



Georgia Department of Education

Policies and Procedures

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| Policy Title: | <i>Use of Educational Equipment by Students, State Schools</i> | | |
| Policy Number: | <i>SS-4001 Descriptor Code-IDDF-19</i> | | |
| Release Date: | <i>10-08-02</i> | Last Revised: | <i>09-15-03</i> |

Purpose

To describe Georgia Department of Education's policy in regard to the use of educational equipment by students at the three State Schools.

Applicability

This policy applies to all students at the three State Schools.

Definitions

Checkout: The process followed to grant students access and usage privileges of educational equipment either before, during, and/or after school.

Damaged Educational Equipment: Educational equipment that is no longer useable because of damage and must be replaced (or repaired), as determined by the school.

School Director or Designee: The individual representing the school in a leadership capacity.

Educational Equipment: Any device, machine, or object (including textbooks) used to instruct, enhance, or reinforce student learning.

Parent(s)/Guardian(s): The individual(s) legally responsible for the welfare of the student.

Student: An individual receiving instruction in a classroom or nonclassroom setting.

Teacher: A certificated individual employed to provide instruction in a classroom or classroom setting.

Work Program: A program of activity that is implemented in lieu of fiscal restitution.

Policy

The Department of Education (DOE) will provide students at the three State Schools access to appropriate and available educational equipment at the schools that instructs, enhances, or reinforces student learning as determined by the Individualized Education Plan (IEP).

General Provisions

Teacher Responsibilities: Teachers are expected to utilize appropriate and available educational equipment that has been purchased by or donated to the three State Schools to instruct, enhance, or reinforce student learning.

When educational equipment is appropriate and available, the educational equipment may be used before, during, and/or after school hours by students when direction, approval or permission has been given by the teacher.

For checkout purposes, the teacher shall document student information in regard to the name of the educational equipment being used, the usage purpose, the date of checkout, and the expected return date of the educational equipment.

A student found, through proper investigation procedures and documentation, to be responsible for the loss, destruction, breakage, or damage of educational equipment shall make restitution to the school. If malicious intent is involved, the case is treated as vandalism. The responsible student shall be charged a reasonable fee for the repair or replacement of the lost or damaged item. There shall be no restitution when negligence cannot be proved to have been committed by the student.

Procedures Applicable to Negligence:

- (a) The School Director or designee may conduct or order an investigation of the negligent loss, destruction, breakage, or damage of educational equipment.
- (b) If the negligence is an act which subjects the student to disciplinary action, the School Director or designee shall include as part of the investigation a determination of the facts and circumstances that support restitution. Further action related to restitution shall be held in abeyance until disciplinary action has been determined and appeal procedures exhausted.
- (c) If a student voluntarily admits liability and agrees to make restitution for the educational equipment, the School Director or designee shall inform the parent(s)/guardian(s) of the student's admission by telephone or in writing, personally delivered or mailed.
- (d) If the School Director or designee has reasonable cause to believe that a student is responsible for the negligent loss, destruction, breakage, or damage of educational equipment, and the student does not voluntarily admit liability nor agree to make restitution, the School Director or

designee shall schedule a conference with the student and parent(s)/guardian(s). Advance written notice of the conference shall be made using school stationary and shall be delivered by mail to the student and parent(s)/guardian(s). The notice shall inform them of the charges and the date, time, and location of the conference. The notice shall be mailed at least ten days before the conference. The School Director or designee may use other means of communication, such as the telephone, to augment the written communication between the school and the student and parent(s)/guardian(s).

- The parent(s)/guardian(s) shall respond to the notice within ten days from the date of the notice.
- The conference date in the notice may be rescheduled if the parent(s)/guardian(s) contact the School Director or designee to arrange for a new conference date. The request to reschedule the conference shall be made within ten days of the date of notice.
- The conference may be waived by the parent(s)/guardian(s) and an informal settlement reached. In that event, a written agreement for restitution shall be executed between the parent(s)/guardian(s) and the School Director or designee.

(e) If the parent fails to respond to the notice within the time limit, the School Director or designee may:

- Reschedule the conference date if it is determined that the failure to respond was for good cause or in the best interest of the school or student; or
- Make a determination of the liability and the restitution required and inform the parent(s)/guardian(s) in writing that:
 - i. A notice was given for an opportunity to be heard at a conference with the School Director or designee;
 - ii. Due to the failure to respond to the notice, a determination was made of the liability and restitution required;
 - iii. The restitution required; and
 - iv. The matter may be referred to the Director of State Schools for further action if the restitution agreement is not executed within seven days of being informed of the required restitution.

(f) The conference shall be conducted in the following manner:

- The School Director or designee shall present the findings of the investigation to the student and parent(s)/guardian(s).
- If the student and parent(s)/guardian(s) agree with the determination of liability made by the School Director or designee, a restitution proposal shall be designed by the School Director or designee and shall be executed in the form of a written agreement on school stationary and signed by all present.

- When restitution is completed in accordance with an executed agreement, all records and documents regarding the investigation and the conference shall be maintained at the school for three years. No information about charges, conference, and the actions taken shall be communicated to any person not directly involved in the proceeding.
- (g) If a written agreement is executed and the parent or student fails to comply with the terms of the agreement, the School Director or designee may forward the matter to the Director of State Schools. The Director of State Schools shall review the matter and take appropriate action, which may include referral to the appropriate legal contact for further action.
- (h) If the student and parent(s)/guardian(s) do not agree with the findings made by the School Director or designee, the School Director or designee shall transmit all the records and documents regarding the investigation and conference to the Director of State Schools who shall review the matter and take appropriate action, which may include referral of the matter to the appropriate legal contact for further action.
- (i) Monies paid for restitution of lost educational equipment shall be refunded if the item is returned in the condition it was borrowed or assigned and if the item is still being used by the school.
- (j) The School Director or designee shall be responsible for accounting for the collections of moneys collected as restitution and/or payment(s). Collected moneys will be handled according to the school's accounting procedures.
- (k) If the parent(s)/guardian(s) are financially unable to pay for the lost or damaged item, the School Director or designee may agree to the implementation of a work program designed by the School Director or designee. The work program must reflect reasonable tasks and be clearly explained in writing and agreed to by the School Director or designee, the student, and parent(s)/guardian(s). The student shall be prohibited from participating in any student activity until the work program is completed. If restitution is made in this fashion, then no information about the investigation and the actions taken shall be communicated to any person not directly involved in the proceedings.

**Authority and/or
Cross-Reference**

- O.C.G.A. 20-2-260