

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 Human Resources (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 Human Resources, via mail to the HR Specialist for Employee Relations to provide this contact the known pieces of information. See 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 Office of Student Discipline will report the matter to the district attorney's office.

Student Discipline and Code of Conduct

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.

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 system's Board of Education.
- "Expulsion" means suspension or expulsion of a student from school beyond the current school quarter or semester.
- "Informal Hearing Officer, Disciplinary Hearing officer, and Tribunal" mean the individual(s) appointed to conduct an Informal Hearing, Disciplinary Hearing, and Tribunal as provided in the procedural rules 8 of this Code of Conduct.
- "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. Personal belongings, automobiles or other vehicles which are located on school property (Students parking in school sponsored off campus parking see school administrator for jurisdictional information.);
5. 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) 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 must also be sent to the Department of Services for Exceptional Children 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 parents and student before, or at the time the student returns to regular classes.

Disciplinary Consequences

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.

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 (see Responsibility Cycle). Disciplinary hearings or informal hearings may result in assignment to an alternative school, long-term suspension, expulsion, or permanent expulsion from all Fulton County schools. Students may also be provided an opportunity to apply with the Office of Student Discipline for a transfer to another school upon recommendation of the Hearing Officer/Tribunal. 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 weapons offenses, can lead to schools being named as an Unsafe School according to the provisions of State Board Rule 160-4-8-.16.

Unless consequences are specifically provided below, schools should refer to the appropriate Student Responsibility Cycle for guidelines to determine consequences for student offenses.

Schools may recommend or the District hearing officer/tribunal 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 contract. If students violate the terms of their contracts, they may forfeit the opportunity to attend the alternative school during the remainder of their suspension/expulsion. Students may request a review of their dismissal from the alternative school by the Director of the Office of Student Discipline. Students may receive further discipline, in addition to the reinstatement of their suspension/expulsion.

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.

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 using or displaying cellular telephones on school property at any time. No such devices may be used 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. (Consequences may include confiscation of device.)

Pagers, cellular telephones or electronic communication devices secured inside student automobiles will not be considered an infraction 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 to 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 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;
- 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 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;

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 harm was in self-defense as provided by O.C.G.A. § 16-3-21;

Elementary

- 1-10 days OSS, with a hearing referral
- Upon recommendation of a school or decision of a hearing office/panel, a student may be transferred to another traditional school at the end of the student's disciplinary consequences. Transportation will be provided by the family.

Middle and High School

- Minimum recommendation for permanent expulsion.

- The hearing officer/panel may allow an expelled student to attend the alternative school on a contract.
- Upon recommendation of the hearing officer/panel, 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 opprobrious or 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 the hearing is waived by both the student's parent/guardian/the student 18 or older and the employee.

See Procedural Rule 2b, below, for specific rules relating to acts of 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 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 opprobrious or 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.

See Procedural Rule 2b, below, for specific rules relating to acts of assault or battery while on the school bus.

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

Any student found to have harassed or bullied another individual may be subject to administrative reassignment which may impact the student's course schedule or school of

attendance. 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 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 day 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 which 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;
- Intentionally exhibit 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.

Parents/guardians of students who are victims of bullying or are found to have committed bullying behaviors will be notified via conference or letter/referral. (Except as otherwise required by law, any student in grades six through 12 who is found to have committed the offense of bullying for the third time during a school year by a hearing officer/tribunal shall be assigned to an alternative school program in addition to any other disciplinary action

deemed appropriate. See Procedural Rule 2b for specific rules relating to acts of bullying while on the school bus.) (See Rule 6b above for acts of teasing, taunting and harassment.)

- 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;
- 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 student found to have harassed another individual may be subject to administrative reassignment which may impact the student's course schedule or school of attendance. 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, either concealed or open to view, on school property. All weapons shall be confiscated and given to the local school resource officer or other law enforcement agencies as appropriate. The disposition of confiscated weapons 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 Director of Student Discipline 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).

- ◇ See Responsibility Cycle.

- ◇ 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.

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

Curriculum Display of a Weapon - Any individual wishing to bring a weapon or look-alike weapon 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 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 or look-alike weapon 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 or look-alike weapon in a secure location when it is not being used in the above classroom activities. The weapon 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 Code of Conduct;
- 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 written parent authorization and adherence to local school rules. 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.

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 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 Procedural Rule 14.)

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, use, handle or transmit 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, if provided by the local school 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 Director of Student discipline will then notify the District Attorney.

Any student found to have committed a sexual offense may be subject to administrative reassignment which may impact the student's course schedule or school of attendance. 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.

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.
- Call Office of Student Discipline and Area Superintendent; Director of Student Discipline will notify the district attorney. (See O.C.G.A. § 20-2-118)

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.
- Call the Office of Student Discipline and Area Superintendent; Director of Student Discipline will notify the district attorney. (See O.C.G.A. § 20-2-118)

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;
- (e) No student shall engage in any other gang-related behavior which is subversive to good order and discipline in the schools, even though such behavior is not specified in the preceding written rules.

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, they 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

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 (a) is prohibited by the Georgia or United States criminal codes; (b) is punishable as a felony or would be punishable as a felony if committed by an adult; and (c) is conduct for which a student has been arrested, indicted, adjudicated to have committed, or convicted. 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 Procedural 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 may be considered grounds for disciplinary action which may include involving the local police agency in emergency situations as determined by the school administrator. Alternative schools may use specialized searching procedures and criteria as allowed by law and as designated by the alternative school.

a. Personal Searches - A 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 or unauthorized

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)

(a) 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.

(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. (Contact Office of Student Discipline and local school resource officer)

Procedural Rule 3. Suspensions

After the administrator has investigated the case, shared evidence the school has against the student with the student and has given the student an opportunity to share 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, with a recommendation for further discipline where appropriate. 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).

Procedural Rule 4. 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 (1) 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 (1) 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 5. 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 [and/or], long-term suspension or expulsion. All hearings will conform to applicable state law and regulations regarding student disciplinary hearings and tribunals. Hearings will be held as noted in this procedure and/or the responsibility cycle as required by applicable authority. Any recommendation of long-term suspension/expulsion/ alternative school will result in a hearing being scheduled for a student.

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 (5th) grade.

b. Disciplinary Hearings

For students in grades six (6) through twelve (12), 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.

c. Administrative Responsibilities:

The principal should furnish the Director of Student Discipline, within two (2) local school work days after the incident, the information and documentation listed below.

The administrator should thoroughly investigate an alleged incident, examining all possible relevant 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.

The administrator will call the Office of Student Discipline and initially report the incident immediately after the occurrence. Within two (2) 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 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. 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.

Procedural Rule 6. Notice of Hearing

Following any instance enumerated in Procedural Rule 5, 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 brief 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 discipline to be implemented or the recommended discipline, as applicable;
- e. a statement that the student may subpoena witnesses and engage in other compulsory process upon appropriate request; and
- f. Opportunity to waive a disciplinary hearing through the Office of Student Discipline where applicable.

The local school administrator may confer with the Office of Student Discipline before notifying the parents of any specific discipline or days of short-term suspension, and should confer with the Director of Student Discipline before recommending any long-term suspension or expulsion.

Procedural Rule 7. Scheduling the Hearing

The hearing should be held within ten (10) school days after the beginning of the out of school suspension, as specified in Procedural Rule 5. A hearing officer or Tribunal may schedule a different date for the hearing if the parties agree or if good and sufficient cause is shown by either the student or the Director of Student Discipline. Additionally, if a hearing is rescheduled at the request of the student/student representative, the student will remain under suspension until the day and time of the hearing.

Procedural Rule 8. 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 shall be a preponderance of the evidence. The administration 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 witnesses on 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. All witnesses must testify under oath. Teachers who are called as witnesses by the school should be given notice no later than three (3) days before the hearing.

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 Officer/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 8e.) 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, school transfer, long-term suspension, expulsion or permanent expulsion. The Hearing Officer/Panel/Tribunal may also make a recommendation that the student be referred to other intervention sources within the District. The Informal or Disciplinary Hearing Officer may make a referral to the student's Student Support Team. 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.

e. IEP/Section 504 - 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) or Section 504 of the Rehabilitation Act, 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 or Section 504 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 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 not a manifestation of the student's disability, it shall determine what services the student shall receive during the student's discipline as determined in the student disciplinary hearing. 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 as determined by Hearing Officer or Panel, if one has been provided. 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.

f. Written Summary of Informal, Disciplinary or Tribunal Hearing - A written summary of any proceedings conducted under Procedural Rules 5 through 11 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 9. 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 by facsimile, mail or by hand delivery. The appeal should be addressed to the attention of the Superintendent and delivered to the Office of Student Discipline within 20 calendar days of the date of the Student Discipline Hearing Officer/Panel or Tribunal's or student hearing officer's written decision. The appeal must be received on or before the 20th calendar day. 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 review the record and shall render a decision in writing. The decision shall be based on the record of the disciplinary hearing, either the new hearing or initial hearing, 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. The decision should include an explanation of any changes to the Hearing Officer/Panel/Tribunal decision. 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 10. 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 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. Any student objections to participation in a group hearing should be received by the Director of the Office of Student Discipline no less than 48 hours before the hearing.

Procedural Rule 11. Appeal to Georgia Board of Education

Any party aggrieved by the appeal decision of the Board of Education may appeal 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 O.C.G.A. § 20-2-1160 and regulations of the Georgia Board of Education governing such appeals.

Procedural Rule 12. Emergency Suspensions/Health and Safety Emergencies

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.

Procedural Rule 13. 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 violations that are the grounds for the removal. At this point the administrator has the responsibility to find an 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 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 (10) 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 O.C.G.A. § 20-2-738.

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

In addition to the consequences outlined in the Code of Conduct for non-attendance and specified misconduct, truant students fourteen (14) years of age or older may find their eligibility for a Georgia instruction permit or driver's license adversely impacted. See Attendance and Absences Policy/Procedure JBD and the Student Attendance Protocol for more information.

PART III. 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.

PART IV. 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.