

# Code of Student Conduct

## STUDENT RIGHTS and RESPONSIBILITIES



# 2009-2010



### A SPECIAL MESSAGE TO PARENTS/GUARDIANS

Please read and review this Code of Student Conduct and the Keeping Weapons Out of School booklet with your child and discuss the importance of rights and responsibilities. Please sign below, cut along the dotted line, and return to your child's school as soon as possible. Thank you for your support.

\_\_\_\_\_

Emergency Phone Number

\_\_\_\_\_

Phone Number

\_\_\_\_\_

Parent/Guardian Signature



\_\_\_\_\_

Student's Name

\_\_\_\_\_

Student's Grade

\_\_\_\_\_

Date

Each year, the School System surveys 5<sup>th</sup>, 8<sup>th</sup>, and 10<sup>th</sup> grade students about substance abuse and violence. These surveys allow the School System to apply for federal grants through the Safe and Drug-Free Schools Program. The federal government requires parent permission for the use of these surveys. The surveys are anonymous and no personal identification is required. Please sign below if you give permission for your child to participate. Please refer to the Protection of Pupil Rights Amendment section on page 15 for more information.

\_\_\_\_\_

Parent/Guardian Signature



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# STANDARDS FOR STUDENT CONDUCT

## **EACH STUDENT IS EXPECTED TO:**

- Demonstrate courtesy even when others do not.
- Behave in a responsible manner, always exercising self-discipline.
- Attend all classes regularly and on time.
- Prepare for each class; take appropriate materials and assignments to class.
- **Meet DeKalb School System and campus standards of grooming and dress.**
- Obey all campus and classroom rules.
- Respect the rights and privileges of other students, teachers and other DeKalb School System staff.
- Respect the property of others, including DeKalb School System property and facilities.
- Cooperate with and assist the school staff in maintaining safety, order and discipline.
- Avoid violations of the Code of Student Conduct.

A student whose behavior shows disrespect for others, including interference with learning and a safe environment, will be subject to disciplinary action.

## **STUDENT RESPONSIBILITIES**

Students must accept their responsibility to know the contents of this Code of Student Conduct and to abide by the rules of the school system. Students may ask faculty or staff members for any clarification. All students, regardless of age, are subject to the rules and regulations of the DeKalb County School System.

## **AUTHORITY**

School rules and the authority of the DeKalb School System to administer discipline apply whenever the interest of the DeKalb School System is involved, on or off school grounds, in conjunction with or independent of classes and school-sponsored activities.

The DeKalb School System has discipline authority over a student:

1. During the regular school day and while the student is going to and from school on DeKalb School System transportation and on DeKalb School System sponsored transportation (approved school trip on a private carrier);
2. While the student is in attendance at any school-related activity, regardless of time or location;
3. For any school-related misconduct, regardless of time or location;
4. While attending a school-sponsored or school-related activity of another school system in Georgia;
5. When retaliation or terroristic threats against a school employee or volunteer occurs or is threatened, regardless of time or location;
6. When a violent or dangerous incident may jeopardize the safety or well-being of staff and/or students, regardless of time or location; and
7. When a student commits a felony or any delinquent act under Code Section 15-11-28 which would be a felony if committed by an adult, as provided by O.C.G.A. § 20-2-768.

In general, discipline will be designed to correct misconduct and to encourage all students to adhere to their responsibilities as citizens of the school community. Disciplinary actions will draw on the professional judgement of teachers and administrators and on a range of discipline management techniques. Disciplinary actions will be correlated to the seriousness of the offense, the student's age and grade level, the effect of the misconduct on the school environment and statutory requirements.

The DeKalb School System may impose campus or classroom rules in addition to those found in this Code of Student Conduct. These rules may be posted in classrooms or given to the student and may or may not constitute violations of the Code of Student Conduct.

Misconduct identified in the list of prohibited behaviors will result in application of one or more discipline management techniques consistent with law and this Code of Student Conduct.

The principal or appropriate administrator will notify a student's parent/guardian by phone and/or in writing of any violation of this Code of Student Conduct that may result in a suspension or expulsion.

The following discipline management techniques may be used alone or in combination for misbehavior violating the Code of Student Conduct or campus or classroom rules:

- Verbal correction or warning
- Cooling-off time or "time-out"
- Seating changes within the classroom
- Class schedule changes
- Counseling by teachers, counselors, or administrative staff
- Parent conferences
- Confiscation of items that disrupt the educational process
- Community Service/Assignment of school duties such as picking up litter
- Withdrawal of extracurricular activities participation or membership
- Withdrawal or restriction of bus privileges
- Demerits
- Behavioral contracts
- School-assessed and school-administered probation or system-wide probation
- Detention (before or after school)
- In-school suspension
- Out-of-school suspension
- Parent attend school with student in lieu of suspension (at principal's discretion and not for offenses which are a violation of law)
- Expulsion
- Referral to an alternative education program
- Referral to an outside agency and/or legal authority for criminal prosecution in addition to disciplinary measures imposed by the DeKalb School System.

### **DISTRIBUTION OF CODE OF STUDENT CONDUCT**

The *Code of Student Conduct* (Code) is distributed to all schools and centers. The Code is reviewed with the faculty and staff during preplanning to assure their understanding prior to the distribution of the Code to students.

The Code is distributed and taught to students during the first week of school. **A signature of receipt is required from each student and parent/guardian.** The system-wide standardized test is administered within the first two weeks of school. This test is mandatory. Student test scores are recorded. K-3, Exceptional Education, and ESOL teachers review the Code with their students to assure understanding of rights and responsibilities.

Students sent to in-school suspension the first time are re-taught the Code and re-tested, and class meetings are held during the first three weeks of school to discuss discipline and the application of discipline procedures.

Procedures are in place in each school for distribution of the Code to students who enter school during the school year. Transfer students must receive and be tested on the contents of the Code.

### **STUDENT DISCIPLINE OPTIONS FOR MINOR OFFENSES**

In lieu of in-school suspension, and upon student or parent request, students may be given the option of school service (i.e., picking up trash on the school grounds, cleaning lunchroom tables, etc.), provided the school service is age-appropriate and supervised and does not include restroom duties.

A teacher may request that a student who has been assigned in-school suspension attend his/her class (such as lab classes). The granting of this request is limited to cases where it is extremely important that a class not be missed or where a class cannot be made up at a later date. The principal has the final decision. In some cases (limited to one per academic year), a student's suspension from school may be temporarily postponed by the principal if the offense is committed at a critical time in the academic calendar (i.e., immediately before final exams). This does **not** apply to offenses in the ***Code of Student Conduct*** that are violations of state or federal law or that involve weapons, violence, or drugs.

### **CHRONICALLY DISRUPTIVE STUDENTS AND STUDENT SUPPORT TEAM PROCESS**

Students who chronically disrupt class are addressed through a Response to Intervention (RtI) process with continuous progress monitoring. Progressive consequences are a progression from Tier 1 of the RtI process for low-level consequences for the initial disruptions to more serious consequences for continued disruptive behavior using a tiered process of interventions. SST level of interventions are implemented only if it is necessary for the student to progress through the tiered process.

However, chronically disruptive students may not be referred to the Student Evidentiary Hearing Committee prior to a referral to and intervention from resource personnel. Also, chronically disruptive students may be placed on probation, with a signed contract. The administrative staff, in conjunction with resource personnel and the parents, should collectively devise a discipline correction plan.

The Student Support Team (SST) is a problem-solving, student assessment process that seeks intervention strategies for students with academic, behavior, or other type problems. The initial focus is on developing and implementing intervention strategies to modify the identified problems at Tier 1. The SST/RtI strategies typically are implemented in order to determine the student's response to the intervention.

Once the student reaches SST/Tier III, if the strategies at SST/Tier III are not successful, based on feedback from the discipline assistant principal and teachers, alternative strategies and modifications are developed and another SST meeting is scheduled to review the results after another four to six weeks.

If the SST interventions continue to be unsuccessful, the SST may request a psychological evaluation to determine the student's cognitive and academic strengths and weaknesses. At some point soon after, a decision is made whether to view the student's chronic misbehavior as an indication of a disability or not. If there might be a disability, and after appropriate testing, Exceptional Education reviews all SST/RtI records and all evaluations and completes an Eligibility Report.

### **GUN ABATEMENT PROGRAM**

*(Sponsored by the **DEKALB CHAPTER OF 100 BLACK MEN**)*

If a student has knowledge of a gun at school, the student should contact an administrator immediately to make a report. The student may request anonymity, in which case the student's identity will remain confidential. Within two weeks, the student making the report is eligible to receive \$100 from the **DEKALB CHAPTER OF 100 BLACK MEN**, if the student wants to receive the reward.

School administrators advertise this Program as a prevention program and make sure each student is aware of the purpose of the Program. Periodically during the school year, administrators remind students of the Program. When a student makes a report of a firearm, the administrator reminds the student of the Program and asks the student if he wants to receive the reward.

When a student reports a firearm, the administrator protects the identity of the student, if he/she so desires, and keeps a record of the report.

Upon receiving the anonymous report about a firearm, and upon verification that the report was accurate, the administrator forwards the name of the student eligible for the reward to Student Relations. After receiving the information, Student Relations will contact the **DEKALB CHAPTER OF 100 BLACK MEN** to report the name of the student, the parents' names, and the home address. This will be a confirmation that the student is eligible for the reward.

The **DEKALB CHAPTER OF 100 BLACK MEN** will forward a \$100 check in the name of the student to his/her parents at the address provided by the school. Attached to the check will be a letter commending the student and encouraging the parents to cash the check on behalf of the student.

### **VIOLENCE, WEAPONS, DRUGS HOTLINE**

Sponsored by the Georgia Department of Education, the HOTLINE provides a 24-hour reporting system for students to report weapons, violence (including bullying), or drugs anonymously by calling **1-877-SAY-STOP**. Information is recorded and shared with the local school system and local law enforcement. An investigation is conducted upon receipt of the report.

### **STUDENT DRESS CODE**

The atmosphere of a school must be conducive to learning. A student's appearance can positively or negatively impact the climate of a school. Students must adhere to DeKalb School System dress code requirements. Students who fail to comply with the DeKalb School System dress code requirements, as enumerated below, may be charged with Offense #25 –Student Dress Code Violation (see page 28):

- Students are expected to follow all school rules governing safety in specialized programs that may require the wearing of protective clothing, safety glasses, or other similar requirements.
- Clothing or jewelry that disrupts the educational process or endangers the health or safety of other students, staff or visitors is prohibited.
- The wearing of clothing, insignia, symbols, or adornments worn or carried on or about a student which promote gangs, the use of controlled substances, drugs, alcohol, or tobacco is prohibited.
- The wearing of clothing which shows offensive and/or vulgar words, pictures, diagrams, drawings, or includes words or phrases of a violent nature, a disruptive nature, a sexual nature, or words or phrases that are derogatory regarding a person's ethnic background, color, race, national origin, religious belief, sexual orientation, or disability is prohibited.

The wearing of pants below the waist line, bare midriffs, halter tops/tank tops, tops/blouses revealing cleavage, short shorts, net/see through garments, flip-flops, between-the-toe shoes without heels, bedroom shoes, or other footwear that interferes with freedom of movement and dresses, pants, or skirts with high splits is prohibited. Note: Students/Parents are urged to review local school handbooks for any additional requirements related to student dress.

### **SCHOOL BUS INFORMATION**

Student behavior, while riding a school bus, is expected to be the same as while in the classroom. Student behavior on a school bus requires students, parents, bus drivers, and school administrators to work together. The Student Intervention Transportation Discipline Program is designed to protect the safety of students while on school buses, for a well-disciplined school bus is a safe school bus. The following steps are taken to manage student behavior on school buses: (1) Speak to child with a third party present and reassign seat; (2) Call parent and reassign seat; (3) Call parent (2<sup>nd</sup> call); (4) Submit discipline referral to administrator, if misbehavior continues.

### **SCHOOL BUS SAFETY RULES:**

- Students will follow the directions of the driver.
- Students will wait in an orderly line and avoid playing.
- Students will go directly to an available or assigned seat when entering the bus. Students will remain properly seated and keep hands to themselves.
- Students will not eat, drink, chew gum, or bring glass objects, nuisance items, animals, tobacco, alcohol, drugs, weapons, cell phones, mirrors, lasers, flash cameras, or any other lights or reflective devices that does or might interfere with the school bus driver's operation of the school bus. Electronic devices such as, but not limited to, cellular phones, pagers, audible radios, tape/compact disc/**MP3/IPOD players** without headphones or any other device that may interfere with the school bus communications equipment or the school bus driver's operation of the school bus are prohibited (OCGA 20-2-751.5).
- Students will refrain from using loud voices, profanity and/or obscene gestures, and respect the rights and safety of others.
- Students will not extend head, arms, or objects out of the bus windows.
- Students will be totally silent at railroad crossings.
- Students will stay seated until time to get off the bus.
- Students will help keep their bus clean and in good, safe condition.

### **CODE OF SPORTSMANSHIP**

Sportsmanship can be defined in one word: RESPECT. Respect for ourselves, our schools, and guests to our schools helps build a positive image not only with the community, but also with all those who participate in competitive activities in our schools. Responsibilities of Participants:

- Use appropriate language.
- Treat opponents with the respect due them as guests or hosts.
- Exercise self-control at all times.
- Respect the officials' judgment and interpretation of the rules.
- Accept the responsibility of representing your school in a positive manner.
- Act in a manner that will create a positive attitude in the audience.

**DEFINITIONS AND SUPPLEMENTAL INFORMATION:**

**ACCESSORY**

Students found guilty of being an accessory (such as assisting, planning, participating, advising, inciting, counseling, and/or encouraging) to any violation of school rules are subject to the same penalties as students who are actively involved in committing such offenses.

**ACTS OF PHYSICAL HARM AGAINST STAFF**

State law provides that a student found to have committed an act of physical violence against a teacher, school bus driver, school official, or school employee resulting in physical harm shall be expelled from school for the remainder of the student's eligibility to attend public school (OCGA 20-2-751.6). The law applies to all students in grades K-12.

**BULLYING**

State law prohibits bullying. State law mandates a discipline hearing after the third incident of bullying with a referral to an alternative school setting upon a finding of guilt (O.C.G.A. §§ 20-2-751.4 and 20-2-145). The DeKalb School System WILL NOT TOLERATE bullying and other forms of harassment and, therefore, reserves the right to punish students after the first incident and upon a finding of guilt. Such punishment may include suspension, expulsion, or a referral to an alternative school. Students, parents/guardians and other stakeholders may report incidents of bullying to an administrator, teacher, counselor or other staff member by using the complaint procedures indicated below or by calling 1-877 SAY-STOP. Please note: Any form of electronic bullying (cyberbullying) using school equipment, school networks, e-mail systems or committed at school is strictly prohibited.

**CELL PHONE/ELECTRONIC COMMUNICATION DEVICE USE BY STUDENTS**

Students may possess and use electronic communication devices in accordance with procedures promulgated by the Superintendent. Such procedures shall provide that electronic communication devices may not be used during instruction time and do not interfere with the educational mission of the schools or pose a safety hazard (O.C.G.A. § 20-2-1183) (Policy JCDAF). **All students are expected to adhere to the following rules relative to electronic communication devices: (1) Phones must be turned completely off (not on silent or vibrate mode) during instructional time (official start of school day to the end of the school day); (2) No text messaging is allowed; (3) Students with serious medical conditions or other unusual circumstances may be given special permission by the school principal to use this device if it is determined to be essential for the health of the student. Parents/Guardians are asked to refrain from calling/emailing/texting their child during instructional time. In the event of an emergency, the parent/guardian may contact the student via the school's phone system. All violations of these expectations will result in confiscation of the device. Moreover, the confiscated device will be returned only to the parent/guardian. *It should be noted that no one is allowed to take pictures or video of other persons at school without the expressed permission of the principal.***

**CLUBS**

State law provides that parents or guardians receive information regarding school clubs and organizations. Such information shall include the name of the club or organization, mission or purpose of the club or organization, name of the club's or organization's faculty advisor, and a description of past or planned activities. The school will provide school club information and a form for the parent or guardian to decline permission for his or her student to participate in a club or organization designated by him or her.

**CODE OF STUDENT CONDUCT**

This Code of Student Conduct handbook shall have the effect of policy (Policy JCD).

## **COMPLAINT PROCEDURES FOR STUDENTS**

Pursuant to federal and state laws, students are entitled to a Complaint Procedure to address allegations of discrimination on the basis of race, color, national origin, sex (including, but not limited to sexual harassment), disability, harassment and/or bullying. Both informal and formal resolution processes are available to address any Complaints arising out of the above-described categories. Allegations of discrimination should be immediately reported to an administrator or counselor at the school, center or any school event. However, a student may make a direct report to the Title IX Officer at 3770 North Decatur Rd., Decatur, Georgia 30032-1099 or by dialing (678-676-0181). The Local Administrator or the Title IX Officer shall assist the student with formalizing and processing the complaint, which should include a statement of facts, identification of witnesses and any other information necessary to fully describe the matter. Formal complaints should be filed within thirty (30) calendar days of the alleged incident. All policies and/or procedures mandated by any agency of the State of Georgia, or the United States, will be followed. As per O.C.G.A. § 20-2-751.5, it is unlawful for a student to falsify, misrepresent, omit, or erroneously report information regarding instances of alleged inappropriate behavior by a teacher, administrator or other school employee, including during off-school hours.

## **STUDENT REPORTING OF ACTS OF SEXUAL ABUSE OR SEXUAL MISCONDUCT**

*O.C.G.A. § 20-2-751.7.(a) "The Professional Standards Commission shall establish a state mandated process for students to follow in reporting instances of alleged inappropriate behavior by a teacher, administrator, or other school employee toward a student which shall not prohibit the ability of a student to report the incident to law enforcement authorities. Each local school system shall be required to implement and follow such state mandated process and shall include the mandated process in student handbooks and in employee handbooks or policies."*

(a) Any student (*or parent or friend of a student*) who has been the victim of an act of sexual abuse or sexual misconduct 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.

(b) Any teacher, counselor or administrator receiving a report of sexual abuse or sexual misconduct of a student by a teacher, administrator or other employee 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 sexual abuse or sexual misconduct, the oral and written reports should be made to the superintendent or the superintendent's designee.*

(c) Any school principal or principal's designee receiving a report of sexual abuse as defined in O.C.G.A. 19-7-5 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 abused. The report should be made by telephone and followed by a written report in writing, if requested, to a child welfare agency providing protective services, as designated by the Department of Human Resources, or, in the absence of such agency, to an appropriate police authority or district attorney.

Reports of acts of sexual misconduct against a student by a teacher, administrator or other employee not covered by O.C.G.A. 19-7-5 or 20-2-1184 shall be investigated immediately by school or system personnel. If the investigation of the allegation of sexual misconduct indicates a reasonable cause to believe that the report of sexual misconduct is valid, the school principal or principal's designee shall make an immediate written report to the superintendent and the Professional Standards Commission Ethics Division.

## **DRUGS – FELONY**

State law makes it unlawful for any person to manufacture, distribute, dispense, or possess with the intent to distribute any controlled substance or marijuana in, on, or within 1,000 feet of any real property owned by or leased to any public or private school or school board. Any person who violates or conspires to violate any section of this law shall be guilty of a felony (O.C.G.A. 16-13-32.4)

## **FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT (FERPA)**

FERPA provides parents the right to review their child's educational records and seek changes to records they believe are inaccurate or misleading. The Family Educational Rights and Privacy Act (FERPA) affords parents and students over 18 years of age ("eligible students") certain rights with respect to the student's education records. They are:

(1) The right to inspect and review the student's education records within 45 days of the day the DeKalb County School System receives a request for access. Parents or eligible students should submit to the school principal a written request that identifies the record(s) they wish to inspect. The principal will make arrangements for access and notify the parent or eligible student of the time and place where the records may be inspected.

(2) The right to request an amendment to the student's education records that the parent or eligible student believes to be inaccurate or misleading. Parents or eligible students may ask the school system to amend a record that they believe is inaccurate or misleading. They should write the school principal, clearly identify the part of the record they want changed, and specify why it is inaccurate or misleading. If the school system decides not to amend the record as requested by the parent or eligible student, the school system will notify the parent or eligible student of the decision and advise them of their right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the parent or eligible student when notified of the right to a hearing.

(3) The right to consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that FERPA authorizes disclosure without consent.

One exception which permits disclosure without consent is disclosure to school officials with legitimate educational interests. A school official is a person employed by the school system as an administrator, supervisor, instructor, or support staff member (including health or medical staff and law enforcement unit personnel); a person serving on the DeKalb County Board of Education; a person or company with whom the school system has contracted to perform a special task (such as an attorney, auditor, medical consultant, or therapist); or a parent or student serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing his or her tasks.

A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility. Upon request, the school system discloses education records without consent to officials of another school district in which a student seeks or intends to enroll. **Military recruiters or an institution of higher education shall have access to secondary school student's names, addresses and telephone listing upon request unless a parent or legal guardian has previously notified the district in writing not to release such information without prior written parental consent; such requests should be returned signed by the parent or legal guardian to the school counselor.** The appropriate form may be requested from the counseling office. Parents and/or legal guardians may prohibit the school system from publishing any personally identifying data/information about their child on the school system's website by placing the request in writing to a school counselor.

#### **GANG-RELATED ACTIVITY**

The DeKalb County School System believes that school should be a safe place for students to learn and grow. Distractions caused by gangs and similar organizations are a direct threat to the safety and security of students and disrupt the learning environment. Therefore, the DeKalb School System **strictly prohibits** all activities related to gangs and other organizations that engage in unlawful or delinquent behavior and provides support for students affected by gang activity. A student **will not**, by use of violence, force, coercion, threat of violence, or gang activity, cause disruption or obstruction to the educational process.

**A gang is a formal or informal organization, association, or group consisting of three or more persons who engage in activities that threaten the safety of students, staff, volunteers, visitors or others, that compromise the general school order or its activities, and/or that interfere with the school district's education mission. The existence of such organization, association, or group of individuals associated in fact may be established by evidence of a common name or common identifying signs, symbols, tattoos, graffiti, or attire or other distinguishing characteristics.**

**Gang-Related Activities** are acts by a group of students or an individual student representing the group, which can or may cause danger/disruption to the school environment and/or threaten the safety of students, faculty, or other employees of the school system. Behavior includes, but is not limited to;

1. Displaying gang signs and symbols on personal and school property.
2. Wearing clothing that symbolizes gang affiliation (shirts, hats, bandanas, belts, jewelry, etc.)
3. Displaying gang hand-signs, tattoos / brands, which symbolize gang affiliation.
4. Defacing school property with gang graffiti (furniture, walls, buses, buildings, structures, etc.).

5. The use of electronic devices (computers, cellular phones, camera/video phones, video cameras, camcorders, MP3 players, etc.) for the purpose of documenting, disseminating, transmitting gang activity, threats, and/or planned violent behavior is prohibited.
6. Any act of violence which includes, but is not limited to, gang recruitment, intimidation, and premeditated/planned school disturbances, that may place students, faculty and staff in reasonable fear of receiving bodily injury is considered a violation of this section.

A student who participates in gang-related behavior, as defined in this section, will be charged with Offense #12 – School Disturbance. A Local Formal Hearing will be held. Upon a finding of guilt, the student will be referred to the Student Evidentiary Hearing Committee, which may result in suspension, referral to an alternative school or expulsion. In addition, the student will be referred to mandatory gang prevention counseling. Parents, law enforcement and other appropriate persons will be notified any time a student is suspected of being involved in gang-related activity. Students who participate in gang-related behavior may be subject to consequences enumerated in state law (O.C.G.A. 16-15-3, 4).

**Students who feel bullied, threatened or unsafe at school because of gang activity should report their concerns to a teacher, counselor, principal/ assistant principal, or the Georgia Department of Education’s anonymous hotline number to report gang-related activity (1-877-SAY-STOP).** Students who want to leave a gang should contact a principal or a staff member that they trust for guidance and support services. The school or school district may provide students and parents with information on community organizations that assist students in leaving gangs.

### **GENDER EQUITY IN SPORTS GRIEVANCE PROCEDURES**

The DeKalb County School System prohibits discrimination in its elementary and secondary athletic programs, in accordance with the Georgia Gender Equity in Sports Act. The following grievance procedures are provided to allow for prompt and equitable resolution of written student complaints including those brought by a parent or guardian on behalf of a student.

#### **DEFINITIONS:**

- “Days” means calendar days.
- A “grievance” is a complaint that alleges action by the DeKalb County School System is in violation of O.C.G.A. 20-2-315 (Gender Equity in Sports Act).
- “Grievant” is the person initiating the complaint.
- “Student” means a person enrolled in one of the schools or instructional programs operated by the DeKalb County School System.

#### **PROCEDURES:**

Grievances may be brought only by the affected student or by the affected student's parent or guardian and shall proceed in the following manner:

- Within ten (10) days of the time that the grievant knows, or reasonably should know about the grievance (or within ten (10) days of the publication of this procedure, whichever is later) the grievant shall present the written grievance form to the Superintendent who shall note the date received.
- The written grievance shall: (1) name the grievant and the affected student; (2) state the situation or conditions giving rise to the grievance; (3) identify the specific provisions of the law or the implementing regulations alleged to have been violated; and (4) indicate the specific relief sought.
- The Superintendent shall cause the grievance to be investigated. Within thirty (30) days after the grievance is presented, the Superintendent shall give a written response to the grievance, setting forth the essential facts and rationale for the decision.
- The grievant may appeal the Superintendent's decision to the DeKalb County Board of Education.

***The appeal must be in writing and submitted to the DeKalb County Board of Education within thirty-five (35) days of the date of the response from the Superintendent. The Board may review all materials related to the grievance and render a decision in writing no less than 45 days after receipt of the written grievance form.***

- The grievant shall have the right to appeal any decision by the DeKalb County Board of Education to the State Board of Education pursuant to O.C.G.A. 20-2-1160.

Any student and/or parent or guardian, on behalf of his or her minor child who is a student, who feels that an action of the DeKalb County School System is in violation of O.C.G.A. § 20-2-315 (Gender Equity in Sports Act), may file a complaint by completing a form and forwarding it to the Associate Superintendent for Support Services, 5823 Memorial Dr. Stone Mountain, GA 30083. Forms may be obtained from the Office of the Director of Athletics, 5829 Memorial Drive, Stone Mountain, Georgia 30083.

## **GRADUATION EXERCISES**

Students suspended or expelled through the second semester will not be allowed to participate in any school-sponsored activities, including the prom, graduation exercises, or baccalaureate ceremonies. A student may for good cause petition the Disciplinary Action Review Committee for permission to participate in school-sponsored activities. The committee's decision shall be final.

## **GRIP (GAINING RESULTS INTERVENTION/PREVENTION)**

This drug education program is provided for first-time violators of the Drug/Substance offenses (possession or use) in this Code. Violators of offense #5a (distribution/sale/intent), felony possessions or students charged with multiple offenses are **not** eligible, unless otherwise indicated by the Student Evidentiary Hearing Committee or the Board of Education.

## **ILLEGAL/DANGEROUS/SUSPICIOUS ITEMS**

Students are to notify an administrator or other staff member when illegal or suspected illegal, suspicious items, dangerous items, or other items banned from school are found. Students shall not touch or handle such items, or receive or accept such items from other students.

## **INTERNET ACCEPTABLE USE AGREEMENT (Policy IFBG)**

- The DeKalb County School System is in compliance with the Children's Internet Protection Act of 2000.
- The DeKalb County School System believes that the information and interaction on the worldwide network, known as the Internet, far outweighs the possibility that users may procure material that is not consistent with the educational goals of the school system. On a global network as the Internet, it is impossible for the school system to control access to controversial material. Therefore, the user may accidentally or purposefully discover controversial material. It is the user's responsibility to avoid initiating access to such material.
- Use of the Internet must be in support of educational research and consistent with the school system's objectives.
- Use of any other organization's network or computing resources must comply with the rules appropriate for that network. Users must abide by all rules and procedures specified and deemed necessary at the site from which access to the Internet is made.
- Transmission of any material in violation of any United States or state regulation is prohibited. This includes, but is not limited to, copyrighted material, threatening or obscene material, or material protected by trade secret.
- Use for commercial activities by for-profit institutions, for product advertisement, or for political lobbying is prohibited.
- Illegal activities are strictly prohibited.
- The use of the Internet is a privilege, not a right. Any student user not complying with the school system's Internet Acceptable Use Agreement shall lose Internet privileges for at least one week. Student infractions may result in appropriate disciplinary action in addition to suspension or termination of access privileges.
- Any user identified as being a security risk or as having a history of problems with other computer systems may be denied access to the Internet. The school system makes no warranties of any kind, whether expressed or implied, for the service it is providing. The school system will not be responsible for any damages suffered by any user. This includes loss of data resulting from delays, non-deliveries, mis-deliveries, or service interruptions caused by its own negligence or user errors or omissions. Use of any information obtained via the Internet is at the risk of the user. The school system specifically denies any responsibility for the accuracy or quality of information obtained through its services.

## **INTRANET ACCEPTABLE USE AGREEMENT (Policy IFBG)**

- Students will observe the standard of courtesy and behavior consistent with the practices and policies of the DeKalb County Board of Education when sending or publishing messages or transmitting data or other information on the Intranet.
- Students will not send or receive offensive messages or pictures from any source. For example, students will not post, publish, or display any defamatory, inaccurate, abusive, obscene, profane, sexually oriented, threatening, racially offensive, sexist or illegal material.
- Posting messages and attributing them to another user is prohibited.
- Students are violating network security if they enter the system under a user id other than their own, share their user ids, passwords, or user accounts with others, and must make all efforts to safeguard any information from unauthorized users.
- Students may not use the system for any purpose if in violation of the law.
- Students will not transmit or download information or software in violation of copyright laws.

- Students will use the system for instructional purposes only as it relates to classroom and co-curricular assignments and activities.
- Students disconnecting network components, altering programs or data, or purposely infecting any computer with a virus will be guilty of harming network integrity and/or security.
- Students who engage in unauthorized use of the network, intentional deletion or damage to files and data belonging to other users, or copyright violations will be guilty of harming network integrity and/or security.

### **INFORMATION FOR LEGAL COUNSEL**

The DeKalb County Board of Education is absolutely committed to providing the children who attend its schools the best education possible. This commitment requires not only the provision of quality courses taught by qualified individuals and well-equipped facilities, but also the use of policies that ensure that the school environment operates smoothly and effectively. Accordingly, the Board of Education has adopted rules and regulations to discipline those children whose actions may disrupt this environment. Its disciplinary policy is intended both to eliminate disruptive behavior and to make sure that, when punishment must be administered, it is fair and serves the best interest of all the children in the school system.

In the State of Georgia, public school discipline proceedings are governed by the Public School Disciplinary Tribunal Act, O.C.G.A. § 20-2-750 et. seq. (the "Act"). The Act requires public schools in Georgia to appoint disciplinary hearing officers or establish disciplinary hearing panels or tribunals if they want to impose punishment for certain defined acts of misconduct. The Act establishes certain requirements for the procedures to be followed by the public school system in creating and operating its disciplinary system.

The DeKalb County School System has chosen to establish a disciplinary system to handle all acts of misconduct on the part of its students. The Student Evidentiary Hearing Committee ("SEHC") is the disciplinary panel or tribunal for the school system under the Act. In addition, the school system has also established procedures for screening out acts of student misconduct that do not warrant a hearing before the SEHC.

The constitutional requirements governing the imposition of punishment by public schools on their students for violations of established rules of conduct were first announced by the United States Supreme Court in *Goss v. Lopez*, 419 U.S. 565, 95 S. Ct. 729, 42, L.ED.2D 725 (1975). In essence, the United States Supreme Court concluded that, whenever a public school seeks to suspend a student as a disciplinary measure for a period in excess of ten school days, certain due process requirements must be observed.

The hearing officer at the local formal hearing may, in addition to imposing a ten-day suspension, recommend that the charges against the student be heard by the SEHC. Such a recommendation is reviewed by the Department of Student Relations, and a decision is then made on whether to have a hearing before the SEHC. Punishment for the violation of the school system's rules of conduct in excess of a ten-day suspension may only be imposed after a "de novo" hearing is held on the charges against the student in front of a hearing panel composed of members of the SEHC.

The SEHC is a panel composed of principals, assistant principals, counselors, psychologists, social workers, and special educators who work in the DeKalb County School System. On a rotating basis, they hear evidence concerning charges of misconduct that have been brought against students, which, if proven, may require greater punishment than a ten school-day suspension. The members of this panel who hear evidence concerning the charges made against a particular student have no prior knowledge of those charges. Each hearing panel will have at least three members.

Hearings before the SEHC are confidential and not open to the public. Friends or relatives of the student and other members of the public who are not witnesses will not be allowed in the hearing room. The proceedings are recorded electronically. Generally, witnesses familiar with the particular case will be subpoenaed by the school system to testify on its behalf at the hearing. The student and/or family may also bring their own witnesses, both material and character, to the hearing. If the student or family thinks there are witnesses within the school system, such as principals, counselors, teachers, or other students who should testify at the hearing, arrangements can be made with the Department of Student Relations for the school system to issue subpoenas for these persons. In addition, if the parents/guardians think there are persons outside of the school system who may be beneficial witnesses on behalf of the student, they are entitled to bring these persons to the hearing as well. If you need help in getting a witness to attend an SEHC hearing, please contact the Department of Student Relations at (678) 676-1811. Someone will help you obtain subpoenas for any such witnesses. However, it is the responsibility of the student or family to deliver subpoenas to any such persons and arrange for their transportation to the hearing if necessary.

The evidence presented at a SEHC hearing may include physical evidence, such as drugs or weapons, and the student's current discipline and academic record with the school system, as well as testimony from witnesses. The school system bears the burden of proof at the SEHC hearing, but this burden is only a "preponderance of the evidence." The school system is not usually represented by attorneys at SEHC hearings, but in some cases an attorney is used. The student has the right to have an attorney represent him or her at a SEHC hearing, but must obtain an attorney at his or her own expense.

A decision concerning the student's guilt or innocence and the appropriate punishment to be imposed, if the accused student is found guilty, is made by the hearing panel based ***only on the evidence presented to it***. The SEHC hearing is not required to be identical to a courtroom trial, so there are no substantive restrictions on the evidence that may be presented at a hearing. However, the hearing panel is free to consider only the evidence it regards to be relevant to the charges in question in making its determination of guilt or innocence and the punishment to be imposed. The SEHC is entitled to give the evidence presented to it whatever weight it thinks the evidence deserves.

After the presentation of evidence by both sides, each side is given an opportunity to make a closing argument to the hearing panel. The hearing then ends, and the hearing panel meets privately to decide first, if the student is innocent or guilty of the charges against him or her, and second, if found guilty, the appropriate punishment to impose. The hearing panel may impose punishment ranging from sending the accused back to school on probation to permanent expulsion from the school system. Parent/guardians may contact the Department of Student Relations the next working day to receive the decision. A letter will be sent to the student's family or other representative containing this and other information within ten days after the hearing is held.

If the student's parents/guardians do not think the evidence supported the decision of the SEHC hearing panel, an appeal of that decision may be made to the Board of Education. The appeal process begins with a written request for a review of the hearing panel's decision addressed to the Superintendent of DeKalb County School System at 5823 Memorial Drive, Stone Mountain, Georgia, 30083. This request must be made within twenty (20) calendar days of the date of the hearing.

The Board of Education will not hear any oral arguments as part of an appeal to it, nor will it consider any evidence that was not presented to the SEHC hearing panel. Written arguments concerning the merits of the appeal will be considered by the Board of Education. Its decision on the appeal must be based solely on the record created during the SEHC hearing. A transcript of that hearing is made only upon reception of a Letter of Appeal to the Superintendent, and a copy of that transcript will be made available for parents/guardians or their attorney at the Department of Student Relations upon request. If the parent/guardian wants a copy of the transcript for their own use, they must pay the cost of preparing that copy.

The Board of Education will make its decision on the appeal in Executive Session and has the power to affirm, reverse, or modify in any respect the decision reached by the SEHC hearing panel. The Board of Education must make its decision on an appeal within ten (10) working days after receipt of the written appeal notice. The decision of the Board of Education will be final, unless an appeal is made to the State Board of Education of Georgia within thirty (30) calendar days of the date of the DeKalb Board of Education decision. The contents of this notice of appeal and the procedure to be followed before the State Board of Education of Georgia are specified in O.C.G.A. § 20-2-1160.

#### **LOCKER ROOMS AND RESTROOMS**

All offenses enumerated in this Code of Student Conduct apply to student behavior in school restrooms and locker rooms. Students are expected to help keep restrooms clean and safe. Also, students are expected to report disruptive, unsafe, and/or unclean conditions in restrooms to an administrator. **No cell phones, camcorders, video recorders, or cameras are allowed in locker rooms. *It should be noted that no one is allowed to take pictures or video of other persons in any area of the school without the expressed permission of the principal.***

#### **MANDATORY REPORTING**

School administrators will report crimes, as required by law. Victims of the following alleged student misconduct must file a written complaint or report with the local school administration and with central administration, describing the alleged incident and the injury or damage sustained: An alleged assault or battery by a student upon any teacher, other school official or employee; an alleged assault or battery by a student upon another student; substantial damage alleged to be

intentionally caused by a student on school property to personal property belonging to a teacher, other school official, employee, or student, if, in the discretion of the school principal, the alleged damage could justify the expulsion or long-term suspension of the student. (O.C.G.A. § 20-2-753)

#### **PLACEMENT REVIEW PROCEDURES FOR REMOVING STUDENTS FROM CLASS**

Based on state Law (O.C.G.A. § 20-2-738), a teacher may remove from class a student who **repeatedly or substantially** interferes with the teacher's ability to conduct instructional activities provided the student has previously been reported or the teacher determines that the behavior of the student **poses an immediate threat** to the safety of the student's classmates or the teacher. In the case of immediate removal from the classroom, the teacher will submit a written referral by the end of the school day or at the beginning of the next school day to the principal or other school administrator. The administrator will, within one school day after the student's removal from class, send to the student's parents a written notice that the student was removed from class, a copy of the teacher's referral, and information regarding how the parent may contact a school administrator. When a teacher removes a student from class, as prescribed above, the administrator will discuss the matter with the teacher by the end of the school day or at the beginning of the next school day. The administrator will give the student oral or written notice as the basis (evidence) for the removal from class. If the teacher withholds his or her consent to the student's return to the same class, or the student's misbehavior precludes returning to school (such as committing a major violation of the *Code of Student Conduct*), the administrator determines the consequences for the student by the end of the first day, which may include in-school suspension or out-of-school suspension (for up to three days). Any in-school or out-of-school suspension exceeding three days must be determined by a local formal hearing officer. Such suspensions may not exceed ten school days. Suspensions or expulsions of longer than ten days may be imposed only by the Student Evidentiary Hearing Committee.

If the teacher withholds his or her consent to the student's return to the same class and the administrator does not impose other disciplinary action, the administrator will convene the Local Placement Review Committee by the second day of the removal from the classroom, and the committee will render a decision whether the student should or should not return to the teacher's classroom. The committee's decision will be made no later than three days after the removal from class. In the interim, the administrator will make a temporary placement for the student (other than in the classroom from which the student was removed, unless the teacher gives permission). *Any teacher who removes more than two students from his or her total enrollment in any school year who are subsequently returned to the class by the Local Placement Review Committee because such class is the best available alternative may be required to complete professional development to improve classroom management or other skills, based on classroom observations and documentation.*

Each school and center principal shall establish at least one Local Placement Review Committee, composed of three members. The school faculty will select two teachers and one alternate and the principal will select one staff member to serve on the committee (schools may have more than one Local Placement Review Committee, at the discretion of the principal, but each committee must have three members selected as stated above). The selection of the committee should proceed as follows: (1) principal asks for volunteers and nominations; (2) a secret ballot is taken at a faculty meeting; (3) results are tabulated by a teacher; (4) results of the ballot are shared with the faculty. The Local Placement Review Committee (by simple majority vote) determines the placement of a student when a teacher withholds his or her consent to the return of the student to the teacher's class when an administrator has not imposed disciplinary action (provided the teacher has met the reporting requirements enumerated above or if the student poses a threat). The committee is authorized to (1) return the student to the teacher's class upon determining that such placement is the **best or only** alternative; or (2) refer the student to the administrator for other appropriate action. The decision of the committee shall be in writing and will be made within three school days after the teacher withholds consent to the return of the student. If the Local Placement Review Committee decides not to return the student to the class from which he or she was removed, the administrator may place the student into another appropriate classroom, in-school suspension, or out-of-school suspension. In-school suspension or out-of-school suspensions may be for three days. In-school or out-of-school suspensions for more than three days may be imposed by a local formal hearing officer only. Any and all disciplinary action will be sent to the parents in writing, by either letter or copy of the *Student Discipline Referral* form, with a note to the parent to confirm receipt of the notice.

#### **POINTS (PROVIDING OPTIONAL INTERVENTION NEEDED TO SUCCEED) PROGRAM**

This program helps students resolve conflict, cope with peer pressure, manage anger, and communicate with others. Students who have been involved in a fight may be referred to POINTS, which is a conflict management class offered on Saturdays to students. Parents are also asked to participate in the classes in order to reinforce the effort to resolve issues peacefully between and among students.

## **PREVENTION/INTERVENTION**

The DeKalb School System's Department of Prevention/Intervention has several programs in place for students, including peer mediation; the Safe School Initiative; POINTS – conflict resolution classes; GRIP – drug education classes; Youth Empowerment activities; parenting classes; character education; in-school suspension/life skills training; and several other programs and activities.

## **PROTECTION OF PUPIL RIGHTS AMENDMENT (PPRA)**

No Child Left Behind (NCLB) mandates that Local Education Agencies (LEAs) must notify parents annually at the beginning of the school year of their right to (1) consent to the administration of surveys funded in whole or in part by the U.S. Department of Education and (2) opt out of the administration of any survey, regardless of funding, if these surveys contain questions from one or more of eight protected areas. These protected areas are: (1) political affiliations and beliefs of students or parents; (2) family mental and psychological problems; (3) sex behavior or attitudes; (4) illegal, anti-social, self-incriminating, or demeaning behavior; (5) critical appraisals of close family members and friends; (6) legally recognized privileged or analogous relationships (e.g., lawyers, doctors, etc.); (7) student or parent religious affiliations, or beliefs; or (8) income (other than that required by law to determine eligibility for program participation or financial assistance).

## **SCHOOL RESOURCE OFFICERS**

School Resource Officers (SRO) are POST-Certified veteran police officers assigned to schools to maintain safety and security at the assigned school, ensure the initiation of prevention and intervention programs, act as a positive role model for students, serve as a liaison with other law enforcement personnel and agencies, help develop the Safe School Plan, and work to foster a better understanding of legal issues and the judicial process. However, SRO's are not disciplinarians. They are not to be used as a substitute for an administrator in the daily administration of the student discipline program. The administrative staff works with the SRO to use their law enforcement expertise and experience and refrain from assignments of the SRO or other law enforcement agency personnel to duties and stations that limit or encumber their effectiveness and training. Since they are School System employees, SROs follow the professional requirements of all employees.

As mandated by state law in Georgia, students will be charged and arrested for possession of weapons, as defined in O.C.G.A. § 16-11-127.1, for possession of drugs, as defined in O.C.G.A. § 16-13-24 through O.C.G.A. § 16-13-32, for any felony or designated felony, as described in Title 16 of the Criminal Code of Georgia Annotated, and for causing bodily injury to others, damage to public or private property, and/or causing a major school disturbance, including but not limited to making terrorist threats. Whether or not a student is arrested for fighting, disorderly conduct, and/or disrupting public school will be made after a joint consultation between the school principal and the SRO. In all cases involving an SRO, like in all other serious situations at the school, the parents/guardians are notified in a timely manner. When an SRO, other law enforcement or emergency agency is on a school campus for the purpose of responding to a request for intervention, investigation, serving a warrant, or in response to an emergency, the school administrative staff follows the responders' recommendations. School administrators are required to immediately report suspected violations of the law to SROs or other law enforcement personnel.

**Parents and guardians are encouraged to inform their children of the consequences, including potential criminal penalties, of underage sexual conduct and crimes for which a minor can be tried as an adult (O.C.G.A. § 20-2-735). Information on this may be found on the DeKalb District Attorney's website at <http://www.dekalbda.org/DocumentView.aspx?DID=274&DL=1>.**

## **SEARCHES**

The School System is dedicated to providing weapon-free, violence-free, and drug-free schools. Consequently, the School System may at any time conduct searches of lockers, desks, tables, other School System furniture or equipment, any vehicles students bring on campus, and, under individualized reasonable suspicion circumstances, students and their possessions. Searches may include the use of electronic devices such as hand-held metal detectors or walk-through metal detectors. Also, the school system may use K-9 Units to check lockers, desks, tables, **and/or** vehicles. Lockers, when available, are provided to students for proper use, as are student desks and tables. Items brought to school or those stored in lockers or placed in desks or on tables are not insured for reimbursement by the school system. School lockers, desks, and tables are the property of the DeKalb County School System. Periodic inspections of lockers, desks, or tables may be conducted by school personnel for any reason, at any time, without notice and without student or parent consent.

## **SELF-DEFENSE**

The DeKalb School System will take into consideration self-defense as a factor in a decision to suspend or expel a student. Self-defense is using force against another when and to the degree a person reasonably believes the force is immediately necessary to protect himself or herself and if School System personnel are not in the immediate area to intervene. An argument of self-defense is no longer acceptable where fighting continues after staff intervention.

## **TEENAGE/ADULT DRIVERS RESPONSIBILITY ACT (TAADRA)**

**Under Georgia law, if a student under the age of 18 drops out of school without graduating and has remained out of school for 10 consecutive days, or has more than 10 school days of unexcused absences in the current or previous school year, notice will be given by the DeKalb School System to the Department of Motor Vehicle Safety, as required by O.C.G.A. § 40-5-22. The student's driver's license may then be suspended by the state of Georgia for up to one year. A student's driver's license will be suspended by the state of Georgia for up to one year if the student is found in violation by the Student Evidentiary Hearing Committee for any one of the following offenses:**

- **Threatening, striking or causing bodily harm to a teacher or other school personnel or causing substantial physical injury to another person or student;**
- **Possession or sale of drugs or alcohol on school grounds or at a school sponsored event; and/or**
- **Possession or use of a weapon on school grounds or at a school sponsored event.**
- **Sexual offenses as enumerated in Chapter 6 of Title 16 O.C.G.A.**

## **VERBAL ASSAULT**

Verbal threatening and/or intimidating teachers, administrators, bus drivers, other school personnel, other students, or persons attending school-related functions without actual physical contact. ***Please note: Any form of electronic bullying (cyberbullying) threats and/or harassment using school equipment, school networks, e-mail systems or committed at school is strictly prohibited.***

## **WEAPONS**

Students must understand that weapons present an immediate and real danger to students, faculty and staff, and can also damage the learning climate and reputation of a school. Federal law (PL 103-227) states that no federal funds may be provided to any local educational agency unless such agency has a policy requiring the expulsion of the student from school for at least one year for possession of or for bringing a firearm to school (20 USC 3351).

## **DISCIPLINARY HEARINGS AND ACTIONS**

**INFORMAL HEARING:** A student is informed verbally of charges and is given a chance to explain his/her action. Parent/guardian is usually not present for the informal hearing, but if discipline action is taken, the parent/guardian will be contacted. Informal hearings are used in suspensions (in-school or out-of-school) for one (1) to three (3) days.

**LOCAL FORMAL HEARING:** Parent/guardian, students, and any witnesses for the student or administration meet with a local formal hearing officer to hear the circumstances related to an alleged violation of school rules to determine guilt or innocence and to determine the consequences if the student is found guilty. The local formal hearing officer may impose suspensions (in-school or out-of-school) up to 10 days and possibly refer the matter to the Student Evidentiary Hearing Committee for further disposition. Attorneys are not allowed to participate in the local formal hearing, but may observe. Friends or relatives of the student and other members of the public who are not witnesses may not attend the local formal hearing. The local hearing officer's decision may be appealed to the principal and/or the appropriate area assistant superintendent.

**WAIVER OF ATTENDING LOCAL FORMAL HEARING:** Parents/guardians may sign a waiver if they choose not to attend either the local formal hearing or an evidentiary hearing. In the event parents/guardians or the student do not attend the hearing, it will proceed as scheduled.

**LOCAL FORMAL HEARING OFFICER:** Any local administrator or other certified employee, without prior knowledge of the event, who conducts the proceedings at the school.

**DETENTION:** A student is retained outside of regular school hours, either before school or after school. Students must be given a twenty-four hours (24-hours) notice so that transportation can be arranged.

**IN-SCHOOL SUSPENSION:** A student is removed from regular classes but is assigned to an in-school suspension setting in the local school. The teachers send class assignments to in-school suspension. **The student may not attend or participate in extracurricular activities while assigned to in-school suspension.**

**ALTERNATIVE SCHOOL:** A student is removed from the local school but is allowed to attend an alternative school for instruction, academic support, and counseling. Students take academic classes that allow them to keep up with the course credit requirements toward graduation. **The student may not return to his/her school or any other school or attend any extracurricular activities while attending an alternative school.**

**SHORT-TERM SUSPENSION:** A student is removed from school (or bus) for one (1) to ten (10) days. Any suspension of one (1) to three (3) days may be made by the administrative staff. Any suspension of more than three (3) days and up to ten (10) days must be made by a local formal hearing officer. Schoolwork missed during one (1) to three (3) day suspensions may be made up when the student returns to school. Any suspension from four (4) to ten (10) days, parents/guardians may request schoolwork and pick up the schoolwork during school hours.

**LONG-TERM SUSPENSION:** A student is removed from school (or bus) for more than ten (10) days but less than a semester. Only the Student Evidentiary Hearing Committee or the Board of Education may impose long-term suspension. A student on long-term suspension who has not been referred to an alternative school may not receive homework, make up work, or take semester exams unless allowed to do so by the Student Evidentiary Hearing Committee or the Board of Education.

**EXPULSION:** A student is removed from school (or bus) for a specified period of time that exceeds the current semester. ***Permanent Expulsion*** means that a student may not return to any DeKalb County school (a parent/ guardian may apply for readmission after six months). Only the Student Evidentiary Hearing Committee or the Board of Education may impose expulsion or permanent expulsion.

**STUDENT EVIDENTIARY HEARING COMMITTEE:** A panel of administrators, psychologists, and social workers who have no prior knowledge of the case hear evidence presented by the local schools, witnesses, and/or parents/guardians when a student is referred to the Student Evidentiary Hearing Committee. The Committee has the authority to make decisions ranging from returning the student to school to permanent expulsion.

**DISCIPLINARY ACTION REVIEW COMMITTEE:** A panel authorized to consider and rule on special requests from parents/guardians and school administrators pertaining to student discipline-related situations

**PROBATION:** A student found guilty of certain offenses may be placed on probation by the local school administration, a local formal hearing officer, the Student Evidentiary Hearing Committee, the Disciplinary Action Review Committee, or the Board of Education. Probation represents a trial period during which a student is expected to adhere to school and School System rules and regulations. Failure to do so may result in further disciplinary action, including a possible referral to the Student Evidentiary Hearing Committee.

## **PROCEDURES FOR LOCAL SCHOOL STUDENT DISCIPLINE HEARINGS**

### **Local Informal Hearings**

Informal hearings must be held for offenses that may result in out-of-school or in-school suspensions or bus suspensions of 3 days or less.

- Student is told of the offense with which he/she is charged; who made the charge(s); and who witnessed the offense.
- Student is provided with an opportunity to tell his/her side of the story.
- The student is informed of the disciplinary action to be taken, if any.
- Student's parents or guardian are called.
- Witnesses (when applicable) submit written accounts of the incident as soon as possible after the incident.

## Local Formal Hearings

Formal hearings must be held for offenses that may result in out-of-school or in-school suspension or bus suspension of a total of 10 days and/or a referral for a Student Evidentiary hearing.

- Written notice of the charges against the student is offered to the student and the parent or guardian.
- Parents or guardian are encouraged to attend the formal hearing, but they may choose not to attend, in which case the hearing will be held in their absence.
- Parents or guardians may consult legal counsel (at their own expense), and attorneys may observe the local formal hearing; however, attorneys may not participate in the local formal hearing in any form (*see Goss v. Lopez, United States Supreme Court, 1975*).
- In the formal hearing, the student is given an opportunity to give his/her version of the facts and the implications. The student should be allowed to offer the testimony of other witnesses and other relevant information and evidence.
- Parents or guardians are allowed to observe all evidence offered, and they will be allowed to question witnesses in a respectful manner.
- The formal hearing is conducted by an impartial hearing officer (certified staff member) who shall make a determination of guilt (and disposition) or innocence solely upon the evidence presented at the hearing. The hearing officer has no first-hand knowledge of the alleged incident.
- A record of the local formal hearing is kept.
- The local formal hearing officer states (within 24 hours after the hearing) the findings of the hearing and the disposition of the case.
- The student and parents or guardian are informed, in writing, of the local formal hearing officer's findings and disposition.
- The student and parents or guardian are informed of their right to appeal the decision of the local formal hearing officer to the appropriate appellate authority. (*For suspensions of 10 days or less; community or school service; in-school suspension; loss of extra-curricular participation; and/or assignment of probation, the appropriate appellate authority is the principal*)
- If previous behavior of the student is to be considered, it must be made part of the local formal hearing and related to violation of probation and/or repeated violations offenses from the **Code of Student Conduct**.
- When a student is referred to the Student Evidentiary Hearing Committee, the witnesses who testified at the local formal hearing should be listed to testify at the Student Evidentiary hearing unless their testimony is not relevant. Also, written statements are made available to the Committee.
- When a student is expelled or given a long-term suspension without a referral to an alternative school, he/she may not make up any academic work or participate in any school activities, school functions, or allowed on campus. When a student is given a short-term suspension, the student and/or parents may request makeup work during the suspension.

***NOTE: THE PROCEDURES FOR STUDENTS WITH DISABILITIES ARE THE SAME AS ABOVE WITH THE FOLLOWING ADDITIONAL STEPS:***

1. The administrative staff should determine if there is a dangerous situation. If yes, proceed to A & B. If no, proceed to #2.
  - A. The Special Education Director is notified immediately of a potentially dangerous situation.***
    - 1. Special Education Personnel investigate the situation and work with the local school.***
    - 2. A plan of action is developed.***
  - B. Special Education Personnel will contact the local school if an emergency change in education location is needed.***
2. The Special Education Teacher (s) is notified of the occurrence (the IEP Manager) or the SST Chairperson for 504 students.
3. If a disabled student is referred to the Student Evidentiary Hearing Committee, a school administrator contacts the school's coordinator from Special Education Services.
4. If a disabled student is assigned to in-school suspension by the formal hearing officer, every effort should be made to provide the student with work from his/her classes. The in-school suspension facilitator may ask the Special Education Teachers for assistance.
5. For students who are receiving Special Education services or are covered under Section 504, the Student Evidentiary Hearing Committee determines innocence or guilt and, if guilty, will determine the consequences. The consequences are held in abeyance until a manifestation decision has been reached by the Manifestation/Determination or 504 Team. The decision and consequence are activated upon a finding that the behavior is not a manifestation of the disability, subject to the education rights of the student under IDEA 2004. If the behavior is a manifestation, the decision of guilt or innocence remains effective, but the consequence or disciplinary action decision is nullified and any further placement decisions will be made by the IEP Review Committee or Student Support Team.

## **OFFENSES and CONSEQUENCES**

### **1. TOBACCO** (any tobacco product)

Students may not possess or use any tobacco products on school property or on a school bus or at any school event away from school. **No student, staff member or school visitor is permitted to use any tobacco product at any time on any School System owned/leased property or at any school event, including non-school hours 24 hours a day, seven days per week (Board Policy JCDA).**

*1<sup>st</sup> Offense: Conference with student and/or parent/guardian.*

*2<sup>nd</sup> Offense: Three-day (3-day) in-school suspension, warning, place on probation.*

*3<sup>rd</sup> Offense: A Local Formal Hearing must be held. Based on a finding of guilty at the Local Formal Hearing, the student is suspended for up to ten (10) school days.*

*4<sup>th</sup> Offense and Subsequent Offense(s): Charged with violation of probation. A Local Formal Hearing must be held. Based on a finding of guilty at the Local Formal Hearing, the student is suspended for up to ten (10) school days and is referred to the Student Evidentiary Hearing Committee, which could result in suspension, a referral to an alternative school, or expulsion.*

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### **2. ELECTRONIC COMMUNICATION DEVICES** (paging devices, cellular phones, walkie-talkies or similar devices)

Students may not use electronic communication devices during instructional time or on school buses. (O.C.G.A. § 20-2-1183) **Parents/Students should refer to page 7 for important information of cell phones and other electronic communication devices. Confiscated devices will be return only to the parent/guardian.**

*1<sup>st</sup> Offense: Warning and confiscation of the device.*

*2<sup>nd</sup> Offense: Confiscation of the device, detention, community service/work detail or comparable consequence and required conference with parent/guardian.*

*3<sup>rd</sup> Offense and Subsequent Offense(s): Confiscation of the device, In School Suspension (ISS) pending a Local Formal Hearing which may result in up to ten (10) days ISS.*

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### **3. WEAPONS AND/OR EXPLOSIVES AND/OR OTHER DEVICES**

a. A student shall not supply, possess, handle or transmit any weapon or any other tool or instrument capable of inflicting bodily injury as a weapon. The terms "weapons," "tools," or "instruments" shall include by way of illustration, but is not limited to, the following items: any loaded, unloaded, operable or inoperable firearm (e.g., pistol, blank pistol, signal pistol, starter pistol, revolver, rifle, shotgun, stun-gun, pellet or BB gun, paintball gun, look-alike firearms, etc.); any knife (e.g., Bowie, Dirk, lock-blade, hunting, pen, pocket, switchblade, utility, knives of any size, etc.); any razor (e.g., straight, regular, retractable, double-sided, etc.); any defensive device (e.g., gas repellent, mace, stun-gun, chemical sprays, etc.); any martial arts device (e.g., throwing star, nunchaku, dart, etc.); or any tool or instrument which school staff could reasonably conclude as being a violation of the intent of this offense section, which, by way of illustration shall include, but is not limited to, blackjack, chain, club, metal/brass or any artificial knuckles, night stick, pipe, rings, studded/pointed/ sharpened bracelets or other similar jewelry, ax handles, ice pick, etc. A student shall not supply, possess, handle, use, threaten to use, or transmit any explosive device or item that ejects or releases a spray, foam, gas, spark, fire, smoke, odor, etc. Such devices or items shall include, but are not limited to, bullets, ammunition of any type, fireworks of any type and size, smoke bomb, paint bomb, stink bomb, any type of homemade bomb, or items which by virtue of shape or design gives the appearance of any of the aforementioned (e.g., fake bombs, firework fuses, etc.), or gasoline, kerosene, explosive or corrosive chemicals, or any explosive aids, devices, or caps.

<b>STATE LAW OF GEORGIA: WEAPONS, O.C.G.A. § 16-11-127.1</b>
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"It shall be unlawful for any person to carry to or to possess or have under such person's control while within a School Safety Zone or at a school building, school function, or school property or on a school bus or other transportation furnished by the school any weapon or explosive compound. Any person who violates this subsection shall be guilty of a felony and, upon conviction thereof, be punished by a fine of not more than \$10,000.00, by imprisonment for not less than two nor more than ten years, or both. A juvenile who violates this subsection shall be subject to the provisions of Code Section 15-11-37. As used in this Code section, the term 'weapon' means and includes any pistol, revolver, or any weapon designed or intended to propel a missile of any kind, or any dirk, bowie knife, switchblade knife, ballistic knife, any other knife having a blade of two or more inches, razor or razor blades, spring stick, metal knucks, blackjack, or any flailing instrument consisting of two or more rigid parts connected in such a manner as to allow them to swing freely, which may be

known as a nun chahka, nun chuck, nunchaku, Shuriken, or fighting chain, or any disc, of whatever configuration, having at least two points or pointed blades which is designed to be thrown or propelled and which may be known as a throwing star or oriental dart, or any weapon of like kind, or any stun gun or taser, or any bat, club, or other bludgeon type weapon."

***A Local Formal Hearing must be held. Based on a finding of guilty at the Local Formal Hearing, the student is suspended for up to ten (10) school days and referred to the Student Evidentiary Hearing Committee, which could result in suspension, a referral to an alternative school, or expulsion. NOTICE: The Gun-Free Schools Act of 1994 (20 USC 3351) requires school systems to expel students for not less than one year for possession of a firearm.***

- b. A student shall not use, possess or transfer on school property or at any school function or activity or on a school bus water pistols, other instruments that project water/other liquids, toy guns, matches, lighters, laser pointers, devices that emit an electrical shock, or other devices, which when used inappropriately, cause discomfort/harm to another person and/or disrupt the educational environment.

***If used inappropriately, a Local Formal Hearing must be held. Based on a finding of guilty at the Local Formal Hearing, the student is referred to the Student Evidentiary Hearing Committee, which may result in suspension, a referral to an alternative school, or expulsion. However, if such items are not used inappropriately, and depending on the age of the student, the penalty shall range from a conference with the student and parent/guardian to a three-day (3-day) suspension.***

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#### **4. PHYSICAL VIOLENCE\* AGAINST TEACHERS, BUS DRIVERS, SCHOOL OFFICIALS, OR OTHER SCHOOL EMPLOYEES**

***\*Violence: (1) intentionally making physical contact of an insulting or provoking nature with the person of another; (2) intentionally making physical contact which causes physical harm to another unless such physical contacts or physical harm were in defense of himself or herself.***

##### **a. PHYSICAL VIOLENCE**

Any student alleged to have committed an act of physical violence as defined in this Code of Student Conduct\* against a teacher, school bus driver, school official, or other school employee shall be suspended pending a Local Formal Hearing.

***A Local Formal Hearing must be held. Based on a finding of guilty at the Local Formal Hearing, the student is suspended for ten (10) school days and is referred to the Student Evidentiary Hearing Committee (SEHC), which could result in suspension, a referral to an alternative school, or expulsion.***

##### **b. PHYSICAL VIOLENCE CAUSING PHYSICAL HARM**

Any student alleged to have committed an act of physical violence as defined in this Code of Student Conduct against a teacher, school bus driver, school official, or other school employee \* which causes physical harm shall be suspended pending a Local Formal Hearing.

***The penalty for having intentionally made physical contact which caused physical harm to a teacher, school bus driver, school official, or other school employee shall be expulsion for the remainder of the student's eligibility to attend school. The Student Evidentiary Hearing Committee (SEHC) at its discretion may permit the student to attend an alternative education program for the period of the expulsion. The student shall be referred to the Juvenile Court with a request for a petition alleging delinquent behavior. If the student is in kindergarten through grade eight, the SEHC may permit such a student to reenroll in the regular public school program for grades nine through twelve. Additionally, if the student is in kindergarten through grade six and there is no alternative educational program available, the SEHC at its discretion may permit the student to reenroll in school. (O.C.G.A. § 20-2-751.6)***

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#### **5. ALCOHOL/DRUGS/SUBSTANCES**

***(Use of alcohol and other drugs by minors is illegal and harmful)***

For the purpose of this handbook, the term "drugs" shall mean all substances including, but not limited to, alcohol and alcoholic beverages, prescription drugs, over-the-counter drugs, look-alike drugs, inhalants, pills, tablets, capsules, and all other legal and/or illegal drugs or substances. Any student required to take medication while at school will follow the procedures provided by a school administrator **prior** to possessing and using medication on school property or on a school bus. ***NOTE: As per state law, students with asthma or life-threatening allergies may carry and use their inhalers or auto-injectable***

*epinephrine as needed, based upon school receipt of a doctor's prescription and parent's written permission. A student may be subject to disciplinary action if he/she uses auto-injectable epinephrine in a manner other than as prescribed.*

**a. INTENT/ATTEMPT/SELL/DISTRIBUTION OF DRUGS**

A student is in violation of this section when he/she sells or attempts or intends to sell and/or distribute drugs or substances represented to be drugs by the seller or distributor and/or thought to be drugs by the buyer or receiver.

*A Local Formal Hearing must be held. Based on a finding of guilty at the Local Formal Hearing, the student is suspended for ten (10) school days and is referred to the Student Evidentiary Hearing Committee, which could result in suspension, a referral to an alternative school, or expulsion.*

**b. POSSESSION/USE/UNDER THE INFLUENCE OF DRUGS**

A student is in violation of this section if in possession of drugs, or under the influence of (or using) drugs, or has used or attempted to use drugs or substances thought to be drugs or represented to be drugs by the student.

*1<sup>st</sup> Offense: A Local Formal Hearing must be held for students who are found to be in possession of, or under the influence of, or using drugs, the use or possession of which is not punishable as a felony, and who are not charged with another offense. Based on a finding of guilty at the Local Formal Hearing, the student is suspended for ten (10) school days. If the parents/guardians and student accept the offer to attend the drug-education program (GRIP), five days (5 days) of the ten-day suspension shall be waived upon successful completion of the requirements of the GRIP program. If the requirements of the GRIP program, which requires parent/guardian and student attendance, are not successfully completed, the full ten-day suspension shall be imposed.*

*2<sup>nd</sup> Offense and/or if the substance is a felony or designated felony possession: A Local Formal Hearing must be held. Based on finding of guilty at the Local Formal Hearing, the student is suspended for ten (10) days and is referred to the Student Evidentiary Hearing Committee, which may result in suspension, a referral to an alternative school, or expulsion.*

**c. POSSESSION AND/OR DISTRIBUTION OF DRUG-RELATED PARAPHERNALIA**

Drug-related paraphernalia includes, but is not limited to, pipes, water pipes, clips, rolling papers and other items used or related to drug use.

*1st Offense: A Local Formal Hearing must be held. Based on a finding of guilty at the Local Formal hearing, the student is suspended for ten (10) school days with the option to attend the GRIP program to reduce the suspension to five days.*

*2nd and Subsequent Offenses: A Local Formal Hearing must be held. Based on a finding of guilty at the Local Formal Hearing, the student is suspended for ten (10) school days.*

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**6. PROPERTY**

**a. DESTRUCTION/DAMAGE/ATTEMPTS/THREATS**

Destruction of and/or threats to destroy or damage or deface school, private, or public property which includes, but is not limited to, setting fires, attempts to destroy, damage, or deface school or staff property or property used by the school, and/or vandalism.

*Penalty may range from detention to expulsion. A Local Formal Hearing must be held if the destruction, damage, defacement or repairs exceed \$100 and/or for any attempts to set a fire, and/or create gang-related graffiti. Based on a finding of guilty at the Local Formal Hearing, the student is suspended for up to ten (10) school days and is referred to the Student Evidentiary Hearing Committee, which may result in suspension, a referral to an alternative school, or expulsion. Student must make restitution for damage/ defacement/ vandalism to school property.*

**b. THEFT/ATTEMPT/POSSESSION**

Theft and/or attempted theft or theft by deception of public or private property; extortion or attempted extortion; possession of stolen property or missing property; possession and/or distribution of counterfeit money/checks/money orders.

*Penalty may range from detention to expulsion. A Local Formal Hearing must be held when the theft or theft by deception or extortion or the amount of counterfeit money/checks/money orders exceeds \$100. Based on a finding of guilty at the Local Formal Hearing, the student is suspended for up to ten (10) school days and is referred to the Student Evidentiary Hearing Committee, which may result in suspension, a referral to an alternative school, or expulsion. Student must make restitution for theft or loss of school system property.*

**c. TEXTBOOKS, MEDIA CENTER MATERIALS, COMPUTER EQUIPMENT/ USE**

Loss, destruction, defacement, and/or inappropriate use of textbooks, media center materials, or computer and computer-related equipment and materials, including inappropriate use of the Intranet or Internet.

*Penalty may range from detention to short-term suspension. A Local Formal Hearing must be held if the loss, destruction, defacement or repairs exceed \$100. Based on a finding of guilty at the Local Formal Hearing, the student is suspended for up to ten (10) school days and is referred to the Student Evidentiary Hearing Committee, which may result in suspension, a referral to an alternative school, or expulsion. Student must make restitution for any school system loss.*

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**7. VIOLENCE AGAINST STUDENTS, SCHOOL PERSONNEL, SCHOOL VISITORS**

**a. ASSAULT/BULLYING**

Verbal threatening and/or intimidating teachers, administrators, bus drivers, other school personnel, other students, or persons attending school-related functions without actual physical contact; an attempt to hurt another without physical contact, or actions which cause reasonable fear of immediate bodily harm (including bullying – **three bullying violations could result in expulsion, O.C.G.A. § 20-2-145**). **NOTE:** Threatening witnesses may result in expulsion.

*Penalty may range from in-school suspension to expulsion. A Local Formal Hearing must be held when the verbal threat is a threat to life, when the bullying incident is the third such incident, when the verbal threat is directed to a person expected to testify in a hearing, or when the verbal threat is directed to a school employee. Based on a finding of guilty at the Local Formal Hearing, the student is suspended for up to ten (10) school days and is referred to the Student Evidentiary Hearing Committee, which may result in suspension, a referral to an alternative school, or expulsion.*

**b. SIMPLE BATTERY/BULLYING**

Fighting or making physical contact of an insulting, offensive or provoking nature with teachers, administrators, bus drivers, other school personnel, other students or persons or causing physical harm to another (including bullying or hazing — **three bullying violations could result in expulsion (O.C.G.A. § 20-2-145)**. NOTE: if the incident involves **intentional** physical contact with a school employee, see Offense #4a.

*Penalty may range from in-school suspension to short-term suspension, if the incident involved a fight between or among students without injuries and without causing a school disturbance. A Local Formal Hearing must be held when a student physically contacts a school system employee or if the incident caused a major school disturbance. Based on a finding of guilty at the Local Formal Hearing, the student is suspended for ten (10) school days and is referred to the Student Evidentiary Hearing Committee, which may result in suspension, a referral to an alternative school, or expulsion.*

**c. BATTERY**

Causing substantial or visible bodily harm, such as substantially blackened eyes, substantially swollen lips or other facial or bodily part, substantial bruises to body parts or other substantial injury to teachers, administrators, bus drivers, other school personnel, other students, or persons attending school-related functions. NOTE: if the incident involves **intentional** physical injury to a school system employee, see Offense #4b.

*A Local Formal Hearing must be held. Based on a finding of guilty at the Local Formal Hearing, the student is suspended for ten (10) school days and is referred to the Student Evidentiary Hearing Committee, which may result in suspension, a referral to an alternative school, or expulsion.*

**d. AGGRAVATED ASSAULT**

An assault made with a deadly weapon or with an object or device which, when used offensively, is likely to or actually does result in serious bodily harm to teachers, administrators, bus drivers, other school personnel, other students, or persons attending school-related functions.

***A Local Formal Hearing must be held. Based on a finding of guilty at the Local Formal Hearing, the student is suspended for ten (10) school days and is referred to the Student Evidentiary Hearing Committee, which may result in suspension, a referral to an alternative school, or expulsion.***

**e. AGGRAVATED BATTERY**

A person commits the offense of aggravated battery when he/she maliciously causes bodily harm to another by depriving him/her of a member of his/her body, by rendering a member of his/her body useless, or by seriously disfiguring his/her body or a member thereof of teachers, administrators, bus drivers, other school personnel, other students, or persons attending school-related functions.

***A Local Formal Hearing must be held. Based on a finding of guilty at the Local Formal Hearing, the student is suspended for ten (10) school days and is referred to the Student Evidentiary Hearing Committee, which may result in suspension, a referral to an alternative school, or expulsion.***

**f. BYSTANDER BATTERY**

A student who does not start a fight but ends up in it will be charged with Bystander Battery if he/she could have avoided the fight.

***A Local Formal Hearing must be held. Based on a finding of guilty at the Local Formal Hearing, the student is suspended for up to ten (10) school days and is referred to the Student Evidentiary Hearing Committee, which may result in suspension, a referral to an alternative school, or expulsion.***

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**8. RUDE/DISRESPECTFUL BEHAVIOR AND/OR REFUSAL TO CARRY OUT INSTRUCTIONS**

**a. RUDE OR DISRESPECTFUL BEHAVIOR**

Discourteous or inappropriate language and/or behavior or gestures, including vulgar/profane language toward teachers, administrators, bus drivers, other school personnel, other students, or persons attending school-related functions.

***Penalty may range from a verbal reprimand to a short-term suspension. See Offense #19a for repeated violations.***

**b. REFUSAL TO CARRY OUT INSTRUCTIONS OF FACULTY OR STAFF MEMBER**

Refusal to follow the instructions of teachers, school administrators, or other staff members (e.g., refusing to leave an area, refusing to stop aggressive behavior, refusing to stop disruptive behavior, etc.).

***Penalty may range from a verbal reprimand to short-term suspension. See Offense #19a for repeated violations.***

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**9. UNEXCUSED ABSENCES AND/OR TRUANCY**

Lawful absences are defined by Georgia Law as follows: personal illness; serious illness or death in the family; religious holiday; instances which attendance could be hazardous as determined by the DeKalb County School System; registering to vote/voting in a public election; service as a Page in the legislature. Georgia law provides up to five (5) days excused absences for students whose parents are in the armed forces who are called to duty or home on leave from overseas deployment in a combat zone. ***Students 15-17 years of age are reminded that excessive unexcused absences could result in suspension of their ability to operate a motor vehicle under the Teenage and Adult Driver Responsibility Act (see page 16).***

**NOTE: STATE LAW**

***State law indicates that any parent/guardian who does not comply with compulsory attendance mandates (O.C.G.A 20-2-690.1[a]) 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, 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 of five unexcused days of absence shall constitute a separate offense (O.C.G.A. § 20-2-690.1[c]).*

*State law also requires unemancipated minors 16-17 years of age to have written permission from their parent or guardian to withdraw/drop out of school. Be reminded that dropping out of school could result in the suspension of the ability to operate a motor vehicle (see page 16).*

*The following apply to all unexcused absences:*

Number of Unexcused Absences	School Action Per Occurrence
1 - 2	School notifies the parent of absence.
3 - 5	School notifies the parent of absence and refers student to the counselor or assistant principal who will then meet with the student and/or parent for the purposes of discussing the reasons for absences and signing an attendance contract.
6 - 7	Letter sent to parent/guardian informing him/her of the student's absences and the administrative and legal consequences of continued absence from school.
8+	Counselor will make a referral to the school social worker to conference with the parent/guardian and student for assessment and/or possible referral to Juvenile Court, Solicitor-General's Office, DFACS, or other agency.

**10. SKIPPING CLASS OR REQUIRED ACTIVITIES**

Leaving school or school property without administrative authorization, not reporting/returning to classes or required school activities.

*Penalty may range from detention to in-school suspension. After five (5) incidents of skipping, a parent conference must be held. If the student continues to skip classes, the student is referred to the counselor and/or school social worker. Chronic skipping of classes may result in a Local Formal Hearing and an in-school suspension of up to ten (10) days.*

**11. CLASSROOM DISTURBANCE**

Any behavior that disrupts the instructional process, distracts students and/or teachers from classroom activities and studies, creates a dangerous or fearful situation for students and/or staff.

*Penalty may range from detention to short-term suspension, unless a student creates a dangerous situation. A Local Formal Hearing must be held if a student creates a dangerous situation in a classroom. Based on a finding of guilty at the Local Formal Hearing for creating a dangerous situation in the classroom, the student is suspended or placed in in-school suspension for up to ten (10) school days and may be referred to the Student Evidentiary Hearing Committee, which could result in suspension, a referral to an alternative school, or expulsion. See Offense #19a for repeated violations.*

**12. SCHOOL DISTURBANCE**

Acts which cause or may cause disruption of the school environment and/or threaten the safety or well-being of other students, which may include, but is not limited to, **terrorist threats**, **gang-related activities**, walk-outs, sit-downs, rioting, picketing, trespassing, inciting disturbances, threats to the school, pranks, actual violence during period of disruption, etc.

***A Local Formal Hearing must be held. Based on a finding of guilty at the Local Formal Hearing, the student may be suspended for up to ten (10) school days and if the school disturbance is a major disturbance the student is referred to the Student Evidentiary Hearing Committee, which may result in suspension, a referral to an alternative school, or expulsion.***

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**13. PROFANITY/OBSCENITY/RACIAL, ETHNIC, RELIGIOUS HARASSMENT**

Such use includes, but is not limited to, profane, vulgar, obscene words or gestures; spitting on another student; possession of profane, vulgar, or obscene material; profane, vulgar, obscene or insulting racial, ethnic, or religious comments or actions, or any harassment relative to a person's disability. (NOTE: see Offense #23 regarding Sexual Harassment and Sexual Orientation Harassment.) **The DeKalb School System will not tolerate bullying and other forms of harassment and, therefore, reserves the right to punish students after the first incident and upon a finding of guilt. Penalty may range from detention to a short-term suspension. A parent conference should be held. A Local Formal Hearing must be held for incidents of racial, ethnic, disability and/or religious harassment. Based on a finding of guilty at the Local Formal Hearing, the student is suspended for up to ten (10) school days and is referred to the Student Evidentiary Hearing Committee, which may result in suspension, a referral to an alternative school, or expulsion.**

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**14. FAILURE TO ACCEPT DISCIPLINARY ACTION**

Refusing or failure to serve detention, in-school suspension, or any other disciplinary action imposed by a teacher or school administrator. **Penalty may range from detention to short-term suspension. See Offense #19a for repeated violations.**

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**15. CHRONIC TARDINESS**

Repeated late to school, class, or to a school activity.

*The following apply to all unexcused tardies:*

<b>Number of Tardies</b>	<b>Consequences Per Occurrence</b>
1 - 2	Student receives a warning. Teacher is responsible for contacting the parent(s).
3 - 6	Student receives 1 day detention or comparable consequence. Referred to the counselor who is responsible for contacting the parent(s).
7 - 10	Student receives a discipline referral and 1 day in-school suspension (ISS) or comparable consequence. School to schedule a student/parent conference for the purpose of signing an attendance contract.
11+	Student receives a discipline referral and ISS or comparable consequence pending a local formal hearing. Parent contacted and referral to counselor and social worker. Student is given choice of 10 days ISS, alternative school/program placement, or comparable consequence.

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**16. BUS MISBEHAVIOR**

Any behavior that disrupts or distracts a bus driver, or causes a dangerous situation for a bus driver and/or students, or that disturbs the orderly operation of a bus, or that creates a dangerous situation for vehicles operating near a bus. Included in prohibited bus behaviors are use of any electronic devices during the operation of a school bus, including but not limited to cell phones; pagers; audible radios, tape, compact disc players, or similar devices without headphones; or any other electronic device in a manner that might interfere with the school bus communications equipment or the school bus driver's operation of the school bus,

or the use of mirrors; lasers; flash cameras; or any other lights or reflective devices in a manner that might interfere with the school bus driver's operation of the school bus.

***Penalty may range from a conference with the student, parent/guardian, bus driver, and school administrator to a suspension and removal from the school bus for up to ten (10) school days. Serious or repeated bus misbehavior may result in a referral to the Student Evidentiary Hearing Committee, which may result in suspension, a referral to an alternative school, or expulsion. If a student engages in acts of physical violence on the school bus, the student will be subject to the penalties set forth for that misbehavior in this Code of Student Conduct. In addition, if a student is found to have engaged in bullying or in physical assault or battery of another person on the school bus, the student's parents or guardian must meet with the student's principal or designee to form a school bus behavior contract for the student. The contract shall provide for progressive age-appropriate discipline, penalties, and restrictions for student misbehavior on the bus. Contract provisions may include but shall not be limited to assigned seating, ongoing parental involvement, and suspension from riding the bus.***

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#### **17. CONDUCT OUTSIDE OF SCHOOL HOURS OR AWAY FROM SCHOOL**

Any conduct outside of school hours or away from school which may adversely affect the educational process or endanger the health, safety, morals, reputation, or well-being of other students, teachers, or other employees of the school system.

***A Local Formal Hearing must be held (after contacting the Department of Student Relations). Based on a finding of guilty at the Local Formal Hearing, the student is suspended for ten (10) school days and is referred to the Student Evidentiary Hearing Committee, which may result in suspension, a referral to an alternative school, or expulsion.***

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#### **18. GAMBLING**

Acts such as betting money or items on card games, dice games, the outcome of games or activities and/or possession of gambling materials or paraphernalia.

***Penalty may range from detention to short-term suspension. Widespread or repeated incidents may result in a referral to the Student Evidentiary Hearing Committee, which may result in suspension, a referral to an alternative school, or expulsion.***

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#### **19. REPEATED VIOLATIONS/CHRONIC MISBEHAVIOR/VIOLATION OF PROBATION**

##### **a. REPEATED VIOLATIONS/CHRONIC MISBEHAVIOR**

Behavior that repeatedly or chronically disrupts or disturbs the educational process, the orderly operation of school or school activities, school bus, etc. Prior to this charge being made, the student must be warned of possible consequences, a referral made to a school counselor school social worker, and/or other appropriate resource personnel and the parent/guardian must be contacted about the misbehavior, must be given the opportunity to observe their child in school and given an opportunity to participate in the development of a student discipline correction plan.

***A Local Formal Hearing must be held if the student continues to violate school rules after implementation of a discipline correction plan. Based on a finding of guilty at the Local Formal Hearing, the student is suspended for up to ten (10) school days and is referred to the Student Evidentiary Hearing Committee, which may result in suspension, a referral to an alternative school, or expulsion.***

**b. VIOLATION OF LOCAL SCHOOL AND/OR SYSTEMWIDE PROBATION** Committing any offense in this handbook that could result in expulsion, or repeated violations while on local school and/or system-wide probation, or violation of conditional enrollment in the school system. Before a student is readmitted to school after a disciplinary action, consequences related to violation of probation must be explained to the student and parent/guardian.

***For a violation of local school probation, the penalty may range from in-school suspension to a short-term suspension. A violation of system-wide probation (assigned by the Student Evidentiary Hearing Committee, the DeKalb Board of Education, or the Department of Student Relations) will result in a Local Formal Hearing. Based on a finding of guilty at the Local Formal Hearing, the student is suspended for ten (10) school days and is referred to the Student Evidentiary Hearing Committee, which may result in suspension, a referral to an alternative school, or expulsion.***

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## **20. PARKING AND TRAFFIC VIOLATIONS**

Parking on school property without a permit, or reckless or careless operation of a vehicle on or near school property or near a school bus, etc. Each student who chooses to park a vehicle on school property must purchase a parking permit. Students who purchase a parking permit will be given a decal sticker and assigned parking space. Parking and traffic regulations will be issued to each student at the time of registration. Parking permits must be renewed upon expiration. **[VEHICLES ON SCHOOL PROPERTY ARE SUBJECT TO A SEARCH AT ANY TIME.]**

***Penalty may include revocation of parking permit, towing of vehicle off campus at student's expense, detention, or short-term suspension. For reckless driving on school property or in a school zone and/or for repeated incidents, a Local Formal Hearing must be held. Based on a finding of guilty at the Local Formal Hearing, the student is suspended for up to ten (10) school days and is referred to the Student Evidentiary Hearing Committee, which may result in suspension, a referral to an alternative school, or expulsion.***

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## **21. LOITERING OR GOING ON ANY SCHOOL CAMPUS WITHOUT AUTHORIZATION/TRESPASSING**

Students are not allowed to enter the premises of a school other than his/her school, unless prior permission is received from an administrator of the school to be visited, or unless the school is hosting a school-related function, such as an academic or athletic activity. A student may not enter or remain in any school building on weekends or after school hours without authorization or permission. **NOTE:** When a student refuses to leave any school property and/or returns to any school property after being instructed by school staff or law enforcement staff to leave the property, the student will be in violation of this section and the matter will be referred to law enforcement.

***Penalty may range from detention to short-term suspension. For repeated incidents, a Local Formal Hearing must be held. Based on a finding of guilty at the Local Formal Hearing, the student is suspended for ten (10) school days and is referred to the Student Evidentiary Hearing Committee, which may result in suspension, a referral to an alternative school, or expulsion.***

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## **22. PROVIDING FALSE INFORMATION**

This offense includes, but is not limited to, such acts as falsifying school records, forging signatures, making or providing false statements, cheating, bribery, using an unauthorized computer user ID or password, etc. **Students are prohibited against falsifying, misrepresenting, omitting or erroneously reporting information regarding instances of alleged inappropriate behavior by a teacher, administrator or other school employee.**

***Penalty may range from detention to short-term suspension. For repeated incidents, a Local Formal Hearing must be held. Based on a finding of guilty at the Local Formal Hearing, the student is suspended for up to ten (10) school days and is referred to the Student Evidentiary Hearing Committee, which may result in suspension, a referral to an alternative school, or expulsion.***

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## **23. INAPPROPRIATE BODILY CONTACT OF A SEXUAL NATURE BETWEEN OR AMONG STUDENTS; SEXUAL MISCONDUCT; SEXUAL HARASSMENT; SEXUAL ORIENTATION HARASSMENT**

Sexual misconduct between or among students or against School System employees or visitors on school property or at any school activity or event, including, but not limited to, sexual contact, sexual assault, unwelcome sexual advances or comments, request for sexual favors, indecent exposure, insulting comments about sexual orientation, stalking, etc. **The DeKalb School System will not tolerate bullying and other forms of harassment and, therefore, reserves the right to punish students after the first incident and upon a finding of guilt.**

***A Local Formal Hearing must be held. Based on a finding of guilty at the Local Formal Hearing, the student is suspended for up to ten (10) school days and is referred to the Student Evidentiary Hearing Committee, which may result in suspension, a referral to an alternative school, or expulsion.***

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## **24. STUDENT IDENTIFICATION CARD VIOLATION**

All DeKalb County high school students must carry ID cards while on school property and at any school event. A suspected non-student with no ID card will be asked to leave the school grounds, with police assistance if needed. Students who are not in possession of their ID cards are in violation of this section. Students must pay for replacement ID cards.

*1st Offense: Warning.*

*2nd Offense: Three-day (3-day) detention and probation.*

*3rd Offense: In-school suspension or short-term suspension. A parent conference must be held at the end of the suspension to explain further possible consequences if the behavior continues.*

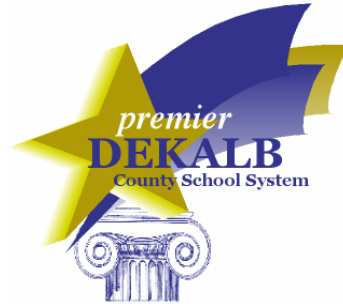
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**25. STUDENT DRESS CODE VIOLATION**

All students are expected to adhere to the expectations of appropriate dress as indicated on page 6 of this handbook and any additional requirements listed in local school regulations.

*The following applies to all student dress code violations:*

<b>Number of Offenses</b>	<b>Actions of the School</b>
First Offense	Verbal Reprimand, Contact Parent and In School Suspension (ISS) until End of Day or Correction of the Violation
Second Offense	Required Parent Conference and two (2) Days ISS
Third Offense	Contact Parent, three (3) Days ISS and Local Formal Hearing, which may result in up to ten (10) days ISS, Local Probation and/or parent attend classes with student in lieu of ISS. Chronic violation of this expectation will result in the charge of #19a – Repeated Violation of School Rules and a possible referral to an alternative setting upon a finding of guilty by the Student Evidentiary Hearing Committee.



***“As the significant adult in the child’s life while in school, teachers certainly have some degree of responsibility in maintaining discipline. Effective teaching cannot take place without discipline. However, the foundation for discipline begins at home. When teachers report a discipline problem, parents or guardians should talk to their children and to the teachers to work out a solution together.***

***The purpose of discipline should be to guide children toward acceptable behavior and to teach them to make wise and responsible decisions. Discipline helps children learn to think in an orderly fashion and to understand the logical consequences of their actions.”***

**-National PTA**

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**WRITTEN COMMENTS, SUGGESTIONS, OR RECOMMENDATIONS ABOUT THE CONTENTS OF THE CODE OF STUDENT CONDUCT ARE WELCOME. THEY MAY BE SENT TO THE DEPARTMENT OF STUDENT RELATIONS, 5823 MEMORIAL DRIVE, STONE MOUNTAIN, GA. 30083**

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Department of Student Relations (678) 676-1811

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