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"Educating Georgia's Future"

Unsafe School Choice Option (USCO) Guidelines

Table of Contents

Introduction.....	3
Definition of a Persistently Dangerous School	3
Record Keeping and Data Transmission	4
Status Levels	4
Persistently Dangerous Schools.....	5
School Choice Policy.....	6
Transfer Requirements.....	6
Corrective Action Plans	6
School Safety Assessment	7
Appendix A – Board Rule.....	8
Appendix B – Definitions	11
Appendix C – GaDOE Contact Information.....	15

Introduction

Rule 160-4-8-.16 UNSAFE SCHOOL CHOICE OPTION (USCO) [Appendix A] was developed by the Georgia Department of Education (GaDOE) with the input of a variety of stakeholders and adopted by the State Board of Education to be in compliance with the Federal *No Child Left Behind Act* of 2001 (reauthorized as the Every Student Succeeds Act of 2015). In developing a process that requires three years before a school can be declared as unsafe, it is the Department's goal to work cooperatively with local education agencies that appear to have schools that are potentially unsafe to develop interventions that will improve student safety.

The Unsafe School Choice Option provision [Section 8532, 20 U.S.C. 7912] under the federal Every Student Succeeds Act (ESSA) of 2015 sets forth the following:

Each State receiving funds under this Act shall establish and implement a statewide policy requiring that a student attending a persistently dangerous public elementary school or secondary school, as determined by the State in consultation with a representative sample of local educational agencies, or who becomes a victim of a violent criminal offense, as determined by State law, while in or on the grounds of a public elementary school or secondary school that the student attends, be allowed to attend a safe public elementary school or secondary school within the local educational agency, including a public charter school.

Definition of a Persistently Dangerous School

Georgia has defined a public school to be persistently dangerous if for each of three consecutive years on the property of the public school, or at an event within the jurisdiction of a public school, or at a school sponsored event at least one student enrolled in that school is found by *official action* to have committed an offense in violation of a school rule that involved one or more of the following violent criminal offenses: aggravated battery (O.C.G.A. § 16-5-24); aggravated child molestation (O.C.G.A. § 16-6-4); aggravated sexual battery (O.C.G.A. § 16-6-22.2); aggravated sodomy (O.C.G.A. § 16-6-2); armed robbery (O.C.G.A. § 16-8-41); arson – first degree (O.C.G.A. § 16-7-60); kidnapping (O.C.G.A. § 16-5-40); murder (O.C.G.A. § 16-5-1); rape (O.C.G.A. § 16-6-1); voluntary manslaughter (O.C.G.A. § 16-5-2);

or

Two percent or more of the student population or ten students, whichever is greater, are found by *official action* to have committed an offense in violation of a school rule that involved one or more of the following offenses: non-felony drugs (O.C.G.A. § 16-13-2); felony drugs (O.C.G.A. § 16-13-30; 16-13-31; 16-13-32.4); felony weapons (O.C.G.A. § 16-11-127.1); terroristic threats (O.C.G.A. § 16-11-37). Numbers from each category shall not be combined to reach the two percent or minimum of ten, whichever is greater, but should be looked at individually for each category.

or

any combination during the three years of either of the above.

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

Included in Appendix B of this document are Official Code of Georgia definitions of the criminal offenses identified in the Unsafe School Choice Option rule: aggravated battery, aggravated child molestation, aggravated sexual battery, aggravated sodomy, armed robbery, first degree arson, felony drug charge, felony weapons charge, kidnapping, murder, rape, voluntary manslaughter, terroristic threats, and misdemeanor drug charges.

Events must occur on school property, at a school-sponsored event, or while attending an event under the jurisdiction of the school, including sports events at school-owned properties. Typically, events *under the jurisdiction of a public school* include field trips and other events off school property that are sponsored by the school and where faculty members of the school are responsible for student behavior. Because of the variety of specific instances that include, but are not limited to sports events at playoff competitions, etc., local school systems are encouraged to contact GaDOE Safe and Drug-Free Schools Staff to seek guidance regarding those instances.

For students with an identified exceptionality, including students in the Georgia Network for Educational Services and Therapeutic Support (GNETS) centers, instances of misbehavior related to this rule that are manifestations of the individual student's disability, are not to be counted in the system's total.

Alternative schools that have an identified school facility code will be exempt from the designation of being classified as a persistently dangerous school. For alternative schools that do not stand as individual entities with an identified school facility code, the count applies toward the home school.

Record Keeping and Data Transmission

Local education agencies (LEAs) shall keep records on an annual basis of the number of students found to be in violation of school rules related to the criminal offenses identified in this rule. These records will be submitted electronically to the GaDOE through the Student Record Data Collection System at the end of each school year. After reviewing the records for accuracy, the GaDOE will send a confirmation report to local school superintendents requesting sign-off. Upon verification and superintendent sign-off, the GaDOE will analyze the data to identify schools that meet the Persistently Dangerous Schools criteria and schools with one or two consecutive years of USCO violations. All schools identified shall analyze their student record data reporting procedures and submit a mid-year USCO report to the GaDOE.

Eliminate Persistent Danger In All Schools

To lead the nation in improving student achievement, the GaDOE believes that LEAs must ensure that all of its schools provide safe, nurturing environments where students can learn and are valued and respected. The GaDOE plans to work proactively to identify schools at risk of being labeled persistently dangerous and provide them with the professional development and technical assistance needed to improve. To accomplish this task, the GaDOE has established a three-tiered strategy to identify schools with one year, two consecutive years, or three consecutive years of USCO violations.

Status One: Technical Assistance (Year 1)

Schools identified as having one year of USCO violations are placed on Technical Assistance Status. Random on-site monitoring visits will be conducted by GaDOE Safe and Drug-Free Schools Staff for LEAs with Status One schools. In addition, the Department shall contact each LEA in Status One and offer technical assistance to include the following:

- Record Keeping and Data Transmission Training
- School Safety Self-Assessment Tool
- School Climate Survey
- LEA shall provide mid-year USCO report

Status Two: Focused Technical Assistance (Year 2)

Schools identified as having two consecutive years of USCO violations are placed on Status Two, Focused Technical Assistance. Status Two was created to provide technical assistance and professional development opportunities to LEAs and prevent them from being identified as “Persistently Dangerous.” Status Two schools will be required to participate in the following Department supported activities:

- Participate in a School Safety Assessment administered by the Georgia Department of Education and a School Safety Coordinator with the Georgia Emergency Management Agency (GEMA).
- Develop a Corrective Action Plan to address the issues that resulted in their placement on Status Two.
- Submit mid-year USCO report

Status Three: Persistently Dangerous Schools

LEAs/Schools identified as “persistently dangerous” with three consecutive years of USCO violations will be offered technical assistance and professional development opportunities from the Department. In addition, LEAs/schools identified will be required to do the following:

- Allow students to transfer to a safe public school in accordance with State Board Rule 160-4-8-.16.
- Participate in a School Safety Assessment administered by the Georgia Department of Education and a School Safety Coordinator with the Georgia Emergency Management Agency (GEMA).
- Develop a Corrective Action Plan to address the issues that resulted in their identification.
- Submit mid-year USCO report

Persistently Dangerous Schools

The following procedures will be implemented when a school is classified as “Persistently Dangerous”:

- By July 1 of each year, the Georgia Department of Education shall identify persistently dangerous public schools using the criteria specified in State Board Rule 160-4-8-.16 {paragraph (1)(d)} and shall notify the local school superintendent of such identification.
- Within ten school days of notification by the Georgia Department of Education that a school classifies as “Persistently Dangerous”, the LEA will notify the parents/guardians of students enrolled in the school. This parental notification shall be written in English and any other language prevalent in the student population of that school. This notification shall also specify the process adopted by the local board of education to be used for the transfer of a student to a safe public school, including an available charter school, either within the school system or to one located in another school system with which the system has an agreement, upon the request of a parent/guardian or by a student if the student has reached the age of 18. Following student transfer guidelines consistent with the Elementary and Secondary Education Act (ESEA) as currently reauthorized, LSSs shall allow students to transfer to a school that is in compliance with current state and/or federal accountability requirements.

- Student transfers to safe schools within the school system or to a safe school within another school system with which the school system has an agreement shall be completed within 30 school days of the request.

School Choice Policy

Local boards of education shall adopt a policy that:

- Facilitates the transfer of students who are victims of violent criminal offenses and who wish to transfer to another school within ten school days of the commission of the violent criminal offense.
- Identifies a process for the transfer of students making the request from a school identified as persistently dangerous to a safe school.
- Identifies a process to notify parents/guardians in schools identified as persistently dangerous of the process to transfer to a safe public school, including an available charter school within the school system or to a school or available charter school in another school system, if such an agreement exists. The parental notification process shall be written in English and any other language spoken by ten percent or more of the parents of the school and should be sent within ten school days.

Transfer Requirements

Transfers from a persistently dangerous school shall be completed within 30 school days of any request from parents/guardians. To the extent possible, LEAs should allow transferring students to transfer to schools that are in compliance with current state and/or federal accountability requirements. Transfers from a persistently dangerous school may only be made to a school not on the list of persistently dangerous schools.

The transfers may be temporary or permanent, but must be in effect as long as the student's original school is identified as persistently dangerous. In making the determination of whether the transfer should be temporary or permanent, the LEA should consider the educational needs of the student, as well as other factors affecting the student's ability to succeed if returned to the transferring school.

LEAs are not required to cover the cost of transportation for students who elect to transfer to a safe school beyond the limits identified by federal legislation. LEAs are encouraged to work with local victims' assistance programs to determine if they have funds available for this purpose.

Corrective Action Plans

Schools with two consecutive years or three consecutive years of USCO violations shall develop a corrective action plan based on an analysis of the problems faced by the school. The plan must address the issues that resulted in the school being identified and outline specific solutions to help lower the incidence of identified problems. Local school systems are encouraged to involve parents, law enforcement officials, and community members to develop the plan. Plans may include a variety of interventions including but not limited to the following:

1. Hiring additional personnel to supervise students in common areas.
2. Increasing instructional activities in areas such as conflict resolution.

3. Working with law enforcement officials to identify and eliminate criminal activity.
4. Training of teachers and administrators concerning consistent enforcement of school discipline policies.
5. Limiting access to campuses.
6. Hiring security personnel or purchasing of security equipment.
7. Purchasing of scientifically-based drug and violence prevention programs.

After the completion of one school year and upon completion of its corrective action, the local school system may apply to the Georgia Department of Education to have a school removed from the list of persistently dangerous schools. After ensuring that all corrective action has been completed, the GaDOE will reassess the school using the criteria for the identification of persistently dangerous schools. A reduction from the percentage or numbers listed in the definition of persistently dangerous will result in the school being removed from the list of persistently dangerous schools for the following school year.

School Safety Assessments

School Safety Assessments are mandatory for all schools with two or three consecutive years of USCO violations. Schools with one year of USCO violations may complete a self-assessment. The School Safety Assessments are conducted by GaDOE employees and a School Safety Coordinator from the Georgia Emergency Management Agency (GEMA). The purpose of the School Safety Assessment is to provide schools with an objective perspective of the following areas:

1. Safety and security of buildings and grounds
2. School procedures and guidelines
3. Legal responsibilities of the school
4. Prevention and intervention strategies to improve school climate
5. Review of the school's emergency crisis plan/school safety plan
6. Role of law enforcement and school resource officers
7. School Climate Survey for students, teachers, and administrators
8. Review of current discipline data
9. Review of prevention/intervention/student support plans
10. Opportunities for student and parental involvement and input

Upon completion of the School Safety Assessment, the GaDOE will prepare a summary report as well as suggestions and recommendations for improving the safety and security of the school campus.

Appendix A

Code: JBCCA(2)

160-4-8-.16 UNSAFE SCHOOL CHOICE OPTION (USCO).

(1) DEFINITIONS.

- (a) **Corrective action plan** – a written plan developed by a local school system and adopted by the local board of education for a public school that is identified as a persistently dangerous school for the purpose of remedying the causes that result in this school being identified as persistently dangerous.
- (b) **Jurisdiction of a public school** – events that are sponsored by a public school and that occur away from the property of a public school over which the public school has direct control or authority.
- (c) **Official action** – an official tribunal held by the school system; a hearing conducted by a disciplinary hearing officer of the school system (O.C.G.A. § 20-2-752 through § 20-2-758); through a waiver process; through an action of the local board of education; or for non-felony drug offenses that result in placement in a drug intervention program.
- (d) **Persistently dangerous school** – a public school in which for each of three consecutive years on the property of the public school, or at an event within the jurisdiction of a public school, or at a school sponsored event:

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

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

or

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

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

or

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

- (e) **Property of a public school** - Any building, land, school bus, or other vehicular equipment owned or leased by the local school system.
- (f) **Student population** – the unduplicated October full-time equivalent (FTE) count.
- (g) **Unsafe School Choice Option (USCO)** – the process of allowing students who attend a persistently dangerous public school or students who become victims of a violent criminal offense while on the property of a public school in which they are enrolled to transfer to a safe public school.
- (h) **Victim** – a person against whom a violent criminal offense has been committed and whose perpetrator has been found by official action to be in violation of a school rule related to the violent criminal offense.
- (i) **Violent criminal offense** – for the purposes of this rule, the following felony transgressions of law as defined in state statute, including aggravated battery (O.C.G.A. § 16-5-24), aggravated child molestation (O.C.G.A. § 16-6-4), aggravated sexual battery (O.C.G.A. § 16-6-22.2), aggravated sodomy (O.C.G.A. § 16-6-2), armed robbery (O.C.G.A. § 16-8-41), first degree arson (O.C.G.A. § 16-7-60), felony drug charge (O.C.G.A. § 16-13-32.4), felony weapons charge (O.C.G.A. § 16-11-127.1), kidnapping (O.C.G.A. § 16-5-40), murder (O.C.G.A. § 16-5-1), rape (O.C.G.A. § 16-6-1), voluntary manslaughter (O.C.G.A. § 16-5-2), or terroristic threats (O.C.G.A. § 16-11-37).

(2) REQUIREMENTS.

The Unsafe School Choice Option provision [Section 8532, 20 U.S.C. 7912] under the federal Every Student Succeeds Act (ESSA) of 2015 sets forth the following:

Each State receiving funds under this Act shall establish and implement a statewide policy requiring that a student attending a persistently dangerous public elementary school or secondary school, as determined by the State in consultation with a representative sample of local educational agencies, or who becomes a victim of a violent criminal offense, as determined by State law, while in or on the grounds of a public elementary school or secondary school that the student attends, be allowed to attend a safe public elementary school or secondary school within the local educational agency, including a public charter school.

- (a) Local school systems (LSSs) shall annually report to the Georgia Department of Education on a date and in a manner specified by the Department data regarding students found by official action to be in violation of a school rule related to a criminal offense as identified in paragraphs (1)(d)(1) and 1(d)2. These data shall be used to determine whether a school can be classified as a persistently dangerous school.
- (b) The Georgia Department of Education shall identify by July 1 of each year persistently dangerous public schools using the criteria specified in paragraph (1)(d) and shall notify the LSS superintendent of such identification.
- (c) The LSS shall within ten school days of notification by the Georgia Department of Education notify the parents/guardians of students enrolled in a school that has been classified as a persistently dangerous school. This parental notification shall be written in English and any other language prevalent in the student population of that school. This notification shall also specify the process adopted by the local board of education to be used for the transfer of a student to a safe public school, including a charter school, either within the school system or to one located in another school system with which the system has an agreement, upon the request of a parent/guardian or by a student if the student has reached the age of 18. Following student transfer guidelines consistent with the Elementary and Secondary Education Act (ESEA) as currently reauthorized, LSSs shall allow students to transfer to a school that is in compliance with current state and/or federal accountability requirements. Student transfers to safe schools within the school system or to a safe

school within another school system with which the school system has an agreement shall be completed within 30 school days of the request.

- (d) Any student who is the victim of a violent criminal offense that occurs on the property of a public school in which the student is enrolled, while attending a school-sponsored event that occurs on the property of a public school, or while attending an event under the jurisdiction of a public school shall be permitted to attend a safe public school, including a charter school. Each local board of education shall adopt a policy that facilitates the transfer of students who are victims of violent criminal offenses. This policy shall provide that the transfer shall occur within ten school days of the commission of the violent criminal offense, and to the extent possible, shall allow victims to transfer to a school that is in compliance with current state and/or federal accountability requirements.
- (e) A local board of education with one or more of its schools identified as persistently dangerous is not required to cover the cost of transportation to a safe public school beyond the levels identified by federal legislation.
- (f) LSSs shall develop and local boards of education shall adopt a corrective action plan for each school identified by the Georgia Department of Education as a persistently dangerous school. The corrective action plan shall be based on an analysis of the problems faced by the school and address the issues that resulted in the school being identified as persistently dangerous. The LSS shall submit to the Georgia Department of Education for approval the corrective action plan. This plan shall be submitted within 20 school days after the Georgia Department of Education notifies the local school system that a school has been classified as a persistently dangerous school.
 - 1. Upon completion of its planned corrective action, a LSS may apply to the Georgia Department of Education to have the school removed from the list of persistently dangerous schools. After ensuring that all corrective action has been completed, the Georgia Department of Education shall reassess the school using the criteria for persistently dangerous schools as specified in paragraph (1)(d) of this rule.

Authority O.C.G.A. §§ 3-3-23; 16-5-1; 16-5-2; 16-5-24; 16-5-40; 16-6-1; 16-6-2; 16-6-4; 16-6-22.2; 16-7-60; 16-8-41; 16-11-37; 16-11-106; 16-11-127.1; 16-13-2; 16-13-30; 16-13-31; 16-13-32.4; 20-2-240; 20-2-752; 20-2-753; 20-2-754; 20-2-755; 20-2-756; 20-2-757; 20-2-758.

Appendix B

Definitions

Aggravated battery (Georgia Code Section 16-5-24)

A person commits the offense of aggravated battery when he or she maliciously causes bodily harm to another by depriving him or her of a member of his or her body, by rendering a member of his or her body useless, or by seriously disfiguring his or her body or a member thereof.

Aggravated child molestation (Georgia Code Section 16-6-4)

A person commits the offense of child molestation when he or she does any immoral or indecent act to or in the presence of or with any child under the age of 16 years with the intent to arouse or satisfy the sexual desires of either the child or the person. A person commits the offense of aggravated child molestation when such person commits an offense of child molestation which act physically injures the child or involves an act of sodomy. (This category is for students charged with felony offenses.)

If the victim is at least 14 but less than 16 years of age and the person convicted of child molestation is 18 years of age or younger and is no more than four years older than the victim, such person shall be guilty of a misdemeanor.

A person convicted of the offense of aggravated child molestation when:

- (A) The victim is at least 13 but less than 16 years of age;
- (B) The person convicted of aggravated child molestation is 18 years of age or younger and is no more than four years older than the victim; and
- (C) The basis of the charge of aggravated child molestation involves an act of sodomy

shall be guilty of a misdemeanor.

Aggravated sexual battery (Georgia Code Section 16-6-22.2)

A person commits the offense of aggravated sexual battery when he intentionally penetrates with a foreign object the sexual organ or anus of another person without the consent of that person.

Aggravated sodomy (Georgia Code Section 16-6-2)

A person commits the offense of sodomy when he or she performs or submits to any sexual act involving the sex organs of one person and the mouth or anus of another.

A person commits the offense of aggravated sodomy when he or she commits sodomy with force and against the will of the other person or when he or she commits sodomy with a person who is less than ten years of age. (This category is for students charged with felony offenses.)

If the victim is at least 13 but less than 16 years of age and the person convicted of sodomy is 18 years of age or younger and is no more than four years older than the victim, such person shall be guilty of a misdemeanor.

Armed robbery (Georgia Code Section 16-8-41)

A person commits the offense of armed robbery when, with intent to commit theft, he or she takes property of another from the person or the immediate presence of another by use of an offensive weapon, or any replica, article, or device having the appearance of such weapon. The offense of robbery by intimidation shall be a lesser included offense in the offense of armed robbery.

Arson – first degree (Georgia Code Section 16-7-60)

A person commits the offense of arson in the first degree when, by means of fire or explosive, he knowingly damages or knowingly causes, aids, abets, advises, encourages, hires, counsels, or procures another to damage:

(1) Any dwelling house of another without his consent or in which another has a security interest, including but not limited to a mortgage, a lien, or a conveyance to secure debt, without the consent of both, whether it is occupied, unoccupied, or vacant;

(2) Any building, vehicle, railroad car, watercraft, or other structure of another without his consent or in which another has a security interest, including but not limited to a mortgage, a lien, or a conveyance to secure debt, without the consent of both, if such structure is designed for use as a dwelling, whether it is occupied, unoccupied, or vacant;

(3) Any dwelling house, building, vehicle, railroad car, watercraft, aircraft, or other structure whether it is occupied, unoccupied, or vacant and when such is insured against loss or damage by fire or explosive and such loss or damage is accomplished without the consent of both the insurer and the insured;

(4) Any dwelling house, building, vehicle, railroad car, watercraft, aircraft, or other structure whether it is occupied, unoccupied, or vacant with the intent to defeat, prejudice, or defraud the rights of a spouse or co-owner; or

(5) Any building, vehicle, railroad car, watercraft, aircraft, or other structure under such circumstances that it is reasonably foreseeable that human life might be endangered.

Felony drug charge (Georgia Code Section 16-13-30; 16-13-31; 16-13-32.4)

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

Felony weapons charge (Georgia Code Section 16-11-127.1)

(1) "School safety zone" means in or on any real property or building owned by or leased to any public or private elementary school, secondary school, or local board of education and used for elementary or secondary education; and any public or private technical school, vocational school, college, university, or institution of postsecondary education.

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

Kidnapping (Georgia Code Section 16-5-40)

A person commits the offense of kidnapping when he abducts or steals away any person without lawful authority or warrant and holds such person against his will.

Murder (Georgia Code Section 16-5-1)

1. A person commits the offense of murder when he unlawfully and with malice aforethought, either express or implied, causes the death of another human being.

2. Express malice is that deliberate intention unlawfully to take the life of another human being which is manifested by external circumstances capable of proof. Malice shall be implied where no considerable provocation appears and where all the circumstances of the killing show an abandoned and malignant heart.

3. A person also commits the offense of murder when, in the commission of a felony, he causes the death of another human being irrespective of malice.

Non-felony drug charge (Georgia Code Section 16-13-2)

Any person who is charged with possession of marijuana, which possession is of one ounce or less, shall be guilty of a misdemeanor.

Rape (Georgia Code Section 16-6-1)

A person commits the offense of rape when he has carnal knowledge of:

- (1) A female forcibly and against her will; or
- (2) A female who is less than ten years of age.

Carnal knowledge in rape occurs when there is any penetration of the female sex organ by the male sex organ.

Terroristic threats (Georgia Code Section 16-11-37) A person commits the offense of a terroristic threat when he or she threatens to:

- (A) Commit any crime of violence;
- (B) Release any hazardous substance (O.C.G.A. § 12-8-92); or
- (C) Burn or damage property.

Such terroristic threat shall be made:

- (A) With the purpose of terrorizing another;
- (B) With the purpose of causing the evacuation of a building, place of assembly, or facility of public transportation;
- (C) With the purpose of otherwise causing serious public inconvenience; or
- (D) In reckless disregard of the risk of causing the terror, evacuation, or inconvenience described in subparagraph (A), (B), or (C) of this paragraph.

A person commits the offense of a terroristic act when:

- (1) He or she uses a burning or flaming cross or other burning or flaming symbol or flambeau with the intent to terrorize another or another's household;
- (2) While not in the commission of a lawful act, he or she shoots at or throws an object at a conveyance which is being operated or which is occupied by passengers; or
- (3) He or she releases any hazardous substance or any simulated hazardous substance under the guise of a hazardous substance:

- (A) For the purpose of terrorizing another;
- (B) For the purpose of causing the evacuation of a building, place of assembly, or facility of public transportation;

(C) For the purpose of otherwise causing serious public inconvenience; or

(D) In reckless disregard of the risk of causing the terror, evacuation, or inconvenience described in subparagraph (A), (B), or (C) of this paragraph.

Voluntary Manslaughter (Georgia Code Section 16-5-2)

A person commits the offense of voluntary manslaughter when he causes the death of another human being under circumstances which would otherwise be murder and if he acts solely as the result of a sudden, violent, and irresistible passion resulting from serious provocation sufficient to excite such passion in a reasonable person; however, if there should have been an interval between the provocation and the killing sufficient for the voice of reason and humanity to be heard, of which the jury in all cases shall be the judge, the killing shall be attributed to deliberate revenge and be punished as murder.

Appendix C

GaDOE Contact Information for Support and Assistance

Jeff Hodges

Program Specialist, Safe and Drug-Free Schools

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