



**Dr. John D. Barge, State School Superintendent**  
*"Making Education Work for All Georgians"*

# **Policy for Prohibiting Bullying, Harassment and Intimidation**

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## Introduction

Bullying is sometimes regarded as a “rite of passage” and an unavoidable part of childhood and adolescence. For this reason, bullying behaviors may be ignored or go unnoticed by teachers, parents, and school administrators. The consequences for not recognizing certain behaviors as “bullying” and the failure to respond accordingly are serious. Research shows that chronic victims of bullying may experience loneliness, low self-esteem, depression, poor academic achievement, and truancy. Other victims may bring weapons to school or contemplate suicide.

Research also reveals that bullying is widespread. Almost 30 percent of youth in the United States (over 5.7 million) are estimated to be involved in bullying as either a bully, a target of bullying, or both. In a recent national survey of students in grades 6-10, 13 percent reported bullying others, 11 percent reported being the target of bullies, and another 6 percent said that they bullied others and were bullied themselves (Nansel, 2001). In the national publication, *Indicators of School Crime and Safety: 2009 Report*, 25 percent of public schools across the United States reported that bullying occurred among students on a daily or weekly basis in the 2007-2008 school year. The Georgia Student Health Survey (GSHS) II is administered to Georgia students in grades 6, 8, 10, and 12. GSHS II results for the 2009-2010 school year indicate that 16 percent of students reported being bullied at school in the last 30 days; 33 percent of students reported being picked on or teased at school in the last 30 days; and 25 percent of students reported that they do not feel safe at school.

Although bullying and other issues related to school climate are often viewed independently from academic performance, student achievement will not reach the levels that truly reflect the potential of Georgia’s students unless more attention is given to the relationship between school climate and academic achievement. Students cannot be expected to reach their full academic potential in an environment of fear and intimidation. Therefore, it is critical for schools to provide a safe and positive school climate for their students. A positive school climate will yield an increase in academic achievement and high school graduation rates.

In 1999, the Georgia General Assembly enacted bullying legislation that: (1) defined bullying; (2) required each school district to adopt policies that prohibit bullying for grades six through 12; and (3) required such prohibition to be included in the student code of conduct. Policies were also required to assign students to an alternative school for committing the offense of bullying after the third offense in the same school year.

In 2010, the Georgia General Assembly modified the existing law (O.C.G.A. § 20-2-751.4) by expanding the definition of bullying and requiring local school districts to notify parents/guardians when their child has committed an offense of bullying or is a victim of bullying. In addition, the law was modified to require school districts to adopt policies that prohibit bullying for all schools, not just for grades six through 12 and to have age appropriate consequences and interventions available for all schools. The law requires that through appropriate due process, disciplinary hearing officers, panels, or tribunals assign students in grades six through 12 to alternative schools when such students have committed an offense of bullying for the third time in a school year. School districts must implement these new

requirements by August 1, 2011. The law also requires the Georgia Department of Education (GaDOE) to develop a model bullying policy and to make it available on the GaDOE website.

## **I. Statement Against Bullying**

The Georgia Department of Education (GaDOE) expressly prohibits the bullying of any person, by any means or method, at school, on school property, or at school-related functions.

## **II. Definition of Terms**

### **A. Bullying:**

In accordance with O.C.G.A. § 20-2-751.4, bullying means an act which occurs on school property, on school vehicles, at designated school bus stops, 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:
  - i. Causes another person substantial physical harm within the meaning of O.C.G.A. § 16-5-23.1 or visible bodily harm as defined in O.C.G.A. § 16-5-23.1;
  - ii. Has the effect of substantially interfering with a student's education;
  - iii. Is so severe, persistent, or pervasive that it creates an intimidating or threatening education environment; or
  - iv. Has the effect of substantially disrupting the orderly operation of the school.

### **B. Harassment and Intimidation:**

Harassment and intimidation means any gesture or written, verbal, or physical act, or any electronic communication that is reasonably perceived as being motivated either by any actual or perceived characteristic including race, color, ethnicity, religion, gender, sexual orientation, ancestry, national origin, physical attributes, socioeconomic status, physical or mental ability or disability, or by any other distinguishing characteristic, that takes place on school property, at any school-related functions or activities or on a school bus and that:

- 1) A reasonable person should know, under the circumstances, will have the effect of harming a student or school employee or damaging his or her property;
- 2) Has the effect of substantially interfering with a student's educational performance, or school employee's work performance, or either's opportunities, or benefits;
- 3) Has the effect of having a substantial negative impact on a student's or a school employee's emotional or psychological well-being; or

- 4) Has the effect of insulting or demeaning any student or school employee in such a way as to cause substantial disruption in, or substantial interference with, or the orderly operation of the school.

**C. Visible Bodily Harm:**

In accordance with O.C.G.A. § 16-5-23.1, *visible bodily harm* is defined as bodily harm capable of being perceived by a person other than the victim and may include, but is not limited to, substantially blackened eyes, substantially swollen lips or other facial or body parts, or substantial bruises to body parts.

### **III. Prohibited Behaviors**

Bullying, harassment and intimidation may include many different behaviors which ridicule, humiliate, or intimidate another student or school employee. Prohibited behaviors must occur on the property of the public school, at an event within the jurisdiction of a public school or at a school-sponsored event. Disciplinary action may also be necessary if off-campus behavior results in a disruption to the school environment. Examples of prohibited behaviors include but are not limited to:

- ❖ Unwanted teasing
- ❖ Threats, taunts and intimidation through words and/or gestures
- ❖ Physical violence and/or attacks
- ❖ Extortion
- ❖ Destruction of school or personal property
- ❖ Theft of money and/or personal possessions
- ❖ Sexual, religious, or racial harassment
- ❖ Public humiliation
- ❖ Social exclusion, including incitement and/or coercion
- ❖ Rumors or spreading of falsehoods
- ❖ Stalking
- ❖ Cyberstalking or engaging in conduct to communicate, or to cause to be communicated, words, images, or language by or through the use of electronic mail or electronic communication, directed at or about a specific person, causing substantial emotional distress to the victim
- ❖ Cyberbullying or the willful, hostile and repeated harassment and intimidation of a person through the use of digital technologies, including, but not limited to, email, blogs, social networking websites (e.g. MySpace, Facebook, etc.) chat rooms, texts, and instant messaging
- ❖ The use of cameras or camera phones to take embarrassing photographs of students or school employees and posting them online
- ❖ Sending abusive or threatening text messages or instant messages
- ❖ Using websites to circulate gossip and rumors to other students

## IV. Reporting Procedures

Bullying is an intentional physical and/or emotional intrusion on a person's well-being and should not be tolerated at any level. Immediate and reasonably appropriate actions should be taken upon receipt of any report of bullying, regardless of the source, identity of the alleged violator/victim, grade level, previous circumstances, and/or personal beliefs. Therefore, all reports of bullying must be taken seriously. School principals are strongly urged to discuss this issue with their entire staff and require that they refer to them any reports/suspicions of bullying. Local superintendents should ensure that the school district's anti-bullying policy is posted throughout all schools in the district, including but not limited to cafeterias, school bulletin boards, administration offices, the school district's website; and in all student and employee handbooks and student codes of conduct.

Once bullying has been reported, school officials should take the following actions:

**1. Investigate**

Upon receipt of any report of bullying, schools will direct an immediate investigation involving appropriate personnel. The investigation should begin no later than the following school day. The investigation shall include interviewing the alleged perpetrator(s) and victim(s), identified witnesses, teacher(s) and staff members and reviewing video surveillance if available. School police, school counselors, school social workers and/or other support staff should be utilized for their expertise as determined by the circumstances of the matter.

**2. Notify**

At an appropriate time during or after the investigation, parents/guardians of the accused and the victim must be notified. If the incident involves an injury or similar situation, appropriate medical attention should be provided and the parent/guardian should be notified immediately.

**3. Discipline**

Upon confirming that bullying has occurred, the accused student should be charged with bullying and given an age-appropriate consequence which shall include, at minimum and without limitation, disciplinary action or counseling as appropriate under the circumstances.

Students in grades six through twelve found to have committed the offense of bullying for the third time in a school year shall be assigned to an alternative school through appropriate due process by disciplinary hearing officers, panels, or tribunals

Schools should clearly communicate to all parties that retaliation following a report of bullying is strictly prohibited and may result in strong disciplinary action.

**4. Follow Up**

Follow up is important to the accused and the victim. Implement a planned method to provide after-care and follow up. Reiterate to all the previously stated prohibition on retaliation.

Upon receiving a report of bullying, the following actions are the minimal requirements, pursuant to Georgia's bullying law (O.C.G.A. 20-2-751.4). However, school principals are not limited in performing additional measures as they deem reasonably appropriate. It should be noted that bullying may be witnessed directly by staff or reported by a student, parent or stakeholder by name or anonymously through hotlines such as the Georgia Department of Education's **1-877-SAY STOP** (1-877-729-7867) School Safety Hotline. School officials should develop and communicate methods for students and others to report incidents of bullying.

A new data element for "bullying" has been added to the *Incident Type* code on the Georgia Department of Education's Student Record Data Collection System. All school districts are required to report incidents of bullying through the Georgia Department of Education's Student Record Data Collection System at the end of each school year. Bullying incidents should be reported in the same manner as the other discipline incidents (alcohol, arson, battery, etc.). Bullying is defined in the Student Record Data Collection System as follows:

**Bullying** - A pattern of behavior, which may include written, verbal, or physical acts, that is so severe, persistent, or pervasive so as to have the effect of substantially interfering with a student's education, threatening the educational environment, or causing substantial physical harm or visibly bodily harm.

## V. Retaliation Prohibited

"Retaliation" is defined as bullying, harassment or intimidation toward a person in response to previously reported bullying, harassment or intimidation. Under O.C.G.A. § 20-2-751.4, retaliation against any person who reports, is thought to have reported, files a complaint or otherwise participates in an investigation or inquiry is prohibited. Such retaliation shall be considered a serious violation of local board policy and independent of whether a complaint is substantiated. **Any student who knowingly files a false report of bullying, harassment or intimidation is guilty of such and should be punished under existing disciplinary provisions.**

## VI. Immunity

Any person who reports in good faith an incident of bullying, harassment, or intimidation to an appropriate school official, and who makes this report in compliance with the procedures in the school district's policy shall be immune from civil liability for any damages caused by such reporting or any failure to remedy the reported incident.

## **VII. Transportation**

Local school districts may provide transportation to a student transferred to another school as a result of a bullying incident but are not required to do so.

## **VIII. Training and Professional Development**

Local school districts shall provide professional development and training opportunities for school staff on how to respond appropriately to students who commit an offense of bullying, students who are victims of bullying and bystanders who report bullying. A bullying prevention training module and bullying prevention resources are available on the GaDOE website at [http://www.gadoe.org/sia\\_titleiv.aspx?PageReq=SIABully](http://www.gadoe.org/sia_titleiv.aspx?PageReq=SIABully).

## **IX. School District Requirements**

Pursuant to O.C.G.A. § 20-2-751.4, no later than August 1, 2011:

- (1) Each local board of education shall adopt a policy that prohibits bullying of a student by another student and shall require such prohibition to be included in the student code of conduct for schools in that school system;
- (2) Each local board policy shall require that, upon a finding by the disciplinary hearing officer, panel, or tribunal of school officials provided for in this subpart that a student in grades six through 12 has committed the offense of bullying for the third time in a school year, such student shall be assigned to an alternative school;
- (3) Each local board of education shall establish and publish in its local board policy a method to notify the parent, guardian, or other person who has control or charge of a student upon a finding by a school administrator that such student has committed an offense of bullying or is a victim of bullying; and
- (4) Each local board of education shall ensure that students and parents of students are notified of the prohibition against bullying, and the penalties for violating the prohibition, by posting such information at each school and by including such information in student and parent handbooks.

# Appendix A

## Bullying Statute (O.C.G.A. 20-2-751.4)

(a) As used in this Code section, the term 'bullying' means an act which occurs on school property, on school vehicles, at designated school bus stops, 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.

(b) No later than August 1, 2011:

(1) Each local board of education shall adopt a policy that prohibits bullying of a student by another student and shall require such prohibition to be included in the student code of conduct for schools in that school system;

(2) Each local board policy shall require that, upon a finding by the disciplinary hearing officer, panel, or tribunal of school officials provided for in this subpart that a student in grades six through 12 has committed the offense of bullying for the third time in a school year, such student shall be assigned to an alternative school;

(3) Each local board of education shall establish and publish in its local board policy a method to notify the parent, guardian, or other person who has control or charge of a student upon a finding by a school administrator that such student has committed an offense of bullying or is a victim of bullying; and

(4) Each local board of education shall ensure that students and parents of students are notified of the prohibition against bullying, and the penalties for violating the prohibition, by posting such information at each school and by including such information in student and parent handbooks.

(c) No later than January 1, 2011, the Department of Education shall develop a model policy regarding bullying, that may be revised from time to time, and shall post such policy on its website in order to assist local school systems. Such model policy shall include:

(1) A statement prohibiting bullying;

(2) A requirement that any teacher or other school employee who has reliable information that would lead a reasonable person to suspect that someone is a target of bullying shall immediately report it to the school principal;

(3) A requirement that each school have a procedure for the school administration to promptly investigate in a timely manner and determine whether bullying has occurred;

- (4) An age-appropriate range of consequences for bullying which shall include, at minimum and without limitation, disciplinary action or counseling as appropriate under the circumstances;
  - (5) A procedure for a teacher or other school employee, student, parent, guardian, or other person who has control or charge of a student, either anonymously or in such person's name, at such person's option, to report or otherwise provide information on bullying activity;
  - (6) A statement prohibiting retaliation following a report of bullying; and
  - (7) Provisions consistent with the requirements of subsection (b) of this Code section.
- (d) The Department of Education shall develop and post on its website a list of entities and their contact information which produce antibullying training programs and materials deemed appropriate by the department for use in local school systems.
- (e) Any person who reports an incident of bullying in good faith shall be immune from civil liability for any damages caused by such reporting.
- (f) Nothing in this Code section or in the model policy promulgated by the Department of Education shall be construed to require a local board of education to provide transportation to a student transferred to another school as a result of a bullying incident.
- (g) Any school system which is not in compliance with the requirements of subsection (b) of this Code section shall be ineligible to receive state funding pursuant to Code Sections 20-2-161 and 20-2-260.

## Appendix B

### Model Bullying Policy for LEAs

The \_\_\_\_\_ School District believes that all students have a right to a safe and healthy school environment. All schools within the district have an obligation to promote mutual respect, tolerance, and acceptance among students, staff, and volunteers. Behavior that infringes on the safety of any student will not be tolerated. A student shall not bully, harass, or intimidate another student through words or actions. Such behavior includes but is not limited to: direct physical contact such as hitting or shoving; verbal assaults such as teasing or name-calling; the use of electronic methods to harass, threaten or humiliate, and social isolation and/or manipulation. The school district policy prohibiting bullying is included in the student code of conduct and includes but is not limited to the following:

- Any student who engages in bullying shall be subject to disciplinary action up to and including expulsion.
- Students are expected to immediately report incidents of bullying to the principal or designee.
- Students can rely on staff to promptly investigate each complaint of bullying in a thorough and confidential manner.
- If the complainant student or the parent of the student feels that appropriate resolution of the investigation or complaint has not been reached after consulting the school principal, the student or the parent of the student should contact the local superintendent or his or her designee.
- The school system prohibits retaliatory behavior against any complainant or any participant in the complaint process.

All students and/or staff shall immediately report incidents of bullying, harassment and intimidation to the school principal or designee. School staff members are expected to immediately intervene when they see a bullying incident occur. Each complaint of bullying shall be promptly investigated. This policy applies to students on school grounds, while traveling on a school bus to and from school or a school-sponsored activity and during a school-sponsored activity.

Bullying, harassment or intimidation will not be tolerated. Disciplinary action will be taken after each incident of bullying and upon a finding of guilt. Disciplinary action after the first incident of bullying may include but is not limited to the following:

- Loss of a privilege
- Reassignment of seats in the classroom, cafeteria or school bus
- Reassignment of classes
- In-school suspension
- Out-of-school suspension
- Detention

- Expulsion (through appropriate due process hearing)
- Assignment to an alternative school (through appropriate due process hearing)

If necessary, counseling and other interventions should also be provided to address the social-emotional, behavioral, and academic needs of students who are victims of bullying and students who commit an offense of bullying.

Students, parents/guardians and other stakeholders may report incidents of bullying to an administrator, teacher, counselor or other staff member by using the school district's complaint procedures or by calling the Georgia Department of Education's 1-877 SAY-STOP (1-877-729-7867) School Safety Hotline. Please note: Any form of electronic bullying (cyberbullying) using school equipment, school networks, e-mail systems or committed at school is strictly prohibited.

The procedures for intervening in bullying behavior include, but are not limited, to the following:

- All staff, students and their parents will receive a summary of this policy prohibiting bullying at the beginning of the school year as part of the student code of conduct.
- The school shall keep a report of bullying and the results of an investigation confidential.
- Staff are expected to immediately intervene when they see a bullying incident occur or upon receipt of any report of bullying.
- People witnessing or experiencing bullying are encouraged to report the incident to the school principal designee.

The following actions will be taken when bullying is reported:

**1. Investigate**

Upon receipt of any report of bullying, schools will direct an immediate investigation involving appropriate personnel. The investigation should begin no later than the following school day. The investigation shall include interviewing the alleged perpetrator(s) and victim(s), identified witnesses, teacher(s) and staff members and reviewing video surveillance if available. School police, school counselors, school social workers and/or other support staff should be utilized for their expertise as determined by the circumstances of the matter.

**2. Notify**

At an appropriate time during or after the investigation, parents/guardians of the accused and the victim must be notified. If the incident involves an injury or similar situation, appropriate medical attention should be provided and the parent/guardian should be notified immediately.

**3. Discipline**

Upon confirming that bullying has occurred, the accused student should be charged with bullying and given an age-appropriate consequence which shall include, at

minimum and without limitation, disciplinary action or counseling as appropriate under the circumstances.

Students in grades six through twelve found to have committed the offense of bullying for the third time in a school year shall be assigned to an alternative school through appropriate due process by disciplinary hearing officers, panels, or tribunals.

Schools should clearly communicate to all parties that retaliation following a report of bullying is strictly prohibited and may result in strong disciplinary action.

**4. Follow Up**

Follow up is important to the accused and the victim. Implement a planned method to provide after-care and follow up. Reiterate to all the previously stated prohibition on retaliation.

## Appendix C

### Bullying Prevention Resources

GaDOE Bullying Prevention Toolkit

[http://www.gadoe.org/sia\\_titleiv.aspx?PageReq=SIABully](http://www.gadoe.org/sia_titleiv.aspx?PageReq=SIABully)

GaDOE School Safety Hotline

<http://www.gadoe.org/askdoe.aspx?PageReq=ASKSafety>

Bullying information from various government agencies

<http://www.stopbullying.gov/>

Safe and Supportive Schools

<http://safesupportiveschools.ed.gov/index.php?id=01>

Stop Bullying Now!

<http://stopbullyingnow.hrsa.gov/kids/>

SAMHSA Bullying Prevention Resources

<http://mentalhealth.samhsa.gov/15plus/educate/>

National Association of School Psychologists (NASP) Bullying Prevention Resources

<http://www.nasponline.org/families/index.aspx>

National Youth Violence Prevention Resource Center

<http://www.safeyouth.org/scripts/topics/bullying.asp>

Eyes on Bullying

<http://www.eyesonbullying.org/>

National Crime Prevention Council Bullying Prevention Resources

<http://www.ncpc.org/topics/bullying>

Bullying Issues and Answers

[http://ies.ed.gov/ncee/edlabs/regions/northeast/pdf/REL\\_2010092.pdf](http://ies.ed.gov/ncee/edlabs/regions/northeast/pdf/REL_2010092.pdf)

Stop Cyberbullying

<http://www.stopcyberbullying.org/index2.html>

Cyberbullying Prevention Package

<http://cybersmartcurriculum.org/cyberbullying/NSBA/>

Cyberbullying and Sexting

<http://ms1.gpb.org/GPBMediaSite1/Viewer/Viewers/Viewer320TL.aspx?mode=Default&peid=7dbd45fe-62e1-4178-b780-1abbee18df85&pid=ab7b4c27-8796-48ba-9c6d-1b439b86c12d&playerType=WM7>

Anti-Defamation League (ADL) Bullying Prevention Toolkit

[http://www.adl.org/civil\\_rights/Anti-Bullying%20Law%20Toolkit\\_2009.pdf](http://www.adl.org/civil_rights/Anti-Bullying%20Law%20Toolkit_2009.pdf)

Tips to Prevent Sexting

[http://ncmec.vo.llnwd.net/o15/downloads/special/Sexting\\_Prevention.pdf](http://ncmec.vo.llnwd.net/o15/downloads/special/Sexting_Prevention.pdf)

CDC Youth Violence Prevention

[http://www.cdc.gov/ncipc/dvp/electronic\\_aggression.htm](http://www.cdc.gov/ncipc/dvp/electronic_aggression.htm)

NetSafe Cybersafety Professional Learning Modules

<http://public.doe.k12.ga.us/cybersafety.aspx?PageReq=CSModules>

Cyberbullying – Real Life Stories

<http://www.netsmartz.org/resources/reallife.htm#realcanttake>

NetSmartz Workshop Activities

<http://origin.www.netsmartz.org/education/download/>

Dealing with Bullies: For Kids

[http://www.kidshealth.org/kid/grow/school\\_stuff/bullies.html](http://www.kidshealth.org/kid/grow/school_stuff/bullies.html)

Dealing with Bullies: For Teens

[http://teenshealth.org/teen/your\\_mind/problems/bullies.html](http://teenshealth.org/teen/your_mind/problems/bullies.html)

<http://www.getnetwise.org>

<http://www.bullying.org>

<http://www.education.com/topic/school-bullying-teasing/>

<http://www.pta.org/bullying.asp?gclid=CO6d6eymmp4CFShtswod2iVnmA>

<http://www.netsmartz.org/educators.htm>

<http://www.apa.org/topics/topicbully.html>

<http://learning.blogs.nytimes.com/2010/06/28/resources-on-bullying-and-cyberbullying/>

[http://www.besafeonline.org/English/bullying\\_online.htm](http://www.besafeonline.org/English/bullying_online.htm)

## **Additional Bullying Resources:**

### **For Primary Students:**

<http://www.oceps.co.uk/bullying.htm>

(Primary school curriculum subject resources; primary school interactive fun and games; and information for primary school parents and teachers)

**GALILEO Sources:** (Contact your school Library Media Specialist or public library for the password.)

#### 1. Professional Development Collection:

The Professional Development Collection is a specialized collection of journal articles and pamphlets especially for professional educators that includes abstract and index coverage for 800 professional development titles and searchable full text for over 500 journals covering the most current topics in the field of education.

Type **bullying** in the search box and then hit “enter” for articles and information on this topic.

#### 2. ERIC at EBSCOhost:

ERIC at EBSCOhost includes content on all aspects of education and educational research from eric.ed.gov in the EBSCOhost user interface. Much of the journal content in the EBSCO version is available through publisher contracts with EBSCO and not available through eric.ed.gov

Type **bullying** in the search box and then hit “enter” for articles and information on this topic.

## Appendix D

### Contributors:

Sally FitzGerald, Georgia Parent Teacher Association (PTA)  
Herb Garrett, Georgia School Superintendents Association (GSSA)  
Bill Nigut, Anti-Defamation League (ADL)  
Holli Levinson, ADL  
Nancy O'Hara, GaDOE  
Garry McGiboney, GaDOE  
Jeff Hodges, GaDOE  
Marilyn Watson, GaDOE  
Jacqueline Melendez, GaDOE  
Judy Serritella, GaDOE  
Gregg Stevens, GaDOE  
Missy Smith, GaDOE  
Karen Minton, GALILEO  
Stephanie Jones, Georgia Southern University  
Irene Denmark, First District RESA  
Esther Brenneman, Cherokee County Schools  
Steve Piazza, Clarke County Schools  
Jeff Inman, Cobb County Schools  
Cheryl Youse, Colquitt County Schools  
Quentin Fretwell, DeKalb County Schools  
Betsy Razza, DeKalb County Schools  
Kimberly Sheffield, Effingham County Schools  
Lynn Bradley, Fulton County Schools  
Marty Arrington, Fulton County Schools  
Leigh-Ann Hunt, Gordon County Schools  
Sarah Barfield, Houston County Schools  
Laura Miller, Jackson County Schools  
Diane Tyner, Murray County Schools  
Jamie Joyner, Quitman County Schools  
Mary Casey, Troup County Schools