

# CODE OF STUDENT CONDUCT STUDENT RIGHTS AND RESPONSIBILITIES

## *2011-2012*



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### ACKNOWLEDGEMENT OF RECEIPT BY PARENTS/GUARDIANS

Please read and review this Code of Student Conduct with your child and emphasize your child's role in helping to maintain a safe and orderly learning environment. This document also includes important information relative to student records, the Family Educational Rights and Privacy Act (FERPA), and other rights and responsibilities of importance to you and your student. Please sign below to acknowledge that you and your student received this Code of Student Conduct. Then 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

Signature Required

\_\_\_\_\_

Student's Name

\_\_\_\_\_

Student's Grade

\_\_\_\_\_

Date

### CONSENT FOR STUDENT TO PARTICIPATE IN SURVEYS

Each year, the Georgia Department of Education conducts surveys of 6<sup>th</sup>, 8<sup>th</sup>, and 9<sup>th</sup> through 12<sup>th</sup> grade students. The topics surveyed include drugs, violence, mental health issues, driving habits, exercise and diet. The surveys are anonymous and no personal identification is required. These surveys allow the School System to support needs-driven programming for students and evaluate effectiveness of these programs. Participation in the surveys is optional. Please sign below if you give permission for your child to participate. Please refer to the Protection of Pupil Rights Amendment section on **page 29** for more information.

\_\_\_\_\_

Parent/Guardian Signature

Parent/Guardian  
Signature

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# CODE OF STUDENT CONDUCT

## POLICY STATEMENT

The DeKalb County Board of Education is committed to providing the best possible education for the children who attend its schools. This commitment requires not only top-quality courses, highly-qualified teachers, and well-equipped facilities, but also a safe, positive environment for our students, staff, parents, stakeholders, and community partners. The Board of Education expects all students to adhere to strict standards of acceptable behavior so that maximum learning can take place in our schools.

This Code of Student Conduct sets out the rules of student behavior applicable to all DeKalb students and the procedures for imposing discipline on students who violate these rules. When punishment must be administered, this Code ensures that it is fair and that it serves the best interests of all the children in the School System.

In general, discipline is designed to correct a student's misconduct and to encourage the student to be a responsible citizen of the school community. Disciplinary actions will be in proportion to the severity of the unacceptable behavior, its impact on the school environment, the student's age and grade level, the student's previous discipline history, and other relevant factors.

Where appropriate in light of the nature or severity of the behavioral problem, the disciplinary process may include due consideration of student support services that may be available through the school, the school system, other public entities, or community organizations. Where feasible, the Board prefers to reassign disruptive students to alternative educational settings rather than to suspend or expel such students from school.

Parental notification and parental involvement are essential to any effort to modify a student's inappropriate behavior. This Code of Student Conduct will only be effective if parents and guardians, teachers, and school administrators work together to improve student behavior and enhance academic performance. Parents, educators, and community members are urged to communicate their concerns about student behavior or the student discipline process to the school principal or the Department of Student Relations.

This Code of Student Conduct is implemented pursuant to Board Policy JCD.

## PURPOSE OF CODE OF STUDENT CONDUCT

This Code of Student Conduct is intended to inform students in grades K-12 of the types of behaviors that are unacceptable. It is impossible, however, to write a Code that addresses every conceivable variation of prohibited behavior. Consequently, students should understand that they may be disciplined for any misconduct that disrupts the orderly mission of the school or that is otherwise obviously inappropriate, whether or not it is specifically listed in this Code.

Individual schools and classroom teachers may impose campus or classroom rules in addition to those found in this Code of Student Conduct. Those rules may be explained by the teacher, posted in classrooms, or handed out to students, and may or may not constitute violations of the Code of Student Conduct.

## LEARNING AND COMPLYING WITH CODE OF STUDENT CONDUCT

All students, regardless of age or grade level, are required to know the contents of this Code of Student Conduct and to abide by it and any other rules of conduct imposed by the schools they attend. The Code of Student Conduct is distributed to all schools and centers. It 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 signed acknowledgement of receipt is required from each student and parent/guardian.** A system-wide test on the Code is administered to students within the first two weeks of school. This test is mandatory. Student test scores are recorded. Class meetings are held during the first three weeks of school to discuss discipline and the application of discipline procedures.

Students who enter the school system during the school year will receive the Code and be tested on its contents.

Students sent to in-school suspension for the first time are re-taught and re-tested on the Code. K-3, Exceptional Education, and ESOL teachers review the Code with their students to assure their understanding of it.

Students are urged to ask faculty or staff members for clarification of any part of the Code that they do not understand.

### **EQUAL EDUCATIONAL OPPORTUNITIES**

The DeKalb County School District provides equal educational opportunities for all students, regardless of their race, color, religion, national origin, gender, sexual orientation, gender identity, disability, or age. No student shall be subjected to discrimination or harassment because of the student's race, color, religion, national origin, gender, sexual orientation, gender identity, disability, or age in any of the District's educational programs, activities, or practices, including implementation of this Code of Student Conduct.

The School System maintains a complaint procedure that affords students a prompt, fair, and orderly means of resolving complaints of discrimination.

### **SEARCHES**

To maintain order and discipline in the schools and to protect the safety and welfare of students and school personnel, school authorities may search a student, student lockers, student desks and tables, or student automobiles under the circumstances outlined below and may seize any illegal, unauthorized, or contraband materials discovered in the search.

As used in this Code of Student Conduct, the term "unauthorized" means any item dangerous to the health or safety of students or school personnel, or disruptive of any lawful function, mission or process of the school, or any item described as unauthorized in school rules available beforehand to the student.

A student's failure to permit a search or seizure as provided in this Code will be considered grounds for disciplinary action.

All searches by school employees shall be reasonably related to the objectives of the search and not excessively intrusive in light of the student's age and gender and the nature of the infraction.

#### **Personal Searches**

A student's person and/or personal effects (e.g. purse, book bag, etc.) may be searched whenever a school official has reasonable suspicion to believe that the search will reveal a violation of the law, the student conduct behavior code, or local school rules.

If a pat-down search of a student's person is conducted, it will be conducted in private by a school official of the same sex and with an adult witness present, when feasible. If the school official has reasonable grounds for suspecting that the student has on his or her person an item immediately dangerous to the student or to others, the student should be isolated, a school resource officer should be notified, and appropriate disciplinary action should be administered.

In appropriate circumstances, searches may include the use of electronic devices such as hand-held metal detectors or walk-through metal detectors.

#### **Locker, Desk, and Table Searches**

Student lockers, desks, and tables are school property and remain at all times under the control of the school. Principals of each school where lockers are issued shall insure that each student receives written notice prior to the issuance of the locker that lockers are subject to inspection and search by school officials. Each school shall maintain duplicate keys or records of all locker combinations and avoid any practices that would lead students to believe that lockers are under their exclusive control.

Periodic general inspections of lockers, desks, and tables may be conducted by school authorities for any reason at any time without notice, without student consent, and without a search warrant. The School System may use K-9 Units to check lockers, desks, and tables. Items brought to school or placed in lockers, desks or tables are subject to reasonable searches.

### **Automobile Searches**

Students are permitted to park on school premises as a matter of privilege, not of right. The school retains authority to conduct routine patrols of student parking lots and inspections of the exteriors of student vehicles on school property. The school system may use K-9 Units to check vehicles.

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

Notice of the foregoing right to search shall be given to students who park on school property; however, failure to give such notice will not preclude school officials from conducting searches of vehicle interiors when otherwise authorized.

### **Search Results**

If a search reveals a violation of federal, state or local law, law enforcement authorities may be notified so that they may take appropriate action.

## **INVESTIGATION OF MISCONDUCT**

When a violation of school rules is reported or suspected, the principal or designee will determine whether an investigation is warranted and, if so, will instruct appropriate personnel to conduct an investigation. The investigation should include interviews with the alleged perpetrator(s), victim(s), identified witnesses, teacher(s), staff members, and others who might have relevant information. Written statements should be obtained from all individuals who are interviewed. Video surveillance, if available, should be reviewed and secured. Any other physical and documentary evidence should be collected and preserved. School counselors, school social workers, school police, and other support staff should be utilized for their expertise as determined by the circumstances of the matter. At an appropriate time during or after the investigation, the parent or guardian will be notified. However, if the incident involves an injury or similar situation, appropriate medical attention should be provided, and the parent or guardian should be notified immediately.

## **PROGRESSIVE DISCIPLINE**

Except in cases of serious misconduct, students who violate school rules will be subject to a series of increasingly more severe consequences. Some of the available disciplinary measures include:

- 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) (requires 24-hour notice so that transportation can be arranged)
- Parent attend school with student in lieu of suspension (at principal's discretion and not for offenses which are a violation of law)
- In-school suspension
- Out-of-school suspension
- Expulsion
- Referral to an alternative education program
- Referral to juvenile or criminal authorities for possible prosecution in addition to disciplinary measures imposed by the School System.

In most instances, when the violation is minor and not indicative of an underlying behavioral or emotional problem, the disciplinary measure will be chosen and administered by the classroom teacher.

If a student engages in serious misconduct or habitually disrupts the classroom, the teacher may refer the student to the principal or assistant principal. Depending on the severity of the misconduct, the school administrators may be able to handle the situation at the school level. If, however, the behavior warrants expulsion, suspension of more than ten days, or referral to an alternative school, the Department of Student Relations will become involved. If applicable, the provisions relating to Chronically Disruptive Students (see below) should be followed.

### **DISCIPLINARY CONSEQUENCES FOR SERIOUS OFFENSES**

The most serious of the disciplinary consequences that may be imposed for misconduct are described below:

#### **In-School Suspension**

"In-school suspension" means the removal of a student from regular classes and assignment to an in-school suspension setting in the local school. The student's teachers send class assignments to in-school suspension. **The student may not attend or participate in extracurricular activities while assigned to in-school suspension.**

A teacher may request that a student who has been assigned to in-school suspension be allowed to 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.

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, supervised, and does not include restroom duties.

#### **Out-of-School Suspension**

"Short-term suspension" means the removal of a student from school (or school bus) for one to ten school days. A local school administrator may impose a suspension of one to three school days. A local formal hearing officer (defined below) may impose an out-of-school suspension of up to ten school days.

Schoolwork missed during 1-3 day suspensions may be made up when the student returns to school. For suspensions of 4-10 school days, parents/guardians may request schoolwork and pick up the schoolwork during school hours.

"Long-term suspension" means the removal of a student from school (or school bus) for more than ten school days but not beyond the current school semester. Only the Student Evidentiary Hearing Committee (defined below) 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. A student on long-term suspension is not allowed on school property and may not participate in any school activities or school functions.

In some cases (limited to one per student per academic year), the principal may temporarily postpone a student's suspension if the offense was committed at a critical time in the academic calendar (i.e., immediately before final exams). This **does not** apply to offenses that are violations of state or federal law or that involve weapons, violence, or drugs.

### **Expulsion**

"Expulsion" means the removal of a student from school (or school bus) for a specified period of time beyond the current semester. Only the Student Evidentiary Hearing Committee or the Board of Education may impose expulsion.

A student who has been expelled may not attend any DeKalb County school, but may apply for readmission after six months.

### **Alternative School**

A student who is removed from his/her local school for more than 10 school days may be allowed to attend an alternative school for instruction, academic support, and counseling. Alternative school enables a student to take academic classes that allow the student 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 pursuant to a long-term suspension or expulsion.

### **Probation**

"Probation" means that a student is placed on a trial period during which the student is expected to maintain good behavior. A student found guilty of certain offenses may be placed on probation by a local school administrator, a local formal hearing officer, the Student Evidentiary Hearing Committee, the Disciplinary Action Review Committee, or the Board of Education. Violation of a local school or school system rule while on probation may result in further disciplinary action, including a possible referral to the Student Evidentiary Hearing Committee.

### **Restrictions on School Activities**

Students who are suspended or expelled will not be allowed to participate in any school-sponsored activities, including the prom or graduation exercises if these occur during the period of suspension or expulsion. A parent or guardian may, for good cause, petition the school principal for permission for the student to participate in school-sponsored activities. If denied permission by the principal, the parent or guardian may appeal to the appropriate Area Assistant Superintendent. If denied by the Area Assistant Superintendent, the parent or guardian may appeal to the Disciplinary Action Review Committee. The Committee's decision shall be final.

## **STUDENT DISCIPLINE PROCEDURES**

Students are entitled to certain due process measures before being excluded from public school. The extent of the procedural protections depends on how long the exclusion from school will last. **For example, for suspensions of ten school days or less, the United States Supreme Court has held that only minimal due process is required.**

**The DeKalb County School District has adopted a set of procedural safeguards that afford students greater due process than the law requires.** The procedures are described in the following sections.

### **Local Informal Hearing**

A local informal hearing is held before a student is given in-school suspension, out-of-school suspension, or bus suspension. If the in-school, out-of-school, or bus suspension is for 3 school days or less and no further disciplinary action is to be sought or taken, no further hearing will be held.

At the local informal hearing, the student is informed verbally of the offense with which he/she is charged, who made the charge(s), who witnessed the offense, and what disciplinary action is proposed to be taken. The student is provided with an

opportunity to tell his/her side of the story. The student's parent/guardian is usually not present for the informal hearing, but will be contacted if disciplinary action is taken. Witnesses (when applicable) are asked to submit written accounts of the incident as soon as possible after the incident.

### **Local Formal Hearing**

A Local Formal Hearing is held before a Local Formal Hearing Officer who is appointed by the principal or assistant principal to hear and decide the case. The Local Formal Hearing Officer is a local administrator or other certified employee who has no prior knowledge of the case. The Local Formal Hearing Officer has the power to impose up to 10 days of in-school suspension, out-of-school suspension, or bus suspension. Except in unusual circumstances as determined by the principal, the Local Formal Hearing takes place at the student's school.

The student and parents or guardian are provided written notice of the charges prior to the hearing. The student's parents/guardians are encouraged to attend the Local Formal Hearing; however, if the right to attend is waived, the hearing will proceed without them. Parents or guardians may consult legal counsel (at their own expense).

At the Local Formal Hearing, the student will be given an opportunity to present his/her version of the facts; offer the testimony of witnesses; introduce other relevant information and evidence; question witnesses in a respectful manner; and observe all evidence offered. Attorneys of the accused student may observe the local formal hearing but **shall not** participate in any form. Witnesses testifying at the Local Formal Hearing will not be allowed to have an attorney present at the hearing unless that witness is or may be charged in the incident. Friends or relatives of the student and other members of the public who are not witnesses may not attend the Local Formal Hearing. A record of the Local Formal Hearing shall be made.

The hearing officer's determination of guilt or innocence and the discipline to be imposed shall be based solely upon the evidence presented at the hearing. Evidence of the student's previous behavior may be presented to prove a violation of probation and/or repeated violations of the *Code of Student Conduct*. In addition, evidence of the student's academic and disciplinary record may be considered in connection with determining the appropriate punishment.

The hearing officer's decision shall be made within 24 hours after the hearing. The student and parents or guardian shall be informed of the Local Formal Hearing Officer's decision in writing and shall be informed of their right to appeal an unfavorable decision to the principal. If the student is found guilty of the charges, the hearing officer may recommend that the charges against the student be heard by the Student Evidentiary Hearing Committee.

### **Student Evidentiary Hearing Committee**

The Student Evidentiary Hearing Committee (SEHC) is a panel composed of DeKalb County principals, assistant principals, counselors, psychologists, social workers, and special educators who hear evidence concerning charges of student misconducts, which, if proven, may require punishment greater than a ten school-day suspension. The members of the panel serve on a rotating basis and have no prior knowledge of the charges. Each hearing panel has at least three members.

When a Local Formal Hearing Officer refers a student to the Student Evidentiary Hearing Committee, the referral is reviewed by the Department of Student Relations, which decides whether to hold a hearing before the SEHC. If a hearing is to be held, the student and parents or guardian will be provided written notice of the charges and a list of possible witnesses.

Hearings before the SEHC are confidential and not open to the public. The student and his/her parent or guardian and their witnesses may attend the hearing, but other relatives or friends of the student will not be allowed to attend. The proceedings are recorded electronically. The School System may summon witnesses to testify on its behalf at the hearing. The student and parent or guardian may also bring witnesses, both material and character, to the hearing. If the student or parent/guardian wants School System personnel or other students to testify at the hearing, they should contact the Department of Student Relations, which will issue summonses for these persons. Witnesses testifying before the Student Evidentiary Hearing Committee will not be allowed to have an attorney present at the hearing unless that witness is or may be charged in the incident.

The evidence presented at a SEHC hearing may include physical evidence, such as drugs or weapons; witness testimony; and relevant documents, such as witness statements, investigation reports, and the student's current discipline and academic record. The School System bears the burden of proving the charges against the student by a "preponderance of the evidence." The School System is not usually represented by an attorney at SEHC hearings, but in some cases an attorney is used. The student has the right, at his/her own expense, to be represented by counsel at the SEHC hearing.

The SEHC hearing is not required to be identical to a courtroom trial, and the Georgia Evidence Code does not apply. Parties may offer such relevant and material evidence as they desire and shall provide such additional evidence as the SEHC members may deem necessary to their determination of guilt or innocence and the punishment to be imposed. The SEHC panel shall be the judge of the relevancy and materiality of the evidence offered. The SEHC is entitled to give the evidence presented to it whatever weight it thinks the evidence deserves. The Committee's determination of guilt or innocence and the discipline to be imposed shall be based solely upon the evidence presented at the hearing.

After the presentation of evidence by both sides, each side is given an opportunity to make a closing argument. The hearing then ends, and the Committee meets privately to decide the student's guilt or innocence and an appropriate punishment if the student is found guilty. If the student is found not guilty of the charges, the student shall be allowed to return to school. If the student is found guilty, the hearing panel may impose punishment ranging from sending the accused back to school on probation to expulsion from the school system. Parents/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 parent/guardian within ten days after the hearing is held.

The student's parent/guardian may appeal the SEHC decision to the Board of Education by submitting a written request for review 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.

### **Appeal to Board of Education**

A transcript of the SEHC hearing will be made only if there is an appeal. The student's parent/guardian or attorney may review the transcript upon request at the Department of Student Relations or may order their own copy at their own expense.

The decision of the Board of Education will be based solely on the record created during the SEHC hearing. The Board will not consider any new evidence or hear any oral arguments; however, written arguments concerning the merits of the appeal may be submitted.

The Board will make its decision in Executive Session within ten (10) working days after receipt of the written notice of appeal. It has the power to affirm, reverse, or modify the SEHC decision. The Board's decision will be final, unless an appeal is made to the State Board of Education within 30 calendar days of the Board's 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.

### **Students with Disabilities**

The discipline 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.**
    - Special Education Personnel investigate the situation and work with the local school.
    - 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 Local 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 of the disability, 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.

### **Student Placement Protocol for Students Returning after Incarceration, Detention, or Other Special Circumstances**

Students who have been out of school due to incarceration or detention often need a period of transition before returning to their home school. A protocol has been established for determining whether a student returning from a period of incarceration or detention due to alleged or adjudicated criminal or delinquent conduct should be placed in an alternative school program or returned to the student's home school. The DeKalb County School District offers a variety of alternative school programs that afford these students an opportunity to rebuild their academic and social skills so that the transition to their home school will go smoothly. The primary considerations in making this determination are the educational needs of the returning student and the safety of other students and staff.

In many cases, the conduct at issue is very serious, ranging from property offenses to serious sexual violations or other violent acts. Students adjudicated for these offenses may be placed on a safety plan by the Department of Juvenile Justice (DJJ) or the Juvenile Court. These plans may impose certain restrictions on the returning student; for example, the student may not be allowed around children of a certain age or may have to be supervised by an adult at all times.

In some cases, these students have been expelled or suspended from DeKalb or another school system or private school, and the term of suspension or expulsion has not yet been completed. This brings other questions into play, such as whether the student should be excluded altogether for the remainder of the expulsion or suspension or offered an alternative placement (O.C.G.A. § 20-2-751.2).

Before these students return to school, they will be referred to the Department of Student Relations. Student Relations personnel will gather and review all appropriate information, including any information that the student's parents may wish to provide, and make a placement determination. Parents may be present for this review and may provide input. Attorneys will not be allowed to attend.

Parents who disagree with the placement determination made by the Department of Student Relations will have three school days following the determination to request review by the Disciplinary Action Review Committee (DARC). The DARC operates under the auspices of the Department of Student Relations and is authorized to consider and rule on special requests from parents/guardians and school administrators pertaining to student discipline-related situations. The DARC will meet and make a placement determination based upon a review of the information from the Department of Student Relations and any additional information provided by the parties. Parents who disagree with the placement determination made by the Disciplinary Action Review Committee will have three school days following the determination to request a hearing before the Student Evidentiary Hearing Committee, pursuant to O.C.G.A. § 20-2-754.

The protocol described above may be used in other types of student placement situations as deemed appropriate by Student Relations administrators. **All placement determinations will be made on a case-by-case basis.** Various factors, including age, length of incarceration, nature of charges, existing discipline order, potential safety concerns or disruption of educational process, present/prior discipline history, etc. may be used in making placement determinations at all levels.

This protocol does not apply to Students with Disabilities. Students with Disabilities will be referred directly to the Department of Exceptional Education.

## **DISCIPLINARY JURISDICTION OVER STUDENT CONDUCT**

The DeKalb County School System has discipline authority over its students whenever the interests of the School System are involved. Therefore, the rules of conduct set out in this Code apply at the following times and places:

- On school grounds at any time;
- Off school grounds at a school bus stop or at a school activity, function, or event;
- While the student is on a school bus or other School System or School System-sponsored transportation;
- When either the alleged perpetrator or the alleged victim is en route to or from school, or to or from a school activity, function, or event;
- Off school grounds while the student is participating in or attending school-sponsored or school-related activities, such as field trips, conferences, or athletic events, or is otherwise subject to the jurisdiction of school authorities;
- Off school grounds while attending a school-sponsored or school-related activity of another school system in Georgia;
- Off school grounds when the behavior of the student could result in the student being criminally charged with a felony and which makes the student's continued presence at school a potential danger to persons or property at the school or which disrupts the educational process (O.C.G.A. § 20-2-751.5(c));
- Off school grounds when the misconduct is directed at a School System student, employee, or volunteer and is related to the victim's affiliation with the School System;
- Off school grounds when a student leaves school without permission of a school official (AWOL); and
- Off school grounds when the misconduct directly affects the safety and welfare of the school community or the orderly mission and function of the school.

### **Accessory**

A student may be found guilty as an accessory to a violation of the Code of Student Conduct if the student assists, plans, participates, advises, incites, counsels, and/or encourages other individuals to violate the Code. A student accessory is subject to the same penalties as the students who are actively involved in committing such offenses.

### **Self-Defense**

A student's use or attempted use of force may be justified if the student reasonably believed the force was necessary to protect the student or another person against the immediate use of unlawful force and School System personnel were not in the immediate area to intervene. However, the student must not use more force than appears reasonably necessary in the circumstances. Self-defense is not available as a defense where fighting continued after staff intervention. If self-defense is accepted as a valid defense under the circumstances, the student is found not guilty and no punishment is imposed for that offense.

### **Restrooms and Lockers**

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 express permission of the principal.***

## **OFFENSES and CONSEQUENCES**

### **1. Tobacco and Other Tobacco Products**

Students shall 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 and referral to web-based ASPIRE program at [www.mdanderson.org/aspire](http://www.mdanderson.org/aspire).

**2<sup>nd</sup> Offense:** 3-day in-school suspension, warning, place on probation and a mandatory referral to web-based ASPIRE program at [www.mdanderson.org/aspire](http://www.mdanderson.org/aspire). Completion certificate must be printed and presented to the referring administrator.

**3<sup>rd</sup> Offense:** A Local Formal Hearing must be held. If found guilty at the Local Formal Hearing, the student may be suspended for up to 10 school days.

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

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## **2. Electronic Communication Devices, Including Paging Devices, Cellular Phones, Walkie-Talkies and Similar Devices**

Students shall not use any electronic communication device, including but not limited to paging devices, cellular phones, smart phones, walkie-talkies, and similar devices, during instructional time or on school buses (O.C.G.A. § 20-2-1183; Board Policy JCDAF). **Parents and students should refer to page 36 for important information about cell phones and other electronic communication devices. Confiscated devices will be returned 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 and In-School Suspension (ISS) pending a Local Formal Hearing, which may result in up to 10 days of ISS.

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**STUDENTS ARE STRONGLY CAUTIONED THAT SENDING INAPPROPRIATE MESSAGES AND/OR IMAGES VIA ELECTRONIC COMMUNICATION DEVICES OR THE INTERNET/INTRANET AT ANY TIME COULD RESULT IN VERY SERIOUS SCHOOL, PERSONAL AND/OR CRIMINAL CONSEQUENCES.**

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## **3. Weapons, Explosives and Other Devices**

**NOTE:** 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 (*The Gun-Free Schools Act of 1994, reauthorized by Public Law 107-110*) 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.

- 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 are 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 of any size (e.g., Bowie, Dirk, lock-blade, hunting, pen, pocket, switchblade, utility, 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 violates 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.

***If a student supplies, possesses, handles, or transmits a weapon or other tool capable of inflicting bodily injury as a weapon, a Local Formal Hearing must be held. If found guilty at the Local Formal Hearing, the student may be suspended for up to 10 school days and referred to the Student Evidentiary Hearing Committee, which could impose long-term suspension, expulsion, or a referral to an alternative school. NOTICE: The Gun-Free Schools Act of 1994 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 or 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 an item such as those described above is used inappropriately, a Local Formal Hearing must be held. If found guilty at the Local Formal Hearing, the student may be suspended up to 10 school days and referred to the Student Evidentiary Hearing Committee, which may impose long-term suspension, expulsion, or a referral to an alternative school. 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 3-day suspension.***

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#### **4. Physical Violence\* against Teachers, Bus Drivers, School Officials, or Other School Employees**

***\*As used in this Code of Student Conduct, "physical violence" shall mean: (1) intentionally making physical contact of an insulting or provoking nature with the person of another; or (2) intentionally making physical contact which causes physical harm to another unless such physical contact or physical harm was in self-defense.***

**a. Physical Violence of an Insulting or Provoking Nature**

A student shall not commit an act of physical violence of an insulting or provoking nature, as defined in this Code of Student Conduct, against a teacher, school bus driver, school official, or other school employee.

***Any student alleged to have violated this rule shall be suspended pending a Local Formal Hearing. A Local Formal Hearing must be held. If found guilty at the Local Formal Hearing, the student is suspended for 10 school days and is referred to the Student Evidentiary Hearing Committee (SEHC), which may impose long-term suspension, expulsion, or a referral to an alternative school.***

**b. Physical Violence Causing Physical Harm**

A student shall not commit an act of physical violence, as defined in this Code of Student Conduct, causing physical harm against a teacher, school bus driver, school official, or other school employee.

**NOTE:** 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.

***Any student alleged to have violated this rule shall be suspended pending a Local Formal Hearing. A Local Formal Hearing must be held. If found guilty at the Local Formal Hearing, the student is suspended for 10 school days and is referred to the Student Evidentiary Hearing Committee (SEHC). If found guilty at the SEHC hearing, the student is expelled for the remainder of the student's eligibility to attend school. The SEHC in its discretion may permit the student to attend an alternative education program for the period of the expulsion.***

*The student may 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 the student to seek reenrollment in a 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 in 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,\* and Other Substances**

*\*As used in this Code of Student Conduct, "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, synthetic substances and all other legal and illegal drugs or substances. Use of alcohol and other drugs by minors is illegal and harmful.*

NOTE: 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)

### ***a. Intent/Attempt/Sell/Distribution of Drugs***

A student shall not sell, attempt or intend to sell, distribute, or attempt or intend to distribute, drugs or substances represented or believed by the student to be drugs and thought by the buyer or receiver to be drugs.

***A Local Formal Hearing must be held. If found guilty at the Local Formal Hearing, the student is suspended for 10 school days and is referred to the Student Evidentiary Hearing Committee, which could impose long-term suspension or expulsion, or make a referral to an alternative school.***

### ***b. Possession/Use/Under the Influence of Drugs***

A student shall not possess, use, attempt to use, or be under the influence of drugs or substances represented or believed by the student to be drugs.

***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. If found guilty at the Local Formal Hearing, the student is suspended for 10 school days. If the parents/guardians and student accept the offer to attend the drug-education program (GRIP), 5 days of the 10-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 10-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. If found guilty at the Local Formal Hearing, the student is suspended for 10 school days and is referred to the Student Evidentiary Hearing Committee, which may impose long-term suspension or expulsion, or make a referral to an alternative school, or expulsion.***

### ***c. Possession and/or Distribution of Drug-Related Paraphernalia***

A student shall not possess or distribute drug-related paraphernalia. As used in this Code of Student Conduct, "drug-related paraphernalia" includes, but is not limited to pipes, water pipes, clips, rolling papers and other items used or related to drug use.

***1<sup>st</sup> Offense: A Local Formal Hearing must be held. If found guilty at the Local Formal hearing, the student is suspended for 10 school days with the option to attend the GRIP program to reduce the suspension to five days, as discussed above.***

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

### ***Prescribed Medications***

Prior to possessing or using prescribed medication on school property or on a school bus, a student have obtained the appropriate and required medical documentation and have consulted with a school administrator or designee regarding procedures for medication administration.

***NOTE: Under 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 or any other medications in a manner other than as prescribed.***

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## **6. Property**

### ***a. Destruction/Damage/Attempts/Threats***

A student shall not destroy, damage, vandalize, or deface, or threaten or attempt to destroy, damage, vandalize, or deface, or set fire to or attempt to set fire to, school or staff property, property used by the school, or private or public property located on school property.

***Penalty may range from detention to expulsion. A Local Formal Hearing must be held if the destruction, damage, defacement, or vandalism requires repairs exceeding \$100; or if the student set or attempted to set fire; or if the student created gang-related graffiti. If found guilty at the Local Formal Hearing, the student is suspended for up to 10 school days and may be referred to the Student Evidentiary Hearing Committee, which may impose long-term suspension or expulsion, and/or make a referral to an alternative school. The student must make restitution for any damage caused by the student's behavior.***

### ***b. Theft/Attempt/Possession***

A student shall not engage in 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. If found guilty at the Local Formal Hearing, the student is suspended for up to 10 school days and may be referred to the Student Evidentiary Hearing Committee, which may impose long-term suspension or expulsion, and/or make a referral to an alternative school. The student must make restitution for any loss caused by the student's behavior.***

### ***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, shall be a violation of this Code of Student Conduct.

***Penalty may range from detention to short-term suspension. A Local Formal Hearing must be held if the damage exceeds \$100. If found guilty at the Local Formal Hearing, the student is suspended for up to 10 school days and may be referred to the Student Evidentiary Hearing Committee, which may impose long-term suspension or expulsion, and/or make a referral to an alternative school. The student must make restitution for any damage caused by the student's behavior.***

***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.***



## **7. Bullying/Hazing, Assault, Battery against Students, School Personnel, School Visitors**

### **a. Assault**

A student shall not verbally threaten and/or intimidate teachers, administrators, bus drivers, other school personnel, other students, or persons attending school-related functions, with or without the use of physical contact; shall not attempt to hurt any such persons without physical contact; and shall not engage in verbal altercations and/or actions which cause such persons to be in reasonable fear of immediate bodily harm. **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 verbal threat is directed to a person expected to testify in a hearing, or when the verbal threat is directed to a school employee. If found guilty at the Local Formal Hearing, the student is suspended for up to 10 school days and is referred to the Student Evidentiary Hearing Committee, which may impose long-term suspension or expulsion, and/or make a referral to an alternative school.***

### **b. Simple Battery**

Students are prohibited from 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. 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 makes physical contact with a school system employee or if the incident caused a major school disturbance. If found guilty at the Local Formal Hearing, the student is suspended for 10 school days and is referred to the Student Evidentiary Hearing Committee, which may impose long-term suspension or expulsion, and/or make a referral to an alternative school.***

### **c. Battery**

Students are prohibited from 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. If found guilty at the Local Formal Hearing, the student is suspended for 10 school days and is referred to the Student Evidentiary Hearing Committee, which may impose long-term suspension or expulsion, and/or make a referral to an alternative school.***

### **d. Aggravated Assault**

A student commits the offense of aggravated assault when the student engages in an assault 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 a teacher, administrator, bus driver, other school personnel, other students, or persons attending school-related functions.

***A Local Formal Hearing must be held. If found guilty at the Local Formal Hearing, the student is suspended for 10 school days and is referred to the Student Evidentiary Hearing Committee, which may impose long-term suspension or expulsion, and/or make a referral to an alternative school.***

### **e. Aggravated Battery**

A student commits the offense of aggravated battery when the student maliciously causes bodily harm to a teacher, administrator, bus driver, other school personnel, other students, or persons attending school-related functions, by depriving such person 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.

***A Local Formal Hearing must be held. Based on a finding of guilty at the Local Formal Hearing, the student is suspended for 10 school days and is referred to the Student Evidentiary Hearing Committee, which may impose long-term suspension or expulsion, and/or make a referral to an alternative school.***

**f. Bystander Battery**

A student who does not start a fight but becomes involved 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 10 school days and may be referred to the Student Evidentiary Hearing Committee, which may impose long-term suspension or expulsion, and/or make a referral to an alternative school.***

**g. Bullying/Hazing**

A student violates this Code of Student Conduct if the student repeatedly threatens, intimidates, harasses, makes physical contact with or subjects another student to any other form of physical or emotional hurt, including hazing associated with membership in extracurricular organizations (sports teams, band, etc.). Violations of this offense code include:

- Verbal assaults such as unwanted teasing or name-calling;
- Threats, taunts and intimidation through words and/or gestures;
- Direct physical contact such as hitting or shoving;
- Physical violence and/or attacks;
- Destruction of school or personal property;
- Any form of electronic bullying or cyberbullying using school equipment, school networks, or e-mail systems or committed at school;
- Theft of money and/or personal possessions for the purpose of bullying, harassing, or intimidating;
- Harassment or intimidation motivated by any actual or perceived characteristic including race, color, ethnicity, religion, gender, gender identity, sexual orientation, ancestry, national origin, physical attributes, socioeconomic status, physical or mental ability or disability, or by any other distinguishing characteristic;
- Public humiliation;
- Social isolation;
- Extortion or manipulation, including incitement and/or coercion;
- Rumors or spreading of falsehoods;
- Stalking;
- Cyberstalking or engaging in conduct to communicate, or to cause to be communicated, words, images, or language by or through the use of electronic mail or electronic communication, directed at or about a specific person, causing substantial emotional distress to the victim;
- Cyberbullying or the willful, hostile and repeated harassment and intimidation of a person through the use of digital technologies, including, but not limited to, email, blogs, social networking websites (*e.g.*, MySpace, Facebook, etc.), chat rooms, texts, and instant messaging;
- The use of cameras or camera phones to take embarrassing photographs of students or school employees and distributing them to others or posting them online;

- Sending abusive or threatening text messages or instant messages; and
- Using websites to circulate gossip and rumors to other students.

Please refer to Offense #17 for cyberbullying violations that occur away from school or after school hours. It should be noted that bullying does not involve actions as a result of mutual conflict. Please refer to other offense codes for violations that do not constitute bullying. For more information on bullying and hazing violations, please see pages 32-35.

***Upon a finding of guilt, a student who has committed the offense of bullying should be given an age-appropriate consequence which shall include, at minimum and without limitation, disciplinary action or counseling as appropriate under the circumstances.***

***Disciplinary action after the first incident of bullying may include but is not limited to the following:***

- ***Loss of a privilege***
- ***Reassignment of seats in the classroom, cafeteria, or school bus***
- ***Reassignment of classes***
- ***Detention***
- ***In-school suspension***
- ***Out-of-school suspension (through appropriate due process hearing)***
- ***Expulsion (through appropriate due process hearing)***
- ***Assignment to an alternative school (through appropriate due process hearing)***

***Students in grades six through twelve found to have committed the offense of bullying for the third time in a school year shall at a minimum be assigned to an alternative school through appropriate due process by disciplinary hearing officers, panels, or tribunals (O.C.G.A. § 20-2-751.4).***

***Schools should clearly communicate to all parties that retaliation following a report of bullying is strictly prohibited and may result in strong disciplinary action.***

## **8. Rude/Disrespectful Behavior and/or Refusal to Carry Out Instructions**

### ***a. Rude or Disrespectful Behavior***

A student violates this Code of Student Conduct if the student is discourteous or uses inappropriate language, 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***

A student violates this Code of Student Conduct if the student refuses 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.***

**9. Unexcused Absences and/or Truancy**

Unexcused absences and truancy are a violation of the Code of Student Conduct. Excused absences are defined by Georgia Law as follows: personal illness; serious illness or death in the family; religious holiday; instances in which attendance could be hazardous as determined by the DeKalb County School System; registering to vote/voting in a public election; tests and physical exams for military service and the National Guard; and other such absences as provided for by law or by the local board of education. Georgia law provides up to 5 days of excused absences for students whose parents are in the armed forces and who are called to duty or home on leave from overseas deployment in a combat zone. Students serving as pages of the Georgia General Assembly shall be counted as present for days missed from school for such service. **Furthermore, a foster care student who attends court proceedings relating to the student’s foster care shall be credited as present by the school and shall not be counted as an absence, either excused or unexcused, for any day, portion of a day or days missed from school (O.C.G.A § 20-2-692.2).**

***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 37-38).***

***NOTE: State law provides that any parent/guardian who does not comply with compulsory attendance mandates (O.C.G.A § 20-2-690.1) 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.***

***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 (O.C.G.A. § 20-2-690.1). Be reminded that dropping out of school could result in suspension of the ability to operate a motor vehicle (see page 37-38).***

***The following applies to all unexcused absences:***

<b>Number of Unexcused Absences</b>	<b>School Action Per Occurrence</b>
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, DFCS, or other agency.

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**10. Skipping Class or Required Activities**

Students are in violation of this Code of Student Conduct if they leave school or school property without administrative authorization or if they do not report to, or fail to return 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 10 days.***

### **11. Classroom Disturbance**

Any behavior that disrupts the instructional process, distracts students and/or teachers from classroom activities and studies, or creates a dangerous or fearful situation for students and/or staff is a violation of this Code of Student Conduct.

***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. If found 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 10 school days and may be referred to the Student Evidentiary Hearing Committee, which could impose long-term suspension or expulsion, and/or make a referral to an alternative school. See Offense #19a for repeated violations.***

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### **12. School Disturbance**

Students shall not engage in acts that cause or may cause disruption of the school environment and/or threaten the safety or well-being of other students. Prohibited acts include, but are not limited to, **terroristic 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. If found guilty at the Local Formal Hearing, the student maybe suspended for up to 10 school days and, if the school disturbance is a major disturbance, the student is referred to the Student Evidentiary Hearing Committee, which may impose long-term suspension or expulsion, and/or make a referral to an alternative school.***

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### **13. Profanity/Obscenity**

Prohibited conduct includes, but is not limited to, profane, vulgar, obscene words or gestures; spitting on another student; possession of profane, vulgar, or obscene material; and profane, vulgar, obscene or insulting comments or actions.

***Penalty may range from detention to a short-term suspension. A parent conference should be held. 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. See Offense #19a for repeated violations.***

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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 constitutes a violation of this Code of Student Conduct.

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

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### **15. Chronic Tardiness**

Being repeatedly late to school, class, or a school activity constitutes a violation of this Code of Student Conduct.

***The following applies 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**

Prohibited bus behaviors include but are not limited to 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. Prohibited bus behaviors also include the 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 the use of 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. Prohibited bus behaviors also include 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 suspension and removal from the school bus for up to 10 school days. Serious or repeated bus misbehavior may result in a referral to the Student Evidentiary Hearing Committee, which may result in long-term 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 also 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**

A student violates this Code of Student Conduct when the student engages in any conduct, including cyberbullying, 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). If found 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 impose long-term suspension or expulsion, and/or make a referral to an alternative school.***

**NOTE: A student attempting to enroll/re-enroll into school who is or may be criminally charged with a felony or a designated felony (O.C.G.A. § 15-11-63) must be referred directly to the Department of Student Relations and subject to the Student Placement Protocol as described on page 11.**

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### **18. Gambling**

Prohibited acts of gambling include, but are not limited to, such acts as betting money or other items on card games, dice games, or the outcome of games or activities, and/or possession of gambling materials or paraphernalia.

**Penalty may range from detention to short-term suspension. 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, school activities, school buses, or other school operations constitutes a violation of this Code of Student Conduct. Before a student may be charged with such a violation, the student must be warned of possible consequences and be referred to a school counselor, school social worker, or other appropriate resource personnel. In addition, the parents/guardian must be contacted about the misbehavior, be given an opportunity to observe their child in school, and be 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 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 System-wide Probation**

A student who is on local school or system-wide probation violates this rule and commits a separate offense when the student commits an offense that could result in expulsion; or commits repeated violations of the Code of Student Conduct; or violates the terms of the student's conditional enrollment in the school system. Before a student who is on probation is readmitted to school, the 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 County Board of Education, or the Disciplinary Action Review Committee) will result in a Local Formal Hearing. If found guilty at the Local Formal Hearing, the student is suspended for 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**

Students who choose to park a vehicle on school property must purchase a parking permit, display the decal sticker on their vehicle, park in their assigned spot, and comply with all parking and traffic regulations issued by the school or School System. Parking on school property without a permit or with an expired permit, engaging in reckless or careless operation of a vehicle on or near school property or near a school bus, or failing to comply with all parking and traffic regulations issued by the

school or School System will constitute a violation of the Code of Student Conduct. Parking permits must be renewed upon expiration.

***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. If found guilty at the Local Formal Hearing, the student is suspended for up to 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 their own 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 may be referred to law enforcement.

***Penalty may range from detention to short-term suspension. For repeated incidents, a Local Formal Hearing must be held. If found guilty at the Local Formal Hearing, the student is suspended for 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, or using an unauthorized computer user ID or password. **Students are prohibited from 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 serious or repeated incidents, a Local Formal Hearing must be held. If found guilty at the Local Formal Hearing, the student may be suspended for up to 10 school days and may be 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; Sexual Misconduct; Sexual Harassment**

This offense prohibits sexual conduct 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, consensual sexual contact, nonconsensual sexual contact, sexual assault, unwelcome sexual advances or comments, request for sexual favors and/or indecent exposure.

***A Local Formal Hearing must be held. If found guilty at the Local Formal Hearing, the student is suspended for up to 10 school days and may be 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**

If mandated by the local school, 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 dress appropriately and to adhere to the student dress code found on pages 39-40 of this handbook and any additional requirements listed in local school regulations.

***The following penalties apply 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 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.

# KEEPING WEAPONS OUT OF SCHOOL

## **Keeping Your Schools Safe**

Every student wants and deserves a safe and secure school. For that reason, school systems and schools have rules against weapons and violence at school, on any school bus, and at any school-sponsored activity.

Students may be expelled for bringing weapons to school. Also, bringing weapons to school is a “designated felony” under Georgia law. This means that student offenders under the age of 17 may be arrested and placed in a youth detention center for carrying or possessing a weapon at school, on a school bus, or at any school-sponsored function. For students age 17 or over, these offenses amount to a felony and may result in a felony conviction and imprisonment.

Schools across the nation are required by federal law to have a student discipline policy that mandates a **minimum one-year expulsion** for bringing a firearm to school or for being in possession of a firearm on school property (including school buses). Consequently, DeKalb has a policy that requires a minimum one-year expulsion from all DeKalb schools for possession of a firearm.

## **What Other Weapons May Result in Expulsion?**

Having any type of knife, razor blade (including box cutters), chain, pipe, martial arts device, mace, BB gun or pellet gun, and other items such as ammunition at school, on the school bus or other school property, or at school functions is a violation of the Code of Student Conduct and may result in expulsion. (For a full and complete list of weapons, see the *Code of Student Conduct*).

## **So, What Can You Do?**

Take pride in your school and show respect for yourself and your friends by participating in keeping your school and friends safe.

- ***Do not for any reason bring a weapon to school, or accept a weapon from another student, or allow another student to place a weapon in your locker, desk, vehicle, or personal belongings.***
- ***Tell your friends not to bring weapons to school for any reason, not to show off, not for protection, not for any reason.***
- ***If you hear about or see a weapon at school or on a school bus, inform a teacher or administrator immediately (you may ask that your name not be used).***

## **Why Get Involved?**

Students should get involved because the problems that weapons at school can cause are serious and will not completely go away without student involvement. Students across the nation have said “enough is enough.” These students are taking a more active interest in keeping their schools safe and free of weapons. These students let it be known that weapons will be reported, regardless of who brings them to school.

**When word gets around that weapons are going to be reported, students are less likely to bring weapons to school.**

## **Do You Really Want to Lose Your Driver’s License?**

That’s right! You will lose your Driver’s License or your Learner’s License, or you will be prevented from even trying to get your Driver’s or Learner’s License if you have a weapon at school. That’s the law in Georgia, according to the *Teenage and Adult Driver Responsibility Act*. This law requires schools to report students who have brought weapons to school not only to

the police but also to the Department of Driver Services, so that the student's Driver's License or Learner's License can be revoked.

### **A Special Message to Students 17 Years Old or Older**

If you are 17 years old or older and you are caught with a weapon at school or on the bus or in your vehicle at school, you may be **charged with a felony**. A felony conviction gives you a record, one that will keep you from being accepted in colleges, technical schools, and the armed services. It may also keep you from getting a job or voting.

### **Code of Student Conduct**

The *Code of Student Conduct* makes it very clear to all students that weapons cannot be brought to school. The *Code of Student Conduct* also includes important information and advice to students about weapons and other dangerous items.

### **It's Important to Remember**

When the weapons laws of Georgia are violated, the student may be

**ARRESTED  
PLACED IN A POLICE CAR  
TAKEN TO JAIL OR A DETENTION CENTER  
SENT TO BOOT CAMP  
SENTENCED TO JAIL  
FINED A LOT OF MONEY  
PLACED ON PROBATION  
EXPELLED FROM SCHOOL**

### **Prevention and Intervention**

What are school systems doing to keep weapons out of schools? Several strategies are being used, such as:

- **Distributing the *Code of Student Conduct* to all students to let them know that weapons are against the law and against school rules;**
- **Informing students that lockers, desks, tables, vehicles, and personal belongings are subject to being searched by school officials;**
- **Informing parents that most weapons come to school from home;**
- **Randomly conducting firearm and drug searches by the use of gunpowder and drug-sniffing dogs;**
- **Restricting or limiting the use of book bags at school;**
- **Expelling students who have brought weapons to school or on a school bus;**
- **Installing more surveillance cameras and increasing the use of metal detectors.**

**Responsibility** is knowing what is expected of you.

**Responsibility** is having high expectations of yourself and others.

**Responsibility** is making responsible choices.

**Responsibility** is making the right decision when the wrong decision is easier.

**Responsibility** is the measure of maturity.

# STUDENT RIGHTS AND RESPONSIBILITIES

## RELEASE OF STUDENT INFORMATION

### **Notification of Rights under the Family Educational Rights and Privacy Act (FERPA)**

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. These rights are:

- (1) The right to inspect and review the student's education records within 45 days of the day the DeKalb County School District 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 the amendment of the student's education records that the parent or eligible student believes are inaccurate, misleading, or otherwise in violation of the student's privacy rights under FERPA.

Parents or eligible students who wish to ask the District to amend a record should write the school principal, clearly identify the part of the record they want changed, and specify why it should be changed. If the District decides not to amend the record as requested by the parent or eligible student, the District 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 privacy of personally identifiable information 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 District 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 District has outsourced services or functions it would otherwise use its own employees to perform (such as an attorney, auditor, medical consultant, educational consultant, volunteer, or therapist); a parent or student serving on an official committee, such as a disciplinary or grievance committee; or a parent, student, or other volunteer 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 District discloses education records without consent to officials of another school district in which a student seeks or intends to enroll, or is already enrolled if the disclosure is for purposes of the student's enrollment or transfer.

- (4) The right to file a complaint with the U.S. Department of Education concerning alleged failures by the District to comply with the requirements of FERPA. The name and address of the Office that administers FERPA are:

Family Policy Compliance Office  
U.S. Department of Education  
400 Maryland Avenue, SW  
Washington, DC 20202-8520

## **Release of Directory Information**

FERPA requires that the District, with certain exceptions, obtain the written consent of a parent, guardian, or eligible student (i.e., a student over 18 years of age) prior to the disclosure of personally identifiable information from a child's education records. However, the District may disclose appropriately designated "directory information" without written consent, unless the parent, guardian, or eligible student has advised the District to the contrary in accordance with District procedures. The primary purpose of directory information is to allow the District to include this type of information from a child's education records in certain school publications. Examples include:

- A playbill, showing a student's role in a drama production;
- The annual yearbook;
- Honor roll or other recognition lists;
- Information posted on the school's or the District's website;
- Graduation programs; and
- Sports activity sheets, such as for wrestling, showing weight and height of team members.

Directory information, which is information that is generally not considered harmful or an invasion of privacy if released, can also be disclosed to outside organizations without the prior written consent of a parent, guardian, or eligible student. Outside organizations include, but are not limited to, companies that manufacture class rings or publish yearbooks. In addition, federal law requires the District to provide military recruiters, upon request, with the following information—names, addresses and telephone listings—unless the parent, guardian, or eligible student has advised the District that they do not want their student's information disclosed without their prior written consent.

A parent, guardian, or eligible student who does not want directory information to be disclosed from the student's education records without prior written consent must notify the District in writing annually within a reasonable time period after receiving this notice. The District has designated the following information as directory information: student's name, address, and telephone listing; date and place of birth; dates of attendance; grade level; major field of study; photograph; participation in officially recognized activities and sports; weight and height of members of athletic teams; degrees, honors, and awards received; and the most recent educational institution previously attended. Such notification should be sent to the student's principal.

## **Protection of Pupil Rights Amendment (PPRA)**

No Child Left Behind (NCLB) mandates that local school officials 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, or (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) sexual 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. Parents wishing to opt out of such surveys should submit their request to the school on an annual basis.

## **STUDENT COMPLAINT PROCEDURES**

### **Complaints of Discrimination or Harassment**

Pursuant to federal and state laws, students are entitled to a Complaint Procedure to address allegations of discrimination, harassment (including bullying). Accordingly, the School System has established both informal and formal procedures for resolving any complaints of discrimination, harassment, or bullying on the basis of race, color, religion, national origin, sex (including sexual harassment), sexual orientation, gender identity, disability, or age. Allegations of discrimination should be reported immediately 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 1701 Mountain Industrial Blvd., Stone Mountain, Georgia 30083 or by dialing 678-676-0181. The school 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 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.

### **Reporting Acts of Sexual Abuse or Sexual Misconduct**

*O.C.G.A. § 20-2-751.7.(a) provides that: "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." The following is the reporting process:*

(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 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.

### **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 the DeKalb County School System has taken an action that 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 a school or instructional program 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 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 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 of a minor child 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, 1701 Mountain Industrial Blvd., Stone Mountain, GA 30083. Forms may be obtained from the Office of the Director of Athletics, 5829 Memorial Drive, Stone Mountain, Georgia 30083.

### **INTERNET AND TECHNOLOGY USAGE**

The DeKalb County School System provides technologies, networks, and Internet access to support the educational mission of the District and to enhance the curriculum and learning opportunities for students and employees in compliance with the Children's Internet Protection Act (CIPA) of 2000. All guidelines, regulations, policies, and rules are applicable to all telecommunication services and equipment provided by the District including, but not limited to, the following:

- Computer workstations and notebook computers,
- Smart phones, tablets, e-readers, and other mobile devices,
- Internet services,
- Telephone services, and
- Cellular phone services

The DeKalb County School System believes that information and interaction available on the Internet provides valuable educational information. It is not always possible for the District to control access to material that may be considered controversial or inappropriate; therefore, the user may accidentally or purposefully encounter 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 District's educational goals and objectives. Use of any other District's network or educational resources must be in compliance with rules, policies, and guidelines for the 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, state law, or state regulation is prohibited which includes, but is not limited to, (1) copyrighted material, (2) threatening, pornographic, or obscene material, or (3) material protected by trade secret. Use of District resources including the network for (1) private financial gain, commercial advertising, or solicitation activities by or for-profit institutions or (2) political lobbying is prohibited. All illegal activities are strictly prohibited.

The use of the Internet is a privilege, not a right. Any student user not complying with the District'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 District makes no warranties of any kind, whether expressed or implied, for the service it is providing. The District will not be responsible for any damages suffered by any user including loss of data resulting from delays, non-deliveries, incorrect 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 District specifically denies any responsibility for the accuracy or quality of information obtained through its services.

Use of the School System’s Internet and technology resources obligates students to observe the following terms:

- 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 exhibit appropriate online behavior, including interacting with other individuals on social networking websites and chat rooms.
- Students will not initiate or participate in any form of cyber bullying.
- Students may not send or receive inappropriate or 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.
- Students may not post messages and attribute them to another user is prohibited.
- Students may not violate network security by entering the system under a User ID other than their own, share their User IDs, passwords, or user accounts with others.
- Students will make every effort to safeguard any information from unauthorized users.
- Students will not disclose, use, or disseminate personal information of other minors/students.
- Students may not use the system for any purpose that violates federal or state law.
- Students may not transmit or download information or software in violation of copyright laws.
- Students may use the system for instructional purposes only as it relates to classroom and co-curricular assignments and activities.
- Students may not disconnect network components, alter programs or data, or purposely infect any computer with a virus.
- Students may not engage in unauthorized use of the network, intentionally delete or damage files and data belonging to other users, or violate copyright law.

**STUDENTS ARE STRONGLY CAUTIONED THAT SENDING INAPPROPRIATE MESSAGES AND/OR IMAGES VIA ELECTRONIC COMMUNICATION DEVICES OR THE INTERNET/INTRANET AT ANY TIME COULD RESULT IN VERY SERIOUS SCHOOL, PERSONAL AND/OR CRIMINAL CONSEQUENCES.**

**SUPPLEMENTAL SAFETY AND DISCIPLINE INFORMATION**

**Bullying**

**Board Policy  
Bullying**

**Descriptor Code: JCDAG**

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Students cannot be expected to reach their full academic potential in an environment of fear and intimidation. All schools in the DeKalb County School District have an obligation to provide a safe, healthy, and positive learning environment for their students and to promote mutual respect, tolerance, and acceptance among students, staff, and volunteers.

**A. Prohibited Behaviors**

The District expressly prohibits the bullying, harassing, or intimidating of any student, by any means or method, at school, on school property, or at school-related functions; while traveling to or from school on a school bus; off-campus when the

behavior results in a disruption to the school environment; or by use of data or software that is accessed through a District computer, computer system, computer network, or other electronic technology of the District.

Examples of prohibited behaviors include but are not limited to:

- ❖ Verbal assaults such as unwanted teasing or name-calling;
- ❖ Threats, taunts and intimidation through words and/or gestures;
- ❖ Direct physical contact such as hitting or shoving;
- ❖ Physical violence and/or attacks;
- ❖ Destruction of school or personal property;
- ❖ Any form of electronic bullying or cyberbullying using school equipment, school networks, or e-mail systems or committed at school;
- ❖ Theft of money and/or personal possessions for the purpose of bullying, harassing, or intimidating;
- ❖ Harassment or intimidation motivated by any actual or perceived characteristic including race, color, ethnicity, religion, gender, gender identity, sexual orientation, ancestry, national origin, physical attributes, socioeconomic status, physical or mental ability or disability, or by any other distinguishing characteristic;
- ❖ Public humiliation;
- ❖ Social isolation;
- ❖ Extortion or manipulation, including incitement and/or coercion;
- ❖ Rumors or spreading of falsehoods;
- ❖ Stalking;
- ❖ Cyberstalking or engaging in conduct to communicate, or to cause to be communicated, words, images, or language by or through the use of electronic mail or electronic communication, directed at or about a specific person, causing substantial emotional distress to the victim;
- ❖ Cyberbullying or the willful, hostile and repeated harassment and intimidation of a person through the use of digital technologies, including, but not limited to, email, blogs, social networking websites (*e.g.*, MySpace, Facebook, etc.), chat rooms, texts, and instant messaging;
- ❖ The use of cameras or camera phones to take embarrassing photographs of students or school employees and distributing them to others or posting them online;
- ❖ Sending abusive or threatening text messages or instant messages; and
- ❖ Using websites to circulate gossip and rumors to other students.

All staff, students, and parents or guardians will receive a summary of this policy prohibiting bullying at the beginning of the school year as part of the Student Code of Conduct.

## **B. Reporting Incidents of Bullying**

Bullying may be reported by a student, parent, guardian, or other stakeholder to an administrator, teacher, counselor, or other staff member at the student's school. At the option of the person reporting the incident, the report may be made either by name or anonymously and either verbally or in writing. Reports of bullying also may be made by using the District's complaint procedures or by calling the Georgia Department of Education's School Safety Hotline at 1-877 SAY-STOP (1-877-729-7867).

Any employee to whom bullying is reported must promptly document the report and forward it to the principal or designee. Any employee who witnesses an incident of bullying or who otherwise learns that a student is being bullied must promptly submit a written report to the principal or designee. The principal or designee shall ensure that proper documentation is maintained throughout the investigation and resolution of the matter.

If the reporting student or the parent or guardian of the student feels that the school is not taking appropriate steps to investigate or address the problem even after consulting the school principal, the student or the parent or guardian should contact the Superintendent or his or her designee.

Students who believe that another student at their school is being bullied are urged to inform a teacher, counselor, administrator or other staff member.

The District prohibits retaliation against any person who reports bullying or participates in an investigation of bullying. Schools shall keep reports of bullying confidential to the extent consistent with a thorough investigation.

An employee who fails to comply with the requirements of this policy may be subject to disciplinary action, up to including termination of employment.

### **C. Responding to Incidents of Bullying**

School staff are expected to intervene immediately when they see a bullying incident occur or upon receipt of any report of bullying. The following actions will be taken when bullying is reported:

#### **1. Investigation**

Upon receipt of any report of bullying, the principal or designee will direct an immediate investigation involving appropriate personnel. The investigation should begin no later than the following school day. The investigation shall include interviewing the alleged perpetrator(s), victim(s), identified witnesses, teacher(s), and staff members and reviewing video surveillance, if available. School police, school counselors, school social workers, and other support staff should be utilized for their expertise as determined by the circumstances of the matter. The school shall keep confidential the results of the investigation.

#### **2. Notification**

At an appropriate time during or after the investigation, the parent or guardian of both the accused and the victim must be notified. If the incident involves an injury or similar situation, appropriate medical attention should be provided, and the parent or guardian should be notified immediately.

#### **3. Disciplinary Action**

Upon a finding of guilt, a student who has committed the offense of bullying should be given an age-appropriate consequence which shall include, at minimum and without limitation, disciplinary action or counseling as appropriate under the circumstances.

Disciplinary action after the first incident of bullying may include but is not limited to the following:

- Loss of a privilege
- Reassignment of seats in the classroom, cafeteria, or school bus
- Reassignment of classes
- Detention
- In-school suspension
- Out-of-school suspension (through appropriate due process hearing)
- Expulsion (through appropriate due process hearing)
- Assignment to an alternative school (through appropriate due process hearing)

Students in grades six through twelve found to have committed the offense of bullying for the third time in a school year shall at a minimum be assigned to an alternative school through appropriate due process by disciplinary hearing officers, panels, or tribunals.

Schools should clearly communicate to all parties that retaliation following a report of bullying is strictly prohibited and may result in strong disciplinary action.

#### **4. Follow Up**

Follow up is important to the accused and the victim. Each school must implement a planned method to provide after-care and follow up and to reiterate to the school community the previously stated prohibition on retaliation. If necessary,

counseling and other interventions should also be provided to address the social-emotional, behavioral, and academic needs of students who are victims of bullying and students who commit an offense of bullying.

### **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. The School System 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 educational mission. Individuals associated with gang may share 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. Prohibited 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, and/or other adornments which symbolize gang affiliation.
4. Defacing school property with gang graffiti (furniture, walls, buses, buildings, structures, etc.).
5. Using electronic devices (computers, cellular phones, camera/video phones, video cameras, camcorders, MP3 players, etc.) for the purpose of documenting, disseminating, or transmitting gang activity, threats, and/or planned violent behavior.
6. Engaging in any criminal offense involving violence, possession of a weapon and/or use of weapon 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.

A student who participates in gang-related activities, 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 activities may be subject to consequences enumerated in state law (O.C.G.A. §§ 16-15-3, 16-15-4).

**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 whom 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.

### **Mandatory Reporting of Student Crimes**

School administrators, teachers and other school-based employees will report crimes, as required by law (O.C.G.A. § 20-2-1184).

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: (1) an alleged assault or battery by a student upon any teacher, other school official or employee; (2) an alleged assault or battery by a student upon another student; (3) 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.

### **Illegal/Dangerous/Suspicious Items**

Students are to notify an administrator or other staff member **immediately** when illegal, suspicious, or 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.

### **Hotline to Report Bullying, Violence, Weapons, and Drugs**

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 (1-877-729-7867)**. Information is recorded and shared with the local school system and local law enforcement. An investigation is conducted upon receipt of the report.

### **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 must not interfere with the educational mission of the schools or pose a safety hazard (O.C.G.A. § 20-2-1183).

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) and put away out of view (as directed by the school) 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, or texting their student 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 express permission of the principal.**

**STUDENTS ARE STRONGLY CAUTIONED THAT SENDING INAPPROPRIATE MESSAGES AND/OR IMAGES VIA ELECTRONIC COMMUNICATION DEVICES OR THE INTERNET/INTRANET AT ANY TIME COULD RESULT IN VERY SERIOUS SCHOOL, PERSONAL AND/OR CRIMINAL CONSEQUENCES.**

### **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, SROs 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 but should refrain from assigning SROs or other law enforcement agency personnel to duties and stations that limit or encumber their effectiveness. As 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.

School administrators are required to immediately report suspected violations of the law to SROs or other law enforcement personnel. 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 responder's recommendations. In all cases involving an SRO, as in all other serious situations at the school, the parents/guardians are notified in a timely manner.

**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>.**

### **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 the school bus, 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.

**Parents/Guardians and students should note that it is unlawful to knowingly, intentionally or recklessly disrupt or interfere with the operation of any school bus or bus stop (O.C.G.A. § 20-2-1181). Bullying and any other forms of harassment on the school bus or bus stop are strictly prohibited.**

### **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 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.
- Students may carry only objects that can be held on their laps, including musical instruments.

### **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 Driver Services, 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.

### **Chronically Disruptive Students**

Students who chronically disrupt class are addressed through a Response to Intervention (RtI) process using a tiered process of interventions and continuous monitoring of progress. Progressive consequences range from Tier 1 of the RtI process for the initial disruptions to Tier 3 for continuously disruptive behavior. The initial focus of the RtI process is developing and implementing intervention strategies to modify the identified behavior problems.

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. Chronically disruptive students must be referred to and receive interventions from resource personnel (i.e. counselor, social worker, school psychologist, SST chair or student support specialist) prior to a referral to the Student Evidentiary Hearing Committee (SEHC).

### **Student Support Team**

The Student Support Team (SST) is a problem-solving team at the Tier 3 level of interventions and/ or student assessment that seeks intervention strategies for students with academic, behavior, or other types of problems. SST levels of interventions are implemented only if they are necessary as part of the progression through the tiers of intervention.

Once the student reaches SST/Tier 3, interventions are implemented for a specified period of time. If the strategies at SST/Tier 3 are not successful, based on data from the interventions implemented by the discipline assistant principal and/or teachers as part of the committee, additional alternative interventions and modifications are developed and implemented for an additional specified time. A follow-up SST meeting is scheduled to review the results. The SST may request parent permission to complete a psychoeducational evaluation to determine the student's cognitive and academic strengths and weaknesses and/or behavioral/social and emotional status.

If the student continues to experience difficulties and based upon the student's responses to the implemented interventions, a referral to Special Education may be warranted. If such a referral is made, special education staff will obtain parental consent to review all SST/RtI records, including all data and all evaluations, and to complete any additional evaluations necessary. A special education eligibility meeting is then held to determine the student's eligibility for special education services.

### **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 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 of the basis 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 after 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.

### **Prevention/Intervention**

The DeKalb School System's Department of Prevention/Intervention has several programs in place for students, including peer mediation, conflict resolution classes, drug education classes, parenting classes, character education, in-school suspension/life skills training, bullying awareness activities, and other programs and activities.

POINTS (Providing Optional Intervention Needed To Succeed) 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.

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

### **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 the School System's dress code requirements. Students who fail to comply with the dress code requirements, as enumerated below, may be charged with Offense #25 –Student Dress Code Violation (see page 25):

- 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, jewelry, tattoos, piercings or other body ornaments that disrupt the educational process or endanger the health or safety of other students, staff or visitors are prohibited.
- Clothing, insignia, symbols, tattoos, piercings, jewelry, or adornments worn or carried on or about a student which promote gangs or the use of controlled substances, drugs, alcohol, or tobacco are prohibited.
- The wearing of clothing, tattoos or other adornments which show 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.

### **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.
- All players who are involved in a fight and any substitutes who leave the bench area during a fight and are ejected from the current contest, will be subject to the sit-out rule.
- Players are expected to exhibit good sportsmanship before and after a contest, even if the game officials do not have jurisdiction. Behaviors such as taunting, fighting, etc., are forbidden.

### **Seclusion and Restraint**

On July 8, 2010, the Georgia Board of Education approved Rule 160-5-1.35 regarding the use of restraint in Georgia schools. As required, the DeKalb Board of Education approved a board policy, Descriptor Code JGF (2), on October 7, 2010 which met the requirements of the state rule. The DeKalb policy is provided below.

#### **Board Policy Seclusion and Restraint Descriptor Code: JGF (2)**

The DeKalb County Board of Education establishes the following standards for the safe administration of physical restraint with regard to enrolled students.

1. The use of chemical restraint, mechanical restraint, or prone restraint, as defined by Georgia Department of Education Rule 160-5-1-.35, is prohibited within the DeKalb County School System.
2. The use of seclusion, as defined by Georgia Department of Education Rule 160-5-1-.35, is prohibited within the DeKalb County School System.
  - a. Seclusion does not include situations in which a staff member trained in the use of de-escalation techniques or restraint is physically present in the same unlocked room as the student.

- b. Seclusion does not include "time-out," defined as a behavioral intervention in which the student is temporarily removed from the learning activity but in which the student is not confined.
  - c. Seclusion does not include in-school suspension, detention, or a student-requested break in a different location in the classroom or in a separate unlocked room.
3. Physical restraint may be utilized only when the student is an immediate danger to himself or others and the student is not responsive to less intensive behavioral interventions including verbal directives or other de-escalation techniques.
  - a. Physical restraint does not include: providing limited physical contact and/or redirection to promote student safety, providing physical guidance or prompting when teaching a skill, redirecting attention, providing guidance to a location, or providing comfort.
  - b. Physical restraint shall not be used:
    - i. as a form of discipline or punishment, or
    - ii. when the student cannot be safely restrained, or
    - iii. when the use of the intervention would be contraindicated due to the student's psychiatric, medical, or physical conditions as described in the student's educational records.
  - c. All physical restraint must be immediately terminated when the student is no longer an immediate danger to himself or others or if the student is observed to be in severe distress.
4. Before any staff member may implement physical restraint, he or she should have completed an approved training program.
  - a. Approved training programs will address a full continuum of positive behavioral intervention strategies as well as prevention and de-escalation techniques and restraint.
  - b. Schools and programs shall maintain written or electronic documentation on training provided and the list of participants in each training. Copies of such documentation will be made available to the Georgia Department of Education or any member of the public upon request.
  - c. If a staff member who has not completed an approved training program has to physically restrain a student to prevent injury to a student or others in an emergency situation when staff members trained in physical restraint are not available, he or she should ask other students, if present, to request assistance immediately.
5. Whenever possible, the use of physical restraint on a student shall be monitored by another staff member or administrator. The use of physical restraint shall be documented by staff or faculty participating in or supervising the restraint for each student in each instance in which the student is restrained.
6. Whenever physical restraint is used on a student, the school or program where the restraint is administered shall notify the student's parent or legal guardian within one school day after the use of restraint.
7. This policy does not prohibit a staff member from utilizing time-out, as defined in paragraph (2) above, or any other classroom management technique or approach, including a student's removal from the classroom that is not specifically addressed in this rule.
8. This policy does not prohibit a staff member from taking appropriate action to diffuse a student fight or altercation.
9. Deciding whether the use of physical restraint is necessary to protect students or others from imminent harm or bodily injury, and taking the actions deemed necessary to protect students or others from imminent harm or bodily injury, are actions that involve the performance of discretionary, not ministerial, duties.
10. In some instances in which a student is an immediate danger to himself or herself or others, the school or program must determine when it becomes necessary to seek assistance from law enforcement and/or emergency medical personnel. Nothing in this policy shall be construed to interfere with the duties of law enforcement or emergency medical personnel.
11. School officials must notify a student's parent or guardian immediately when emergency medical or law enforcement personnel remove a student from a school or program setting.



***"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

It is the policy of the DeKalb County Board of Education not to discriminate on the basis of race, color, religion, national origin, sex, sexual orientation, gender identity, disability, or age in any of the District's educational programs, activities, or practices.