

# **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 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.

## **Reporting Inappropriate Behaviors**

The District adheres to the requirements found in O.C.G.A. § 20-2-751.7 and the Professional Standards Commission's state mandated process for students to follow reporting instances of alleged inappropriate sexual behavior by a school employee. Any student (or parent or friend of a student) who has been the victim of an act of abuse, sexual abuse, sexual misconduct, or other inappropriate behavior by a teacher, administrator or other school system employee is urged to make an oral report of the act to any teacher, counselor or administrator at his/her school.

Any teacher, counselor or administrator receiving such a report shall make an oral report of the incident immediately by telephone or otherwise to the school principal or principal's designee, and shall submit a written report of the incident to the school principal or principal's designee within 24 hours. If the principal is the person accused of the abuse, sexual misconduct or other inappropriate behavior, the oral and written reports should be made to the Superintendent or the Superintendent's designee.

The principal or principal's designee (in most instances, a school social worker) who receives a report of abuse as defined in O.C.G.A. § 19-7-5, or any other behavior required to be reported under this law, shall make an oral report immediately, but in no case later than 24 hours from the time there is reasonable cause to believe a child has been victimized. The report should be made by telephone and followed by a written report to a child welfare agency providing protective services, as designated by the Department of Family and Children Services (DFCS).

If a student has allegedly been abused or subjected to inappropriate behavior by a school employee, a report of such allegation will also be made immediately to DFCS, Operating Guidelines JGED, Child Abuse and Neglect reporting.

Any report of behavior contemplated in O.C.G.A. § 20-2-1184 will be made to the appropriate superintendent level administrator, and school resource officer and the Office of Student Discipline. The Chief of the Fulton County Schools Police or designee will report the matter to the district attorney's office.

# **Student Discipline and Code of Conduct**

## *JD Operating Guideline*

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 have the goal 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.

### **Searches**

School officials are authorized to conduct reasonable searches of students, staff and visitors pursuant to applicable law. When reasonable suspicion exists, school officials may search students whom they believe have either violated a particular law or rules of the school. The scope of the search will be reasonably related to the purpose of the search and not excessively intrusive in light of the age and gender of the student and the nature of the suspected infraction.

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 student vehicles on school property. Students should not expect their vehicles or vehicle contents to remain private if exercising the privilege of parking on campus.

School computers and school technology resources, as defined below, are not private and are open to school review at any time.

Student lockers, desks and all school and classroom storage areas are school property and remain at all times under the control of the school. These areas are not private. Periodic general inspections of these areas may be conducted by school authorities for any reason at any time without notice, and without student consent

If a search yields illegal or unauthorized materials, such materials shall be turned over in person to the Chief of the Fulton County School Police or School Police Officer or proper legal authorities for ultimate disposition. See Operating Guideline FEE, Searches, for additional information,

### **Investigation**

When an administrator receives information of an alleged disciplinary rule violation, he/she should 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 student or students, interviews with witnesses, if any, and an examination of

any relevant documents, including written statements from teachers, staff and student witnesses. Based on the evidence available, the administrator will determine whether a disciplinary rule(s) was violated.

### **Disciplinary Consequences**

If the local school administration is uncertain as to the interpretation of the Code of Conduct they are to contact the Office of Student Discipline.

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 hearings may result in assignment to an alternative school, long-term suspension, expulsion, or permanent expulsion from all Fulton County schools.

In addition to discipline, behaviors may also be reported to law enforcement at the District's discretion and as required by law, including O.C.G.A. §§ 20-2-1184 and 19-7-5. Major offenses including, but not limited to, drug and weapon offenses, can lead to schools being named as an Unsafe School according to the provisions of State Board Rule 160-4-8-.16.

### **Suspensions**

The Principal or designee will afford the student oral or written notice of the charges. If the student denies the charges, he/she shall be given an explanation of the evidence the school authorities have and an opportunity to present his/her side of the story.

The student's parent/guardian should be notified of the suspension as soon as possible. This notification should be confirmed in writing no later than two school days after the suspension begins. This notification should contain the charges, a description of the alleged acts, and the number of days and dates of the suspension. The written notification should be delivered to the student's parent/guardian either in person or by first class mail to the last known address of the parent/guardian. If notification is delivered in person, a written confirmation of delivery should be obtained.

Students under suspension or expulsion shall not participate in or attend school activities on or off campus or be present on any Fulton County school campus without permission.

If less than the number of suspended days remain in the complete grading period or regular school year, the suspension/expulsion will continue into the next regular school year or complete grading period.

Even though there are generally no appeal rights guaranteed by law for students on short-term suspension (10 days OSS or less), the parent/guardian may call the Principal to discuss their child's discipline.

If the school recommends OSS for more than 10 school days, or alternative school, a disciplinary hearing is required and will be offered. Schools may recommend and/or the Disciplinary Hearing Officer may determine that students attend the alternative school during their suspension/expulsion. Upon this recommendation or determination, students may attend alternative school pursuant to a strict academic, attendance and behavior contract. If students violate the terms of their contract, they may forfeit the opportunity to attend the alternative school during the remainder of their

suspension/expulsion. The Director of the Office of Student Discipline will determine whether the student has violated the contract and whether the suspension/expulsion will be reinstated.

Suspension days for any student with an Individual Education Plan (IEP) or Section 504 Plan should conform to applicable legal requirements (including any legal limitations of cumulative suspension days).

### **Positive Behavioral Support**

A variety of resources are available at every school to help address behavioral problems. The school discipline process should 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, Insight Drug Prevention 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.

### **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 that at least one (1) parent or guardian 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 that at least one (1) parent or guardian schedule and attend a conference with the principal, or principal's designee, to devise a disciplinary and behavioral correction plan. At the discretion of the principal, a teacher, counselor, or other person may attend the conference. The principal will note the conference in the student's permanent file. Failure of the parent or guardian to attend shall not preclude the student from being readmitted to the school.

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.

## **Teacher Removal of Student (TROS)**

O.C.G.A. § 20-2-738 provides that 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 Individual 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 violation(s) that are the ground(s) 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 (3) 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 violation(s) 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 (10) days, an alternative education program (after a disciplinary hearing is offered), 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 O.C.G.A. § 20-2-738.

## **Attendance**

Regular attendance in school is important 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 Policy and Procedure JBD, Attendance and Absences, as well as 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 O.C.G.A. § 20-2-690.1(b) and the child will be considered truant. The law also places notice requirements on Georgia school systems. The law provides for the following penalties and notice:

“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 (5) unexcused days of absence for a child shall constitute a separate offense. After two (2) reasonable attempts to notify the parent, guardian, or other person who has control or charge of a child of five (5) 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 person 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. By September 1 of each school year or within 30 days of the student's enrollment in a school system, 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 (10) years or older by September 1 shall sign a statement indicating receipt of such written statement of possible consequences and penalties."

After two (2) 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 children. Public schools shall retain signed copies of statements through the end of the year."

As stated in O.C.G.A. § 20-2-690.1(c), the District is entitled to file proceedings in court to enforce attendance requirements. A truant student may also face disposition as an unruly child pursuant to O.C.G.A. § 15-11-67.

Schools shall notify parents of students 14 years of age or older when the student has accumulated seven (7) unexcused absences during the school year.

### **Drivers' Licenses**

In addition to the discipline specified in this Code of Conduct for attendance and selected conduct, students fifteen (15) through seventeen (17) years of age may find their eligibility for a Georgia instructional/learner's permit or driver's license impacted by their school attendance and/or conduct. Students applying for an instruction permit or driver's license must obtain a letter from their school certifying that none of the following provisions apply to them at the time the letter is generated or for the preceding school year. Schools are required to report any child fifteen (15) through seventeen (17) years of age who does not comply with the following provisions:

- A. Have dropped out of school without graduating and has remained out of school for ten (10) consecutive days;
- B. Have more than ten (10) school days of unexcused absences in the current academic year or 10 or more school days of unexcused absences in the previous academic year; or
- C. Have been found in violation by a hearing officer, panel, or tribunal, or received a change in placement for committing one of the following offenses; or has waived his/her right to a hearing and pled guilty to one of the following offenses:

- Threatening, striking, or causing bodily harm to a teacher or other school personnel;
- Possession or sale of drugs or alcohol on school property or at a school sponsored event;
- Possession or use of a weapon (as defined in O.C.G.A. § 16-11-127.1) on school property or at a school sponsored event.
- Any sexual offense prohibited under Chapter 6 of Title 16 of the Georgia Code;
- Causing substantial or visible bodily harm to or seriously disfiguring another person, including another student.

### **Clubs and Organizations**

The names, mission, advisors and a description of past or planned activities of school clubs and student organizations will be available in student handbooks.

### **PART I: DISCIPLINARY RULES**

The following code provisions apply to student behavior AT ANY TIME while on school property, engaging in or attending a school-sponsored event, while using the school technology resources or, in some cases, off-campus (see Rule 19). The decision to charge a student for violation of this Code of Conduct shall be made by the administration of the local school. If the local school administration is uncertain as to the interpretation of the Code of Conduct they are to contact the Office of Student Discipline.

#### **Definitions:**

- **"Administrator"** means the principal or other designated person to whom authority has been delegated.
- **"Board"** means the **Fulton County** Board of Education.
- **"Expulsion"** means suspension or expulsion of a student from school beyond the current school quarter or semester.
- **"Disciplinary Hearing Officer or Hearing Officer"**  
Means the individual(s) appointed to conduct a Disciplinary Hearing.
- **"Long-Term Suspension"** means the suspension of a student from school for more than ten (10) school days, but not beyond the current school quarter or semester.
- **"Parent"** means the student's natural parent or court approved legal Guardian.
- **"Permanent Expulsion"** means expulsion from all Fulton County Schools for the remainder of the student's eligibility to attend school pursuant to Georgia law.
- **"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.
- **"School property"** includes, but is not limited to:
  1. The land and improvements which constitute the school;
  2. Any other property or building, including school bus stops, wherever located, where any school sponsored/sanctioned function or activity is conducted;
  3. Any bus or other vehicle used in connection with school functions and activities, including but not limited to, school buses, buses leased by the Fulton County School District and privately-owned vehicles used for transportation to and from school activities;

4. En route to and from school (Prior to imposing discipline regarding incidents occurring en route to and from school, school administration should consult with the Office of Student Discipline.)

- **“School technology resources”** includes, but is not limited to:
  1. Electronic media systems such as computers, electronic networks, messaging, and Web site publishing, and
  2. The associated hardware and software programs used for purposes such as, but not limited to, developing, retrieving, storing, disseminating, and accessing instructional, educational, and administrative information.
- **“Short-Term Suspension”** means the suspension of a student from school for ten (10) school days or less.
- **“Superintendent”** means the system's Superintendent or chief administrative officer or other designated person to whom disciplinary authority has been delegated.
- **“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.
- **“Detention”**, including Saturday opportunity school, by a teacher or an administrator requires 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 at least on the day prior to the serving of detention or Saturday opportunity school.
- **“Local school interventions”** include the use of student and/or parent conferences, student court, mediation, detention, in-school suspension, bus suspensions, opportunity rooms, Saturday opportunity school, out-of-school suspension, and forfeiture of the privilege of participation in extracurricular activities.
- **“Opportunity room” or “time out”** includes the removal of an elementary student from his/her class by the principal or a designee. The Opportunity Room is a time-out or cool-down location supervised by appropriate school personnel in a room on the school premises other than the student's classroom for one (1) day or less depending upon the nature of the behavior and the age/grade of the student.
- **“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) consecutive 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.

A copy of the written notice (“suspension letter”) must also be sent to the Exceptional Children Department if the student has an Individual Education Plan (IEP) 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 parent(s) and student before, or at the time the student returns to regular classes.

## **Disciplinary 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 a 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 using or displaying cellular telephones on school property at any time. 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, for specific rules relating to use of electronic equipment, including cellular phones, and other items while on the school bus.  
  
Pagers, cellular telephones or electronic communication devices secured inside student automobiles will not be considered a violation of this rule;
- h. Students may not use audio or visual recording devices without permission of a school administrator as defined by this code. Use of recording devices video or record misbehaviors or to violate the privacy of others will result in a violation of Rule 1(o).
- i. in any other manner, by the use of violence, force, noise, coercion, threat, intimidation, fear, passive resistance, false statements, or any other conduct that, causes 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;
- j. refuse to identify himself/herself upon request of any teacher, principal, Superintendent, school bus driver or other authorized school personnel;
- k. threaten to plant a bomb or falsely inform others that a bomb or other explosive has been planted on school property or at a school-sponsored event. The local school resource officer must be notified of such incidents;

l. knowingly make false calls to emergency services. The local school resource officer must be notified of such incidents;

m. knowingly make or report false fire alarms. The local school resource officer must be notified of such incidents; or

n. falsify, misrepresent, omit, or erroneously report information regarding instances of alleged inappropriate behavior by a teacher, administrator, or other school employee toward a student; or

o. 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. (Severity of consequences may be based upon value of property at issue)

### **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. (Severity of consequences may be based upon value of property at issue)

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

A student shall not:

a. intentionally make physical contact which causes physical harm to a school employee unless such physical contacts or physical harms were in self-defense as provided by O.C.G.A. § 16-3-21;

#### **Elementary School**

- 1-10 days OSS, with a hearing referral
- If expelled, upon recommendation of the hearing officer, an elementary school student may be readmitted to a traditional school for grades 9-12. If there is not an alternative education program for students in elementary school, then the student may be permitted to reenroll in the elementary school as permitted by the Hearing Officer. (O.C.G.A. § 20-2-751.6).

#### **Middle and High School**

- 10 days OSS with a hearing referral and a minimum recommendation for permanent expulsion.
- The hearing officer may allow an expelled student to attend the alternative school under a strict academic, attendance and behavior contract
- Upon recommendation of the hearing officer, a middle school student may be readmitted to a traditional school for grades 9-12. (O.C.G.A. § 20-2-751.6).

b. intentionally make physical contact of an insulting or provoking nature with a school employee, unless such physical contact was in self-defense as provided by O.C.G.A. § 16-3-21;

c. attempt to cause physical injury or commit an act which places an employee in reasonable apprehension of immediately receiving physical injury;

d. threaten bodily harm, or behave in such a way as could reasonably cause physical injury to a school employee; or

e. use in an employee's presence abusive words or obscene language, pictures or gestures tending to cause a breach of the peace.

If a student commits a violation of 4a, 4b, or 4c, a mandatory disciplinary hearing shall be held regardless of the recommended discipline, unless waived. The hearing may only be waived by agreement of the employee and the student's parent/guardian/student age 18 or older.

**Rule 5. (Physical or Verbal) Assault or Battery or Abusive Language by a Student to any Person Other Than a School Employee**

A student shall not:

a. intentionally make physical contact which causes physical harm to another person;

b. intentionally make physical contact of an insulting or provoking nature with another person;

c. attempt to cause physical injury, threaten bodily harm, or behave in such a way as could reasonably cause physical injury to any person; or

d. use abusive words, or obscene language, pictures or gestures tending to cause a breach of the peace.

At the discretion of the local school administration, the student and the parent may be offered the opportunity to attend a violence prevention program.

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 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.

**Rule 6. Threats, Harassment, Bullying, Disrespectful Conduct and Acts of Bigotry**

Any alleged victim of harassment or bullying may request to have his/her schedule changed, subject to the principal's approval. See also Policy JBCD, Transfers and

Withdrawals, for more information about transfer options for victims of violent offenses. See Policy JAA, Equal Educational Opportunities for Students, for more information regarding harassment. Staff members should report instances of behaviors referenced in this Rule to school administration within a reasonable time period so that administrators may review them in a timely manner.

It is beneficial for the school to be notified of community situations that may impact the school environment. However, individuals who are subject to harassment, bullying or “cyberbullying” in the community may contact their local police department for action, as the school may have no jurisdiction to discipline (OSS, ISS, etc.) for events in the community. (See Rule 19)

- a. No student shall threaten, verbally or written, expressed or implied, or conspire to cause bodily injury to any student, school employee or non-school employee while on school property, at school-sponsored events or while using school technology resources;
- b. No student shall engage in verbal or written harassment teasing or taunting toward another student or students or school system employees or other adults while on school property, at school sponsored events, or while using school technology resources.
- c. **Bullying: Students shall not engage in bullying behaviors. Bullying includes the following:**
  - Willful attempt or threat to inflict injury on another person, when accompanied by an apparent present ability to do so; or
  - Intentionally exhibiting a display of force such as would give the victim reason to fear or expect immediate bodily harm; or
  - Any intentional written, verbal, or physical act, which a reasonable person would perceive as being intended to threaten, harass or intimidate that:
    - Causes substantial physical harm or bodily harm capable of being perceived by a person other than the victim and may include, but is not limited to, substantially blackened eyes, substantially swollen lips or other facial or body parts, or substantial bruises to body parts;
    - Has the effect of substantially interfering with the victim student’s education;
    - Is so severe, persistent or pervasive that it creates an intimidating or threatening educational environment; or
    - Has the effect of substantially disrupting the orderly operation of the school.

No student shall bully another student or students. Parents/guardians/persons that have control of charge of students who are victims of bullying or are found to have committed bullying will be notified via telephone/personal conference or letter/referral. Staff members are expected to report instances of these behaviors to the school principal or designated administrator immediately so that administrators may investigate them in a timely manner. Employees, volunteers, students and parents/guardians/other persons that have control of students may report or otherwise provide information on bullying activity to a school administrator anonymously if they choose. No person who reports bullying behaviors will be retaliated against by any school employee. Students who retaliate against others for reports of bullying behavior are subject to discipline which may include enhanced consequences. Students who knowingly file a false report of bullying will also be disciplined.

Upon a finding by a Disciplinary Hearing Officer that a student in grades six (6) through twelve (12) has committed the offense of bullying for the third time in a school year, such student shall be assigned to an alternative education program. 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 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 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.

- d. A student shall not exhibit disrespectful, rude or discourteous behavior or language toward an employee, student or other person while on school property, at school-sponsored events, or while using school technology resources; This can include, but is not limited to, behavior such as using profane, vulgar, or language (written or oral) or gestures towards others; possessing, displaying, or distributing profane, vulgar, pornographic, obscene, or ethnically offensive materials; knowingly and willfully making false reports or statements, whether orally or in writing; falsely accusing others of wrong actions; falsifying school records; forging signatures; failing to comply with reasonable directions or commands of authorized school personnel/designees; refusing to identify one's self upon request of any School District employee/designee; failing to attend detention or in-school suspension; verbal altercations with another person.
- e. 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.

### **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.

The local school resource officer must be notified of such incidents. Any alleged victim of such offense may request to have his/her schedule changed, subject to the principal's approval. See also Policy JBCD, Transfers and Withdrawals, for more information about transfer options for victims of violent offenses. (See also Policy JAA, Equal Educational Opportunities for Students, for more information regarding harassment.)

Any student (or parent or friend of a student) who has been the victim of an act of abuse, sexual misconduct, or other inappropriate behavior is urged to make an oral report of the act to any teacher, counselor or administrator at his/her school.

### **Rule 8. Weapons and Dangerous Instruments**

**Prohibition:** A student shall not possess, handle, transmit, or cause to be transmitted; use or threaten to use; sell, attempt to sell, or conspire to sell a weapon or dangerous instrument, either concealed or open to view, on school property. All weapons and dangerous instruments shall be confiscated and given to the local school resource officer or other law enforcement agencies as appropriate. The disposition of confiscated weapons and dangerous instruments shall be determined by the Superintendent or his/her designated school official, in conjunction with law enforcement. The possession of any weapon in violation of O.C.G.A. § 16-11-127.1 will trigger the reporting requirements of O.C.G.A. § 20-2-1184. The incidents will be reported to the police, the Area Superintendent, and the Office of Student Discipline. The Chief of Fulton County Schools Police, or designee, will notify the district attorney.

NOTE: The definition of "weapon" for purposes of this Code of Conduct is one that includes, but is not limited to, the following items:

#### **Category I Weapon:**

Any loaded or unloaded firearm. A firearm includes any weapon which will or is designed to or may readily be converted to expel a projectile by action of an explosive (e.g., pistol, starter gun, revolver, rifle, shotgun the frame or receiver of any weapon described above; any explosive, incendiary, or poison gas, which includes a bomb, grenade, rocket having a propellant charge of more than four ounces, missile having an explosive or incendiary charge of more than one-quarter ounce, mine, or similar device; 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; and 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.

- First and Additional Offenses:
  - ◇ **Loaded or Unloaded Firearm:** The penalty for any student possessing a loaded or unloaded firearm on school property is ten (10) days out-of-school suspension and a recommendation for expulsion for a specified time that will be no less than one calendar year as provided in Georgia law and may include permanent expulsion.
  - ◇ The Board of Education has the authority to modify these expulsion requirements on a case-by-case basis.
  - ◇ Notify the Office of Student Discipline and Area Superintendent.
  - ◇ The local school resource officer must be notified of such incidents.

#### **Category II Weapon:**

Any pellet gun, paint pellet gun, or BB gun, antique firearm, or any similar weapon that does not meet the definition of a Category I weapon; any Bowie, Dirk, machete, switchblade knife, ballistics knife, any other knife having a blade of two or more inches; any razor blade (e.g., straight, regular, retractable, etc.); boxcutter; any defensive device

(e.g., stun-gun, laser); any bludgeon (e.g. billy club, PR-24, night stick, blackjack, club); mace, pepper gas or like substances, (mere possession of pepper gas, firecrackers or like substances is not a violation of this Code of Conduct unless the administration determines that the student brought it to the school with the intent to harm another or create a disturbance), or unless the student uses one of these items to cause harm or create a disturbance any firearm muffler or firearm silencer; "look-alike" bomb; any "martial arts" device (e.g., Chinese Star, nunchakus, dart, etc.) miscellaneous devices such as swords, sword/knife canes, ice picks, chains, bow and arrows, brass/metal knuckles, objects placed on fingers, in hands, or on fists or knuckles to provide a "loaded fist," etc. or any tool or instrument which the school administration could reasonably conclude as being used as a weapon or intended by the student to be used as a weapon and thus a violation of the intent of this Code of Conduct.

In addition to the above, Category II weapons include any weapon as defined by O.C.G.A. § 16-11-127.1, with the exception of firearms (See Category I).

- ◇ The local school resource officer must be notified of such incidents.
- ◇ Notify the Office of Student Discipline and Area Superintendent.

### **Category III Weapon:**

Any knife or instrument having a blade of less than two inches, any "look-alike" firearm, or plastic disposable razor or sling shot.

- ◇ The local school resource officer must be notified of such incidents.

### **Dangerous Instruments:**

Students may not possess ammunition, BBs, paint pellets, CO2 cartridges or similar instruments. These items are disruptive to the function of the school and may pose a safety risk.

**Curriculum Display of a Weapon or Dangerous Instrument** - Any individual wishing to bring a weapon, look-alike weapon or dangerous instrument to school or use a Category I or II type weapon for the purposes of a curriculum display or as an educational tool must have prior permission. Specifically, the individual must have verbal approval of the teacher in whose class the weapon or dangerous instrument will be displayed, as well as prior written permission from the principal which includes a description of the weapon(s) authorized and the time period during which the weapon(s) may be on campus.

Transport of the weapon, look-alike weapon or dangerous instrument to and from the school must be by the approved parent, guardian or other approved individual 21 years of age. The transporting individual should remove the weapon from the school immediately upon completion of the educational session. When necessary, the teacher or school administration will store the weapon, look-alike weapon or dangerous instrument in a secure location when it is not being used in the above classroom activities. The weapon or dangerous instrument must be unloaded and must not contain any explosive material.

### **Rule 9. Alcohol and Other Drugs/Psychoactive Substances**

Offenses are cumulative in Elementary school and Grades 6-12.

- A. No student shall possess, consume, transmit, store, or be under any degree of influence of alcoholic beverages and/or illegal drugs, narcotics, hallucinogens, amphetamines, barbiturates, marijuana, or any other substance listed under the

Georgia Controlled Substances Act or any substance believed by the student to be alcohol or an illegal drug. Legal intoxication is not required for violation of this rule. First-time offenders may be required to attend a drug intervention program in addition to any other disciplinary action deemed appropriate;

- B. No student shall possess, transmit, store, buy, sell, or otherwise distribute or possess with intent to sell any drug-related paraphernalia;
- C. No student shall falsely present or identify a substance to be alcohol or an illegal drug;
- D. No student shall buy, sell, or otherwise distribute or possess with intent to distribute or attempt to buy, sell, or otherwise distribute or possess with intent to distribute alcoholic beverages, illegal drugs, narcotics, hallucinogens, amphetamines, barbiturates, or marijuana, or any other substance listed under the Georgia Controlled Substances Act, or any substance falsely identified as such, or is believed by the purchaser to be an alcoholic beverage or illegal drug, narcotics, hallucinogens, amphetamines, barbiturates, or marijuana, or any other substance listed under the Georgia Controlled Substances Act;
- E. No student shall sniff or be under the influence of inhalants and/or other substances.
- F. **Over-The-Counter Medication:**

Possession of all over-the-counter medication on school property must be pursuant to Operating Guideline JGCD – Medication Administration and Storage. A student is prohibited from selling, distributing, or possessing with intent to distribute any over-the-counter medication. Over the counter medications specifically include, but are not limited to, stimulants (i.e., diet pills, caffeine pills, etc.), nicotine replacement therapies such as nicotine gum and candy, nicotine lozenges, nicotine patches, nicotine inhalers, nicotine nasal sprays and the like.

G. **Prescription Drugs:**

No student shall be in possession of prescription medication not prescribed for the student. All prescription medication prescribed for a student must be in compliance with written parent authorization and adherence to local school rules. In addition, a student shall not sell, distribute, or possess with intent to distribute any prescribed medication on school property. If the prescription drug is a controlled substance under the Georgia Controlled Substances Act, the student shall be found to have violated the appropriate portions of Paragraphs A through E above. Also see Operating Guideline JGCD – Medication Administration and Storage.

**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.

### **Rule 11. Unexcused Absences**

- a. A student shall not be truant by failing to attend school in compliance with the Georgia Compulsory Attendance Laws;
- b. No student shall miss any class or activity or be tardy for which he or she is enrolled without a valid excuse;
- c. Students shall not leave school grounds during the course of the regularly scheduled school day without the permission of a parent and school principal or designee. Students must follow the established procedures for checking in or out of school.

It should be noted that O.C.G.A. § 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 accrues five unexcused absences during one school year will be deemed to have violated Code section 20-2-690.1 and shall be guilty of a misdemeanor and subject to fines, imprisonment, community services, or any combination of these penalties. (See also Attendance section, above.)

### **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. Examples of inappropriate dress and grooming include: 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, distribute, or use, cigarettes, lighters, matches, or related tobacco products of any kind, including cigarette wrapping paper or containers for such products. First offenders may be required to attend a tobacco use program, in addition to any other disciplinary action deemed appropriate.

### **Rule 14. Gambling**

A student shall not gamble or participate in gambling activity, or solicit others to gamble or participate in gambling activity. 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**

The Georgia General Assembly requires the District to encourage parents to inform students of the consequences, including potential criminal penalties, of underage sexual conduct. The consequences can include the student being tried as an adult. Any behavior which is a violation of Chapter 6 of Title 16 of Georgia law, or parts b through c below, must be immediately reported to the police, the Area Superintendent and the Office of Student Discipline. The Chief of Fulton County Schools Police, or designee will then notify the District Attorney.

Any alleged victim of a sexual offense may request to have his/her schedule changed, subject to the principal's approval. See also Policy JBCD, Transfers and Withdrawals, for more information about transfer options for victims of violent offenses. Sexual offenses are prohibited against members of the same sex as well as members of the opposite sex.

### **A. Sexual Misconduct:**

1. No student shall be engaged in amorous kissing or similar displays of affection.
2. No student shall willingly participate in any form of sexual activity. (The local school resource officer must be notified of such incidents.)
3. No student shall expose one's intimate body parts or "moon" in public. Intimate body parts are defined in Georgia law, O.C.G.A. § 16-6-22.1.
4. No student shall commit any act of verbal, written, gesture-oriented, or physical sexual misconduct on school property, school buses, at school-sponsored events, or while using school technology resources.

### **B. Sexual Battery:**

Sexual battery is defined as a student intentionally making physical contact with the intimate parts of the body of another person without the consent of that person. Intimate body parts are defined in Georgia law, O.C.G.A. § 16-6-22.1. No student shall commit any act of sexual battery on school property, school buses, or at school-sponsored events.

- The local school resource officer must be notified of such incidents. The Chief of Fulton County Schools Police, or designee, will notify the district attorney. (See O.C.G.A. § 20-2-1184)
- Call Office of Student Discipline and Area Superintendent;

### **C. Sexual Molestation:**

Sexual molestation is defined as a student doing any immoral or indecent act to or in the presence of another person, without that person's consent, with the intent to arouse or satisfy the sexual desires of either the student or the other person. This includes a student forcing another person to make physical contact with the student's intimate body parts, as defined in O.C.G.A. § 16-6-22.1.

No student shall commit any act of sexual molestation or the attempts thereof on school property, school buses, or at school-sponsored events.

- The local school resource officer must be notified of such incidents. The Chief of Fulton County Schools Police, or designee will notify the district attorney. (See O.C.G.A. § 20-2-1184)
- Call the Office of Student Discipline and Area Superintendent;

Any student (or parent or friend of a student) who has been the victim of an act of abuse, sexual misconduct, or other inappropriate behavior is urged to make an oral report of the act to any teacher, counselor or administrator at his/her school.

### **Rule 16. Technology Offenses**

All students using school technology must have a signed internet use form on file with the school. School technology cannot be used for other than school related purposes. (a) Students will not purposely look for security problems because such action may be considered an attempt to or disrupt the school technology resources. (The local school resource officer must be notified of such incidents.); (b) Students will not attempt to disrupt the school technology resources by destroying, altering or otherwise modifying technology. Hacking is strictly prohibited; (c) Students will not use school technology resources to solicit business, advertise, or engage in any other selling activities in support of non-school related fund-raising or private business enterprises; (d) Students will not engage in any activity that monopolizes, wastes or compromises school technology resources; (e) Students will not copy computer programs, software or other technology provided by the District for personal use. Downloading unauthorized files is strictly prohibited; (f) No student shall attempt to, threaten to, or actually damage, destroy, vandalize, or steal private property or school property while using school technology resources on or off school grounds (The local school resource officer must be notified of such incidents.); (g) Students will not use school technology resources to distribute or display inappropriate material. Inappropriate material does not serve an instructional or educational purpose and includes but is not limited to the following:

- Is profane, vulgar, lewd, obscene, offensive, indecent, sexually explicit, pornographic or threatening;
- Advocates illegal or dangerous acts;
- Causes disruption to Fulton County School District, its employees or students;
- Advocates violence;
- Contains knowingly false, recklessly false, or defamatory information; or
- Is otherwise harmful to minors as defined by the Children's Internet Protection Act. (The local school resource officer must be notified of such incidents.)

### **Rule 17. Gang Related Activity (Contact Office of Student Discipline and local school resource officer)**

A "gang" is defined as any organization, group or association of three or more persons, whether formal or informal, which encourages, solicits, promotes, urges, counsels, furthers, advocates, condones, assists, causes, advises, procures, or abets any illegal or disruptive activity or behavior of any kind, whether on or off school campuses or school property.

- (a) No student shall engage in any activity while participating in a gang which interferes with the orderly conduct of school activities, with discipline in the schools, or with the rights of other students or faculty members;
- (b) No student shall display identified gang tattoos;
- (c) No student shall hold himself or herself out as a member of a gang;
- (d) No student shall recruit or solicit membership in any gang or gang-related organization;

### **Rule 18. Interference with School Bus**

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 head-phones; mirrors; lasers, or flash cameras. (Consequences may include confiscation of device.) Cell phone use will not be allowed during the operation of the bus because it interferes with the operational technology. However, cell phones may be used with the special permission of the principal, supervising teacher, or bus driver while the student is on the bus waiting to depart the starting location or when the bus returns to its final destination after athletic events, fields trips, or other special situation deemed appropriate by the principal, supervising teacher, or bus driver.

### **Rule 19. Off-Campus Misconduct**

Off-campus misconduct for which a student shall be disciplined includes, but is not limited to, any off-campus conduct that is (all factors must be present):

1. Prohibited by the Georgia or United States criminal codes; and
2. Punishable as a felony or would be punishable as a felony if committed by an adult; and
3. Conduct which could result in the student being criminally charged with a felony or conduct for which a student has been arrested, indicted, adjudicated to have committed, or convicted; and
4. Conduct which makes the student's continued presence at school a potential danger to persons or property at the school or which disrupts the educational process.

See O.C.G.A. § 20-2-751.5(c). (Contact Office of Student Discipline and local school resource officer.)

### **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. O.C.G.A. § 20-2-751.5(a)(11).

## **PART II: DISCIPLINARY HEARING PROCEDURES**

Hearings will be held as noted in this procedure and/or as required by applicable authority. Any recommendation of long-term suspension/expulsion/ alternative school will result in a hearing being scheduled for a student. The hearing should be held within ten (10) school days after the first day of suspension.

Any confiscated drugs, weapons or other criminal evidence should be transferred to the Chief of the Fulton County School Police for use during a disciplinary hearing and/or criminal case.

The school administrator will call the Office of Student Discipline and initially report the incident as soon as practicable after the occurrence. The principal should furnish the Director of Student Discipline, within two (2) local school work days after the incident, the following information and documentation: witness/student 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 interventions tried at the local school including SST referral, counseling sessions and parent/guardian conferences with dates, reasons, and results; copy of police report; special education, Section 504 or SST status (active enrollment or referral for any of these programs);SST reports; copy of the currently approved suspension letter that includes the school administrations' recommendation for consequences, and any other information or evidence relevant to the incident.

**Written Notice of Hearing:** When Long-Term Suspension/Expulsion and/or alternative school is recommended by the school, a disciplinary hearing is required. The School District shall provide written notice of the relevant procedures to the student's parent/guardian/student age 18 or older. The notification shall include the following:

- a. A brief statement of the act(s) student is alleged to have committed, along with the portion of the Code of Conduct allegedly violated.
- b. the maximum penalty which may be administered for the alleged misconduct, and a recommendation for discipline.
- c. A copy of this document.
- d. The date, time and place of the hearing.
- e. The names of witnesses expected to be called at the hearing and a short summary of evidence that may be presented.
- f. A statement that a hearing is required unless the parent/guardian/student 18 years old or older waives the hearing.
- g. A statement that at the hearing the student is entitled to be represented by an advocate (spokesperson) of his/her choice, including an attorney if so desired; and that the student may subpoena witnesses and utilize other compulsory process upon request.
- h. A statement that all parties are afforded an opportunity to present and respond to evidence and to examine and cross-examine witnesses.

**Delivery of Notification:** The notice of hearing shall be delivered to the student and his/her parent/guardian either in person, by first class mail, certified mail return receipt requested, and/or delivery confirmation, to the last known address of the parent or guardian. If notice is delivered in person, a written confirmation of delivery should be obtained by the person delivering the notice to the parent/guardian. Service shall be deemed to be perfected when the notice is deposited in the United States mail with sufficient postage addressed to the last known address of the parent/guardian.

**Continuance:** If good and sufficient cause exists, the Director of Student Discipline may reschedule a hearing. Upon rescheduling, the Director of Student Discipline must provide written notice of the rescheduled date and time of the hearing to the student's parent/guardian/representative/attorney/student age 18 or older either in person, by first class mail, certified mail return receipt requested, and/or delivery confirmation.

The student's parent/guardian/representative/attorney/student age 18 or older may request a continuance of the hearing from the Office of Student Discipline. Continuances should be requested no later than 24 hours in advance of the scheduled hearing date and time.

Extenuating circumstances should be presented to the Office of Student Discipline for approval. If a continuance is requested or caused by the parent/guardian/student age 18 or older/student's representative, the student will continue to serve his/her recommended school level discipline (ISS or OSS) during the time of the continuance and until the hearing is conducted and the Hearing Officer has rendered a decision.

**Waiver of Hearing:** If the parent/guardian/representative/attorney/student age 18 or older waives the hearing, they may do so by requesting a waiver from the Office of Student Discipline prior to the notified date and time of the hearing. If no waiver request is received, or if the hearing may not be waived by the student's parent/guardian/representative/attorney/student age 18 or older, the hearing will be held as scheduled, whether or not the student/parent/guardian/representative/ attorney chooses to participate.

**Record of Proceedings:**

- a. A verbatim record of the hearing shall be made and shall be available to all parties upon request. The cost of recording shall be borne by the District. Parents/guardians/student's legal counsel may request a copy of the recording.
- b. A written transcript will be prepared by the District if the Board so requests; or if the decision of the Board is appealed to the State Board of Education.

**Burden of Proof:** The burden of proof is a preponderance of the evidence (more likely than not) and shall be on the school.

**Legal Representation/Involvement of an Attorney:** If the student is represented by an attorney, the Board attorney may be present. The Board attorney shall advise the Hearing Officer as necessary. The student/parent/guardian must notify the Office of Student Discipline not less than 48 hours prior to the hearing if the student may be represented by an attorney. Failure to give such notice can result in the hearing being continued so the Board's attorney may be present.

**Presentation of Evidence:** The evidence for the school and student/student representative (if present) shall be presented to the Hearing Officer. The administrator representing the school, the Board attorney, the student's representative, and the Hearing Officer are entitled to question witnesses about any matters which are relevant to the charges against the student or the appropriate discipline. The Hearing Officer has the authority to limit unproductively long or irrelevant questioning.

**Procedural Objections:** Objection to the sufficiency of the notice and/or other procedural objections shall be waived unless written notice thereof is filed with the Office of Student Discipline no less than 24 hours prior to the time the hearing is scheduled to begin. The hearing may be postponed until such defects have been removed or remedied.

**Hearing Officers:** Disciplinary Hearings may be conducted by a Tribunal Panel, Student Discipline Hearing Officer, (which may include the Director or Coordinator of Office of Student Discipline or designee), or a Student Discipline Hearing Panel. If conducted by a Tribunal or Student Discipline Hearing Panel, the panel will be composed of three (3) school officials. Panel members and Hearing Officer, other than the Director or Coordinator of Office of Student Discipline or designee, will be selected from a list prepared by the Superintendent or designee and approved by the Board.

The Hearing Officer/Tribunal/Panel will serve as the presiding officer and will rule on issues of procedure and admissibility of evidence presented during the hearing, and may also serve as a member of the Tribunal.

The Disciplinary Hearing Officer, after conducting the hearing and receiving all evidence, shall render a decision based solely on the evidence received at the hearing and shall determine what, if any, disciplinary action shall be taken. Such action may include, but is

not limited to, assignment to alternative school, short-term suspension, long-term suspension, expulsion or permanent expulsion.

**Appeals:** Any party may appeal the hearing decision to the Board by filing a written notice of appeal within twenty (20) calendar days of the date of decision. The appeal should be addressed to the attention of the Superintendent and delivered to the Office of Student Discipline. Appeals by administration must be approved by the Superintendent. The Superintendent shall have the authority to suspend the decision of the disciplinary hearing officer during the period of appeal by the student to the Board. Upon the appeal of a decision of the disciplinary hearing officer to the Board, the Board will render its decision within 10 days, excluding weekends and public and legal holidays, from the date the Board receives notice of the appeal. The decision shall be in writing and a copy shall be provided to the student/parent/guardian, the Principal, and Superintendent.

The Board will discuss the appeal in Executive Session. The parties shall have the right to be represented by legal counsel during the appeal. The Board's review will be based solely on the record and written arguments submitted by the student and the Office of Student Discipline, if briefs are submitted. The Board shall not hear any oral arguments as part of any appeal nor shall it consider any evidence that was not presented at the disciplinary hearing. The Board may take any action it deems appropriate. Any party may appeal the Board's decision to the State Board of Education pursuant to O.C.G.A. §20-2-1160 (b) through (f) and regulations of the Georgia Board of Education governing such appeals. If an appeal to the State Board is requested, a written transcript of the disciplinary hearing will be prepared and submitted to the State Board as provided in this Rule. The decision of the Board will not be suspended during the State Board appeal period.

### **Students with Disabilities:**

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.

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) or Section 504 of the Rehabilitation Act, and whose acts are determined by the, Disciplinary Hearing Officer to have violated any of the rules, regulations or laws as alleged, shall be referred to an IEP or Section 504 committee. The IEP or Section 504 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 or amendments to the Individual Education Plan (IEP) or 504 Plan.

If the IEP or Section 504 committee determines that the student's conduct is a manifestation of the student's disability, the discipline ordered by the disciplinary hearing officer will not be carried out.

If the IEP or Section 504 committee determines that the student's conduct is not a manifestation of the student's disability, it shall determine what, services the student shall receive during the student's discipline as determined by the disciplinary hearing officer. If the Section 504 committee determines that the student's conduct is not a manifestation of the student's disability, the student's 504 Plan will be implemented at the new location of educational services if the Disciplinary Hearing Officer recommends alternative school placement. The IEP or Section 504 committee shall also have the authority to consider,

recommend and implement any changes in the student's IEP or 504 Plan or educational placement. Nothing in this rule shall alter or adversely affect the rights of students with disabilities under applicable federal and state laws.

**Group Hearing:**

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 disciplinary hearing, the 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. Any student objections to participation in a group hearing should be in writing and received by the Director of the Office of Student Discipline no less than 48 hours before the hearing.

\*Note: The Student Responsibility Cycle, which includes suggested interventions for student behavior, is available on-line at [www.fultonschools.org](http://www.fultonschools.org) or by calling the Office of Student Discipline at (404)-763-5611.