

Student Discipline and Code of Conduct

Board of Education Policy JD

The Board of Education supports all students' rights to learn. To do so, each student must be in a school climate that is satisfying and productive without disruptive behavior by any student infringing upon the rights of others.

Therefore, it is the policy of the Board of Education that each school within this school system shall implement an age-appropriate student code of conduct designed to improve the student learning environment by improving student behavior and discipline. The code of conduct will comply with state law and state board of education rules and will include the following:

1. Standards for student behavior designed to create the expectation that all students will behave themselves in such a way so as to facilitate a learning environment for themselves and other students. The standards should be designed also to encourage students to respect each other, school system employees and any other persons attending school functions, and to motivate students to obey student behavior policies adopted by this Board and to obey student behavior rules established at each school within this school system;
2. Student support processes designed to consider, as appropriate in light of the severity of the behavioral problem, support services available at each school, the school system and other public entities or community organizations which may assist students to address behavioral problems;
3. Progressive discipline processes designed to create the expectation that the degree of discipline imposed will be in proportion to the severity of the behavior leading to the discipline and will take into account the previous discipline history of the student and other relevant factors, while ensuring that each student receives the due process mandated by federal and state law;
4. Parental involvement processes designed to enable parents, guardians, teachers and school administrators to work together to improve and enhance student behavior and academic performance. The process should enable parents, guardians and school employees to communicate freely their concerns about student behaviors which detract from the learning environment.

The code of conduct should require disciplinary action for infractions of the code. Also, parents should be involved in developing and updating a code of conduct.

The student code of conduct should be distributed to each student and the student's parents or guardians at the beginning of the school year and upon enrollment of each new student. The parents/guardians will be requested to sign an acknowledgment of the receipt of the code of conduct and promptly return the acknowledgment to the school. The student code of conduct should be available in the school office and each classroom.

Teacher Reporting Information

A teacher has the authority, consistent with Board policy and applicable law, to manage his or her classroom, discipline students, and refer a student to the principal or designee to maintain discipline in the classroom.

Any teacher who has knowledge that a student has exhibited behavior which violates the student code of conduct and repeatedly or substantially interferes with the teacher's ability to communicate effectively with the students in the class or with the ability of such student's classmates to learn should file a report of such behavior with the principal or designee. The principal and teacher should thereafter follow the procedures set forth in Georgia law, specifically O.C.G.A. 20-2-737-738.

Student behavior which violates state or federal laws as specified in O.C.G.A. 20-2-1184 will result in a report being filed with the police and district attorney.

The Superintendent and/or designee shall develop procedures and guidelines as necessary for implementation of this policy and law.

Administrative Procedure JD

A well-disciplined school promotes the ideal of each student working toward self-management and controlling his or her own actions. At the same time, the school recognizes that adult intervention is both desirable and necessary.

As socializing institutions, schools accept the responsibility of helping each student to learn appropriate behavior as he or she develops into a mature member of society. Many discipline problems can be minimized through prevention. Problem behavior should be handled quickly and decisively as teachers and administrators intervene and restore a supportive learning atmosphere. To maintain a positive school climate, the Board, the Superintendent, and/or their designees have established this code of conduct governing student behavior and discipline. Compliance with these requirements is mandatory. Parents and students will annually receive a summary of these discipline guidelines outlining standards of conduct, means of reporting misconduct, and possible disciplinary sanctions.

Part I -- Substantive Rules

Rule 1. Disruption and Interference with School

A student shall not:

- a. occupy any school building, gymnasium, school grounds, properties or part thereof with intent to deprive others of its use, or where the effect thereof is to deprive others of its use;
- b. block the entrance or exit of any school building or property or corridor or room thereof so as to deprive others of access thereto;
- c. prevent or attempt to prevent the convening or continued functioning of any school, class, activity or lawful meeting or assembly on the school campus;
- d. prevent a student from attending class or school activity;
- e. except under the direct instruction of the principal, block normal pedestrian or vehicular traffic on a school campus or adjacent grounds;
- f. continuously and intentionally make noise or act in any other manner so as to interfere seriously with the school employee's ability to perform his/her duties;
- g. use, display, or turn on a pocket pager, cellular telephone or other personal electronic communication device on school property, except for middle and high school students who may use such devices on school grounds before or after the regular school day.

Elementary students are prohibited from possessing cellular telephones at any time. No such devices may be used at any time on school system operated vehicles, or during an emergency drill or evacuation. These limits on the use of personal communication devices do not apply to students whose special needs require the use of such a device to enhance speech or hearing. Students who are found with such devices in the “on” position, in use, or displayed except as permitted above, shall have the device confiscated by the school administrator. See Rule 18, below, for specific rules relating to use of electronic equipment and other items while on the school bus.

Pagers, cellular telephones or electronic communication devices secured inside student automobiles will not be considered an infraction of this rule;

- h. in any other manner, by the use of violence, force, noise, coercion, threat, intimidation, fear, passive resistance, false statements, or any other disorderly conduct, intentionally cause the substantial disruption of any lawful mission, process or function of the school, engage in any such conduct for the purpose of causing the substantial disruption or obstruction of any such lawful mission, process or function, or pose a substantial threat to the health, safety and/or welfare of students, staff or others;
- i. refuse to identify himself/herself upon request of any teacher, principal, Superintendent, school bus driver or other authorized school personnel;
- j. threaten to plant a bomb or falsely inform others that a bomb or other explosive has been planted (a) on school grounds; (b) off school grounds at a school function, activity or event; or (c) on any school vehicle or other school property; or
- k. urge, encourage or counsel other students to violate any of the preceding paragraphs of this rule.

Rule 2. Damage, Alteration, or Theft of School Property

A student shall not cause or attempt to cause damage to school property; alter or attempt to alter school property; set fire to or attempt to set fire to school property; steal or attempt to steal school property; or possess or distribute school property without appropriate school/school system authorization.

Rule 3. Damage, Alteration, or Theft of Private Property

A student shall not cause or attempt to cause damage to private property; alter or attempt to alter private property; set fire to or attempt to set fire to private property; steal or attempt to steal private property or possess or distribute private property without appropriate authorization: (a) on the school grounds at any time; (b) off the school grounds at a school activity, function or event; or (c) under the jurisdiction of school district transportation.

Rule 4. (Physical or Verbal) Assault or Battery or Abusive Language to a School Employee

A student shall not

- (i) intentionally make physical contact which causes physical harm to a school employee unless such physical harm was in defense of himself or herself;
- (ii) intentionally make physical contact of an insulting or provoking nature with a school employee;

- (iii) attempt to cause physical injury, threaten bodily harm, or behave in such a way as could reasonably cause physical injury to a school employee; or
- (iv) use in such employee's presence opprobrious or abusive words, or obscene language, pictures or gestures tending to cause a breach of the peace:
 - (a) on the school grounds at any time;
 - (b) off the school grounds at a school-sponsored activity, function or event; or
 - (c) en route to and from school or school-sponsored activity.

See Rule 18, below, for specific rules relating to acts assault or battery while on the school bus.

Rule 5. (Physical or Verbal) Assault or Battery or Abusive Language by a Student to any Person

A student shall not

- (i) intentionally make physical contact which causes physical harm to another person;
- (ii) intentionally make physical contact of an insulting or provoking nature with another person;
- (iii) attempt to cause physical injury, threaten bodily harm, or behave in such a way as could reasonably cause physical injury to any person; or
- (iv) use opprobrious or abusive words, or obscene language, pictures or gestures tending to cause a breach of the peace:
 - (a) on the school grounds at any time;
 - (b) off the school grounds at a school activity, function or event; or
 - (c) en route to and from school or school-sponsored activity.

At the discretion of the local school administration, the student and the parent may be offered the opportunity to attend a violence prevention program in lieu of a portion of any suspension period.

See Rule 18, below, for specific rules relating to acts assault or battery while on the school bus.

Rule 6. Harassment and Acts of Bigotry

A student shall not insult, intimidate, or harass any person by committing any act of bigotry (directed toward another person's race, ethnic heritage, national origin, religion, age, sex, or disability) that, under the circumstances, would tend to cause substantial disruption of the educational setting or school activity. Prohibited acts of bigotry include verbal harassment, such as racial, sexual, or ethnic slurs, derogatory comments, insults, and jokes; physical harassment, such as offensive touching; and visual harassment, such as racially, sexually, or ethnically offensive posters, graffiti, drawings, clothing, or gestures that, under the circumstances, would tend to cause substantial disruption of the educational setting or school activity. Such acts of bigotry and harassment are prohibited: (a) on the school grounds at any time; (b) off the school grounds at a school activity, function, or event; or (c) en route to and from school or a school-sponsored activity.

Rule 7. Sexual Harassment

A student shall not harass another person through unwelcome conduct or communication of a sexual nature. Prohibited acts of sexual harassment include verbal harassment, such as sexual jokes or comments about an individual or his/her physical characteristics; physical harassment such as unwanted touching; visual harassment such as the display of sexually suggestive objects or pictures; or requests or demands for sexual involvement, accompanied by implied or explicit threats: (a) on the school grounds at any time; (b) off the school grounds at a school activity, function, or event; or (c) en route to and from school or school-sponsored activity.

Rule 8. Weapons and Dangerous Instruments

A student shall not possess, display, transmit or threateningly use a knife, razor, razor blade, ice pick, nunchakus, explosive, machete, brass knuckles, pistol, rifle, shotgun, BB/pellet gun, stun-gun, incendiary device, self-defense sprays such as mace or pepper gas, or other object that reasonably can be considered a weapon: (a) on the school grounds at any time; (b) off the school grounds at a school activity, function or event; or (c) en route to and from school or school-sponsored activity. (See also Part II, Procedural Rule 8.)

Rule 9. Alcohol and Other Drugs/Psychoactive Substances

Use of illicit drugs and the unlawful possession and use of alcohol is illegal, wrong and harmful; therefore, a student shall not possess, sell, attempt to sell or transmit any narcotic, hallucinogen, amphetamine, barbiturate, marijuana, drug analog or designer drug, alcoholic beverage, prescription drug, steroid, illegal drug, drug paraphernalia or psychoactive substance of any kind or abuse any substance that may have a mind-altering or intoxicating effect: (a) on the school grounds at any time; (b) off the school grounds at a school activity, function or event; or (c) en route to and from school or school-sponsored activities. A student shall not possess, sell, attempt to sell or transmit any substance under the pretense that it is, in fact, a narcotic, hallucinogen, amphetamine, barbiturate, marijuana, drug analog, alcoholic beverage or psychoactive substance of any kind. Personal use of a drug authorized by a medical prescription or directive from a licensed physician by the patient for whom it was prescribed shall not be considered a violation of this rule. Appropriate use or simple possession of personal hygiene products or other household products that have a regular school use shall not be considered a violation of this rule. However, use or distribution for use of any such substances for intoxicating or mind-altering purposes will constitute a violation of this rule. First offenders for possession or use only must be offered the opportunity to attend an approved substance prevention education program in lieu of a portion of the suspension period.

Rule 10. Disregard of School Rules; State, Federal and/or Local Laws; Directions or Commands

A student shall not fail to comply with school rules; state, federal and/or local laws; or reasonable directions or commands of teachers, student teachers, substitute teachers, school assistants, administrators, school bus drivers or other authorized school personnel or engage in willful and persistent violations of the student code of conduct when: (a) on the school grounds at any time; (b) off the school grounds at a school activity, function or event; or (c) en route to and from school or school-sponsored activity.

Rule 11. Unexcused Absences

A student shall not be tardy or absent from a school in which he/she is enrolled without bringing a satisfactory excuse signed by his/her parent or guardian within three days giving

the reason for the absence or tardiness (see Policy/Procedure JBD). A student shall not be absent from any class or other required school function during required school hours except with written permission of the teacher, principal or other duly authorized school official.

A student shall not leave the school campus or other required school functions during required school hours without permission of the school administration. No student shall encourage, urge or counsel other students to violate this rule.

It should be noted that OCGA § 20-2-690.1 states that any parent, guardian, or other person residing in this state who has control or charge of a child or children that accrue five unexcused absences during one school year will be deemed to have violated this Code section and shall be guilty of a misdemeanor and subject to fines, imprisonment, community services, or any combination of these penalties. (See also FCBOE Procedural Part II, Procedural Rule 17.)

Rule 12. Dress and Grooming

Students in the school system are expected to dress and groom themselves in such a way as to reflect neatness, cleanliness and safety. All students shall dress appropriately so as not to disrupt or interfere with the educational program or the orderly operation of the school. Extremes in dress and grooming will not be permitted. Examples are: lack of cleanliness in person or dress; shoelessness; "short-short" clothing; bare midriffs; "tank tops"; "see-through" clothing or apparel which designates gangs or similar organizations or any dress that is disruptive to the educational process. Designated dress involving school activities approved by the principal shall be acceptable. The principal or other duly authorized school official shall determine whether any particular mode of dress or grooming results in a violation of the spirit and/or the intent of this rule.

Rule 13. Tobacco Use

A student shall not possess, use, handle or transmit cigarettes, lighters, matches, or related tobacco products of any kind, including cigarette wrapping paper or containers for such products: (a) on the school grounds at any time; (b) off the school grounds at a school activity, function or event; or (c) under the jurisdiction of school district transportation. First offenders will be required to attend a tobacco use program provided by the local school in addition to any other disciplinary action deemed appropriate.

Rule 14. Gambling

A student shall not gamble or solicit others to gamble: (a) on the school grounds at any time; (b) off the school grounds at a school activity, function or event; or (c) under the jurisdiction of school district transportation. Gambling includes betting on any game or event, shooting dice, matching or other games of chance for money and/or things of value.

Participating in a raffle or bingo game sponsored by a school-related support group such as a PTA or booster club will not violate this rule when the student is accompanied by his or her parent or guardian or by another parent who has permission in writing from the student's parent or guardian to supervise that student at the fund raiser.

Rule 15. Sexual Misconduct/Sexual Offenses

A student shall not perform an act of lewd exposure or lewd caress or indecent fondling/touching of the student's own body or the body of another person, or any act of sexual intercourse: (a) on the school grounds at any time; (b) off the school grounds at a school activity, function or event; or (c) under the jurisdiction of school district transportation.

Rule 16. Bullying

A student shall not willfully attempt or threaten to inflict injury on another person, when accompanied by an apparent present ability to do so or shall not intentionally exhibit a display of force such as would give the victim reason to fear or expect immediate bodily harm: (a) on the school grounds at any time; (b) off the school grounds at a school activity, function or event; or (c) en route to and from school or school-sponsored activities.

Except as otherwise required by law, any student in grades six through 12 who commits the offense of bullying for the third time during a school year shall be assigned to an alternative school program in addition to any other disciplinary action deemed appropriate. For students in grades K through five, disciplinary action should be taken as deemed appropriate.

See Rule 18, below, for specific rules relating to acts of bullying while on the school bus.

Rule 17. Disrespectful Conduct Toward Employees, Students and/or Others

A student shall not exhibit disrespectful, rude or discourteous behavior or language toward an employee, student or other person: (a) on the school grounds at any time; (b) off the school grounds at a school activity, function or event; or (c) under the jurisdiction of school system transportation.

Rule 18. School Bus Disciplinary Rules

- a. Students shall be prohibited from using items during the operation of a school bus in a manner which might interfere with the school bus communications equipment or the school bus driver's operation of the bus. These items include but are not limited to cell phones; pagers; audible radios; tape or compact disc players without headphones; mirrors; lasers, or flash cameras.
- b. If a student is found to have engaged in bullying or in physical assault or battery of another person on the school bus, a meeting shall be scheduled involving the parent or guardian of the student and appropriate school district officials to form a school bus behavior contract for the student. Such contract shall provide for progressive age-appropriate discipline, penalties, and restrictions for student misconduct on the bus. Contract provisions may include but shall not be limited to assigned seating, ongoing parental involvement, and suspension from riding the bus. This paragraph does not in any way limit or restrict the school system's ability to take additional action, including imposing disciplinary sanctions through and including permanent expulsion from the school system, as a result of the student's behavior.

See "Bus Conduct Disciplinary Procedures" in the *Code of Conduct and Discipline Handbook*.

Rule 19. Off-Campus Misconduct

Students shall be disciplined for engaging in off-campus conduct that affects the safety and welfare of the school, staff, and/or students or that has a direct effect on the discipline or educational environment of the school. Off-campus misconduct for which a student shall be disciplined includes, but is not limited to, any off-campus conduct that 1) is prohibited by the Georgia or United States criminal codes; 2) is punishable as a felony or would be punishable as a felony if committed by an adult; and 3) is conduct for which a student has been arrested, indicted, adjudicated to have committed, or convicted. [OCGA § 20-2-751.5(c)]

Rule 20. Encouraging Violations of Code of Conduct

Students shall not incite, urge, encourage, advise, or counsel other students to violate any Rule of this Code of Conduct. [OCGA § 20-2-751.5(a)(11)]

Part II -- Procedural Rules

Definitions

As used in these rules:

- a. "Parent" means the student's natural parent or court approved legal guardian.
- b. "Administrator" means the principal or other designated person to whom authority has been delegated.
- c. "Teacher" means a classroom teacher, counselor, school assistant, substitute teacher or a student teacher who has been given authority over some part of the school program by the principal or a supervising teacher.
- d. "Superintendent" means the system's Superintendent or chief administrative officer or other designated person to whom disciplinary authority has been delegated.
- e. "Board" means the system's Board of Education.
- f. "President" means the chair or president of the Board of Education or another member of the Board who has been designated as acting chairman or president for the purpose of these rules.
- g. "Informal Hearing Officer, Disciplinary Hearing Officer, and Tribunal" mean the individual(s) appointed to conduct a Informal Hearings, Disciplinary Hearings, and Tribunals as provided in Procedural Rules 8 through 14 of these rules.

Procedural Rule 1. Searches

To maintain order and discipline in the schools and to protect the safety and welfare of students and school personnel, school authorities may search a student, student lockers or student automobiles under the circumstances outlined below and may seize any illegal, unauthorized or contraband materials discovered in the search. The term "unauthorized" means any item dangerous to the health or safety of students or school personnel or disruptive of any lawful function, mission or process of the school, or any item described as unauthorized in school rules available beforehand to the student. A student's failure to permit searches and seizures will be considered grounds for disciplinary action which may include involving the local police agency in emergency situations as determined by the school administrator.

- a. **Personal Searches.** Student's person and/or personal effects (i.e., purse, book bag, etc.) may be searched whenever a school authority has reasonable grounds for suspecting that the student is in possession of illegal or unauthorized materials. If a pat-down search of a student's person is conducted, it will be conducted in private by a school official of the same sex and with an adult witness present, when feasible. If the school official has reasonable grounds for suspecting that the student has on his or her person an item immediately dangerous to the student or to others, the student should be isolated, police notified and appropriate disciplinary action administered. A student search record must be completed regarding any personal search.
- b. **Automobile Searches.** Students are permitted to park on school premises as a matter of privilege, not of right. The school retains authority to conduct routine patrols of student parking lots and inspections of the exteriors of student vehicles on school property.

The interiors of student vehicles may be inspected whenever a school authority has reasonable grounds for suspecting that illegal or unauthorized materials are contained inside. Such patrols and inspections may be conducted without notice, without student consent and without a search warrant. A student search record must be completed regarding any automobile search.

- c. **Locker Searches.** Student lockers are school property and remain at all times under the control of the school; however, students are expected to assume full responsibility for the security of their lockers. Periodic general inspections of lockers may be conducted by school authorities for any reason at any time without notice, without student consent and without a search warrant. However, notice to expect periodic general inspections should be communicated in writing (student handbook) to the students prior to the issuance of the locker. All lockers should be inspected at least quarterly. Searches of specific lockers or locker areas may be conducted as needed. A record should be made of each general search. Any illegal materials found during a locker search should be reported by completing a student search record.
- d. **Seizure of Illegal Materials.** If a search yields illegal or unauthorized materials, such findings shall be turned over in person to either the Chief of the Fulton County School Police or the Office of Student Discipline or proper legal authorities for ultimate disposition.

Procedural Rule 2. Investigation and Disciplinary Sanction(s)

When an administrator receives information of an alleged rule violation, he/she shall conduct an investigation to determine whether the charge or complaint has a basis in fact. Such investigation may include, but not necessarily be limited to, an interview with the charged party or parties, interviews with witnesses, if any, and an examination of any relevant documents, including signed, dated written statements from teachers, staff and student witnesses. Based on the evidence available, the administrator shall determine whether a rule(s) was violated.

Once it has been determined that a rule(s) was violated, the administrator will follow a progressive discipline process. The degree of discipline to be imposed by each school official will be in proportion to the severity of the behavior of the particular student and will take into account the student's discipline history, the age of the student and other relevant factors. Disciplinary actions may include, but not necessarily be limited to, warning, loss of privileges, isolation or time out, temporary removal from class or activity, notification of parents, parent conference, detention, forfeiture of participation in competitive interscholastic activities, Saturday School, in-school suspension, out-of-school suspension, or referral to an Informal Hearing, Disciplinary Hearing, or Tribunal for appropriate action.

Also, a variety of resources is available at every school to help address behavioral problems. The school discipline process will include appropriate consideration of support processes to help students resolve such problems. These resources may include, but are not limited to, Student Support Team, counseling with school counselor, school social worker, school resource officer and other staff, behavior, attendance and academic contracts or plans, peer mediation, SUPER program, and Stopping Acts of Violence Through Education (SAVTE).

Parents, guardians, teachers, administrators and other staff are expected to work together to improve and enhance student behavior and academic performance and should freely communicate their concerns about, and actions in response to, student behavior that detracts from the learning environment.

Procedural Rule 3. Discipline Short of Suspension or Expulsion

Teachers and administrators have the authority to take customary and reasonable measures to maintain proper control and discipline among students placed under their care and supervision. Such measures may include the use of student and/or parent conferences, student court, mediation, detention, in-school suspension, Saturday opportunity school, out-of-school suspension and reasonable force in the exercise of lawful authority to restrain or correct students and maintain order.

Procedural Rule 4. Detention and Saturday Opportunity School

Detention and Saturday opportunity school by a teacher or an administrator require a student to be at school for a limited period of time other than normal school hours or days. The student's parent or legal guardian should be notified, if possible, at least on the day prior to the serving of detention or Saturday opportunity school.

Procedural Rule 5. In-School Suspension

In-school suspension is the removal of a student from his/her class by the principal or a designee and assignment to a location supervised by appropriate personnel in another room on the school premises for a period not exceeding ten (10) school days. A student assigned to in-school suspension will be permitted to work on classroom assignments and will be counted present on the attendance register. If a student is removed from regular class assignments for more than one-half the school day, written notice of this assignment to in-school suspension must be sent to the parent and a copy to the Office of Student Discipline. A copy must also be sent to the Department of Services for Exceptional Children if the student has an Individual Education Plan (I.E.P.) and the visiting teacher/school social worker should be sent a copy of all suspension letters. The letter should clearly indicate that the suspension is "in-school." The administrator should make every effort to have a conference with the parents and student before, or at the time the student returns to regular classes.

Procedural Rule 6. Short-term (Out-of-School) Suspension

Short-term suspension is the suspension of a student from a school, school center or school function for a period not exceeding ten (10) school days. After the administrator has investigated the case and has heard the student's version of the incident, he/she may decide to suspend the student for a period of one (1) to ten (10) school days. Only for serious offenses or repeated violations should a student be suspended for more than five (5) school days. Suspension days for any student with an Individual Education Plan (IEP) should conform to applicable legal requirements (including any legal limitations of cumulative suspension days).

At the discretion of the local school administration, the student and parent may be offered the opportunity to attend an out-of-school alternative suspension program in lieu of a portion of any suspension period.

Upon suspension of a student, the administrator should do the following:

- a. Send a letter to the student's parents which must describe the student's conduct, state the rule or rules violated and state the number of days suspended. The letter should provide for a conference or communication with the parent. Within two weeks, a copy of the suspension letter indicating the sex, race and grade of the student must be filed with the Office of Student Discipline. A copy must also be sent to the Department of Services for Exceptional Children if the student has an Individual Education Plan (I.E.P.) and the visiting teacher/school social worker should be sent a copy of all suspension letters.

- b. Secure written statements and file all documents and relevant information received concerning the incident. Teacher, staff and student witnesses should be asked to make a detailed written statement which must be signed and dated.
- c. The administrator should make every effort to have a conference with a parent or guardian and the student before or at the time the student returns to school. The parent may be notified of the conference by mail or telephone call. The administrator may suggest or recommend a disciplinary and behavioral correction plan or alternative programs which may help to modify or eliminate the student's antisocial behavior. Notation of the conference should be placed in the student's permanent discipline file. Failure of the parent to attend the conference should not preclude the student's readmission to school.

Procedural Rule 7. Chronic Disciplinary Problem Student

A "chronic disciplinary problem student" is defined by law as a student who exhibits a pattern of behavioral characteristics which interfere with the learning process of students around him or her and which are likely to recur. Any time a teacher or principal identifies a student as a chronic disciplinary problem student, the principal shall inform the parent or guardian of the student's disciplinary problem. Notification should be by either first-class mail or certified mail with return receipt requested and telephone call. The principal should invite the parent or guardian to observe the student in a classroom situation. The principal should also request at least one parent or guardian to attend a conference with the principal and/or teacher. The purpose of the conference would be to devise a disciplinary and behavioral correction plan.

Before any chronic disciplinary problem student is permitted to return from an expulsion or suspension, the school to which the student is to be readmitted should request by telephone call or by either certified mail with return receipt requested or first-class mail at least one parent or guardian to schedule and attend a conference with the principal or designee to devise a disciplinary and behavioral correction plan. Failure of the parent or guardian to attend shall not preclude the student from being readmitted to the school. At the discretion of the principal, a teacher, counselor, or other person may attend the conference. The principal shall ensure that a notation of the conference is placed in the student's permanent file.

The school system may, by petition to the juvenile court, proceed against a parent or guardian of a chronic disciplinary problem student if school system personnel believe the parent or guardian has willfully and unreasonably failed to attend a conference requested by a principal.

Procedural Rule 8. Informal, Disciplinary, and Tribunal Hearing Referrals.

Informal, Disciplinary, and Tribunal hearings will be held for serious or chronic misbehavior which may result in school transfer, long-term suspension or expulsion.

a. **Informal Hearings**

The Director of Student Discipline, a Student Discipline Hearing Officer, a Student Discipline Hearing Panel of three school officials, or designee may be the delegated hearing officer/panel to convene an informal hearing for those students in kindergarten through fifth grade.

b. **Disciplinary Hearings**

For students in grades six through 12, Disciplinary Hearings may be conducted by a Tribunal Panel, Student Discipline Hearing Officer, or a Student Discipline Hearing

Panel. If conducted by a Tribunal or Student Discipline Hearing Panel, the panel will be composed of three school officials. Panel members and Hearing Officers will be selected from a list prepared by the Superintendent or designee, and approved by the Board.

c. **Tribunals**

For students in grades kindergarten through 12 who are alleged to have violated Rule 4(i), hearings shall be conducted by the Board, or Tribunal as a designee, a Tribunal Hearing Officer or Tribunal Panel. If conducted by a Tribunal Panel, the Panel, composed of three school officials, will be selected from a list prepared by the Superintendent or designee and approved by the Board. If conducted by a Hearing Officer, the Hearing Officer will be selected from a list prepared by the Superintendent or designee and approved by the Board.

d. The principal should furnish the Director of Student Discipline, within two local school work days after the incident, the information and documentation listed below.

1. The administrator should thoroughly investigate an alleged incident, examining all possible evidence and witness accounts. Written statements, signed and dated, should be obtained from alleged victims, alleged participants and witnesses together with all other information or evidence relevant to the incident.
2. The administrator will call the Office of Student Discipline and initially report the incident immediately after the occurrence. Within two local school work days after the initial report, the administrator should furnish the Director of Student Discipline all victim, participant and witness statements; a current copy of the student's permanent record; a copy of the student's test record card; current status of the student's academic and conduct grades in all classes (progress reports); days present and absent (excused and unexcused absences); number of tardies and class cuts; detention assignments with reasons; anecdotal report citing discipline, attendance and academic records, and alternatives tried at the local school including EST referral, counseling sessions and parent/guardian conferences with dates, reasons, and results; copy of police report; special education, Section 504 or EST status (active enrollment or referral for any of these programs); EST reports; and any other information or evidence relevant to the incident. Any confiscated drugs, weapons or other criminal evidence should be transferred to the Chief of the Fulton County School Police for use during a Tribunal and/or criminal case.

e. A student **must** be referred to one of these hearings whenever a student is alleged to have issued a bomb threat or falsely stated that a bomb or other explosive has been planted on school grounds, on school property or at a school-sponsored activity, function or event.

f. A student **must** be referred to one of these hearings whenever a student is alleged to have committed one of the following offenses on school grounds or on school property; at a school-sponsored activity, function or event; or en route to or from school or a school-sponsored activity, function or event:

1. Assault or battery upon any teacher, bus driver, other school official, or employee if requested by the employee. If the student is to be disciplined for a threat or physical contact (See Rule 4.) that the employee believes constituted an assault or

battery and if he/she requests a hearing, the matter should be referred to the Office of Student Discipline within two business days of the alleged offense for the purpose of scheduling an Informal Hearing, a Disciplinary Hearing, or a Tribunal.

- (a) An Informal or Disciplinary Hearing may be scheduled when a student allegedly intentionally makes physical contact of an insulting or provoking nature against a teacher, school bus driver, school official, or school employee [See Rule 4(ii)]; attempts to cause physical injury, threaten bodily harm, or behave in such a way as could reasonably cause physical injury to a school employee [See Rule 4(iii)]; or uses in an employee's presence opprobrious or abusive words, or obscene language, pictures or gestures tending to cause a breach of the peace [See Rule 4(iv)]. If the Hearing Officer/Panel or Tribunal determines that the student violated the Code of Conduct and determines that a disciplinary action shall be taken, such action may include, but is not limited to, short-term suspension, school transfer, long-term suspension, expulsion, or any other discipline determined to be appropriate.

- (b) A Procedural Rule 8(c) Tribunal will be scheduled whenever a student is alleged to have violated Rule 4(i). This Tribunal will hear evidence and determine all issues related to this.

When the Procedural Rule 8 (c) Tribunal finds that a student has violated Rule 4(i), the ruling shall include a recommendation as to whether a student may return to public school, as provided in the paragraph below, and, if return is recommended, a recommended time for the student's return to public school.

When a student is found by the Board, or Tribunal as designee, to have violated Rule 4(i), and not to have acted in self-defense, the student shall be expelled from the public school system for the remainder of the student's eligibility to attend public school. The Board, or Tribunal as designee, at its discretion may permit the student to attend an alternative education program for the period of the student's expulsion. If the student is in kindergarten through grade eight, then the local school board, or Tribunal as designee, at its discretion may permit such a student to re-enroll in the regular public school for grades nine through 12. If the Board does not operate an alternative education program for students in kindergarten through grade six, the Board, Tribunal as designee, at its discretion may permit a student in kindergarten through grade six to reenroll in the public school system.

Any student who is found by a Procedural Rule 8 (c) Tribunal to have committed an act of physical violence against a teacher, school bus driver, school official, or school employee as defined in Rule 4i shall be referred to juvenile court with a request for a petition alleging delinquent behavior.

- 2. Assault or battery upon another student if, in the discretion of the administrator or the Director of Student Discipline, the alleged assault or battery could justify the expulsion or long-term suspension of the student.
- 3. Intentionally causing substantial damage to school property, personal property belonging to a teacher, other school official, employee or student, if in the discretion

of the administrator, the alleged damage could justify the expulsion or long-term suspension of the student.

4. Setting fire to or attempting to set fire to school property or private property.
5. Distribution, sale or attempted sale of controlled substances, e.g., designer drugs, cocaine, PCP, LSD, "speed," marijuana, tranquilizers), alcohol, prescribed medicines, counterfeit or look-alike drugs, etc.; or controlled paraphernalia (pipes, papers, "roach clips," needles, cocaine spoons, etc.).
6. Repeated use of alcohol or controlled substances. (A second offense will be referred to an Informal or Disciplinary Hearing.)
7. Use or possession of a weapon subject to the following procedures:

(a) **Alleged use of any weapon**

Alleged use of any weapon or self-defense spray (See Part I, Rule 8) to threaten, intimidate, injure or otherwise cause fear for one's safety. *Any student who allegedly uses a weapon in such a manner must be referred to an informal or disciplinary tribunal hearing by an administrator calling the Office of Student Discipline.*

(b) **Alleged possession of any weapon**

Possession of a weapon of any variety, including those listed in Categories I and II below, is a violation of Fulton County School System Procedure (See Part I, Rule 8) and is subject to the following disciplinary guidelines. For purposes of this rule, "weapons" as defined in Part I, Rule 8 are divided into the following two categories:

Category I: Any firearm, explosive, incendiary device, or any offensive/defensive weapon designed to harm people. Examples of such weapons are: shotguns, rifles, pistols, pellet/BB guns, starter guns, stun-guns, tasers, brass knuckles, switchblade knives, butterfly knives, knuckle knives, nunchakus, clubs/batons, straight razors, razor blades, throwing stars, self-defense sprays such as mace or pepper gas, etc.

Any student allegedly in possession of a Category I weapon must be referred to an informal or disciplinary tribunal hearing with an administrator calling the Office of Student Discipline immediately. In addition, the local school administrator must report the incident to the police. A report will be made to the district attorney by the Director of Student Discipline Hearing Process.

Except as otherwise provided under applicable federal or state laws or Board policies or procedures, a student who is found to be in possession of a firearm as defined in 18 U.S.C. § 921 shall be subject to expulsion for a period of at least one calendar year. According to Section 921, the following are included with the definition:

- any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive
- the frame or receiver of any weapon described above
- any firearm muffler or firearm silencer
- any destructive device, which includes:
 - (a) any explosive, incendiary, or poison gas
 - (1) bomb,
 - (2) grenade,
 - (3) rocket having a propellant charge of more than four ounces,

- (4) missile having an explosive or incendiary charge of more than one-quarter ounce,
- (5) mine, or
- (6) similar device.

(b) any weapon which will, or which may be readily converted to, expel a projectile by the action of an explosive or other propellant, and which has any barrel with a bore of more than one-half inch in diameter.

(c) any combination of parts either designed or intended for use in converting any device into any destructive device described in the two immediately preceding examples, and from which a destructive device may be readily assembled.

On a case-by-case basis, the Board may consider modifying this expulsion period upon the request of a parent or upon the recommendation of the Superintendent, Tribunal or Hearing Officer.

Category II: Any instrument classified as a weapon other than a firearm, which has a legitimate purpose in one's daily life other than use as a weapon. Examples of these weapons are hunting paraphernalia such as hunting knives; work tools such as pocket knives, kitchen knives, box cutters, scissors, screwdrivers; or look-alike objects that take on the appearance of a weapon, such as water pistols, toy pistols, etc.

If the local school administrator determines that the student was in possession of a Category II weapon with the purpose or intent to threaten or harm others or for personal protection, then the student must be referred to an informal or disciplinary tribunal hearing by immediately notifying the Office of Student Discipline.

If the local school administrator determines that the student was in possession of a Category II weapon, but not with the purpose or *intent* to threaten or harm others, and not for personal protection, the local school administrator may determine any appropriate disciplinary action. However, any student found in possession of any weapon, tool, or instrument which is included in the state's definition of prohibited weapons (O.C.G.A. 16-11-127.1) must be reported to the police and the Office of Student Discipline by the local school administrator. The district attorney will be notified by the Director of Student Discipline. The Director of Student Discipline *must* be consulted in all cases.

Curriculum Display of Category I or II Weapon

Any weapon of the Category I or II type, that is to be used as a curriculum display, and is used as an educational tool, will require permission from the principal of the school before the display occurs. This display weapon, which must be unloaded if a gun or not contain *any* explosive material if other object, should be brought to the school specifically for the display time by the parent, guardian or other adult over 21 years of age approved by the parent/guardian and principal and then removed from the school by the approved adult immediately upon completion of the educational session.

- g. A student **may** be referred to one of these hearings for any alleged behavior the administrator and the Director of Student Discipline Hearing Process consider serious enough to warrant consideration of school transfer, long-term suspension or expulsion.

Procedural Rule 9. Notice of Hearing

Following any instance enumerated in Procedural Rule 8, the Director of Student Discipline shall arrange a tentative time and place for the appropriate hearing. The Director of Student Discipline, or other authorized official, shall thereupon cause a notice to be given to the student and his/her parents (or other person standing in loco parentis), either in person or by United States mail directed to their last known address, which notice shall include:

- a. a copy of the statement of the rule(s), regulation(s) or law(s) allegedly violated and a description of the acts of the students alleged to have constituted such a violation;
- b. a statement that a hearing will be conducted;
- c. the names of the witnesses and a summary of the evidence expected to be used in support of the charges;
- d. the maximum penalty which may be administered for the alleged misconduct;
- e. the tentative time and place for the hearing;
- f. a copy of the hearing procedures;
- g. a statement that the parties at the hearing will be afforded the opportunity to present and respond to evidence and to examine and cross-examine witnesses on all unresolved issues;
- h. a statement that the parties at the hearing have the right to be represented by legal counsel; and
- i. a statement that verbatim electronic or written recording of the hearing shall be made and shall be available to all parties. The local school administrator should confer with the Director of Student Discipline before notifying the parents of any specific number of days of suspension.

Procedural Rule 10. Scheduling the Hearing

The hearing should be scheduled within ten school days after the occurrence of the alleged incident as specified in Procedural Rule 8 . A hearing officer or Tribunal may schedule a different date for the hearing if good and sufficient cause is shown by either the student or the Director of Student Discipline.

Procedural Rule 8(c) hearings must be within ten (10) school days after the occurrence unless the school system, student, and parent/guardian mutually agree to an extension [OCGA § 20-2-754(b)]

Procedural Rule 11 . Conduct of the Hearing

- a. **Record of the Hearing.** A court reporter or taping device shall be provided to transcribe the evidence and proceedings in substantially the same manner as civil trials in the Superior Court. The burden of proof shall be on the administrator and he/she shall be entitled to open and conclude.
- b. **Examination of Witnesses.** The administrator, the system's attorney, the student or his/her parents, or legal representative and the hearing officer or disciplinary tribunal panel members may question any matters logically relevant to the charge against the student and the proper disposition of the matter. The disciplinary tribunal or hearing officer has authority to limit unproductively long or irrelevant questioning.
- c. **Waiver of Defects in Notice and Other Procedural Objections.** Objections to the sufficiency of notice and all other procedural and other objections shall be waived

unless notice thereof is filed with the Office of Student Discipline at least 24 hours prior to the time that the hearing is scheduled to begin. The hearing may be postponed until all such defects have been cured or removed.

d. **Decisions and Recommendations.**

The Informal and Disciplinary Hearing Officers/Panel or the Tribunal, after conducting the hearing and receiving all evidence, shall render a decision based solely on the evidence received at the hearing and (except for those students covered by Procedural Rule 11. e.) shall determine what, if any, disciplinary action shall be taken. Such action may include, but is not limited to, short-term suspension, school transfer, long-term suspension or expulsion. If the student is determined to be in need of referral and evaluation to address eligibility for special education or Section 504 services, the Informal or Disciplinary Hearing Officer may make a referral to that student's Student Support Team to initiate the referral for evaluation. The decision of the Student Hearing Officer/Panel or Tribunal shall be in writing and shall be given to all parties. The Student Hearing Officer/Panel or Tribunal shall have the authority to determine what, if any, disciplinary action shall be taken with regard to all offenses with which the student is charged, whether or not all of the charges arise out of instances described in Procedural Rule 8.

The Procedural Rule 8(c) Tribunal, after conducting the hearing and receiving all evidence regarding alleged violations of Rule 4(i), shall render a decision based solely on the evidence received at the hearing. If a student is found guilty of violating JD Rule 4(i), the student shall be expelled for the remainder of the student's eligibility to attend public school. The Tribunal decision will take effect immediately as rendered by the Tribunal at the hearing. If the student is determined to be in need of referral and evaluation to address eligibility for special education or Section 504 services, the Tribunal may make a referral to that student's Student Support Team to initiate the referral for evaluation. The decisions of the Procedural Rule 8(c) Tribunal shall be in writing and shall be given to all parties. The Procedural Rule 8(c) Tribunal as a designee of the Board shall have the authority to decide any and all other disciplinary issues before it with regard to any alleged rule violations.

- e. **IEP Committee Review for Students with Disabilities.** Any student who is receiving special education services or has been identified as a student with a disability under the Individuals with Disabilities Act (IDEA) and whose acts are determined by the Informal Hearing Officer, Disciplinary Hearing Officer, or Tribunal to have violated any of the rules, regulations or laws as alleged, shall be referred to an IEP committee. The IEP committee is responsible for determining if the student's conduct is a manifestation of his/her disability and whether such conduct warrants a change in placement, amendments to the individual educational plan (IEP) and/or disciplinary actions. If the IEP committee determines that the student's conduct is not a manifestation of the student's disability, it shall determine what, if any, disciplinary actions shall be taken with regard to offenses which the student has been found by the Informal Hearing Officer, Disciplinary Hearing Officer, or Tribunal to have committed. The IEP committee shall also have the authority to consider, recommend and implement any changes in the student's IEP or educational placement. Nothing in this rule shall alter or adversely affect the rights of students with disabilities under applicable federal and state laws.

- f. **Written Summary of Informal, Disciplinary or Tribunal Hearing.** A written summary of any proceedings conducted under Procedural Rules 8 through 14 shall be prepared

which shall include a description of the incident and the disposition thereof but shall not contain the names of any party to the incident. The summary shall be a public record.

Procedural Rule 12. Appeal Rights

Informal, Disciplinary, and Tribunal Hearing Rights to Appeal to Board:

1. Notice of Appeal. Any decision by the Student Discipline Hearing Officer/Panel or Tribunal may be appealed by the parents or by the Superintendent to the Board by filing a written notice of appeal with the Board Secretary within 20 calendar days of the date of the Student Discipline Hearing Officer/Panel or Tribunal's written decision. If the 20th calendar day falls on a weekend, legal holiday or other administrative non-workday, the deadline will be extended to the next workday. At the discretion of the Superintendent, any disciplinary action imposed may be suspended pending the outcome of the appeal.
2. Decision by Board of Appeal. Upon the appeal of the Student Discipline Hearing Officer/Panel or Tribunal's decision to the Board, the Board shall either request an additional full evidentiary hearing or shall review the record and shall render a decision in writing. The decision shall be based either solely on the evidence presented at the new hearing or solely on the reviewed record and shall be given to all parties. The Board may accept, reject or modify the decision of the Student Discipline Hearing Officer/Panel or Tribunal. If the Board decides to modify the decision, the modified decision may include an increased penalty or a decreased penalty. An explanation of the reasons for any increased punishment should be included with the decision. All parties have the right to be represented by legal counsel in connection with the appeal to the Board and any subsequent proceedings.

Procedural Rule 13. Group Hearing

Except as otherwise provided in Procedural Rules 8 through 14, when students are charged with violating the same rule(s) and have acted in concert, and the facts are basically the same for all students, a group hearing may be conducted for them if the Director of Student Discipline believes that the following conditions exist: (a) a single hearing will not likely result in confusion and (b) no student will have his/her interests substantially prejudiced by a group hearing. If during the hearing, the disciplinary tribunal chairperson or student hearing officer finds that a student's interests will be substantially prejudiced by the group hearing, he/she may order a separate hearing for that student.

Procedural Rule 14. Appeal to Georgia Board of Education

The student or the Superintendent may appeal the action of the Board of Education to the Georgia Board of Education. The penalty need not be postponed pending the outcome of the appeal. Such an appeal shall be in accordance with Georgia Code Section 20-2-1160 and regulations of the Georgia Board of Education governing such appeals.

Procedural Rule 15. Emergency Suspensions

Notwithstanding the provisions of Procedural Rules 6 through 14, where the school is undergoing a violent upheaval or where orderly educational processes have otherwise been substantially disrupted, short-term suspensions of students may be ordered without notice of hearing or the other rights provided by Procedural Rules 6 through 14 being first given. In all such cases, however, the procedures of Procedural Rules 6 through 14, depending on which are applicable, shall be observed at the earliest practicable date that the restoration of order permits.

Procedural Rule 16. Teacher Removal of Student (TROS)

Based on Georgia Law O.C.G.A. §20-2-738 a teacher may remove from class a student who repeatedly or substantially interferes with the teacher’s ability to conduct instructional activities or when the student poses an immediate threat to the safety of the student’s classmates or the teacher. The student’s behavior must be a violation of the student code of conduct. Also, if the removal is based upon repeated or substantial interference with instruction, the teacher must have previously reported the student to the school administration using the Fulton County Report of Student Conduct (RSC) form. For a student with an active Individualized Education Plan (IEP), or Section 504 plan, the removal from class must be consistent with state and federal regulations.

Once a school administrator confirms with the teacher that a removal is in effect, the administrator will tell the student the grounds for his/her removal from class and give the student the opportunity to admit or deny and explain the Code of Conduct rule violations that are the grounds for the removal. At this point the administrator has the responsibility to find a temporary alternate placement for the student until the Placement Review Committee (PRC) made up of three certificated personnel convenes to determine whether to return the student to the referring teacher’s classroom or not return the student to the referring teacher’s classroom and refer the student to the school administrator for appropriate permanent alternate placement for his educational experience.

If the decision of the PRC is to return the student to the referring teacher’s classroom, the administrator will facilitate this return and may assign the student discipline or support services for any Code of Conduct violations which occurred. If the decision is not to return the student to the referring teacher’s classroom, the administrator shall determine and implement appropriate placement for the student and may assign discipline and support services. Alternate placement for the student may include, but is not limited to, the following: placement in another appropriate classroom, in-school suspension, out-of-school suspension of not more than ten days, an alternative education program, another placement consistent with local board policy, or any combination of these and return the student to the class from which he/she was removed upon completion of any disciplinary or placement action taken.

It should be noted that the local Superintendent fully supports the authority of principals and teachers in the Fulton County School System to remove a student from the classroom pursuant to OCGA § 20-2-738.

Procedural Rule 17. Attendance

Regular attendance in school is necessary for a student to make adequate academic progress. When a child is absent, parents, guardians, or other persons who have control of a child enrolled in the school district should follow the local school rules to report reasons for absences. Georgia law requires that after any student accrues five (5) days of unexcused absences in a given school year, the person, guardian, or other person who has control or charge of said child shall be in violation of OCGA § 20-2-690.1(b). The law also places notice requirements on Georgia school systems. The law states the following:

“Any parent, guardian, or other person residing in this state who has control or charge of a child or children and who shall violate this Code section shall be guilty of a misdemeanor and upon conviction thereof, shall be subject to a fine not less than \$25.00 and not greater than \$100.00, or imprisonment not to exceed 30 days, community service, or any combination of such penalties, at the discretion of the court having jurisdiction. Each day’s absence from school in violation of this part after the child’s school system notifies the parent, guardian, or

other person who has control or charge of a child of five unexcused days of absence for a child shall constitute a separate offense. After two reasonable attempts to notify the parent, guardian, or other person who has control or charge of a child of five unexcused days of absence without response, the school system shall send a notice to such parent, guardian, or other person by certified mail, return receipt requested. Public schools shall provide to the parent, guardian, or other sperson having control or charge of each child enrolled in the public school a written summary of possible consequences and penalties for failing to comply with compulsory attendance under this Code section for children and their parents, guardians, or other persons having control or charge of children. The parent, guardian, or other person who has control or charge of a child or children shall sign a statement indicating receipt of such written statement of possible consequences and penalties; children who are ten years or older by September 1 shall sign a statement indicating receipt of such written statement of possible consequences and penalties.

After two reasonable attempts by the school to secure such signature or signatures, the school shall be considered to be in compliance with this subsection if it sends a copy of the statement, via certified mail, return receipt requested, to such parent, guardian, [or] other person who has control or charge of a child, or child[ren] . Public schools shall retain signed copies of statements through the end of the year.”

PART III—Removal of Dangerous Students

Health or Safety

Any student who is found (by the disciplinary tribunal, student hearing officer, the IEP committee or the Superintendent, after consultation with appropriate personnel) to pose an immediate and substantial threat to the health or safety of himself/herself or others in his/her current school setting, may be removed from that setting pending the conducting of necessary procedures under Procedural Rules 6 through 14 or under applicable state or federal law. Nothing in this rule, however, shall authorize the cessation of education services if doing so would contravene applicable state or federal law.

Disrupting School Operations

A student who has been charged with the unlawful selling of narcotics or other such serious violation of the criminal law may be removed from the school by the principal upon the approval of the Superintendent when it is necessary to protect other students or avoid substantial disruption to school operations. The school must be able to show that the continued presence of the student endangers other students or would substantially disrupt school operations. As soon as the student no longer poses such a threat, he/she shall be reinstated.

PART IV – Related Federal Regulations

Nothing in this Code of Conduct shall be construed to infringe on any right provided to students pursuant to the Federal Individuals with Disabilities Education Act, Section 504 of the Federal Rehabilitation Act of 1973, or the Federal Americans with Disabilities Act of 1990.