Georgia Rules and Regulations
Administrative Bulletin for February 2026

OFFICE OF SECRETARY OF STATE
ADMINISTRATIVE PROCEDURE DIVISION
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Final rules filed with the Georgia Secretary of State during the month of *February 2026:*

Table of Contents

Department	Rules List	Action	Filed	Effective	Page
105. GEORGIA DEPARTMENT OF COMMUNITY SUPERVISION	105-3-.03 --- 105-3-.13	amended	Feb. 23	Mar. 15, 2026	3
160. RULES OF GEORGIA DEPARTMENT OF EDUCATION	160-5-1-.14	amended	Feb. 19	Mar. 11, 2026	29
	160-5-1-.28	adopted	Feb. 19	Mar. 11, 2026	31
391. RULES OF GEORGIA DEPARTMENT OF NATURAL RESOURCES	391-4-7-.03	amended	Feb. 5	Feb. 25, 2026	45

Final rules filed with the Georgia Secretary of State that became effective *February 2026:*

Department	Rules List	Action	Filed	Effective
140. GEORGIA CRIME INFORMATION CENTER COUNCIL	140-1-.01 --- 140-1-.06	amended	Jan. 23, 2026	Feb. 12
	140-2-.01	amended	Jan. 23, 2026	Feb. 12
	140-2-.02 --- 140-2-.10	adopted	Jan. 23, 2026	Feb. 12
	140-2-.11 --- 140-2-.20	repealed	Jan. 23, 2026	Feb. 12
160. RULES OF GEORGIA DEPARTMENT OF EDUCATION	160-4-8-.09	amended	Jan. 15, 2026	Feb. 4
	160-4-9-.05, 160-4-9-.06	amended	Jan. 15, 2026	Feb. 4
180. GEORGIA PROFESSIONAL ENGINEERS AND LAND SURVEYORS BOARD	180-2-.01	amended	Jan. 15, 2026	Feb. 4
	180-2-.02, 180-2-.03	adopted	Jan. 15, 2026	Feb. 4
	180-2-.04, 180-2-.05	repealed	Jan. 15, 2026	Feb. 4
	180-4-.01, 180-4-.02	amended	Jan. 15, 2026	Feb. 4
	180-6-.03	amended	Jan. 12, 2026	Feb. 1
	180-11-.06	amended	Jan. 15, 2026	Feb. 4
375. RULES OF DEPARTMENT OF DRIVER SERVICES	375-3-1-.07	amended	Jan. 28, 2026	Feb. 17
	375-5-1-.02, 375-5-1-.03	amended	Jan. 28, 2026	Feb. 17
391. RULES OF GEORGIA DEPARTMENT OF NATURAL RESOURCES	391-4-7-.03	amended	Feb. 5, 2026	Feb. 25
478. RULES OF THE STATE PERSONNEL BOARD	478-2-.01 --- 478-2-.09	amended	Mar. 11, 2026	Feb. 3
	478-2-.10	repealed	Mar. 11, 2026	Feb. 3
511. RULES OF GEORGIA DEPARTMENT OF PUBLIC HEALTH	511-6-1-.01	amended	Jan. 27, 2026	Feb. 22
622. SUBSEQUENT INJURY TRUST FUND	622-2-.01	amended	Jan. 14, 2026	Feb. 3

Department 105. GEORGIA DEPARTMENT OF COMMUNITY SUPERVISION

Chapter 105-3. FAMILY VIOLENCE INTERVENTION PROGRAM

105-3-.03 Definitions

(1) "Candidate" means an individual who has been ordered or self-referred to complete a Family Violence Intervention Program and is currently attempting to enroll.

(2) "Certification fee" means the fee assessed by the Commission to process and consider an application for FVIP Provider or Facilitator certification.

(3) "Class" means a group of participants simultaneously participating in a Family Violence Intervention Program with a Commission-certified Facilitator.

(4) "CJCC" means the Criminal Justice Coordinating Council.

(5) "Commission" means the Georgia Commission on Family Violence. The Georgia Commission on Family Violence is administratively attached to the Department of Community Supervision.

(6) "Community Task Force on Family Violence" means a community-based family violence task force that is supported by and working in collaboration with the Commission.

(7) "'Dating violence" is a pattern of abusive behaviors, including emotional, physical, sexual, and financial abuse, used to exert power and control over a dating partner. It can be present in any dating relationship, whether serious or casual, short-term or long-term, monogamous or not.

(8) "Department" means the Georgia Department of Community Supervision.

(9) "Domestic violence" refers to a pattern of abusive conduct or acts committed by an intimate partner or family member to gain and maintain power and control over another. Forms of abuse include but are not limited to physical violence, emotional, psychological, economic, sexual, or verbal abuse, coercive control, stalking, and/or threats of harm against an intimate partner or family member. For purposes of these Rules, the term 'domestic violence' shall be used to encompass acts of family and dating violence as those terms are defined in Georgia Code Sections 19-13-1 et seq and 19-13A-1 et. seq.

(10) "Facilitator" means a Family Violence Intervention Program group leader who is certified pursuant to these Rules.

(11) "Facilitator Trainee" means a person who is in the process of completing the Facilitator certification requirements and who has completed FVIP Basics.

(12) "Family violence" means commission of one (1) or more of the following acts between past or present spouses, parents of the same child, parents and children, stepparents and stepchildren, foster parents and foster children, or persons living or formerly living in the same household: Battery, Simple Battery, Simple Assault, Assault, Stalking, Criminal Damage to Property, Unlawful Restraint, Criminal Trespass, or any felony.

(13) "Family Violence Intervention Program" or "FVIP" means any program that is certified pursuant to these Rules.

(14) "Family" or "household member" means past or present spouses, parents of the same child(ren), parents and child(ren), stepparents and stepchild(ren), foster parents and foster child(ren), or persons living or formerly living in the same household.

(15) "Intake Orientation" refers to the process that initiates a participant's enrollment into FVIP classes.

(16) "Intimate partner" refers to a current or former spouse, domestic or dating partner, significant other, boyfriend, or girlfriend, or individuals between whom a current pregnancy exists.

(17) "Late" means arriving at or joining a class after the scheduled start time, including after any allowed grace period.

(18) "Monitor" means an agent of the Commission trained and authorized to observe and audit FVIP Facilitators, programs, class content, and the administrative and/or programmatic requirements of FVIPs, and who can report deficiencies.

(19) "Participant" means a person who is enrolled in a Family Violence Intervention Program.

(20) "Person" means any individual, agent, representative, governing or operating authority, board, organization, partnership, agency, association, corporation, or other entity, whether public or private.

(21) "Program Owner" or "Provider" means the named person designated on the FVIP certification or application for certification who owns or who has a controlling interest in an FVIP, whose purpose is to offer classes to rehabilitate family violence offenders.

(22) "SOP" or "Standard Operating Procedure" means the Department's procedural guidance for performing and complying with the requirements, tasks, or operations set forth in the Rules for Family Violence Intervention Programs.

(23) "Trainer" means a person providing Commission-approved training that may be credited toward the training and continuing education requirements for FVIP Facilitators and Providers.

(24) "Victim" means the family member, household member, or intimate partner against whom a participant has committed, or is committing, acts of domestic violence.

(25) "Victim liaison" means a victim advocate who works in a CJCC-certified domestic violence program, or a Commission-approved community-based domestic violence organization that primarily serves victims of domestic violence, or an experienced victim advocate who is an employee or independent contractor of the FVIP, and who has received Commission-approved domestic violence victim safety training, and has adequate training and experience to monitor victims' safety interests during participants' enrollment in FVIP.

Cite as Ga. Comp. R. & Regs. R. 105-3-.03

AUTHORITY: O.C.G.A. § 19-13-13(a)**.**

HISTORY: Original Rule entitled "Definitions" adopted. F. Dec. 3, 2018; eff. Dec. 23, 2018.

Amended: F. Feb. 23, 2026; eff. Mar. 15, 2026.

105-3-.04 Certification Required

(1) Any person who owns or operates an FVIP or facilitates FVIP classes in Georgia must be certified by the Commission pursuant to the requirements set forth in these rules. The failure or refusal to apply for and maintain certification shall subject the person, including a previously certified Provider or Facilitator, to sanctions or further action as provided in these rules and under the laws of the state of Georgia. All applications for certification and recertification must be submitted to the Commission as required, and must be truthful, accurate, and complete.

(2) **Limitations on eligibility for FVIP Provider and Facilitator Certification:**

(a) No person shall be certified who has been charged, indicted, or convicted of domestic violence in any state within the five (5) years preceding initiation of the certification process (i.e., enrollment in FVIP Basics) unless the applicant provides proof of successfully completing a certified FVIP class at least two (2) years prior to initiating the process for certification.

(b) No person shall be certified who is actively under any form of community supervision, administrative or otherwise, by any law enforcement agency or county, state, or federal authority, or who has a matter pending in any criminal court. This includes but is not limited to misdemeanor or felony probation, pre-trial diversion, or parole.

(c) No person shall own, direct, facilitate, or employ any supervisor or director of an FVIP program if their position poses an actual, potential, or apparent conflict of interest. Nor shall any person own, direct, facilitate, or employ any supervisor or director of any program where there exists any relationship that would place the owner, director, supervisor, Facilitator, or employee in a position to exert improper influence, exploit, or take undue advantage of any participant.

Cite as Ga. Comp. R. & Regs. R. 105-3-.04

AUTHORITY: O.C.G.A. §§ 19-13-13(a) **& (b), 19-13-14(d).**

HISTORY: Original Rule entitled "Certification Required" adopted. F. Dec. 3, 2018; eff. Dec. 23, 2018.

Amended: F. Feb. 23, 2026; eff. Mar. 15, 2026.

105-3-.05 Certification Requirements for Family Violence Intervention Program Facilitators

(1) **Initial Facilitator Certification Requirements.**

(a) **Facilitator Training Requirements.** Applicants shall provide proof of completing the following training requirements within two (2) years of applying for certification:

1. **FVIP Informational Session.** An applicant for an FVIP Facilitator certification must attend an Informational Session and submit a signed authorization for the Commission to conduct background checks necessary during the certification period, including an initial background check required prior to enrolling in FVIP Basics. The informational session does not count toward the training requirements set forth in this section.

(i) **Background Check Requirement**. Applicants for certification who have completed the Informational Session must complete an initial background check and receive approval before enrolling in FVIP Basics. All applicants shall submit to a comprehensive background check, including criminal history, the Georgia Protective Order Registry, and the Department of Motor Vehicles driving history record. The Commission may request additional background checks at any point during the certification period. Failure to comply with or submit to any request for a background check may result in a temporary suspension of certification until the request is satisfied. All background checks will be conducted by the Department. The Commission shall provide the background check findings at the request of the applicant or Facilitator.

(b) **Facilitator Training Requirements**.

1. Completion of Commission-delivered FVIP Basics training;

(i) Applicants must attend "FVIP Basics," a fourteen (14) hour Commission-delivered training. FVIP Basics must be completed prior to beginning all other training and class participation requirements.

2. Applicants must complete twenty (20) hours of Commission-approved training. These training hours must be pre-approved by the Commission.

3. Community Task Force and Coordinated Community Response Requirements.

(i) Applicants must attend six (6) meetings hosted by a Community Task Force on Family Violence, the Commission, Family Connections, or other Commission-approved domestic violence community meeting;

(ii) Applicants shall complete twenty (20) hours of community awareness or other coordinated community response to domestic violence for the purpose of engaging in local domestic violence awareness, response, or advocacy. The following activities may satisfy this requirement. Pre-approval from the Commission is required for activities not listed.

(I) Attend a domestic violence community meeting or event;

(II) Complete a domestic violence civil (e.g., TPO) or criminal court calendar observation;

(III) Participate in a Department of Community Supervision ride-along with a Domestic Violence Liaison Officer;

(IV) Meet with a victim liaison at a CJCC-Certified family violence agency; or

(V) Volunteer at a domestic violence advocacy program.

(c) **FVIP Class Participation Requirements.** Applicants shall provide proof of completing the following participation requirements within two (2) years of applying for certification.

1. Twelve (12) classes as a participant observer in a certified FVIP. A Facilitator Trainee may participate in an FVIP class as an observer after completing fourteen (14) hours of FVIP Basics training as outlined in 105-3-.05(1)(b)(1)(i) and only with a certified Facilitator.

2. Twelve (12) classes of direct contact as a Co-Facilitator Trainee with a certified Facilitator. A Facilitator Trainee may participate as a Co-Facilitator Trainee after completing the FVIP Basics and participant observer requirements outlined in 105-3-.05(1)(b)(1)(i) and 105-3-.05(1)(c)(1).

(d) **Recommendation Letter(s).** Applicants shall submit a letter of recommendation from each certified Facilitator with whom the applicant completed their direct Facilitator Trainee requirements.

(e) **Facilitator Educational Requirements.** Facilitators must have a four (4) year college degree or two (2) years of experience in group facilitation, course instruction, delivering training, or counseling.

(f) **Acknowledgement of Adherence to Principles of Practice.** A signed acknowledgment of the Principles of Practice must be submitted to the Commission upon certification and recertification, and the Facilitator shall prominently display them in the program facility in which they are facilitating. Facilitators shall make the Principles of Practice accessible at all times during virtual FVIP classes. Each Facilitator Trainee and certified Facilitator shall adhere to the following Principles of Practice.

1. FVIP Providers and Facilitators are advocates for victims of domestic violence who work to hold participants accountable for their acts of domestic violence. The highest priorities of FVIP Providers and Facilitators are the safety, rights, and confidentiality of victims.

2. FVIP Providers and Facilitators advocate that offenders of domestic violence be held accountable. FVIP Providers and Facilitators should never collude with participants to minimize, tolerate, or justify abusive and unacceptable behavior.

3. FVIP Providers and Facilitators consult with victim advocates to ensure quality programming.

4. FVIP Providers and Facilitators consistently act and communicate in ways that do not perpetuate discriminatory behavior, attitudes, or bias. FVIP Providers and Facilitators treat all with dignity.

5. FVIP Providers and Facilitators are not legal advocates or witnesses on behalf of participants and shall use caution when responding to requests for assessments, impressions, opinions, information, or testimony. FVIP Providers or Facilitators will not state or imply that program completion will result in non-abusive behaviors or victim safety.

6. Anger management programs, couples counseling, and psychotherapy are not appropriate interventions for domestic violence and may place the victim at heightened risk. Ending violence and abuse and prioritizing victims' safety takes precedence over efforts to save relationships.

7. Educational group sessions must be the primary approach to domestic violence intervention. However, though not as substitutes for FVIP, Providers may determine that participants would benefit from additional interventions, separately, including but not limited to substance abuse treatment, addiction treatment, mental or behavioral health treatment, parenting classes, or individual therapy, provided only in addition to participation in FVIP. The FVIP Provider may notify the appropriate court or referral source of any recommendation in such instances.

8. FVIPs alone do not create accountability. FVIP Providers and Facilitators collaborate with community partners and participate in a larger coordinated community response to domestic violence.

(g) **Acknowledgment of Adherence to Code of Ethics.** Each Facilitator Trainee and certified Facilitator shall adhere to the following Code of Ethics and submit a signed copy upon certification and recertification.

1. I will make victim safety my first priority in working with participants who engage in acts of domestic violence. I will make participant accountability my second priority.

2. I will collaborate with domestic violence victim advocates to design and inform my FVIP work to ensure quality programming.

3. I will provide truthful, accurate, and complete statements to the criminal justice system, victim liaisons, the Department, the Commission, and other community partners.

4. I will report to the referring agency and victim liaison any recent additional acts of domestic violence admitted to by an FVIP participant, when such reporting will not further endanger any victim or witness. Through consultation with the victim liaison, I will report to all appropriate legal authorities any suspected neglect and/or abuse of a child or protected adult.

5. I will report to the Commission any apparent violations of the Rules for Family Violence Intervention Programs that I observe or become aware of while certified as an FVIP Provider or Facilitator.

6. I will conduct myself in my personal and professional life in a manner consistent with the principles of nonviolence, and I will abide by a drug-free lifestyle. I will immediately notify the Program Owner and the Commission if I am arrested or convicted of any misdemeanor or felony.

7. I will avoid personal, professional, or business relationships that conflict with the interests of the FVIP and those it serves. I will not accept gifts, services, or benefits that impair my integrity or the integrity of the agency, or that might invite special considerations.

8. I will avoid the appearance of impropriety. I will not engage in any behavior that I would be unwilling to disclose fully to my colleagues, legal authorities, and the public. I will not engage in sexual or romantic activities with participants, victims, or their family members for at least two (2) years after our last professional contact. Even at that time, I will not engage in such behaviors that could reasonably contribute to the suffering of any person(s) or the impairment of the FVIP efforts.

9. I will fully explain all program rules and policies, fee payment, enrollment, program standards, discharge, and completion requirements to participants. I will consistently apply program rules to all participants.

10. I will treat all program participants and the victims of their violence fairly. I will not discriminate on the basis of actual or perceived race, class, age, religion, educational attainment, ethnicity, national origin, handicaps, sex, gender identity, sexual orientation, or economic condition. To the best of my ability, I will work to ensure that all persons have equal access to FVIP resources and services.

(h) **Notice Requirement.** Facilitators shall immediately notify the Commission of any of the occurrences listed below. Additional documentation shall be provided upon the Commission's request. Failure to provide the Commission with timely notice and/or requested documentation will result in the temporary suspension of the Facilitator's certification. The Commission may temporarily suspend certification pending final resolution or disposition of the pending matter.

1. At any point during or while seeking certification, Facilitators shall provide the Commission documentation and details of any of the following:

(i) Conviction, guilty plea, or nolo contendere plea for any felony or misdemeanor.

(ii) Adjudication of guilt withheld for a felony or misdemeanor, including First Offender Act and conditional discharge sentencing.

(iii) Current charges of a violation of law, not including minor traffic offenses, are subject to a fine of less than $500.

(I) Notice of Arrest Requirement. Once certified, Facilitators shall report an arrest to the Commission within three (3) business days of their release from custody.

(iv) Reports to the Department of Family and Children's Services for child abuse or neglect.

(v) Protective orders issued against them or bond conditions resulting from an arrest.

(I) Notice of Temporary Protection Order Respondent Requirement. Once certified, Facilitators shall report to the Commission any temporary protection order, including dating violence or stalking orders, of which they are a respondent by the next business day after service of the order.

(vi) A finding of domestic violence made in divorce, custody, or visitation proceedings.

(vii) Any sanctions and revocations imposed by any professional licensing boards.

(viii) Any formal complaints or civil action filings, in which they are a named defendant, alleging conduct involving sexual harassment or misconduct, or retaliation, or involving conduct of dishonesty, fraud, or theft, or where allegations of domestic violence or abuse.

(i) **Initial Facilitator Certification Schedule and Fees.** The Commission will review Facilitator certification applications on an ongoing basis. Each applicant must submit a nonrefundable $150.00 certification fee with their application. The Commission will prorate certification fees to the nearest January 1.

(2) **Recertification Requirements for Family Violence Intervention Program Facilitators.**

(a) Once certified, a Facilitator certification shall remain active for two (2) years from the prorated January 1 certification date as long as the Facilitator remains in compliance with applicable laws and rules. The failure or refusal to maintain certification while facilitating FVIP classes shall subject the Facilitator to sanctions provided in these rules.

(b) **Training and Community Engagement Requirements.** Each applicant shall submit to the Commission a completed application and all required documentation showing completion of the following recertification requirements:

1. Training and community engagement requirements must be completed between January - December annually for each year of the certification period. Facilitators shall provide proof of completing the following requirements when applying for recertification:

(i) Applicants for recertification must complete twelve (12) hours of Commission-approved training annually, a total requirement of twenty-four (24) hours of training in the two (2) year certification period. Once the training hours requirement is met, up to six (6) hours in excess of the required training hours accrued in a certification period may roll over and apply toward the next recertification period only, after which they shall expire.

(ii) Attend three (3) meetings of the Community Task Force on Family Violence or other coordinated community response to domestic violence annually (a total of six (6) meetings during the certification period). If no such body exists, the applicant shall attend other domestic violence community meetings or related events, provided the applicant receives the Commission's approval before attending.

(c) **Recertification Schedules and Fees.**

1. Facilitators shall complete and submit the required application and documents to the Commission by January 1 biannually. Each recertification applicant will be required to submit a nonrefundable $100 recertification fee with their application.

2. **Late fee**. A $100 late fee will be assessed for certified Facilitators who submit the recertification application within thirty (30) calendar days after January 1, and the Facilitator's certification will be suspended.

3. **Reinstatement fee.** If recertification requirements are met more than thirty (30) calendar days but within sixty (60) days from January 1, there will be an additional shall be reinstated upon payment of an additional $200 reinstatement fee.

4. **Certification expiration.** After sixty (60) calendar days beyond the recertification date, the certification will expire. A Facilitator may apply to reinstate an expired certification within two (2) years of the previous recertification start date if such Facilitator provides proof of completing the required twenty-four (24) hours of continuing education and participation in six (6) Community Task Force on Family Violence meetings. If approved, previously assessed fees, plus a $200 expired-status processing fee, must be paid prior to reinstatement.

5. **Initial certification required.** Beyond two (2) years from the recertification date, a previously certified Facilitator must apply for certification by meeting the initial certification requirements as a new Facilitator.

SCHEDULE OF RECERTIFICATION FEES FOR FAC ILITATORS	
Due Date	**Amount**
January 1st biannually (every two (2) years)	$100 non-refundable application fee **Total: $100**
Within thirty (30) calendar days after January 1	$100 non-refundable application fee + $100 late fee **Total: $200**
Between thirty (30) and sixty (60) calendar days of January 1.	$100 non-refundable application fee + $100 late fee + $200 reinstatement fee **Total: $400**
Reinstating expired certification after sixty (60) days of January 1 for up to two years of the recertification date.	$100 non-refundable application fee + $100 late fee + $200 reinstatement fee + $200 expired status processing fee **Total: $600**

(3) **Notice of Approval or Denial of Facilitator Certification and Recertification.**

(a) **Period of Review.** Upon receipt of all required application materials and fees, the Commission will undertake a review to determine whether the Facilitator meets the requirements for certification or recertification. The

Commission will notify the applicant within thirty (30) calendar days of receipt of the application materials whether the application is approved, denied, incomplete, or requires additional time to process.

(b) **Notice of Approval.** If the Commission determines all certification or recertification requirements have been satisfied as set forth by law and in these rules, the Commission shall certify or recertify the Facilitator. The Commission will notify the Facilitator of their initial certification via electronic mail at the email address provided in the application, unless notice via certified mail is requested in writing upon submission of the application. The Commission will notify the Facilitator of their recertification in the Commission-designated reporting system.

(c) **Notice of Denial.** If the Commission determines that certification or recertification requirements have not been satisfied, the Commission will advise the applicant or Facilitator who was denied initial certification or recertification, in writing, of the reasons for denying the application via the email address provided in the application. An applicant will have ten (10) business days from the date of the Commission's notification of denial to submit additional documentation, correct deficiencies, or otherwise remedy the application as may be required by the Commission to reconsider. If the applicant again fails to satisfy all certification or recertification requirements upon reconsideration, the application shall be denied. The Commission will notify the applicant of their application status via electronic notification unless certified mail is requested in writing with the application upon submission.

(d) Denials may be appealed by following procedures required by law and these rules.

(e) It is the responsibility of applicants and Facilitators to submit and maintain their current mailing address and email address with the Commission, as any and all correspondence will be sent using the information on file.

Cite as Ga. Comp. R. & Regs. R. 105-3-.05

AUTHORITY: O.C.G.A. §§ 19-13-11**,** 19-13-13(b)**,** 19-13-14(a) **& (e),** 19-13-17**.**

HISTORY: Original Rule entitled "Certification Requirements for Family Violence Intervention Program Facilitators" adopted. F. Dec. 3, 2018; eff. Dec. 23, 2018.

Amended: F. Feb. 23, 2026; eff. Mar. 15, 2026.

105-3-.06 Certification Requirements for Family Violence Intervention Program Owners.

(1) **Initial FVIP Certification.**

(a) **Program Owner Certification Training Requirements.**

1. **FVIP Informational Session.** An applicant for a Program Owner certification must attend an Informational Session and submit a signed authorization for the Commission to conduct background checks as may be necessary during the certification period, including an initial background check that is required prior to enrolling in FVIP Basics. The informational session may not be applied to the training requirements set forth in this section.

(i) **Background Check Requirement**. Applicants for certification who have completed the Informational Session must complete an initial background check and receive approval before enrolling in FVIP Basics. All applicants shall submit to a comprehensive background check, including criminal history, the Georgia Protective Order Registry, and the Department of Motor Vehicles driving history record. The Commission may request additional background checks at any point during the certification period. Failure to comply with or submit to any request for a background check may result in a temporary suspension of certification until the request is satisfied. All background checks will be conducted by the Department. The Commission shall provide the background check findings at the request of the applicant or Program Owner.

2. **Completion of Commission-delivered FVIP Basics training.**

(i) Applicants must attend "FVIP Basics," a fourteen (14) hour Commission-delivered training. FVIP Basics must be completed prior to beginning all other training and class participation requirements.

(b) **Judicial Circuit Requirement**. Program owners seeking certification shall submit one (1) application and must indicate each judicial circuit in which the FVIP will operate. Programs must list all judicial circuits they will service in their certification applications.

(c) **Mission Statement Requirement.** Each applicant shall submit, as part of their application, their program's mission statement or a statement of intent that addresses the role of the FVIP in their organization.

(d) **Background, History & Experience.** Each applicant shall submit information on the program owner's background and experience addressing domestic violence.

(e) **Disclosure of Businesses and Ownership Ventures.** Applicant shall disclose any other businesses or ownership ventures, or any partners, co-owners, investors, or other affiliates with whom the applicant shares, whether legally or financially, a substantial joint business interest or with whom a material business relationship exists.

(f) **Locations & Class Schedules.** Each applicant shall submit the addresses for all program locations, proposed class schedules, and assigned certified Facilitators.

(g) **Class Fees.** Each applicant shall submit a written class fee schedule and an indigent fee reduction plan for participants declared indigent by the court. A copy of the fee schedule and the indigent fee reduction plan must be provided to all referral sources in every judicial circuit where the program will operate.

(h) **General Liability Insurance.** Each applicant shall submit proof of a current general liability insurance policy of at least $1,000,000. Liability insurance shall be maintained throughout the certification period. However, applicants who are governmental entities seeking certification to operate as FVIP Providers may request a waiver of this requirement.

(i) **Victim Liaison Requirement.** Applicants shall submit proof of a current contractual or employment agreement with a victim liaison upon certification or recertification. FVIPs must employ or contract with a victim liaison at all times during their certification. The victim liaison shall be a CJCC-certified domestic violence program, Commission-approved community-based victim services program, or Commission-approved domestic violence victim advocate. FVIPs must notify the Commission of any change in the victim liaison. Guidelines for hiring or contracting a victim liaison may be found in the Department SOP.

1. An FVIP may initiate contact with victims of domestic violence only through the victim liaison except under circumstances where the FVIP staff has a legal duty to warn the victim of reasonably imminent perceived or apparent danger. All FVIP contact with victims shall be in accordance with the Department SOP.

(j) **Acknowledgment of Adherence to Principles of Practice.** A signed acknowledgment of the Principles of Practice must be submitted to the Commission upon application for certification and recertification. FVIPs shall ensure the Principles of Practice are prominently displayed in the program's facility, including all locations in which the program operates, and shall ensure that the Principles of Practice are accessible or visible at all times during classes, including virtual class(es). Each Facilitator Trainee and certified Facilitator shall adhere to the following Principles of Practice.

1. FVIP Providers and Facilitators are advocates for victims of domestic violence who work to hold participants accountable for their acts of domestic violence. The highest priorities of FVIP Providers and Facilitators are the safety, rights, and confidentiality of victims.

2. FVIP Providers and Facilitators advocate that offenders of domestic violence be held accountable. FVIP Providers and Facilitators should never collude with participants to minimize, tolerate, or justify abusive and unacceptable behavior.

3. FVIP Providers and Facilitators consult with victim advocates to ensure quality programming.

4. FVIP Providers and Facilitators consistently act and communicate in ways that do not perpetuate discriminatory behavior, attitudes, or bias. FVIP Providers and Facilitators treat all with dignity.

5. FVIP Providers and Facilitators are not legal advocates or witnesses on behalf of participants and shall use caution when responding to requests for assessments, impressions, opinions, information, or testimony. FVIP Providers will not state or imply that program completion will result in non-abusive behaviors or victim safety.

6. Anger management programs, couples counseling, and psychotherapy are not appropriate interventions for domestic violence and may place the victim at heightened risk. Ending violence and abuse and prioritizing victims' safety takes precedence over efforts to save relationships.

7. Educational group sessions must be the primary approach to domestic violence intervention. However, Providers may find participants would benefit from additional interventions separately, including but not limited to substance abuse treatment, addiction treatment, mental or behavioral health treatment, parenting class, or individual therapy, but only in addition to participation in an FVIP. The FVIP Provider may notify the appropriate court or referral source of any recommendation in such instances.

8. FVIPs alone do not create accountability. FVIP Providers and Facilitators collaborate with community partners and participate in a larger coordinated community response to domestic violence.

(k) **Acknowledgment of Adherence to Code of Ethics.** FVIP Providers and applicants for certification shall adhere to the following Code of Ethics and submit a signed copy upon certification and recertification.

1. I will make victim safety my first priority in working with participants who engage in acts of domestic violence. I will make participant accountability my second priority.

2. I will collaborate with domestic violence victim advocates to design and inform my FVIP work to ensure quality programming.

3. I will provide truthful, accurate, and complete statements to the criminal justice system, victim liaisons, the Department, the Commission, and other community partners.

4. I will report to the referring agency and victim liaison any recent additional acts of domestic violence admitted to by an FVIP participant, when such reporting will not further endanger any victim or witness. Through consultation with the victim liaison, I will report to all appropriate legal authorities any suspected neglect and/or abuse of a child or protected adult.

5. I will report to the Commission any apparent violations of the Rules for Family Violence Intervention Programs that I observe or become aware of while certified as an FVIP Provider or Facilitator.

6. I will conduct myself in my personal and professional life in a manner consistent with the principles of nonviolence, and I will abide by a drug-free lifestyle. I will immediately notify the Program Owner and the Commission if I am arrested or convicted of any misdemeanor or felony.

7. I will avoid personal, professional, or business relationships that conflict with the interests of the FVIP and those it serves. I will not accept gifts, services, or benefits that impair my integrity or the integrity of the agency or might invite special considerations.

8. I will avoid the appearance of impropriety. I will not engage in any behavior that I would be unwilling to disclose fully to my colleagues, legal authorities, and the public. I will not engage in sexual or romantic activities with participants, victims, or their family members for at least two (2) years after our last professional contact. Even at that time, I will not engage in such behaviors that could reasonably contribute to the suffering of any person(s) or the impairment of the FVIP efforts.

9. I will fully explain all program rules and policies, fee payment, enrollment, program standards, discharge, and completion requirements to participants. I will consistently apply program rules to all participants.

10. I will treat all program participants and the victims of their violence fairly. I will not discriminate on the basis of actual or perceived race, class, age, religion, educational attainment, ethnicity, national origin, handicaps, sex, gender identity, sexual orientation, or economic condition. To the best of my ability, I will work to ensure that all persons have equal access to FVIP resources and services.

(l) **Notice Requirement.** Program owners shall immediately notify the Commission of any of the occurrences listed below. Documentation shall be provided upon the Commission's request. Failure to provide the Commission with timely notice and/or requested documentation will result in a temporary suspension of the FVIP's certification status. The Commission may temporarily suspend certification pending final resolution or disposition of the pending matter.

1. At any point during certification or while seeking certification, Program Owners shall provide the Commission documentation and details of any of the following:

(i) Conviction, guilty plea, or nolo contendere plea for any felony or misdemeanor.

(ii) Adjudication of guilt withheld for a felony or misdemeanor, including First Offender Act and conditional discharge sentencing.

(iii) Current charges of a violation of law, not including minor traffic offenses, are subject to a fine of less than $500.

(I) Notice of Arrest Requirement. Once certified, the Program Owner shall report an arrest to the Commission within three (3) business days of their release from custody.

(iv) Reports to the Department of Family and Children's Services for child abuse or neglect.

(v) Protective orders issued against them or bond conditions resulting from an arrest.

(I) Notice of Temporary Protection Order Respondent Requirement. Once certified, the Program Owner shall report to the Commission any temporary protection order, including dating violence or stalking orders, of which they are a respondent by the next business day after service of the order.

(vi) A finding of domestic violence made in divorce, custody, or visitation proceedings.

(vii) Any sanctions and revocations imposed by any professional licensing boards.

(viii) Any formal complaints or civil action filings, in which they are a named defendant, alleging conduct involving sexual harassment or misconduct, or retaliation, or involving conduct of dishonesty, fraud, or theft, or where allegations of domestic violence or abuse.

(m) **Coordinated Community Response Participation Requirement.** Program Owners shall participate in a Community Task Force on Family Violence and be a part of the coordinated community response to domestic violence. Evidence of program owners attending two (2) coordinated community response meetings annually shall be submitted to the Commission upon recertification.

1. To satisfy this requirement, upon Commission approval, applicants may:

(i) Attend a Family Connections or other family or domestic violence community meeting or event;

(ii) Complete a domestic violence civil or criminal court calendar observation; or

(iii) Meet with a victim liaison at a CJCC-Certified family violence agency.

(n) **Program Certification Schedule and Fees.** Each applicant will be required to submit a $250.00 nonrefundable certification fee with their application. The Commission will prorate certification fees from the application submission date to the nearest January 1.

1. Fee Schedule for Multiple Judicial Circuits and Virtual-Statewide.

Certification Application Fee (One judicial circuit location).	$250
Additional Judicial Circuit Locations	$50 for each additional judicial circuit
Online Classes	$100

(2) **Recertification Requirements for Family Violence Intervention Program Providers.**

(a) Recertification Required. Once certified, an FVIP shall remain certified for two (2) years, provided the program complies with applicable laws and rules. Recertification every two (2) years is required for FVIPs to continue to hold FVIP classes. Any program that operates, by actively advertising, offering, receiving payment for, or conducting intake sessions or FVIP classes while failing to maintain a current certification or during any period of suspension, expiration, or revocation once notice has been given by the Commission pursuant to these rules, shall be subject to sanctions, injunctions, actions and/or fines available to the Department under these rules and applicable laws of this state.

(b) Required Documentation for Program Recertification. The Commission requires that certain documents and information be updated and made available upon request to verify continuing compliance with these rules at any time during the certification period. Such documents and information may include: program locations, class schedules, class fees, indigent fee reduction plans, proof of general liability insurance, valid victim liaison contract or employment agreement, evidence of participation in two (2) meetings annually of the local Community Task Force on Family Violence (a total of four (4) meetings at recertification), a Commission-approved program curriculum, and a signed acknowledgements of adherence to the Principles of Practice agreement and the Code of Ethics.

(c) **Recertification Schedules and Fees.**

1. Program owners shall complete and submit the required application and documents to the Commission by January 1 biannually (every two (2) years). A nonrefundable $250.00 recertification fee must be submitted with the application.

2. **Late fee**. A $100 late fee will be assessed for applications submitted within thirty (30) calendar days after the January 1 recertification due date. A $100 late fee will be assessed to certified Providers who submit the recertification application within thirty (30) calendar days after January 1st.

3. **Reinstatement fee**. After thirty (30) calendar days of the recertification due date, the FVIP Provider's certification will be suspended. If recertification requirements are met in more than thirty (30) calendar days but within sixty (60) days from January 1, the Provider's certification will be reinstated upon payment of all accrued fees plus a $200 reinstatement fee.

4. **Certification expiration.** After sixty (60) calendar days, the Provider's certification will expire. The FVIP must cease offering classes and wait until the next certification period, January 1. The Commission will coordinate the transfer of participants, remove the Provider from the list of available programs, and send a notice to all referral sources. To be reinstated, all previously assessed fees, plus a $200 expired-status processing fee, must be paid.

5. **Initial certification required.** After certification has expired for more than two (2) years, previously certified Providers may not seek recertification. They must apply for certification by meeting the requirements for certifying as a new Provider.

SCHEDULE OF RECERTIFICATION FEES FOR FVIP PROVIDERS	
Due Date	**Amount**
January 1st (every two (2) years)	$250 non-refundable application fee Total: $250
Within thirty (30) calendar days after January 1	$250 non-refundable application fee + $100 late fee Total: $350
After thirty (30) calendar days and within sixty (60) calendar days of January 1.	$250 non-refundable application fee + $100 late fee + $200 reinstatement fee Total: $550
If recertification requirements are met, reinstating from expired status after sixty (60) days of January 1 of the initial recertification period year.	$100 non-refundable application fee + $100 late fee +$200 reinstatement fee + $200 expired status processing fee Total: $600

(3) **Notice of Approval or Denial of FVIP Certification and Recertification.**

(a) **Period of Review.** Upon receipt of all required application materials and fees, the Commission will undertake a review to determine whether the Provider has met the requirements for certification or recertification. The Commission will notify the applicant within thirty (30) calendar days of receipt of the application materials whether the application is approved, denied, incomplete, or requires additional time to process.

(b) **Notice of Approval.** If the Commission determines all program certification or recertification requirements have been satisfied as set forth by law and in these rules, the Commission shall certify or recertify the program. The Commission will notify the program of its initial certification via electronic mail at the email address provided in the application unless notice via certified mail is requested in writing when the application is submitted. The Commission will notify the program of its recertification via the Commission-designated reporting system.

(c) **Notice of Denial.** If the Commission determines all program certification or recertification requirements have not been satisfied, the Commission will advise the applicant in writing of the reasons for denying the application. Applicants will be notified via the email address provided in the application. An applicant will have ten (10) business days from the date of the Commission's notification of denial to submit additional documentation, correct any deficiencies, or otherwise remedy the application as may be required by the Commission to reconsider. If the applicant again fails to demonstrate compliance with all certification or recertification requirements, the application shall be denied. The Commission will notify the applicant of their recertification status via the designated notification system unless certification or recertification notice via certified mail is requested in writing when the application is submitted.

1. Denials may be appealed by following the procedures required by law and these rules.

(d) It is the responsibility of applicants and program owners to submit and maintain their current mailing address and email address with the Commission, as any and all correspondence will be sent using the address information on file.

(4) **Certification Nontransferable.** A program owner's certification is nontransferable. If program ownership changes and the new program owner is not certified, the new owner must submit an authorization for the Commission to conduct a background check. Following a satisfactory background check, the Commission may issue a provisional certification to allow the program to continue operating pending the new program owner completing the certification requirements and becoming certified within six (6) months. If the requirements for certification are not met or the new program owner fails to submit a complete application for initial certification, the program must discontinue operations and transfer any existing participants to other programs. The Commission may exercise its discretion in granting written requests for an extension of a provisional certification.

(5) **Prohibition on Multiple Program Ownership.** Any person or entity may not simultaneously own, in whole or in part, more than one certified FVIP. Failure to comply with this will result in penalties that may include an administrative fine, revocation of certification, and program discontinuation.

Cite as Ga. Comp. R. & Regs. R. 105-3-.06

AUTHORITY: O.C.G.A. §§ 19-13-11**,** 19-13-13(a) **& (b),** 19-13-14**(a), (d) & (e),** 19-13-17**.**

HISTORY: Original Rule entitled "Certification Requirements for Family Violence Intervention Program Owners" adopted. F. Dec. 3, 2018; eff. Dec. 23, 2018.

Amended: F. Feb. 23, 2026; eff. Mar. 15, 2026.

105-3-.07 Procedure and Class Requirements

(1) **Program Intake Orientation Requirements.**

(a) Certified Facilitators or authorized program staff will conduct an intake orientation with candidates. The intake orientation shall not count toward the twenty-four (24) class requirement. The intake orientation must include reviewing previous incidents of abuse, identifying the source of referral, and obtaining the victim's contact information.

(b) Certified Facilitators or authorized program staff shall require candidates to provide copies of any police reports (if available), protection orders, sentence or probation conditions, and any other court orders related to their case prior to starting FVIP classes.

(c) Certified Facilitators or authorized program staff may not use clinical, behavioral, or mental health assessment tools to evaluate candidates for appropriateness or fitness to participate in FVIP classes. This includes intake questions that could give a diagnostic impression. This does not prohibit program staff or Facilitators from contacting the referral source when a participant may not be appropriate for FVIP. Guidance for appropriate intake assessments may be found in the Department SOP.

(d) Certified Facilitators or authorized program staff may not use evaluation tools or clinical assessments, such as those indicated in paragraph 105-3-.07(1)(c), to predict or formulate a professional statement of opinion, whether written or verbal, on a candidate's or participant's future use of or propensity for violence.

(e) Certified Facilitators or authorized program staff shall assess candidates for accessibility requirements under state law and make available any reasonable accommodations that may be necessary for the candidate to fully participate in the classes.

(f) A Victim Contact Request Form must be sent to the victim liaison within five (5) calendar days of a participant's enrollment in the FVIP. Requirements for this form can be found in the Department SOP.

(2) **Participant Fee Requirements.**

(a) FVIPs shall not charge participants a fee that exceeds $60.00 per class or $120.00 for the orientation and/or intake process.

(b) Each FVIP will be assessed a $20.00 fee for each newly enrolled participant that is payable to the Commission within thirty (30) calendar days of receiving an invoice. The Program shall enter the participant into the Commission-designated reporting system by the tenth (10) day of the month following the month in which the participant enrolled.

(c) A participant who re-enrolls in an FVIP after being previously terminated by that FVIP, and while subject to the same referral source or court order, will be treated as a newly enrolled participant, and the program shall be assessed a $20.00 fee for the participant payable to the Commission within thirty (30) calendar days of receiving an invoice. The FVIP shall enter the participant into the reporting system by the tenth (10) day of the following month upon the participant's re-enrollment.

(d) FVIPs may accept prepayment from participants for classes. FVIPs shall maintain a written policy for prepayment, which should be displayed and readily accessible to candidates and participants. The policy should include provisions explaining prepayment, refunds, late payments, and nonpayment. A prepayment policy must include a provision for refunding any unused portion of prepayments in the event of a participant's transfer or termination from the program. The Commission may void any provision of an FVIP's payment policy if it is deemed unreasonably excessive or unduly burdensome.

(e) Indigent fee reduction sliding scales must be included in the participant fee policies shared with participants at intake orientation.

(3) **Participant Contract Requirements.**

(a) FVIPs shall require each participant to sign a contract before being permitted entry into the program. The contract must require the participant to agree to the following:

1. Immediately stop all violence and abuse towards the victim and others, and disclose to the program owner any new incidents of violence or abuse while enrolled;

2. While enrolled in FVIP, refrain from being in possession of or maintaining in the place of residence any firearms while subject to a court order, community supervision, or by other operation of law that expressly prohibits possession;

3. Respect any effort by the victim to leave the relationship;

4. Fully comply with the terms of a court order or order of protection in effect during the period of the participant's enrollment;

5. Attend twenty-four (24) ninety (90) minute group classes at the rate of one (1) class per week, arrive on time, participate regularly, pay all required fees, and complete all assignments;

6. Complete the program where the participant originally enrolled unless a transfer to another FVIP is approved by the court, other referral source, or the Commission, or is otherwise required;

7. Be drug and alcohol-free during all classes;

8. Acknowledge that FVIPs are not bound by confidentiality and may release information to the victim liaison, referring courts, law enforcement, Commission staff and monitors, the Department, the Board of Pardons and Paroles, and others;

9. Acknowledge the FVIP's policies regarding the following: duty to warn, mandatory reporting requirements, victim contact obligations, and consequences of breaking the FVIP's participant contract.

(4) **Required Class Structure.**

(a) Each participant must attend a minimum of twenty-four (24) group classes. Participants may not attend more than one (1) class per week to accelerate program completion.

1. An FVIP may allow a participant to attend one (1) make-up or substitute class in the same week as the participant's regularly enrolled class. The participant must have an excused absence or approval to attend a make-up class due to arriving late. In such instances, the make-up or substitute class attendance will not violate the one (1) week limitation. Providers must ensure the class ratio requirement is not violated to accommodate such requests.

(b) Classes shall be at least ninety (90) minutes and no greater than one hundred twenty (120) minutes in length. Administrative duties, including taking attendance and collecting fees, are prohibited during the ninety (90) minutes of instruction time. Breaks shall not be included in the ninety (90) minutes.

(c) If only one (1) certified Facilitator is present, the class shall not exceed ten (10) participants. Two (2) certified Facilitators are required to co-facilitate a class of more than ten (10) participants. Class size shall not exceed twenty (20) participants.

(d) Participants may not have more than three (3) absences. A participant must be terminated from the FVIP after the fourth absence. FVIP Provider owners may implement an excused absence policy in accordance with these rules. For an absence to be excused, the participant must immediately notify the FVIP Provider, Facilitator, or authorized program staff at the earliest possible time. Supporting documentation must be placed in the participant's file to mark the absence as excused. Participants may not exceed three (3) excused absences. Refer to the SOP for guidance on maintaining an excused absence policy.

1. The FVIP Provider shall notify the Victim Liaison and referral source within two (2) days or as soon as practicable of the participant's status after three (3) absences, whether excused or unexcused.

(e) Participants arriving late to class may remain in class but not receive credit, and no payment shall be charged to the participant or received by the FVIP. Participants who arrive late may be allowed to attend a make-up class for up to three (3) tardies. Each tardy after three (3) shall be recorded as one (1) absence.

(f) Transfer of a participant to another program will not be permitted unless written notice of the transfer request has been given to the Commission and the transfer has been approved by the court, other referral source, or the Commission. If approved, the transferring FVIP shall notify the victim liaison of the participant's transfer within four (4) calendar days. FVIPs who accept transferring participants must follow all procedures required of new participants.

1. If a program's certification has been suspended, revoked, or expired, a written request to the Commission for transferring participants is not required. The FVIP owner must immediately inform the Commission of all participants currently enrolled in the program at the time of suspension, revocation, or expiration. The FVIP must send the files of enrolled participants to the Commission within three (3) business days following the notice of suspension, revocation, or expiration. The FVIP must provide any additional assistance or information requested for the transfer of the participants.

(g) All participants in a class must be of the same gender identity. Gender identity refers to the gender with which an individual self-identifies or the predominant gender they express.

(h) Current or former intimate partners, family, or household members are not allowed to participate in the same class.

(i) Participants may attend FVIP classes in person or online. Once enrolled in the 24-week program, participants should remain in the same class through completion. However, a Provider may authorize a participant to change their enrolled class to accommodate a different class format or schedule, provided the participant submits a written request. The request must include the current class the participant is enrolled in, the requested class, and the reason for the requested change. This information should be kept in the participant's file. The FVIP should notify the victim liaison and referral source of the change and the reason.

1. A Facilitator may initiate a request to transfer a participant from the online class format to an available in-person class within the same FVIP if the Facilitator determines that the participant is no longer suitable for online class participation or is not adhering to the guidelines for online classes. Providers should adjust the participant's fees, including prepaid fees, to reflect any cost differences resulting from the change in class format, if applicable.

(5) **Requirements for online FVIP classes.**

(a) Online FVIP classes must be conducted using an approved virtual platform. The approved platforms include Zoom, Microsoft Teams, Google Meet, GoTo Meeting, Skype, Cisco Webex, Jitsi Meet, Toasty, Lifesize, Jami, Talky, and Whereby. Any other platform requires prior Commission approval.

1. All platforms used must have features enabled that allow users to access video and audio capabilities. Facilitators and participants are required to keep their video feature enabled at all times during the class.

(b) Online FVIP classes must adhere to the same requirements and standards as in-person classes. The classes include at least ninety (90) minutes of instruction, excluding time for taking attendance or collecting payments.

(c) FVIP Facilitators must ensure that participants attending online FVIP classes are in a location and environment free from distractions throughout the class. Participants shall not be permitted to have anyone else in their company, and they must not be engaged in activities that would divide their attention.

(6) **Prohibited Class Activities.**

(a) FVIPs shall not give participants credit for anger management, DUI, or any other class for attending an FVIP class, nor shall an FVIP give participants FVIP class credit for attending an anger management, DUI, or any other class. An FVIP may recommend to the court or referral source that a participant may require treatment or programs in addition to or in lieu of FVIP. The program may also determine that the participant requires further evaluation concerning the participant's suitability for the FVIP due to mental and/or cognitive capacity.

(b) FVIPs, including owners, Facilitators, or other program staff, shall not seek, allow, or accept any personal favors or gifts from participants in lieu of class fees or attendance, or for any reason during the participant's active enrollment status in the program, except that items of nominal value are permitted, provided no promises, favors, assurances, or benefits are given to the participant in exchange.

(c) FVIPs shall not require or permit victims to attend or participate in the intake orientation process, class, or FVIP activities in any way. Participants in online classes shall not be permitted to have victims, children, or any other individuals present while in a class session at any time or for any reason. Refer to the Department SOP for guidance on online FVIP class management.

(d) FVIPs shall not permit participants to violate any FVIP rules, procedures, or participant contract requirements without escalating consequences up to and including termination from the program.

(7) **Criteria and Procedures for Program Completion.**

(a) Participants must complete a minimum of twenty-four (24) weekly classes that are ninety (90) minutes in length to complete an FVIP program.

(b) FVIPs shall not issue certificates to participants who have completed the program. However, FVIP Providers must comply with requests for a verification letter containing information such as the number of classes attended, termination, or completion to any requesting court or referral source, or the participant.

(c) Within four (4) calendar days of a participant's completion, FVIPs must notify all referral sources, including the courts, the Department (if applicable), the State Board of Pardons and Paroles (if applicable), and the victim (via the victim liaison).

(8) **Criteria and Procedures for Terminating a Participant or Denying Enrollment of a Candidate.**

(a) Participants and candidates shall be terminated and/or denied for enrollment by the program for the following reasons:

1. Participant or candidate is unwilling to sign the participant contract;

2. Participant or candidate is unwilling to sign the participant contract;

(i) Continued use of violence or abuse, including harassment and/or stalking, towards the victim, any family member, or current or former partner, FVIP staff, or FVIP participants;

(ii) Demonstrated unwillingness to change, by refusal to hear and act on feedback, blaming victims or external circumstances, or justifying abuse;

(iii) Attending class under the influence of alcohol or drugs. Participants who are reasonably suspected of being under the influence of alcohol and/or drugs will be asked to leave the class and will not receive credit for attendance, resulting in an absence. The Facilitator must document the circumstances that led to the participant's removal from class in the participant's file. If the participant is removed a second time for the same reason, the FVIP may terminate the participant's participation in the program. The Provider must notify the victim liaison and referral source within two (2) calendar days of the termination.

(iv) Refusal to refrain from being in possession of or maintaining in the place of residence any firearms while subject to a court order, community supervision, while enrolled in FVIP, or if expressly prohibited;

3. Upon the participant accumulating a fourth (4) absence from the class.

(b) If an FVIP has determined that a participant will be terminated, the FVIP will notify the victim liaison with a notice of intent to terminate two (2) calendar days prior to terminating the participant, when possible.

(c) If a participant is terminated due to violence or threats of violence, the FVIP shall immediately contact all referral sources, including the courts, the Department (if applicable), the State Board of Pardons and Paroles (if applicable), and the victim (via the victim liaison).

(d) If a participant is terminated for reasons other than violence or threats of violence, the FVIP shall notify all referral sources within two (2) calendar days following the participant's termination, including the courts, the Department (if applicable), the State Board of Pardons and Paroles (if applicable), and the victim (via the victim liaison).

(e) If a participant is terminated, they are not eligible to receive credit for classes completed at the program they attended. Participants may not start a new program after being terminated without written permission from the referral source to re-enroll in FVIP.

Cite as Ga. Comp. R. & Regs. R. 105-3-.07

AUTHORITY: O.C.G.A. §§ 19-13-11**,** 19-13-13(a) **& (b),** 19-13-14**(a), (d) & (e),** 19-13-17**.**

HISTORY: Original Rule entitled "Procedure and Class Requirements" adopted. F. Dec. 3, 2018; eff. Dec. 23, 2018.

Amended: F. Feb. 23, 2026; eff. Mar. 15, 2026.

105-3-.08 Reporting and Recordkeeping Requirements

(1) **Monthly Reporting and Payment Requirements to the Commission.**

(a) FVIPs shall report to the Commission the following information by the tenth (10) day of the month through the Commission-designated reporting system:

1. New and updated locations where classes are being held.

2. Changes to the videoconferencing platform used for online classes.

3. New and updated class schedules, including the day, time, type of class, class format, and certified Facilitator(s) assigned to the class.

4. Participants must be entered into the reporting system by the tenth (10) day of the month following the participant's enrollment or re-enrollment in the program.

5. Participants who have completed, transferred, or been terminated from the program must be reported in the reporting system by the tenth (10) day of the following month. FVIPs must record the date of completion, transfer, or termination for each participant in the designated reporting system.

6. FVIPs must report if no new participants were enrolled in the previous month.

(b) The Commission will issue an invoice to FVIPs once a month. FVIPs shall submit payment to the Commission within thirty (30) calendar days of the issuance date on the invoice. If payment is not submitted within thirty (30) calendar days, late fees will be assessed as follows:

1. After forty-five (45) calendar days, a $30 late fee will be applied to the outstanding invoice.

2. After sixty (60) calendar days, the assessed late fee will increase to $60.

3. After ninety (90) calendar days and then at ninety (90) day intervals, the assessed late fee will increase to $90.

(2) **Recordkeeping Requirements.**

(a) The Program shall keep a record of the following for all participants for three (3) years. The Commission has the authority to review these documents upon request.

1. Participant Intake and Application Forms

2. Participant Assessment Forms

3. Victim Liaison Contacts & Notifications

4. Referral Contacts & Notifications

5. Participant Attendance Records

6. Participant Payment to the FVIP

7. Participant Reporting and Payment to the Commission

Cite as Ga. Comp. R. & Regs. R. 105-3-.08

AUTHORITY: O.C.G.A. §§ 19-13-13(a) **& (b),** 19-13-14**(a), (d) & (e),** 19-13-17**.**

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105-3-.09 Curriculum Requirements

(1) All FVIPs shall maintain and comply with a Commission-approved written curriculum. Written curricula must follow an educational model and include content for weekly sessions. FVIPs shall make all written curriculum used for classes available to the Commission and victim liaisons upon request. Commission-approved curricula are included in the Department SOP. For approval, curricula must adhere to the following principles regarding domestic violence:

(a) Power and Control. Program topics must follow a model that identifies and challenges domestic violence as an overall system of any form of abuse where the participant chooses to use tactics of power and control over the victim.

(b) Beliefs and Social Context. Program topics shall consistently identify and challenge participants' personal beliefs and social contexts that support those beliefs and encourage the use of power and control tactics over the victim.

(c) Effects. Program topics shall consistently identify and hold the participant accountable for the harmful impacts of the participant's violence and abuse on their victims, including children.

(2) Curriculums shall address the following:

(a) Identification of all forms of abuse, including but not limited to physical, emotional, economic, verbal, technology, and sexual abuse, and/or stalking, against a current or former intimate partner or family member;

(b) Impact of domestic violence on the victim and the abuser, including short and long-term effects;

(c) Impact of domestic violence on children, including children who are abused and children who witness domestic violence, including short and long-term effects;

(d) Identification of domestic violence as primarily a learned behavior;

(e) Emphasis on the responsibility of the batterer for his or her violence and abuse;

(f) Identification of personal beliefs and societal and cultural values that legitimize and sustain violence and oppression, including sporadic and systematic acts of retribution and punishment;

(g) Alternatives to violence and controlling behaviors;

(h) Identification and promotion of relationship dynamics based on equality;

(i) Attempts to improve participants' ability to identify, articulate, and express emotions in a non-threatening manner;

(j) Promotion of accountability, self-examination, negotiation, and fairness;

(k) Strategies to help participants develop and improve their support systems, and aid and encourage a violence-free life;

(l) The relationship between substance abuse, mental illness, and domestic violence; and

(m) Identification of the behavioral, emotional, and physical cues that may precede escalating violence.

(3) The Commission acknowledges and recognizes the views of prevailing, accepted research and literature, which suggests that men and women often use violence differently and that effective interventions for men and women need to be structured differently. Most curricula are specifically designed for males who use violence against their female intimate partners. A different Commission-approved curriculum shall be used or developed by an FVIP providing classes to women who use violence against their male intimate partners. FVIPs shall make reasonable efforts to be inclusive while following the established curriculum guidelines and principles. This means providing class content that respects participants' diverse backgrounds, including differences in culture, sexual orientation, and/or gender identity. The Commission will consider approving any curriculum that includes content addressing common issues associated with domestic violence as long as the content is intended for educational purposes and is not delivered, intended, or promoted as treatment.

Cite as Ga. Comp. R. & Regs. R. 105-3-.09

AUTHORITY: O.C.G.A. §§ 19-13-13(a) **& (b),** 19-13-14**(a), (d) & (e),** 19-13-17**.**

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105-3-.10 Prohibited Intervention Practices & Activities

(1) The following intervention practices are specifically prohibited in FVIPs:

(a) Any intervention approach that blames the victim or suggests that the victim's actions or behavior are responsible for the participant's conduct;

(b) Any intervention approach that treats the violence as a mutually circular process, minimizes the responsibility of the participant, or does not state clearly that participants bear sole responsibility for their choices;

(c) Any couples, marriage, or family therapy, counseling, or treatment;

(d) Any intervention approach that excuses a participant's violence and behavior;

(e) Any approach that coerces, mandates, encourages, or otherwise brings about the victim's participation;

(f) Any anger management techniques or interventions that identify anger as the cause of domestic violence;

(g) Any theories or techniques that identify psychopathology or substance abuse on the part of either party as the primary cause of domestic violence;

(h) Any intervention or approach whose goal is to preserve the relationship and/or the family at the expense of safety for partners or family, or whose doctrines promote an unequal distribution of power in the relationship, which threatens the civil and human rights of the victim;

(i) Any intervention that provides any form of advocacy for the participant that places the victim, current or former intimate partner, or family member at risk. Any action or inaction by the FVIP that reduces the likelihood of a participant facing appropriate consequences for their abusive behavior, or that increases the participant's chances of gaining privileges that could harm their partner or family;

(j) Use of theories or techniques that identify poor impulse control as the primary cause of violence;

(k) Any approach that attempts to use containment methods in an attempt to de-escalate the violence; and

(l) Online, web-based programming operated by any person not duly certified by the Commission, including pre-recorded, self-paced, or non-instructor-led FVIP classes, is prohibited. Any online FVIP classes must be conducted in live sessions with at least one (1) Commission-certified Facilitator and in accordance with these rules.

Cite as Ga. Comp. R. & Regs. R. 105-3-.10

AUTHORITY: O.C.G.A. §§ 19-13-13(a) **& (b),** 19-13-14**(a) & (e),** 19-13-17**.**

HISTORY: Original Rule entitled "Prohibited Intervention Practices and Activities" adopted. F. Dec. 3, 2018; eff. Dec. 23, 2018.

Amended: F. Feb. 23, 2026; eff. Mar. 15, 2026.

105-3-.11 Requirements of Commission-Approved Training

(1) **Approval of Training.** The Commission shall approve all training used to fulfill FVIP facilitators' training requirements for initial certification and recertification.

(2) **Training Application Process.** To be considered for approval to offer FVIP training, the following items shall be submitted to the Commission using the process designated in the Commission-created application. Applications must be received more than forty-five (45) calendar days before the first scheduled training.

(a) A completed and signed training proposal application form with all requested attachments;

(b) A detailed training agenda including a description of the training, learning objectives, the training's duration and number of parts/sessions, and training structure format (i.e., lecture, case study, interactive learning elements);

(c) A statement of the qualifications, biography, or curriculum vitae of the potential trainers and two (2) references or recorded samples that attest to the trainer's ability and experience;

(d) A training evaluation to be distributed to the training participants that meets the requirements outlined in the training application. Results must be made available to the Commission upon request;

(3) **Application Fees.** An application fee outlined in the application must be submitted with the application for approval. If no fee is being charged to training attendees, the applicant may request a fee waiver.

(4) **Observation Agreement.** All approved trainers must agree to allow Commission staff, its agents, and/or victim liaisons to observe and monitor the training at no cost.

(5) **Approval.** The Commission will approve training at its discretion, based on the training content and approval criteria detailed in the training application. Approval shall last for one (1) year from the date of written confirmation of approval from Commission, or the date of the purchase order for the training, whichever is later. Dates for approved training must be provided to the Commission no less than ninety (90) calendar days of the training.

(6) **Advertisement Disclaimer.** Training s approved by the Commission shall prominently display the following statement on their promotional material: "This training was approved by the Georgia Commission on Family Violence for __ training hours for FVIP Facilitators and/or Providers. The views, findings, conclusions, and recommendations expressed in this training are those of the trainer(s) and do not necessarily reflect the views of the Georgia Commission on Family Violence or the Department of Community Supervision."

(7) **Documentation.** A record of verified attendance must be sent to the Commission within thirty (30) calendar days following completion of the training event.

(8) **Withdrawal of Approval.** The Commission may withdraw training approval at any time at its discretion.

(9) **Trainer Continuing Education Hours.** No more than six (6) hours of the trainer's development and/or delivery of new Commission-approved training will count towards annual Facilitator continuing education.

Cite as Ga. Comp. R. & Regs. R. 105-3-.11

AUTHORITY: O.C.G.A. §§ 19-13-13(a) **& (b),** 19-13-14**(a) & (e),** 19-13-17**.**

HISTORY: Original Rule entitled "Requirements of Commission-Approved Training" adopted. F. Dec. 3, 2018; eff. Dec. 23, 2018.

Amended: F. Feb. 23, 2026; eff. Mar. 15, 2026.

105-3-.12 Family Violence Intervention Program Monitoring

(1) **Monitoring Site Visits.** FVIPs shall allow scheduled and unscheduled monitoring visits by Commission staff and/or designated monitors. Monitoring may consist of both administrative review and class observation. Monitoring visits may include audio recordings of FVIP classes to ensure program and Facilitator compliance with certification standards. Recordings may be conducted without prior notice.

(2) **Records of Personnel and Contract Workers.** FVIPs must maintain adequate documentation to ensure compliance with the minimum standards set forth in these rules. Programs and Facilitators shall allow Commission staff and/or designated monitors access to this documentation, even during an unscheduled monitoring visit. Programs must maintain personnel records for each FVIP employee and/or contract worker, except for the victim liaison.

(a) Each personnel file shall contain:

1. a copy of the facilitator's certification by the Commission,

2. the employee's and/or contract worker's name, address, email address(es), and phone number(s),

3. a signed job description,

4. a signed drug-free workplace policy statement,

5. a signed sexual harassment policy statement,

6. a signed violence-free lifestyle statement,

7. a signed employment contract (if applicable),

8. a verification of notice to the Commission of civil proceedings involving family violence and/or any criminal arrest (if applicable).

Cite as Ga. Comp. R. & Regs. R. 105-3-.12

AUTHORITY: O.C.G.A. §§ 19-13-13(a) **& (b),** 19-13-14**(a), (d) & (e),** 19-13-17**.**

HISTORY: Original Rule entitled "Family Violence Intervention Program Monitoring" adopted. F. Dec. 3, 2018; eff. Dec. 23, 2018.

Amended: F. Feb. 23, 2026; eff. Mar. 15, 2026.

105-3-.13 Enforcement of Family Violence Intervention Program and Facilitator Requirements

(1) The Department has the authority to deny, suspend, and revoke certification of an FVIP Provider and/or Facilitator for noncompliance with these rules. Additionally, the Department shall have the authority to issue a notice of deficiency, suspend classes and other FVIP-related services, and impose administrative fines on FVIP Providers and/or Facilitators for noncompliance with requirements.

(2) If an FVIP and/or Facilitator is found to be in violation of these rules, the Department may issue a notice of deficiency via certified mail and the email address provided by the FVIP Provider and/or Facilitator in the Commission-designated reporting system. The notice of deficiency will detail the Department's findings regarding the FVIP Provider's and/or Facilitator's rule violations. Within ten (10) business days of receiving the notice of deficiency, the FVIP Provider and/or Facilitator shall submit proof to the Department of compliance with the rules or provide a corrective action plan ("CAP") detailing the process and date on which they will achieve compliance. The Department will determine whether the provided proof of compliance or corrective action plan is sufficient. If the FVIP Provider and/or Facilitator fail to provide timely proof of compliance or a sufficient CAP, the Department may assess an administrative fine, and/or suspend or revoke the FVIP Provider's or Facilitator's certification.

(3) In its discretion, the Department may impose suspension or revocation of certification or assess an administrative fine against an FVIP Provider and/or Facilitator. In considering which to impose, the Department may consider, at a minimum, the FVIP Provider's and/or Facilitator's history of compliance, the seriousness of the violations, whether

the FVIP Provider and/or Facilitator voluntarily reported problems giving rise to any violation, and whether the FVIP Provider and/or Facilitator undertook good faith efforts to correct areas of noncompliance prior or subsequent to their discovery by the Department. Additional considerations are listed in the Department SOP.

(4) **Grounds for denial, suspension, revocation of certification, or assessment of an administrative fine.** The Department may also base the denial, suspension, revocation of certification or assessment of an administrative fine upon notice of deficiency or noncompliance with a failure to follow program rules or requirements as listed in sections 105-3-.07, 105-3-.08, 105-3-.09 and 105-3-.10, or upon any of the following applicable grounds:

(a) Knowingly making any verbal or written false or misleading statement of material fact or omitting to state a material fact in connection with an application for certification or recertification or in connection with an inspection or investigation;

(b) Failing or refusing to provide Commission representatives with meaningful access to the FVIP premises, Facilitators, staff, participants, and/or records (including refusing to allow Commission representatives to obtain copies of documents reasonably necessary to reach a compliance determination;

(c) The applicant for certification or recertification having an overall poor record of compliance, including but not limited to denial of certification within the previous twelve (12) months, certification or licensure revocation at any time in the past in this or any other state, failure to complete certification requirements in a timely manner, or suspension within the previous two (2) years;

(d) Changing ownership of an FVIP to avoid or circumvent the denial, revocation, or suspension of certification;

(e) Altering or falsifying any personnel, participant, or program records;

(f) Failure or refusal by an FVIP Provider and/or Facilitator to remit to the Commission the required certification or participant fees as outlined in these rules; and

(g) Failing or refusing to comply with any of these rules, requirements, or violating any law relating to the operation of an FVIP.

(5) **Administrative fines.** The Department has the authority to assess an administrative fine, not to exceed $1,000.00 per violation, against any person, firm, or corporation that the Department determines to have violated any provision of Title 19, Chapter 13, Article 1A of the Official Code Georgia Code or any order, rule, or regulation promulgated thereunder. In determining the amount of the fine, the Department may consider the seriousness of the violation, whether the same or any other program requirement has been violated previously by the same program owner, director, or facilitator, and whether procedures designated to prevent the violation were in place and were followed.

(a) The Department shall have the authority to assess administrative fines for FVIP Providers and Facilitators as follows:

SCHEDULE OF ADVERSE ADMINISTRATIVE ACTIONS			
Level of Offense	**Description of Severity**	**Possible Adverse Action**	**Possible Administrative Fines**
Level 1	Violations of administrative policies or classroom procedures.	1st and 2nd Offense: - Notice of deficiency; - Suspension; - Fine 3rd Offense: - Revocation	Up to $250.00 per violation
Level 2	Violations that compromise victim safety or the integrity of the FVIP program.	1st and 2nd Offense: - Notice of deficiency; - Suspension; - Fine	Up to $500.00 per violation

SCHEDULE OF ADVERSE ADMINISTRATIVE ACTIONS			
		3rd Offense: - Revocation	
Level 3	Violations that severely compromise victim safety or the integrity of the FVIP program.	1st Offense: - Suspension; - Revocation; - Fine	Up to $1000.00 per violation

(6) **Effectuation of Suspension or Revocation.** If suspension or revocation of certification is imposed in accordance with the provision of Sec. 50-13-18 of the Georgia Administrative Procedures Act, the suspension or revocation becomes effective on the date indicated by the Department's order. Upon termination of any period of suspension, and upon a showing that the program has achieved full compliance with program requirements in addition to meeting any reinstatement requirements, the Department shall reissue the certification. However, nothing in these rules shall be construed to prevent the Department from denying program certification prior to any hearing on such action.

(7) **Suspension enforcement for FVIP Providers will be as follows:**

(a) Provider shall be removed from the Commission's website, certified FVIP list, and printed materials throughout the suspension term until it is completed and the Provider is duly reinstated.

(b) Suspend classes and/or intakes for a minimum of thirty (30) calendar days and a maximum of six (6) months.

(c) Notification by the Department to the local court administrator, Chief Superior Court Judge, Chief State Court Judge, Chief Magistrate Court Judge, Prosecutors' Offices, the Department, Victim Liaison, the Community Task Force on Family Violence, and other referral sources of the FVIP Provider's suspension period.

(d) The reinstatement fee will be $150.

(8) **Suspension enforcement for FVIP Facilitators will be as follows:**

(a) Facilitator shall be removed from the Commission's website, certified FVIP list, and printed materials throughout the suspension term until it is completed and the Facilitator is duly reinstated.

(b) Suspend facilitating classes and/or conducting intakes for a minimum of thirty (30) calendar days and a maximum of six (6) months.

(c) Notification by the Department to the local court administrator, Chief Superior Court Judge, Chief State Court Judge, Chief Magistrate Court Judge, Prosecutors' Offices, the Department, Victim Liaison, the Community Task Force on Family Violence, and other referral sources of the FVIP Facilitator's suspension period.

(d) The reinstatement fee will be $100.

(9) **Revocation enforcement for FVIP Providers will be as follows:**

(a) FVIP shall be removed from the Commission's website, certified FVIP list, and printed materials throughout the revocation term until the Provider's Certification status is restored in good standing.

(b) Suspend classes and/or intakes for a minimum of six (6) months and a maximum of 18 months. FVIP Provider must immediately cease offering or advertising FVIP classes and shall not conduct new intakes until certification is restored. Existing participants must be transferred to a different FVIP.

(c) Notification by the Department to the local court administrator, Chief Superior Court Judge, Chief State Court Judge, Chief Magistrate Court Judge, Prosecutors' Offices, the Department, Victim Liaison, the Community Task Force on Family Violence, and other referral sources of the FVIP Provider's revocation and reason.

(d) The good-standing restoration fee for FVIP Providers will be $200.00. This fee will be assessed in addition to any previously assessed recertification fees.

(10) **Revocation enforcement for FVIP Facilitators will be as follows:**

(a) Facilitator shall be removed from the Commission's website, certified FVIP Facilitator list, and printed materials throughout the revocation term until the Facilitator's Certification is restored and in good standing.

(b) Suspend facilitating classes and/or conducting intakes for a minimum of six (6) months and a maximum of 18 months. The Facilitator may not facilitate class or conduct any new intakes until certification is restored.

(c) Notification by the Department to the local court administrator, Chief Superior Court Judge, Chief State Court Judge, Chief Magistrate Court Judge, Prosecutors' Offices, the Department, Victim Liaison, the Community Task Force on Family Violence, and other referral sources of the FVIP Facilitator's revocation and reason.

(d) The good-standing restoration fee for Facilitators will be $150.00. This fee will be assessed in addition to any previously assessed recertification fees.

(11) **Reapplying for certification after revocation.** Once a certification has been revoked, a Provider may not reapply for certification until eighteen (18) months from the date of the revocation. The revocation date is the date of receipt of the revocation letter or the date a revocation appeal is denied, whichever is later. Reapplying for certification shall be subject to the same procedures as if the Provider were applying for certification for the first time. However, the Department may consider past violations of these rules in deciding whether to approve or deny certification reinstatement.

Cite as Ga. Comp. R. & Regs. R. 105-3-.13

AUTHORITY: O.C.G.A. §§ 19-13-13(a) **& (b),** **19-13-17**.

HISTORY: Original Rule entitled "Family Violence Intervention Program Monitoring" adopted. F. Dec. 3, 2018; eff. Dec. 23, 2018.

Amended: F. Feb. 23, 2026; eff. Mar. 15, 2026.

Department 160. RULES OF GEORGIA DEPARTMENT OF EDUCATION

Chapter 160-5.

Subject 160-5-1. REGIONAL EDUCATIONAL SERVICES

160-5-1-.14 Transfer of Student Records

(1) **DEFINITIONS**.

(a) **Critical Records** - the education records of a student, which shall be current and complete for a period of at least the most recent 12 months of such student's enrollment or the entirety of such student's enrollment if less than 12 months, to include:

1. Academic transcript;

2. Attendance records;

3. Student discipline records;

4. Records of the student having ever been an adjudicated delinquent of the commission of a class A designated felony act or class B designated felony act (as defined in O.C.G.A. § 15-11-2) and, if so, the date of such adjudication, the offense committed, the jurisdiction in which such adjudication was made, and the sentence imposed;

5. An Individualized Education Program (IEP) pursuant to the federal Individuals with Disabilities Education Act (IDEA) or a plan under Section 504 of the federal Rehabilitation Act of 1973, if any; and

6. Psychological evaluations, if any.

(b) **Department of Behavioral Health and Developmental Disabilities (DBHDD) -** an agency which provides specified services for children who have been admitted or placed according to an individualized treatment or service plan directed by DBHDD.

(c) **Department of Human Services (DHS) -** an agency which provides specified services and placement for children who have been remanded to the physical or legal custody of DHS either temporarily or permanently by a court or by voluntary agreement, or if the child has been admitted or placed according to an individualized treatment or service plan of DHS.

(d) **Department of Juvenile Justice (DJJ) -** the agency which provides supervision, detention and a wide range of treatment and educational services for youths referred to DJJ by the Juvenile Courts and provides assistance or delinquency prevention services for at-risk youths through collaborative efforts with other public, private, and community entities.

(e) **Education Records** - any record that is maintained by a local education agency, a public or private elementary or secondary school, the Department of Juvenile Justice school system, or a party acting on behalf of such entity and is directly related to a student, including records of such student's enrollment, attendance, class schedules, academic transcripts, grades, student discipline, student financial information, health records, special education records, and psychological evaluations. Education Records include the student's critical records.

(f) **Legal Custodian** - an entity or individual other than a parent with legal authority to act on behalf of a student, including the Department of Juvenile Justice, the Department of Human Services, and the Division of Family and Children Services.

(g) **Parent** - an individual other than a legal custodian who has legal authority to act on behalf of a student as a natural or adoptive parent or a legal guardian.

(h) **Receiving School** - an LEA or public or private school in which a transferring student, either on his or her own behalf or by and through his or her parent or legal custodian, has enrolled or seeks or intends to enroll.

(i) **Requestor** - a student, the parent or legal custodian of such student, or a receiving school or another person or entity legally authorized to receive the education records of such student.

(j) **Sending School** - an LEA or a public or private school which maintains education records of a particular student and is responsible for releasing such records to a requestor.

(k) **Student** - an individual who is enrolled in a public or private elementary or secondary school or home study program in Georgia, or who is subject to the compulsory attendance requirements of O.C.G.A. § 20-2-690.1.

(l) **Student Discipline Records** - records related to the discipline of a student, including, but not limited to, all records of any disciplinary order of short term suspension, long-term suspension, or expulsion made pursuant to O.C.G.A. § 20-2-751.2; notice of a report of criminal action or chronic disciplinary problem made pursuant to O.C.G.A. § 20-2-756; disciplinary and behavioral correction plan pursuant to O.C.G.A. § 20-2-766; or report of the commission of a prohibited act made pursuant to O.C.G.A. § 20-2-1184.

(m) **Transferring Student** - a student who, either on his or her own behalf or by and through his or her parent or legal custodian, has enrolled in or is seeking or intends to enroll in a receiving school.

(2) **REQUIREMENTS**.

(a) Each public school in which a student is enrolled or provisionally enrolled shall compile such student's complete education records and make such records available for immediate release to any person or entity authorized by law to receive such records:

1. For each student who meets the requirements of O.C.G.A. § 20-2-785(a); and

2. Each time the school receives sufficient notice that such student is withdrawing from the school or intends to enroll in a home study program or another school.

(b) Each Georgia sending school shall immediately release a student's complete education record to any parent, legal custodian, receiving school, or another person or entity legally authorized to receive such records upon request by such requestor and under no circumstances later than 5:00 pm on the third business day following the date of such request.

1. Georgia public schools shall not withhold any student's education record because of nonpayment of fees.

2. In the event that any portion of such student's education record is not maintained in an electronic format, the sending school shall transfer all of the student's education records available in electronic format in compliance with O.C.G.A. § 670(f)(1) and shall, no later than 5:00 p.m. on the third business day following the date of such request, notify the requestor when copies of the remainder of such student's education records will be ready for retrieval.

(c) Each time a transferring student's education records, including, but not limited, to critical records, are transferred to a receiving school, such student's parent or legal custodian shall be notified in writing by the receiving school of the transfer of such records and shall, upon written request made within five business days of the date of such notice, be entitled to receive a copy of such records from the receiving school.

1. Within five school business days of the receipt of a copy of such records, such student's parent or legal custodian may make a written request for and shall be entitled to a meeting with the principal of the sending school or of the receiving school or his or her designee for the purpose of correcting the content of such records as provided in O.C.G.A. § 20-2-667.

2. The parties may mutually agree for such meeting to occur at a date and time outside of such five-day period.

(d) In the event that a contention outlined below occurs, the requestor shall promptly provide a written notice of dispute to the RESA student affairs officer of the RESA in which the sending school is located.

1. A sending school contends that releasing, in whole or in part, a student's education records as required by O.C.G.A. § 20-2-670 would be unlawful or unduly burdensome.

2. A requestor contends that a student's education records, in whole or in part, have been unlawfully or unduly withheld from release by a sending school.

(e) The education record of any transferring student in the custody of DJJ or DHS through its Division of Family and Children Services shall be provided in accordance with the provisions in Section (d)(1) of State Board of Education Rule 160-5-1-.28 *Student Enrollment and Withdrawal*.

(f) Each school system or school from which the records are requested shall maintain copies of all student records for the minimum period of time required by the *Common Records Retention Schedules for School Systems* or the local board of education records retention plan.

Cite as Ga. Comp. R. & Regs. R. 160-5-1-.14

AUTHORITY: O.C.G.A. §§ 20-2-240**,** 20-2-670**,** 49-4A-12**,** 50-18-90**,** 50-18-95**.**

HISTORY: Original Rule entitled "Transfer of Student Records" adopted. F. June 27, 1991; eff. July 17, 1991.

Amended: F. June 16, 1999; eff. July 6, 1999.

Amended: F. Feb. 19, 2026; eff. Mar. 11, 2026.

160-5-1-.28 Student Enrollment and Withdrawal

(1) **DEFINITIONS**.

(a) **Active Duty** - the full-time duty status in the active uniformed services of the United States, including members of the National Guard and Reserve on active duty orders pursuant to 10 U.S.C. Sections 1209 and 1211.

(b) **Attendance** - a student's physical or virtual presence in the educational programs for which he or she is enrolled.

(c) **Case Management Consultation (CMC)** - a consultation by a school social worker or case manager in which a process is used to discover whether any transition problems exist and whether any services are necessary for a child placed by the Department of Human Services (DHS) or Department of Juvenile Justice (DJJ).

(d) **Child of Military Families** - a child enrolled in kindergarten through grade 12, in the household of an active duty military member.

(e) **Critical Records** - the education records of a student, which shall be current and complete for a period of at least the most recent 12 months of such student's enrollment or the entirety of such student's enrollment if less than 12 months, to include:

1. Academic transcript;

2. Attendance records;

3. Student discipline records;

4. Records of the student having ever been an adjudicated delinquent of the commission of a class A designated felony act or class B designated felony act (as defined in O.C.G.A. § 15-11-2) and, if so, the date of such adjudication, the offense committed, the jurisdiction in which such adjudication was made, and the sentence imposed;

5. An Individualized Education Program (IEP) pursuant to the federal Individuals with Disabilities Education Act (IDEA) or a plan under Section 504 of the federal Rehabilitation Act of 1973, if any; and

6. Psychological evaluations, if any.

(f) **Department of Behavioral Health and Developmental Disabilities (DBHDD)** - an agency which provides specified services for children who have been admitted or placed according to an individualized treatment or service plan directed by DBHDD.

(g) **Department of Human Services (DHS)** - an agency which provides specified services and placement for children who have been remanded to the physical or legal custody of DHS either temporarily or permanently by a court or by voluntary agreement, or if the child has been admitted or placed according to an individualized treatment or service plan of DHS.

(h) **Department of Juvenile Justice (DJJ)** - the agency which provides supervision, detention and a wide range of treatment and educational services for youths referred to DJJ by the Juvenile Courts and provides assistance or delinquency prevention services for at-risk youths through collaborative efforts with other public, private, and community entities.

(i) **Education For Homeless Children and Youths** - Subtitle B of Title VII of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11431 *et seq*.) that requires each state to ensure that each child of a homeless individual and each homeless youth have equal access to the same free, appropriate public education as provided to other children and youth.

(j) **Education Records** - any record that is maintained by a local education agency, a public or private elementary or secondary school, the Department of Juvenile Justice school system, or a party acting on behalf of such entity and is directly related to a student, including records of such student's enrollment, attendance, class schedules, academic transcripts, grades, student discipline, student financial information, health records, special education records, and psychological evaluations. Education Records include the student's critical records.

(k) **Emancipated Minor** - an individual who is at least sixteen years of age and under the age of eighteen who is no longer under the control or authority of his or her parents or guardians by operation of law or by court order pursuant to a petition filed by a child with the juvenile court, as provided in O.C.G.A. Title 15, Chapter 11, Article 10.

(l) **Enroll** - the registration of a student in a local education agency by a parent, legal custodian, kinship caregiver or individual with an executed power of attorney.

(m) **Fictive Kin** - an individual who is known to a child as a relative but is not in fact related by blood or marriage to such child and with whom such child has resided or had significant contact.

(n) **Georgia Department of Education (GaDOE)** - the state agency charged with the fiscal and administrative management of certain aspects of K-12 public education, including the implementation of federal and state mandates subject to supervision and oversight by the State Board of Education.

(o) **Governing body** - the local board of education, governing council, governing board, Board of Juvenile Justice, or other entity by whatever name responsible for creating and implementing the budget of a local education agency or a public or private school.

(p) **Governor's Office of Student Achievement (GOSA)** - the state agency mandated by O.C.G.A. § 20-14-26 to create a uniform performance-based accountability system for K-12 public schools that incorporates both state and federal mandates, including student and school performance standards, and to audit and inspect or cause to be audited and inspected K-12 public schools, and LEAs for the purpose of verification, research, analysis, reporting or for other purposes related to the performance of its powers and duties.

(q) **Grandparent** - the parent and/or step-parent of a minor child's father or mother. This definition remains the same upon the death and/or the termination of parental rights of the birth parent.

(r) **Home Study** - a program that allows parents or guardians to teach their children at home as provided in O.C.G.A. § 20-2-690 (c).

(s) **Homeless Child or Youth** - individuals who lack a fixed, regular, and adequate nighttime residence. The term includes children and youth who are:

1. Sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason;

2. Living in motels, hotels, trailer parks, or camping grounds due to lack of alternative adequate accommodations;

3. Living in emergency or transitional shelters; or

4. Abandoned in hospitals.

5. The following children are included in the definition; however, this list is not exhaustive: children who have a primary nighttime residence that is a public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings; children who are living in cars, parks, public spaces, abandoned building, substandard housing, bus or train stations, or similar settings; and migratory children who qualify as homeless because they are living in circumstances described above. (McKinney Vento Homeless Act 42 U.S.C. § 11431 *et seq.*)

(t) **Individualized Education Program (IEP)** - a written plan for each student with a disability that is developed, reviewed, and revised in accordance with Individuals with Disabilities Education Act, 20 U.S.C. § 1414(d).

(u) **Individuals with Disabilities Education Act (IDEA)** - the federal law, codified at 20 U.S.C. § 1400, et seq., enacted to ensure that all students with disabilities have available to them a free appropriate public education that emphasizes special education and related services designed to meet their unique needs and prepare them for employment and independent living; to ensure that the rights of students with disabilities and their parents are protected; to assist states, localities, educational service agencies, and federal agencies to provide for the education of students with disabilities; and to assess and ensure the effectiveness of efforts to educate students with disabilities.

(v) **Kinship Caregiver** - a grandparent, great-grandparent, aunt, uncle, great aunt, great uncle, cousin, sibling, or fictive kin who has assumed responsibility for raising a child in an informal, noncustodial, or guardianship capacity upon the parents or legal custodians of such child:

1. Losing or abdicating the ability to care for such child; or

2. Being unable to ensure that the child will attend school for reasons, including, but not limited to:

(i) A parent or legal custodian being unable to provide care due to the death of a parent or legal custodian;

(ii) A serious illness or terminal illness of a parent or legal custodian;

(iii) The physical or mental condition of the parents or legal custodians such that proper care and supervision of the child cannot be provided;

(iv) The incarceration of a parent or legal custodian;

(v) The inability to locate the parents or legal custodians;

(vi) The loss or uninhabitability of the child's home as the result of a natural disaster; or

(vii) A period of active military duty of the parents or legal custodians exceeding 24 months.

(w) **Legal Custodian** - an entity or individual other than a parent with legal authority to act on behalf of a student, including the Department of Juvenile Justice, the Department of Human Services, and the Division of Family and Children Services.

(x) **Local Education Agency (LEA)** - Any local school system, any charter school subject to the provisions of O.C.G.A. Title 20, Chapter 2, Articles 31 or 31A, and any completion special school subject to the provisions of O.C.G.A. Title 20, Chapter 2, Article 31C, including the Department of Juvenile Justice school system.

(y) **Local Board of Education (LBOE)** - the governing body of each local education agency.

(z) **Local Units of Administration (LUA)** - all local school systems, board of control of regional educational service agencies established pursuant to O.C.G.A. § 20-2-272, and any other local or regional public education agencies established pursuant to law, except education agencies governed or regulated by boards of other state agencies or except where other specific provisions are made.

(aa) ***"in loco parentis"*** - to assume the duties and responsibilities of a parent without a formal legal process.

(bb) **Other Person** - an adult at least 18 years of age or an emancipated minor at least sixteen years of age residing within the boundaries of a Georgia LEA who is not the parent or guardian of a child or children but stands *in loco parentis*.

(cc) **Parent** - an individual other than a legal custodian who has legal authority to act on behalf of a student as a natural or adoptive parent or a legal guardian.

(dd) **Permanent Enrollment** - enrollment of a student in a school that is not provisional enrollment.

(ee) **Provisional Enrollment** - the conditional and nonpermanent enrollment of a student in a school for a specified period of time.

(ff) **Reasonable Efforts** - actions that a reasonable individual would find sufficient to determine whether one conclusion is more likely than the other.

(gg) **Receiving School** - an LEA or public or private school in which a transferring student, either on his or her own behalf or by and through his or her parent or legal custodian, has enrolled or seeks or intends to enroll.

(hh) **Requestor** - a student, the parent or legal custodian of such student, or a receiving school or another person or entity legally authorized to receive the education records of such student.

(ii) **Residency** - occupying a dwelling located within the boundaries of an LEA where the student lives with a parent, guardian, or other person, unless the student is an emancipated minor.

(jj) **Sending School** - an LEA or a public or private school which maintains education records of a particular student and is responsible for releasing such records to a requestor.

(kk) **State Board of Education (SBOE)** - the constitutional authority which defines education policy for public K-12 education agencies in Georgia.

(ll) **Student** - an individual who is enrolled in a public or private elementary or secondary school or home study program in Georgia, or who is subject to the compulsory attendance requirements of O.C.G.A. § 20-2-690.1.

(mm) **Student Discipline Records** - records related to the discipline of a student, including, but not limited to, all records of any disciplinary order of short term suspension, long-term suspension, or expulsion made pursuant to O.C.G.A. § 20-2-751.2; notice of a report of criminal action or chronic disciplinary problem made pursuant to O.C.G.A. § 20-2-756; disciplinary and behavioral correction plan pursuant to O.C.G.A. § 20-2-766; or report of the commission of a prohibited act made pursuant to O.C.G.A. § 20-2-1184.

(nn) **Transferring Student** - a student who, either on his or her own behalf or by and through his or her parent or legal custodian, has enrolled in or is seeking or intends to enroll in a receiving school.

(oo) **Withdrawal** - the removal of a student from the official roll of a Georgia public school.

(pp) **Withdrawal Code** - an official code which signifies the reason a student has withdrawn from a Georgia public school as defined in the guidelines and timelines published by GaDOE.

(2) **REQUIREMENTS.**

(a) **Eligibility for Enrollment**.

1. Other than students specifically exempted by rule or by law, the following individuals shall be eligible for enrollment in a local education agency (LEA):

(i) Students who have attained the age of five by September 1 shall be eligible to enroll in the appropriate general education programs unless they attain the age of 21 by September 1 or they have received a high school diploma or the equivalent.

(I) Students that have dropped out of school for one quarter or more are eligible to enroll in the appropriate general education programs unless they attain the age of 20 by September 1.

(II) Students with Individualized Education Programs (IEPs) developed under the Individuals with Disabilities Education Act (IDEA) may attend public school through the age of 21 or until they receive a regular high school diploma.

(III) Students who were legal residents of one or more other states or countries for a period of two years immediately prior to moving to Georgia and were legally enrolled in a public kindergarten or first grade accredited by a state or regional association or the equivalent thereof, are eligible for enrollment in the appropriate education program if the child attains the age of five for kindergarten or six for first grade by December 31 and the child is otherwise eligible for enrollment as prescribed in O.C.G.A. § 20-2-150.

(ii) Any student who is physically present within the geographical area served by a local unit of administration for any length of time is eligible for enrollment in the educational programs of that local unit of administration; provided, however, that the child meets the age eligibility requirements established by Article 6 of Title 20 of the Official Code of Georgia Annotated and is:

(I) In the physical or legal custody of the Department of Juvenile Justice (DJJ) or the Department of Human Services (DHS) or any of its divisions, including, but not limited to, the Division of Family and Children Services (DFCS); or

(II) In a placement operated by the DHS; or

(III) In a facility or placement paid for by the DJJ, DHS, or any of its divisions, including, but not limited to, DFCS; or

(IV) Placed in a psychiatric residential treatment facility by his or her parent or legal guardian pursuant to a physician's order, if such child is not a home study, private school, or out of state student.

2. Students may be provisionally enrolled in a receiving school for not more than ten school days on a conditional basis.

(i) Such provisional enrollment shall not commence until the next school day after such student's parent or legal custodian executes a document

(I) Disclosing to the receiving school whether the student:

I. Has ever been adjudicated delinquent of the commission of a class A designated felony act or class B designated felony act, as defined in O.C.G.A. § 15-11-2 and, if so, the date of such adjudication, the offense committed, the jurisdiction in which such adjudication was made, and the sentence imposed;

II. Is currently serving a short-term suspension, a long-term suspension, or an expulsion from another school, the reason for such discipline, and the term of such discipline;

III. Is currently the subject of a notice of a disciplinary hearing pursuant to O.C.G.A. § 20-2-754; or

IV. Is currently or has ever been the subject of any notice of a report of criminal action made pursuant to O.C.G.A. § 20-2-756; notice of chronic disciplinary problem made pursuant to O.C.G.A. § 20-2-765; disciplinary and behavioral correction plan pursuant to O.C.G.A. § 20-2-766; or report of the commission of a prohibited act made pursuant to O.C.G.A. § 20-2-1184.

(II) Providing the name and address of each sending school such student attended during the previous 24 months and authorizing the immediate release of such student's critical records to the receiving school.

(ii) If the receiving school does not receive such student's critical records from each sending school such student attended during the previous 24 months, the receiving school shall be authorized to temporarily assign such student to remote learning until such critical records are received or the case management consultation provided for in O.C.G.A. § 20-2-670(i) is completed.

(iii) Whenever a receiving school does not timely receive complete information relative to a transferring student from a sending school as required by O.C.G.A. § 20-2-670(f), such receiving school shall be authorized to condition such transferring student's continued provisional enrollment upon completion of the case management consultation provided for in O.C.G.A. § 20-2-670(i).

(iv) If a student provisionally enrolled in a receiving school is found to be ineligible for enrollment pursuant to the provisions of O.C.G.A. § 20-2-751.2, or is subsequently found to be so ineligible, he or she shall be dismissed from enrollment in such receiving school until such time as he or she becomes so eligible.

(b) **Persons That May Enroll Eligible Students.**

1. A parent or legal custodian who has the authority to enroll a student in a local education agency (LEA).

2. An individual with a properly executed power of attorney for the care of a minor child may enroll such child, without court approval, in the LEA in which the individual resides if the specific conditions set forth in the "Supporting and Strengthening Families Act," O.C.G.A § 19-9-120 through O.C.G.A § 19-9-134 are met. Except as limited by federal law, the "Supporting and Strengthening Families Act", or the direction of a parent of a child as expressed in the power of attorney, such individual shall have the same rights, duties, and responsibilities that would otherwise be exercised by such parent of a child pursuant to the laws of this state.

3. A kinship caregiver with a properly executed affidavit as described in O.C.G.A. § 20-1-18 may enroll a child residing with the kinship caregiver, which child is not in the custody of DFCS.

(c) **Enrollment Documentation.**

1. Other than students specifically exempted by rule or by law, before admitting any student to an LEA, the superintendent or designee shall accept evidence in the order set forth below that shows the student's date of birth:

(i) A certified copy of a birth certificate, certified hospital issued birth record or birth certificate;

(ii) A military ID;

(iii) A valid driver's license;

(iv) A passport;

(v) An adoption record;

(vi) A religious record signed by an authorized religious official;

(vii) An official school transcript; or

(viii) If none of these evidences can be produced, an affidavit of age sworn to by the parent, legal custodian, individual with executed power of attorney, or kinship caregiver accompanied by a certificate of age signed by a licensed practicing physician, which certificate states that the physician has examined the child and believes that the age as stated in the affidavit is substantially correct.

2. Upon presentation of one of these evidences required in paragraph (2)(c)1, a photocopy of the document shall be placed in the student's record and the original document presented shall be returned to the individual registering the student according to the provisions set forth in section (2)(c).

3. During the enrollment process, LEAs shall adhere to:

(i) The provisions of O.C.G.A. § 20-2-770 concerning nutritional screening and eye, ear, and dental examinations of students and,

(ii) The provisions of O.C.G.A. § 20-2-771 concerning the immunization of students, which includes an exception for religious grounds.

4. The parent or legal custodian of a student seeking permanent enrollment in a grade higher than the third grade in any receiving school in Georgia shall, as a prerequisite to such permanent enrollment, execute a document:

(i) Disclosing to the receiving school whether the student:

(I) Has ever been adjudicated delinquent of the commission of a class A designated felony act or class B designated felony act (as defined in O.C.G.A. § 15-11-2) and, if so, the date of such adjudication, the offense committed, the jurisdiction in which such adjudication was made, and the sentence imposed;

(II) Is currently serving a short-term suspension, a long-term suspension, or an expulsion from another school, the reason for such discipline, and the term of such discipline;

(III) Is currently the subject of a notice of a disciplinary hearing pursuant to O.C.G.A. § 20-2-754; or

(IV) Is currently or has ever been the subject of any notice of a report of criminal action made pursuant to O.C.G.A. § 20-2-756; notice of chronic disciplinary problem made pursuant to O.C.G.A. § 20-2-765; disciplinary and behavioral correction plan pursuant to O.C.G.A. § 20-2-766; or report of the commission of a prohibited act made pursuant to O.C.G.A. § 20-2-1184; and

(ii) Either present a certified copy of such student's critical records from each sending school he or she attended during the previous 24 months or receive written confirmation from such receiving school that it has received such student's critical records.

5. Any document provided by a receiving school to a student or such student's parent or legal custodian to request permanent enrollment or provisional enrollment in such receiving school or to authorize the release of education records to such receiving school shall include:

(i) A list of class A designated felony acts or class B designated felony acts;

(ii) A list of the prohibited acts defined in O.C.G.A. § 20-2-1184; and

(iii) A description of each of the following:

(I) Notice of a disciplinary hearing pursuant to O.C.G.A. § 20-2-754;

(II) Notice of a report of criminal action made pursuant to O.C.G.A. § 20-2-756;

(III) Notice of chronic disciplinary problem made pursuant to O.C.G.A. § 20-2-765;

(IV) Disciplinary and behavioral correction plan pursuant to O.C.G.A. § 20-2-766; and

(V) Report of the commission of a prohibited act made pursuant to O.C.G.A. § 20-2-1184.

6. Pursuant to O.C.G.A. § 20-2-150, before the final enrollment of a student to an LEA is complete, the individual registering the student shall provide a copy of the enrolling student's social security number to the proper school authorities or shall complete and sign a form stating the individual does not wish to provide the social security number.

7. A student shall be identified in the local Student Information System (SIS) and in the Georgia Department of Education official data collection and reporting systems by the student's legal name as it appears on the documentation submitted for age verification as delineated in paragraph (2)(c)1, or in a court order changing the student's name.

8. Once a student has successfully enrolled in an LEA, provided that one of the evidences required in paragraph (2)(c)1 has been provided and recorded in the Georgia Testing Identifier (GTID) as set forth in SBOE Rule 160-5-1-.07 and any associated guidelines, further proof of age under this provision is deemed unnecessary.

(d) **Special Circumstances.**

1. Students in Custody or Placement of DHS or DJJ

(i) Any transferring student in the custody of DJJ or DHS, through its DFCS, shall be immediately admitted to a receiving school, even if records required for enrollment cannot be produced, in order to ensure educational stability and continuity.

(I) All records shall be transferred to the receiving school administrator within ten school business days by the local school superintendent or his or her designee, as applicable, of the school such transferring student last attended.

(II) Upon notification by the DJJ that a student will be enrolling in an LEA, the LEA shall enroll the student in his or her home school, as opposed to an alternative educational setting unless the case management consultation team concludes that the best placement for the child would be the alternative setting. Any placement made pursuant to an individualized education program team shall take precedence.

(ii) The custodian of or placing agency for a child identified in section (2)(a)(ii) of this rule shall notify the appropriate local unit of administration at least five days in advance of the move, when possible, when the child is to be moved from one local unit of administration to another.

(I) Upon notification that the child may become eligible for enrollment in the educational programs of a local unit of administration, such local unit of administration shall request the transfer of education records and Individualized Education Programs and all education related evaluations, assessments, social histories, and observations of the child from the appropriate local unit of administration no later than five school business days after receiving notification.

(II) Upon the request of a local unit of administration responsible for providing educational services to a child described in section (2)(a)(ii) of this rule, the DJJ, DHS, or DFCS shall furnish to the local unit of administration all medical and education records in its possession pertaining to any such child. Such records shall include, but not be limited to, any record that such student:

I. Has ever been adjudicated delinquent of the commission of a class A designated felony act or class B designated felony act, as defined in O.C.G.A. § 15-11-2 and, if so, the date of such adjudication, the offense committed, the jurisdiction in which such adjudication was made, and the sentence imposed;

II. Is currently serving a short-term suspension, a long-term suspension, or an expulsion from another school, the reason for such discipline, and the term of such discipline;

III. Is currently the subject of a notice of a disciplinary hearing pursuant to O.C.G.A. § 20-2-754; or

IV. Is currently the subject of a notice of report of criminal action made pursuant to O.C.G.A. § 20-2-756; notice of a disciplinary hearing pursuant to O.C.G.A. § 20-2-765; disciplinary and behavioral correction plan pursuant to O.C.G.A. § 20-2-766; or report of the commission of a prohibited act made pursuant to O.C.G.A. § 20-2-1184.

2. Students Experiencing Homelessness

(i) A homeless child, as defined in the McKinney-Vento Homeless Act 42 U.S.C. § 11431 *et seq.*, shall be enrolled immediately with full participation in all school activities whether or not appropriate documentation can be provided at the time of enrollment.

(I) Upon determining that a student is homeless, as defined by the McKinney-Vento Homeless Assistance Act, the child must be allowed to either remain in the school in which he or she was enrolled prior to becoming homeless, the last school enrolled, the last school attended, or enroll in the school where he or she is now located.

(II) The LEA shall ensure that the employee or other designated individual responsible for care of homeless students shall assist the homeless student in acquiring the necessary records for enrollment. Proof of residence is not required.

3. Students Residing with Kinship Caregiver

(i) A kinship caregiver shall be authorized, on behalf of a child residing with the kinship caregiver, which child is not in the custody of the Division of Family and Children Services of the Department of Human Services, to give legal consent for such child to: receive any educational services; receive medical services directly related to academic enrollment; or participate in any curricular or extracurricular activities for which parental consent is usually required by executing the affidavit described in O.C.G.A. § 20-1-18. The affidavit shall not be valid for more than one year after the date on which it is executed.

(I) Upon transmitting to a school an executed affidavit described in O.C.G.A. § 20-1-18, the kinship caregiver shall serve as the school's point of contact for the child regarding truancy, discipline, and educational progress for as long as such affidavit shall continue to be in effect.

(II) The decision of a kinship caregiver to consent to or refuse educational services or medical services directly related to academic enrollment or any curricular or extracurricular activities for a child residing with the kinship caregiver shall be superseded by any contravening decision of a parent or a person having legal custody of the child, provided that the decision of the parent or legal custodian does not jeopardize the life, health, safety, or welfare of the child.

(III) Reasonable efforts shall be made by the kinship caregiver to locate at least one of the child's parents prior to the notarization and submission of the affidavit set forth in O.C.G.A. § 20-1-18.

(IV) No person that acts in good faith reliance on a properly executed kinship caregiver's affidavit, having no actual knowledge of any facts contrary to those stated in the affidavit, shall be subject to civil liability or criminal prosecution, or to professional disciplinary procedure, for any action which would have been proper if the facts had been as they believed them to be. This subsection shall apply even if educational services or medical services directly related to academic enrollment or any curricular or extracurricular activities are rendered to a child in contravention of the wishes of the parent or legal custodian of such child; provided, however, that the person rendering the educational services or medical services directly related to academic enrollment or any curricular or extracurricular activities shall not have actual knowledge of the wishes of the parent or legal custodian.

(V) A person that relies on a properly executed kinship caregiver's affidavit has no obligation to make further inquiry or investigation. Nothing in this subsection shall relieve any person of responsibility for violations of other provisions of law, rules, or regulations.

(VI) If a child ceases to reside with a kinship caregiver for a period in excess of 30 days, such kinship caregiver shall, not later than 30 days after such period, notify all parties to whom he or she has transmitted the affidavit or to whom he or she has caused the affidavit to be transmitted.

(VII) Any individual who knowingly provides false information in executing the affidavit required by this article commits the offense of false swearing within the meaning of O.C.G.A. § 16-10-71 and shall be subject to the penalties prescribed by such Code Section.

(VIII) A kinship caregiver's affidavit shall be invalid unless it substantially contains the sample kinship caregiver affidavit provided by the Georgia Department of Education. An LEA shall not change the size or placement of text or change or omit the box around the warning.

4. Military Students

(i) A student whose parent or guardian is on active duty in the United States armed forces and has received official military orders to transfer into or within this state shall be eligible for enrollment in the public school of the attendance zone in which he or she will be residing or in a public school authorized pursuant to O.C.G.A. § 20-2-295, prior to physically establishing residency within the local school system, upon presentation of a copy of the official military orders to the local school system. Such enrollment shall be in the same manner and time as for students residing within the local school system.

(I) Each local school system in which a military base or off-base housing is located shall establish a universal, streamlined process available to all students to implement these transfer requirements; and annually notify prior to each school year the parents, guardians or other person, as defined in section (1)(bb) of this rule, of each military student by letter, by electronic means, or by such other reasonable means in a timely manner of the options available as set forth in O.C.G.A. § 20-2-295.

(ii) A military student in this state shall be allowed to attend any public school that is located within the school system in which the military base or off-base housing in which the student resides is located, provided space is available for additional enrollment. The parent shall assume the responsibility for and cost of transportation of the student to and from the school.

(iii) Special power of attorney, relative to the guardianship of a child of a military family and executed under applicable law, shall be sufficient for the purposes of enrollment and all other actions requiring parental participation and consent.

(I) A transitioning military child, placed in the care of a noncustodial parent or other person standing in loco parentis whose residence is other than that of the custodial parent, may continue to attend the school in which he or she was enrolled while residing with the custodial parent.

(II) An LEA shall be prohibited from charging local tuition to a transitioning military child placed in the care of a noncustodial parent or other person standing *in loco parentis* who lives in a jurisdiction other than that of the custodial parent.

(iv) In the event that official education records cannot be released to the parents or legal guardian for the purpose of transfer, an LEA shall accept a complete set of unofficial educational records prepared by the sending school and furnished to the parent or legal guardian.

(v) Students in the household of an active duty military member shall be allowed to continue their enrollment at grade level in the local school system commensurate with their grade level, including kindergarten, from a local education agency in the sending state at the time of transition, regardless of age.

(I) A student who has satisfactorily completed the prerequisite grade level in the local education agency in the sending state shall be eligible for enrollment in the next highest grade level in the receiving state, regardless of age.

(II) A student transferring after the start of the school year in the receiving state shall enter the school in the receiving state on their validated level from an accredited school in the sending state.

(vi) The LEA shall initially honor placement of the student in educational programs based on current educational assessments conducted at the school in the sending state or participation or placement in similar programs based on current educational assessments conducted at the school in the sending state or participation or placement in similar programs in the sending state. Such programs include, but are not limited to: gifted and talented programs and English as a second language.

(I) Nothing in this section shall preclude the receiving school from performing subsequent evaluations to ensure appropriate placement of the student.

5. Immigrant Students/Non-Visa Holders

(i) LEAs shall accept immigrants/non-visa-holders who meet age and residency requirements and shall not inquire about their legal status in accordance with U.S. Supreme Court Decision in Plyler v. Doe, 457 U.S. 202 (1982).

(I) LEAs are not responsible for making determinations regarding immigration and visa status. Rather, the U.S. Department of State (Office of Visa Services) and the Department of Homeland Security (U.S. Citizenship and Immigration Services) are responsible for making such determinations.

(II) LEAs may accept non-immigrant, foreign students on F-1 visas in accordance with the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (Section 625 of Public Law 104-208).

(III) LEAs may accept non-immigrant, foreign exchange students on J-1 visas in accordance with the Mutual Educational and Cultural Exchange Act of 1961 (Public Law 87-256) as amended, 22 U.S.C. 2451, et. seq. (1988).

(IV) LEAs shall accept non-immigrant foreign students on derivative visas where they are the qualifying child of a non-immigrant student or exchange visitor (i.e. F-2, M-2, J-2).

(V) LEAs shall accept non-immigrant, foreign students on B-1/B-2 visas and are not responsible for ascertaining whether or not seeking enrollment in school will violate the terms of the visa.

(e) **Withdrawal.**

1. A student may be withdrawn by a parent, legal custodian, individual with executed power of attorney, or kinship caregiver as provided in (2)(b)1 of this rule.

(i) When a parent, legal custodian, individual with executed power of attorney, or kinship caregiver as provided in (2)(b) of this rule withdraws a student according to the LEA policies and procedures, with documentation of proof of enrollment as provided in (2)(c) above, the student's withdrawal date shall be recorded as the last day of student attendance.

(ii) When a parent, legal custodian, individual with executed power of attorney, or kinship caregiver as provided in (2)(b) of this rule does not withdraw a student from a current school according to LEA policies, the LEA shall withdraw the student.

(I) With proof of enrollment in a different school, other LEA, private school, or home study program, the date of withdrawal for a student shall be the last school day of student attendance.

(II) With no proof of enrollment in a different school, other LEA, private school, or home study program, a student shall be withdrawn from a school after 10 consecutive unexcused absences or when the LEA provides documentation validating the student no longer resides in the school's attendance zone.

I. The student withdrawal date shall be the last day of attendance or the day the LEA obtains documentation validating the student no longer resides in the school's attendance zone.

II. In the absence of the documented proof as described in (2)(c) of this rule, the withdrawal code shall indicate that the student was removed for lack of attendance.

III. Each superintendent or the superintendent's designee shall notify the parent, guardian, or other person if the LEA plans to withdraw such student. Such notification shall be by certified mail, return receipt requested.

IV. The school shall make a referral to DFCS and the RESA student affairs officer of the regional service agency in which a student resides in the event that such student does not attend the public school in which he or she is enrolled or provisionally enrolled for a period of 30 consecutive days and:

A. The student's parent, legal custodian, individual with executed power of attorney, or kinship caregiver as provided in (2)(b) of this rule does not notify the school of such student's withdrawal from such school;

B. The student's parent, legal custodian, individual with executed power of attorney, or kinship caregiver as provided in (2)(b) of this rule does not notify the school of such student's enrollment or intent to enroll in a home study program or another school;

C. The student is withdrawn from such school without a Declaration of Intent form filed pursuant to O.C.G.A. § 20-2-690; or

D. The student is 16 years of age or older and stops attending such school without completing the conference required in O.C.G.A. § 20-2-690.1(e).

2. If a student is an unemancipated minor who is older than the age of mandatory attendance as required in O.C.G.A. § 20-2-690.1(b) and who has not completed all requirements for a high school diploma or a state approved high school equivalency (HSE) diploma who wishes to withdraw from school shall not be permitted to withdraw from school without written permission of his or her parent or guardian prior to such withdrawal.

(i) Prior to accepting such permission, the school principal or designee shall convene a conference with the child and parent or guardian within two school days of receiving the notice of the intent of the child to withdraw from school. The principal or designee shall make a reasonable attempt to share with the student and parent or guardian the

information on the process of voluntary withdrawal of emancipated minors who are older than the age of compulsory attendance, pursuant to O.C.G.A. § 20-2-690.1 (f).

3. A student who is not in attendance on the first day of school but expected based on prior year enrollment, shall be withdrawn as a no-show student and shall not be included in any enrollment or attendance counts.

(i) Students not in attendance on the first day of school but expected based on prior year enrollment shall not accrue absences until the student is physically present and attending.

(ii) The reason for students withdrawn as a "no-show" shall be recorded in the school's official records as unknown, unless the LEA has proof that the student has enrolled in a different school, other LEA, private school, or home study program as set forth in (2)(e)8 of this rule.

4. A student shall be withdrawn from a school on the day the school or LEA receives documentation validating the student no longer resides in the school's attendance zone unless one of the following exceptions occur:

(i) LEA policy allows the student to remain enrolled to complete the current school year.

(ii) Student is allowed to remain enrolled based on O.C.G.A. § 20-2-293 or O.C.G.A. § 20-2-294.

5. A student shall not be withdrawn due to excused absences defined in SBOE Rule 160-5-1-.10 and O.C.G.A. § 20-2-690.1(a).

6. A student shall not be withdrawn while receiving Hospital/Homebound services.

(f) **Withdrawal Documentation.**

1. A school or LEA shall only use a withdrawal code which denotes that a student transferred if the LEA has proof that the student enrolled in another school, other LEA, private school, or home study program.

(i) Documentation must be in writing so that the transfer can be verified through audits or monitoring and maintained in the permanent student record.

(ii) It is the responsibility of the principal to ensure that all student withdrawal information is complete and accurate.

2. The following are acceptable forms of documentation when using withdrawal codes that are associated with students who transferred:

(i) For students transferring to a public school within Georgia, proof shall include the request for records from the receiving school, evidence of a transfer that is recorded in the State's student data collection system, or a letter from an official in the receiving school acknowledging the student's enrollment.

(ii) For students transferring out of state or to a private school, proof shall include the request for records from the receiving school or a letter from an official in the receiving school acknowledging the student's enrollment.

(iii) For students transferring to a home study program, proof shall include a Declaration of Intent form signed by the parent enrolling a child, which declares their decision to educate the student in a home study program.

(iv) For students transferring to another country, a school or school system must have written confirmation that a student has emigrated to another country but need not obtain official written documentation.

3. LEAs must be able to document the reasons to support student withdrawal as outlined in this rule and SBOE 160-5-1-.07 Student and Staff Data Collections and associated guidelines and resources.

(g) **Audits.**

1. GOSA may conduct in-depth audits at its discretion, or at the request of GaDOE to ensure that LEA data, student records documentation, procedures, and processes are in compliance with this rule.

(i) LEAs found to be non-compliant with these provisions will be reported to the State Board of Education.

(ii) If an audit conducted by GOSA documents findings of noncompliance which affected the calculation of the graduation rate, GaDOE may adjust the cohort graduation rate for such school and LEA.

Cite as Ga. Comp. R. & Regs. R. 160-5-1-.28

AUTHORITY: O.C.G.A. §§ 15-11-720 **through** 15-11-728**,** 19-9-120 **through** 19-9-129**,** 20-1-14 **through** 20-1-18**,** 20-2-133**,** 20-2-150**,** 20-2-293**,** 20-2-294**,** 20-2-670**,** 20-2-690**,** 20-2-690.1, 20-2-751.2**,** 20-2-770**,** 20-2-771**,** 20-14-26**.**

HISTORY: Original Rule adopted. F. Sep. 14, 2006; eff. Oct. 4, 2006.

Repealed: New Rule adopted. F. Aug. 19, 2012; eff. Sept. 8, 2012.

Amended: F. Aug. 23, 2012; eff. Sept. 12, 2012.

Amended: F. Dec. 8, 2016; eff. Dec. 28, 2016.

Amended: F. Aug. 24, 2017; eff. Sept. 13, 2017.

Amended: F. Jan. 16, 2020; eff. Feb. 5, 2020.

Repealed: New Rule of same title adopted. F. Feb. 19, 2026; eff. Mar. 11, 2026.

Department 391. RULES OF GEORGIA DEPARTMENT OF NATURAL RESOURCES

Chapter 391-4. WILDLIFE RESOURCES DIVISION

Subject 391-4-7. PROTECTED WILDLIFE HABITATS

391-4-7-.03 Shorebird and Sea Bird Habitat Protection

(1) In order to protect habitat for shorebirds and sea birds, except as provided in paragraph (e) of this subsection (1), no person shall:

(a) Enter the natural areas known as Egg Island Bar Natural Area, Satilla River Marsh Island Natural Area, or St. Catherines Island Bar Natural Area at any time.

(b) Enter the portion of Little Tybee Natural Area which has been designated by signs indicating that the area is seasonally closed to human access. The location of seasonally closed areas will depend on local island configuration and bird usage but will not interfere with boaters landing on Litte Tybee Natural Area.

(c) Enter any portion of the dredge spoil islands known as Brunswick Bird Island and Cumberland Dividings Island between March 15 and August 31. In-water signage will indicate areas subject to seasonal closure, including the intertidal zone.

(d) Enter any portion of Ogeechee Bar between March 1 and October 15. In-water signage will indicate areas subject to seasonal closure, including the intertidal zone.

(e) The restrictions in this chapter do not apply to the properly authorized actions of contractors and associates of the department when conducting research or monitoring activities for birds on these islands, or when responding to stranded marine mammals or other emergencies.

(2) Pets.

(a) Pets are not permitted at any time of year on Egg Island Bar Natural Area, Satilla River Marsh Island Natural Area, St. Catherines Island Bar Natural Area, Ogeechee Bar, Brunswick Bird Island, Cumberland Dividings, or Little Tybee Natural Area.

Cite as Ga. Comp. R. & Regs. R. 391-4-7-.03

AUTHORITY: O.C.G.A. §§ 12-3-74(a)(1)**,** 12-3-90 ***et seq*****.,** 27-1-6(1)(B)**, and** 27-1-33**.**

HISTORY: Original Rule entitled "Shorebird and Sea Bird Habitat Protection" adopted. F. Apr. 30, 1998; eff. May 20, 1998.

Amended: F. Feb. 5, 2026; eff. Feb. 25, 2026.