other Warnings

- ▶ The use of alcohol has been known to increase these side effects, unless used in sufficient amounts, when it at least will allow you to pass out for some period of time.
- ▶ Remember that your superintendent has prescribed this position because he or she has judged that the benefit to the school is greater than the risk of side effects to you. Some people in these positions do not have all of these serious side effects.