



***CODE OF STUDENT CONDUCT~
STUDENT RIGHTS AND RESPONSIBILITIES
AND CHARACTER DEVELOPMENT HANDBOOK***

2013-2014

**MIDDLE SCHOOL/HIGH SCHOOL
EDITION**

PARENT/GUARDIAN ACKNOWLEDGEMENT OF RECEIPT

Please read and review the *Code of Student Conduct – Student Rights and Responsibilities and Character Development Handbook* with your child and emphasize your child’s role in helping to maintain a safe and orderly school learning environment. Also, this handbook includes important information related to student records, the Family Educational Rights and Privacy Act (FERPA), and other rights and responsibilities. Please sign below to acknowledge that you and your child received this handbook. **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	_____ Home Phone Number	_____ Parent/Guardian Signature (SIGNATURE REQUIRED)
_____ Student Name	_____ Student Grade	_____ Date

CONSENT FOR STUDENT TO PARTICIPATE IN SURVEYS

Each year the Georgia Department of Education conducts surveys of 6th through 12th 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. The surveys allow the School District to support and evaluate needs-driven programming for students. Participation in the surveys is optional. Please sign below if your child has permission to participate. Refer to the Protection of Pupil Rights Amendment section on page 47 for more information. This survey is separate and distinct from the District Safety Audit, which ALL students will be asked to complete.

Parent/Guardian Signature
(SIGNATURE REQUIRED)

TABLE OF CONTENTS

Acknowledgement of Receipt/Consent for Student to Participate in Surveys	Page	2
Policy Statement	Page	5
Purpose of the Code of Student Conduct	Page	5
Learning and Compliance with Code of Student Conduct	Page	6
Equal Educational Opportunities	Page	6
Violations Index	Pages	7-9
Consequences for Violations	Page	10
Character Traits	Pages	11-12
Offenses and Consequences	Pages	13-17
Offenses and Consequences (2013-2014 Yellow Pages)	Pages	18-32
Disciplinary Jurisdiction over Student Conduct	Page	33
Investigation of Misconduct	Page	33
Explanation of Disciplinary Levels/Definitions of Terms	Pages	34-37
Restroom and Locker Room Expectations	Page	37
Student Discipline Procedures/Appeals	Pages	37-41
Searches	Pages	41-42
Keeping Weapons Out of School	Pages	43-44
Student Rights and Responsibilities	Pages	45-47
Student Complaint Procedures	Pages	48-49
Internet and Technology Usage	Pages	50-51
Supplemental Safety and Discipline Information	Pages	52-62
Section 504 Procedural Safeguards	Pages	63-64
Notice of Rights of Students and Parents Under Section 504	Pages	65-66
Safe School Pledge	Page	67

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THE CODE OF STUDENT CONDUCT – STUDENT RIGHTS AND RESPONSIBILITIES AND CHARACTER DEVELOPMENT HANDBOOK

POLICY STATEMENT

The DeKalb County Board of Education is committed to providing the best possible education for children who attend its schools. This commitment requires not only, rigorous 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.

The *Code of Student Conduct – Student Rights and Responsibilities and Character Development Handbook* identifies 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, the *Code of Student Conduct – Student Rights and Responsibilities and Character Development Handbook* ensures that it is fair and serves the best interests of all students in the School District.

In general, discipline is designed to correct a student’s misconduct and encourages the student to be a responsible citizen of the school community. Disciplinary actions will be administered 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 provided by the District and other public entities or community organizations. The Board prefers to reassign disruptive students to alternative educational settings rather than suspend or expel such students from school, where feasible.

Parental notification and parental involvement are essential to any effort to modify a student’s inappropriate behavior. The *Code of Student Conduct – Student Rights and Responsibilities and Character Development Handbook* 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 concerns about student behavior or the student discipline process to the school principal or the Department of Safe Schools and Student Relations.

The *Code of Student Conduct – Student Rights and Responsibilities and Character Development Handbook* is implemented pursuant to Board Policy JCD.

THE CODE OF STUDENT CONDUCT – STUDENT RIGHTS AND RESPONSIBILITIES AND CHARACTER DEVELOPMENT HANDBOOK

PURPOSE

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

Individual schools and classroom teachers may impose campus or classroom rules in addition to those found in this *Code of Student Conduct – Student Rights and Responsibilities and Character Development Handbook*. These rules may be explained by the teacher, posted in classrooms, or distributed to students, and may or may not constitute violations of the *Code of Student Conduct – Student Rights and Responsibilities and Character Development Handbook*.

**THE CODE OF STUDENT CONDUCT –
STUDENT RIGHTS AND RESPONSIBILITIES AND CHARACTER DEVELOPMENT HANDBOOK**

LEARNING AND COMPLIANCE

All students, regardless of age or grade level, are required to know the contents of the *Code of Student Conduct – Student Rights and Responsibilities and Character Development Handbook* and abide by it and any other rules of conduct imposed by the schools they attend. The *Code of Student Conduct – Student Rights and Responsibilities and Character Development Handbook* is distributed to all schools and centers. Prior to the distribution of the *Code of Student Conduct – Student Rights and Responsibilities and Character Development Handbook*, it is reviewed with the faculty and staff during preplanning to ensure their understanding.

The *Code of Student Conduct – Student Rights and Responsibilities and Character Development Handbook* is distributed and taught to students during the first week of school. **A signed acknowledgement of receipt found on page 2 is required from each student and parent/guardian.** A district-wide **mandatory** test on the *Code of Student Conduct – Student Rights and Responsibilities and Character Development Handbook* is administered to students within the first two weeks of school. 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 District during the school year will receive the *Code of Student Conduct – Student Rights and Responsibilities and Character Development Handbook* 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 of Student Conduct – Student Rights and Responsibilities and Character Development Handbook*. Teachers conduct a more thorough review of the *Code of Student Conduct – Student Rights and Responsibilities and Character Development Handbook* with younger students in grades K-3, Exceptional Education, and English Speakers of Other Languages (ESOL) to ensure their understanding.

Students are urged to ask faculty or staff members for clarification of any part of the *Code of Student Conduct – Student Rights and Responsibilities and Character Development Handbook* 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, sex, 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 – Student Rights and Responsibilities and Character Development Handbook*.

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

VIOLATION(S) INDEX

ALCOHOL (Possession and/or Use)	Pages	14,20
AGGRAVATED ASSAULT (Attempt/Threat to Injure with a Weapon)	Page	23
AGGRAVATED BATTERY (Causing Serious Injury or Death)	Pages	23-24
ASSAULT (Student, Faculty, Staff or Visitors)	Page	22
ATTENDANCE (Excused/Unexcused Absences, Attendance Protocol, Chronic Tardiness)	Pages	15-16
AUTO-INJECTABLE EPINEPHRINE (Epi-Pens)	Page	14
BATTERY (Causing Injury)	Page	23
BEEPER/PAGER	Page	13
BITING	Page	23
BREAKING AND ENTERING	Pages	22,29
BULLYING	Pages	22,24
BURGLARY	Page	22
BUS MATRIX	Page	32
BUS MISBEHAVIOR	Pages	27,31-32
BYSTANDER BATTERY	Page	24
CELL PHONES	Page	13
COMPUTER (Unauthorized Use, Hacking, Password Violations, Etc.)	Pages	22,24,30
CONDUCT OUTSIDE OF SCHOOL HOURS/AWAY FROM SCHOOL	Page	27
COUNTERFEITING/POSSESSION OF COUNTERFEIT MONEY, CHECKS, BANK CARD	Page	22
CYBERBULLYING/CYBERSTALKING	Pages	22,24
DAMAGE/DESTRUCTION OF PROPERTY (Actual or Attempted)	Pages	21-22
DISRUPTIVE BEHAVIOR (Chronic talking, horse playing, etc.)	Pages	15,25
DISTURBANCES (Classroom and/or School)	Pages	25-26
DRESS CODE	Page	17
DRUGS (Illegal/Synthetic Substances, Look-Alike Drugs or Prescribed Medication)	Pages	14,20
DRUG-RELATED PARAPHERNALIA (Papers, Pipes, Clips, Bags, Other Related Items)	Page	14
ELECTRONIC COMMUNICATION DEVICES (Cell Phones, Pagers, Etc.)	Pages	13,24
EXTORTION	Pages	22,24
FAILURE TO ACCEPT DISCIPLINARY ACTION	Page	26
FALSE EMERGENCY REPORT (Pulling a Fire Alarm, Bomb Threat or Calling 911)	Page	26
FIGHTING/PHYSICAL ALTERCATION	Page	23
FIRE (Arson, Setting Fires)	Page	21
FORGERY	Page	30
GAMBLING	Page	28
GANG-RELATED ACTIVITY (Violence, Retaliation, Recruitment, Dress, Paraphernalia)	Page	26
GUNS (Pistols, Rifles, BB, Pellet, Facsimile or Look-Alike)	Page	19
HARASSMENT (Racial, Ethnic, Disability, Sexual Orientation, Gender Identity)	Page	24
HAZING	Pages	24-25
HITTING/PHYSICAL CONTACT TO STUDENTS/SCHOOL PERSONNEL/VISITORS	Pages	20,23

IDENTIFICATION CARDS	Page	17
INAPPROPRIATE SEXUAL BEHAVIOR	Page	30
INDECENT EXPOSURE	Page	30
INHALANTS	Pages	14,20
INSUBORDINATION (Talking Back, Walking Away, Refusing to Comply)	Page	15
INTENT TO SELL/DISTRIBUTE DRUGS	Page	21
INTENTIONAL PHYSICAL CONTACT WITH SCHOOL PERSONNEL	Page	20
INTENTIONAL PHYSICAL CONTACT CAUSING HARM TO SCHOOL PERSONNEL	Page	20
INTERNET/INTRANET USAGE	Pages	13,22,24
INTIMIDATING ACTIONS	Pages	22,24
KICKING	Page	23
KNIVES/RAZORS/BOX CUTTERS	Page	19
LOITERING ON ANY SCHOOL CAMPUS/UNAUTHORIZED ENTRY AFTER HOURS	Page	29
MARIJUANA	Pages	14,20,21
MEDICATION	Pages	14,20
MISREPRESENTATION (Cheating, Lying or Providing False Statements/Information)	Page	30
OBSCENE MATERIALS/GESTURES	Page	26
PARKING ON CAMPUS (Parking and/or Traffic Violations)	Page	29
PORNOGRAPHY	Page	26
POSSESSION OF DRUGS	Page	14
POSSESSION OF STOLEN PROPERTY	Page	22
PRANKS	Page	26
PROBATION (Local and District-Wide)	Page	28
PROFANITY, CURSING, OBSCENITY and/or DEROGATORY LANGUAGE	Pages	15,26
RECKLESS VEHICLE USE	Page	29
REPEATED VIOLATIONS	Page	28
RIOT or CHAOS	Page	26
ROBBERY	Page	22
RUDE/DISRESPECTFUL BEHAVIOR	Page	15
SENDING INAPPROPRIATE MESSAGES/PICTURES/VIDEOS	Pages	13,24
REFUSAL TO FOLLOW INSTRUCTIONS OF ADMINISTRATORS/FACULTY/STAFF	Page	15
SEXUAL HARASSMENT/COMMENTS/FAVORS	Page	30
SHOVING/PUSHING	Page	23
SIMPLE BATTERY	Page	23
SKIPPING CLASS/LEAVING THE SCHOOL CAMPUS WITHOUT AUTHORIZATION	Page	16
SPITTING ON OTHERS	Page	26
TAKING PICTURES/VIDEOS AT SCHOOL	Pages	13,24
TERRORISTIC THREATS (Threats to the School)	Page	26
THEFT /STEALING (Actual or Attempted)	Page	22
THREATS OR INTIMIDATION (Staff or Student)	Pages	22,24

THROWING OBJECTS	Page	32
TOBACCO (Cigarettes, Cigars, Chewing Tobacco, Snuff, Tobacco Products)	Page	13
TRESPASSING	Page	29
UNSAFE ACTION	Page	30
USE/UNDER THE INFLUENCE OF DRUGS	Page	21
VANDALISM	Page	21
VERBAL CONFRONTATION/PROVOCATION/ALTERCATION	Page	22
WEAPONS	Page	19

CONSEQUENCES FOR VIOLATIONS

LEVEL 1	Conference with student and other individuals as needed
LEVEL 2	Intervention
LEVEL 3	Suspension for 1-3 days
LEVEL 4	Suspension for 4-10 days
LEVEL 5	Suspension for 10-days with a contract
LEVEL 6	<p>Long-term Suspension:</p> <p>Required 10-day suspension served by the student and a District due process hearing that may result in additional consequences, to include, but not limited to, additional suspension, in-school suspension, social restriction, community service and assignment to an identified program or alternative school</p> <p>Exceptional Education Student procedures must apply.</p>
LEVEL 7	<p>Expulsion:</p> <p>Required 10-day suspension served by the student and a District due process hearing that may result in additional consequences, as listed in Level 6 but to continue beyond the current semester - Exclusion from ALL units of the District for a specified period of time through permanent expulsion may be applicable</p> <p>Exceptional Education Student procedures must apply.</p>

An explanation of the consequences contained in each disciplinary level is found on pages 34-37.

NOTE:

Violations of the *Code of Student Conduct – Student Rights and Responsibilities and Character Development Handbook* with a consequence of Level 6 and 7 require a District due process hearing.

The determination of whether or not a student has violated the *Code of Student Conduct – Student Rights and Responsibilities and Character Development Handbook* will be made based solely on a preponderance of the evidence. In other words, is it more likely to be true than not true, based on the evidence, that the student did or did not violate the rule.

Character Traits Found in the *Code of Student Conduct - Student Rights and Responsibilities and Character Development Handbook*

This handbook supports the belief that appropriate behaviors and positive character must be modeled and maintained by all staff and students in order to have safe and orderly schools. Rules for expected student behavior should be taught and aligned with the following character traits.

RULE	CHARACTER TRAIT
Offense #1: Tobacco	Respect/Responsibility/Caring
Offense #2: Electronic Communication Devices	Respect/Responsibility/Caring
Offenses #3a, 3b: Weapons	Responsibility/Caring/Citizenship
Offenses #4a, 4b: Intentional Physical Violence	Respect/Responsibility/Caring
Offenses #5a, 5b, 5c: Drugs/Alcohol	Responsibility
Offenses #6a, 6b, 6c: Property	Honesty/Respect
Offenses #7a, 7b, 7c, 7d, 7e, 7f, 7g: Violence	Respect/Responsibility/Caring
Offense #8a, 8b: Refusal to Follow Instructions	Respect/Responsibility/Caring
Offense #9: Unlawful Absence/Truancy	Responsibility/Courage/Perseverance
Offense #10: Skipping Class	Responsibility/Courage/Perseverance
Offense #11: Classroom Disturbance	Respect/Responsibility/Caring
Offense #12: School Disturbance	Respect/Responsibility/Citizenship
Offense #13: Profanity/Vulgarity/Obscenity	Responsibility/Respect/Citizenship
Offense #14: Failure to Accept Disciplinary Action	Responsibility/Respect/Courage
Offense #15: Chronic Tardiness	Responsibility/Respect/Courage
Offense #16: Bus Misconduct	Responsibility/Respect/Caring
Offense #17: Conduct Outside of School Hours	Responsibility/Respect/Citizenship
Offense #18: Gambling	Responsibility
Offense #19a: Repeated Violations	Responsibility/Respect/Hope
Offense #19b: Violation of Probation	Responsibility/Respect/Courage
Offense #20: Parking and Traffic Violations	Responsibility/Citizenship
Offense #21: Loitering/Trespassing	Respect/Responsibility/Courage
Offense #22: Providing False Information	Honesty/Respect
Offense #23: Inappropriate Sexual Behavior	Responsibility/Respect/Caring
Offense #24: Identification Card Violation	Responsibility
Offense #25: Student Dress Code Violation	Responsibility/Respect/Citizenship
Offense #26: Unsafe Action	Responsibility/Respect/Citizenship

DEKALB COUNTY SCHOOL DISTRICT 2013-2014 CHARACTER TRAITS

“Intelligence plus character – that is the goal of true education.”

-Rev. Martin Luther King Jr.

Character Education is the deliberate effort to help people understand, care about, and act upon core ethical values. An intentional and comprehensive character education initiative provides a lens through which every aspect of school becomes an opportunity for character development.

Benefits of Character Education:

- Promotes character development through the exploration of ethical issues across the curriculum
- Develops a positive and moral climate by engaging the participation of students, teachers and staff, parents, and communities
- Teaches how to solve conflicts fairly, creating safer schools that are free of intimidation, fear, and violence, and are more conducive to learning*

Character traits are essential for students to prepare for greatness! These traits should be modeled and maintained by adults and students.

Respect, Responsibility & Caring

Modeling cornerstones of good character

Respect

Showing high regard for self, others and property

Responsibility

Being accountable for your own behavior

Honesty

Being truthful in word and action

Caring

Showing concern for the well being of others

Justice and Fairness

Demonstrating impartial, unbiased and equitable treatment for all

Citizenship

Being an informed, responsible and caring participant in your community

Courage

Doing the right thing in the face of difficulty and following your conscience instead of the crowd

Perseverance

Staying the task and not giving up. Demonstrating commitment, pride and positive attitude in completing tasks

Hope

Believing you will be successful

**Character Education Informational Handbook & Guide, DPI*

OFFENSES AND CONSEQUENCES

Offenses and consequences with a maximum disciplinary level of Level 5 and below are listed below. Offenses and consequences with a maximum disciplinary level of Level 6 or 7 are discussed in the following section, the Yellow Pages found on pages 18-33.

1. TOBACCO AND OTHER TOBACCO PRODUCTS

Students will not possess or use any tobacco products (cigarettes, cigars, chewing tobacco, snuff, etc.) 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 District owned/leased property or at any school event, including non-school hours, 24 hours a day, seven days per week (Board Policy JCDA).**

SCHOOL INITIATED CONSEQUENCES:

Minimum: Level 1 - Conference
Level 2 - Intervention(s) (see pages 34-35)
Level 3 – Suspension of 1-3 days
Level 4 – Suspension of 4-10 days
Maximum: Level 5 – Suspension of 10 days with a contract

Students in violation of this offense will be referred to the web-based ASPIRE (A Smoking Prevention Interactive Experience) program at www.mdanderson.org/aspire. A Certificate of Completion must be printed and presented to the referring administrator.

2. ELECTRONIC COMMUNICATION DEVICES, INCLUDING PAGING DEVICES, CELLULAR PHONES, WALKIE-TALKIES AND SIMILAR DEVICES

Students will not use any electronic communication device, including but not limited to, pagers, beepers, cellular phones, smart phones, walkie-talkies, and similar devices, during instructional time (**except for approved instructional purposes**) or on school buses. At all other times, all devices must be turned off (not on vibrate) and put away. **Students who violate this section will have their device confiscated and returned only to the parent/guardian.**

SCHOOL INITIATED CONSEQUENCES:

Minimum: Level 1 - Conference
Level 2 - Intervention(s) (see pages 34-35)
Level 3 – Suspension of 1-3 days
Level 4 – Suspension of 4-10 days
Maximum: Level 5 – Suspension of 10 days with a contract

STUDENTS MUST NEVER SEND INAPPROPRIATE MESSAGES, PICTURES AND/OR VIDEOS USING ELECTRONIC COMMUNICATION DEVICES OR THE INTERNET/INTRANET AT ANY TIME.

5. ALCOHOL, DRUGS, AND OTHER SUBSTANCES *

*As used in this *Code of Student Conduct – Student Rights and Responsibilities and Character Development Handbook*, “drugs” shall mean all substances, including but not limited to, alcohol and alcoholic beverages, marijuana, 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, marijuana and other drugs by minors is illegal and harmful.

NOTE: A student must never touch or handle drugs at any time. Never take or agree to hold weapons, drugs, illegal or unknown items from other students. Tell an administrator if any of these items are found.

C. Possession and/or Distribution of Drug-Related Paraphernalia

A student will not possess or distribute drug-related paraphernalia. As used in this *Code of Student Conduct – Student Rights and Responsibilities and Character Development Handbook*, “drug-related paraphernalia” includes, but is not limited to pipes, water pipes, clips, rolling papers and other items used or related to drug use.

* This offense relates only to drug-related paraphernalia. Offenses related to possession, use distribution, and sale of drugs, alcohol, or other substances are addressed in Offense 5 – A/ B in the Yellow Pages.

SCHOOL INITIATED CONSEQUENCES:

Minimum:	Level 4 – Suspension of 4-10 days
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Maximum:	Level 5 – Suspension of 10 days with a contract
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1st Offense: The student is suspended for 10 school days with the option to attend the Gaining Results Intervention/Prevention (GRIP) program to reduce the suspension to five days, as discussed above.

2nd and Subsequent Offenses: The student is suspended for ten (10) school days.

Prescribed Medications

The parent of a student who has to use a prescribed medication at school must consult the school administrator and follow the appropriate School District procedures, including required medication documentation. School approval must be given prior to the student possessing or using any medication.

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.

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

A. Rude or Disrespectful Behavior

Students will not be discourteous or use 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.

SCHOOL INITIATED CONSEQUENCES:	
Minimum:	Level 1 - Conference Level 2 - Intervention(s) (see pages 34-35) Level 3 – Suspension of 1-3 days Level 4 – Suspension of 4-10 days
Maximum:	Level 5 – Suspension of 10 days with a contract

B. Refusal to Follow Instructions of Faculty or Staff Member/Insubordination

Students will not refuse 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).

SCHOOL INITIATED CONSEQUENCES:	
Minimum:	Level 1 - Conference Level 2 - Intervention(s) (see pages 34-35) Level 3 – Suspension of 1-3 days Level 4 – Suspension of 4-10 days
Maximum:	Level 5 – Suspension of 10 days with a contract

9. UNEXCUSED ABSENCES AND/OR TRUANCY

Students will not present unexcused absences or participate in truancy. 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 District; 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 also provides for special treatment of absences in the following circumstances:

- 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 will be counted as present for days missed from school for such service.
- Students volunteering to work as poll officers in the Student Teen Election Program (STEP) will be counted present for up to two (2) days of service in that program.
- Foster care students attending court proceedings related to their foster care shall be credited as present for any day(s) or portion of a day missed from school for that purpose.

NOTE: Students 15-17 years of age are reminded that the state of Georgia will suspend their drivers license/permit or not allow them to get one if they have 10 or more unexcused absences in a school year or drop out. (see page #56).

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 students 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).

The following applies to all unexcused absences:

Number of Unexcused Absences	School Action Per Occurrence
1 - 2	School notifies the parent of absences.
3 - 5	School notifies the parent of absences and refers student to the counselor or assistant principal who will then meet with the student and/or parent for the purpose 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 absences 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, Department of Family and Children Services or other agency.

NOTE: Students should not be suspended for attendance-related infractions only.

10. SKIPPING CLASS OR REQUIRED ACTIVITIES

Students will not skip classes and required school activities. If students do not report to class/required school activity or leave school or school property without permission from an administrator, they are in violation of this offense.

SCHOOL INITIATED CONSEQUENCES:	
Minimum:	Level 1 - Conference Level 2 - Intervention(s) (see pages 34-35) Level 3 – Suspension of 1-3 days Level 4 – Suspension of 4-10 days
Maximum:	Level 5 – Suspension of 10 days with a contract

NOTE: Students should not be suspended for attendance-related infractions only.

15. CHRONIC TARDINESS

Students will not demonstrate chronic tardiness. Being repeatedly late to school, class, or a school activity constitutes a violation of this section.

The following applies to all unexcused tardies:

Number of Tardies	Consequences Per Occurrence
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. Parent contacted and referral to counselor and social worker. Student is given choice of 10 days ISS, alternative school/program placement, or comparable consequence.

24. STUDENT IDENTIFICATION CARD VIOLATION

Students will not be present on school grounds or attend any school event without proper student identification. 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.

SCHOOL INITIATED CONSEQUENCES:	
Minimum:	Level 1 - Conference
	Level 2 - Intervention(s) (see pages 34-35)
	Level 3 – Suspension of 1-3 days
	Level 4 – Suspension of 4-10 days
Maximum:	Level 5 – Suspension of 10 days with a contract

25. STUDENT DRESS CODE VIOLATION

Students will not dress inappropriately on school grounds or at school events. **ALL** students are expected to dress appropriately and adhere to the student dress code found on pages 59-60 of this handbook and any additional requirements listed in local school regulations.

The following penalties apply to ALL student dress code violations:

Number of Offenses	Actions of the School
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, 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 being found in violation by a preponderance of evidence at the District due process hearing.



2013-2014 YELLOW PAGES

All of the violations found in the yellow pages may result in a 10-day suspension from school and a request for long/term suspension or expulsion.

Each violation in the *Code of Student Conduct – Student Rights and Responsibilities and Character Development Handbook* is followed by a box similar to the one below. The minimum and maximum consequences for each violation are indicated.

SCHOOL INITIATED CONSEQUENCES	
LEVEL 1	Conference with student and other individuals as needed
LEVEL 2	Intervention
LEVEL 3	Suspension for 1-3 days
LEVEL 4	Suspension for 4-10 days
LEVEL 5	Suspension for 10-days with a contract
LEVEL 6	Long-term Suspension: Required 10-day suspension served by the student and District due process hearing Exceptional Education Student procedures must apply.
LEVEL 7	Expulsion: Required 10-day suspension served by the student and District due process hearing Exceptional Education Student procedures must apply.

Violations of the Code of Conduct with a consequence of Level 6 or 7 require a 10 day suspension and a due process hearing. However, violations that occur within the last 10 days of the school year will result in a suspension through the end of the current school year followed by a due process hearing. Initial school suspensions may not extend into the next school year.

Violations that occur involving the school bus and/or incidents that occur while students are on the way to school (bus stop/neighborhood or returning from school (bus stop/neighborhood) may result in direct intervention by the school. (See Bus Referral Matrix Page 32)

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 states that school districts must have a policy requiring the expulsion of a student from school for at least one year for possession of or for bringing a firearm to school.

- A.** Students will not possess, use, or handle any weapon or any other tool or instrument capable of inflicting bodily injury as a weapon. The terms "weapons," "tools," or "instruments" will include, 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 will 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 will 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.

SCHOOL INITIATED CONSEQUENCES:

Minimum: Level 6 – Long-Term Suspension

Maximum: Level 7 – Expulsion

A required 10-day suspension must be served and a District due process hearing held for Level 6-7

- B.** Students will not use, possess or handle 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 class, school or school event.

SCHOOL INITIATED CONSEQUENCES:

Minimum: Level 1 - Conference

Level 2 - Intervention(s) (see pages 34-35)

Level 3 – Suspension of 1-3 days

Level 4 – Suspension of 4-10 days

Level 5 – Suspension of 10 days with a contract

Maximum: Level 6 – Long-Term Suspension

A required 10-day suspension must be served and a District due process hearing held for Level 6

NOTE: A student must never touch or handle weapons at any time. Never take or agree to hold weapons, drugs, illegal or unknown items from other students. Tell an administrator if any of these items are found.

4. INTENTIONAL PHYSICAL VIOLENCE AGAINST TEACHERS, BUS DRIVERS, SCHOOL OFFICIALS, OR OTHER SCHOOL EMPLOYEES

Students will not intentionally hit or attack any school employee to cause physical hurt, harm or injury.

A. Intentional Physical Violence Not Causing Physical Harm/Injury

Students will not intentionally hit or attack a teacher, school bus driver, school official, or other school employee.

SCHOOL INITIATED CONSEQUENCES:

Minimum: Level 6 – Long-Term Suspension

Maximum: Level 7 – Expulsion

A required 10-day suspension must be served and a District due process hearing held for Level 6-7

B. Intentional Physical Violence Causing Physical Harm

Students will not intentionally hit or attack a teacher, school bus driver, school official, or other school employee and cause physical hurt, harm or injury.

SCHOOL INITIATED CONSEQUENCES:

Minimum: Level 6 – Long-Term Suspension

Maximum: Level 7 – Expulsion

A required 10-day suspension must be served and a District due process hearing held for Level 6-7

State Law indicates a student found by a preponderance of evidence to be in violation of committing an act of physical violence against a teacher, school bus driver, school official, or school employee causing physical hurt, harm or injury will be expelled from school for the remainder of the student's eligibility to attend public school (O.C.G.A. § 20-2-751.6). The law applies to all students in grades K-12. The Due Process Facilitator may assign the student to an alternative education program for the period of the expulsion. If the student is in kindergarten through grade eight, the Due Process Facilitator may allow the student to re-enroll at some point when he/she reaches the high school grades. Additionally, if the student is in kindergarten through grade six and there is no alternative educational program available, the Due Process Facilitator may permit the student at some point to reenroll in school.

5. ALCOHOL, DRUGS, AND OTHER SUBSTANCES*

***As used in this *Code of Student Conduct – Student Rights and Responsibilities and Character Development Handbook*, "drugs" shall mean all substances, including but not limited to, alcohol and alcoholic beverages, marijuana, 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, marijuana and other drugs by minors is illegal and harmful.**

NOTE: A student must never touch or handle drugs at any time. Never take or agree to hold weapons, drugs, illegal or unknown items from other students. Tell an administrator if any of these items are found.

A. Intent/Attempt/Sell/Distribution of Drugs

Students will not sell, attempt or intend to sell, distribute, or attempt or intend to distribute, drugs or substances represented or believed by the buyer or receiver to be drugs.

SCHOOL INITIATED CONSEQUENCES:
Minimum: Level 6 – Long-Term Suspension
Maximum: Level 7 – Expulsion
A required 10-day suspension must be served and a District due process hearing held for Level 6-7

B. Possession/Use/Under the Influence of Drugs

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

SCHOOL INITIATED CONSEQUENCES:
Minimum: Level 6 – Long-Term Suspension
Maximum: Level 7 – Expulsion
A required 10-day suspension must be served and a District due process hearing held for Level 6-7

1st Offense: The student is suspended for 10 school days. If the parents/guardians and student accept the offer to attend the drug-education program, Gaining Results Intervention/Prevention (GRIP), 5 days of the 10-day suspension shall be waived upon successful completion of the GRIP program. If the GRIP program is not successfully completed, the full 10-day suspension shall be imposed.

2nd OFFENSE AND/OR IF THE STUDENT’S CONDUCT IS A FELONY OR DESIGNATED FELONY POSSESSION:

The student is suspended for 10 school days and is referred to a due process hearing, which may impose long-term suspension, expulsion, and/or assignment to an alternative school.

6. PROPERTY

A. Actual, Attempted or Threatened Destruction/Damage/Vandalism/Arson to School, Public or Private Property

Students will not attempt or threaten to destroy, damage, vandalize, or deface, or set fire to school, public or private property located at the school.

SCHOOL INITIATED CONSEQUENCES:
Minimum: Level 2 - Intervention(s) (see pages 34-35)
Level 3 – Suspension of 1-3 days
Level 4 – Suspension of 4-10 days
Level 5 – Suspension of 10 days with a contract
Level 6 – Long-Term Suspension
Maximum: Level 7 – Expulsion
A required 10-day suspension must be served and a due process hearing held for Level 6-7

NOTE: The student must make restitution for any damage to school or personal property caused by his/her behavior while on school property.

B. Actual, Attempted or Threatened Theft/Robbery/Burglary/Extortion/Possession of Stolen Property

Students will not engage in, attempt or threaten theft; theft by deception of public or private property; extortion; robbery; burglary; possession of stolen property or missing property; possession and/or distribution of counterfeit money/checks/money orders/bank cards.

SCHOOL INITIATED CONSEQUENCES:	
Minimum:	Level 2 - Intervention(s) (see pages 34-35) Level 3 – Suspension of 1-3 days Level 4 – Suspension of 4-10 days Level 5 – Suspension of 10 days with a contract Level 6 – Long-Term Suspension
Maximum:	Level 7 – Expulsion
A required 10-day suspension must be served and a due process hearing held for Level 6-7	

NOTE: The student must make restitution for any loss of school or personal property caused by his/her behavior while on school property.

C. Textbooks, Media Center Materials, Computer Equipment/Use

Students will not lose, destroy, deface, and/or inappropriately use textbooks, media center materials, or the computer and computer-related equipment and materials, including but not limited to, inappropriate use/hacking of the Intranet or Internet.

SCHOOL INITIATED CONSEQUENCES:	
Minimum:	Level 2 - Intervention(s) (see pages 34-35) Level 3 – Suspension of 1-3 days Level 4 – Suspension of 4-10 days Level 5 – Suspension of 10 days with a contract Level 6 – Long-Term Suspension
Maximum:	Level 7 – Expulsion
A required 10-day suspension must be served and a due process hearing held for Level 6-7	

NOTE: Students must make restitution for any damage caused by the student’s behavior. Any form of electronic bullying (cyberbullying/cyberstalking), 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

Students will 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; will not attempt to hurt any such persons without physical contact; and will 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.

SCHOOL INITIATED CONSEQUENCES:	
Minimum:	Level 2 - Intervention(s) (see pages 34-35) Level 3 – Suspension of 1-3 days Level 4 – Suspension of 4-10 days Level 5 – Suspension of 10 days with a contract Level 6 – Long-Term Suspension
Maximum:	Level 7 – Expulsion
A required 10-day suspension must be served and a due process hearing held for Level 6-7	

B. Simple Battery/Fighting/Hitting

Students will not engage in fighting, hitting, kicking, shoving, pushing, biting or making physical contact with teachers, administrators, bus drivers, other school personnel, other students or persons.

NOTE: If the incident involves intentional physical contact with a school employee not causing physical harm/injury, see Offense #4a.

SCHOOL INITIATED CONSEQUENCES:

Minimum: Level 2 - Intervention(s) (see pages 34-35)
Level 3 – Suspension of 1-3 days
Level 4 – Suspension of 4-10 days
Level 5 – Suspension of 10 days with a contract
Level 6 – Long-Term Suspension

Maximum: Level 7 – Expulsion

A required 10-day suspension must be served and a due process hearing held for Level 6-7

C. Battery

Students will not cause 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 District employee not causing physical harm/injury, see Offense #4b.

SCHOOL INITIATED CONSEQUENCES:

Minimum: Level 5 – Suspension of 10 days with a contract
Level 6 – Long-Term Suspension

Maximum: Level 7 – Expulsion

A required 10-day suspension must be served and a due process hearing held for Level 6-7

D. Aggravated Assault

Students will not use or threaten with a deadly weapon or object which is likely to or actually does cause serious bodily harm to a teacher, administrator, bus driver, other school personnel, other students, or persons attending school-related functions.

SCHOOL INITIATED CONSEQUENCES:

Minimum: Level 6 – Long-Term Suspension

Maximum: Level 7 – Expulsion

A required 10-day suspension must be served and a District due process hearing held for Level 6-7

E. Aggravated Battery

Students will not maliciously cause 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.

SCHOOL INITIATED CONSEQUENCES:

Minimum: Level 6 – Long-Term Suspension

Maximum: Level 7 – Expulsion

A required 10-day suspension must be served and a District due process hearing held for Level 6-7

F. Bystander Battery

Students will not become involved in a fight that he/she does not start. A student who does not start a fight but becomes involved in it will be charged with Bystander Battery. This offense includes, but is not limited to, hitting or kicking another student while that student is fighting another student.

SCHOOL INITIATED CONSEQUENCES:

Minimum: Level 6 – Long-Term Suspension

Maximum: Level 7 – Expulsion

A required 10-day suspension must be served and a District due process hearing held for Level 6-7

G. Bullying/Hazing

Students will not threaten, intimidate, harass, make physical contact with or subject another student to any other form of physical or emotional hurt, including hazing associated with membership in extracurricular organizations (sports teams, band, etc.). **School officials will address even one act of bullying/hazing if necessary.** Violations of this offense code 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 using personal equipment during 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 e-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;
- Using 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 52-55.

SCHOOL INITIATED CONSEQUENCES: Minimum: Level 5 – Suspension of 10 days with a contract Level 6 – Long-Term Suspension Maximum: Level 7 – Expulsion A required 10-day suspension must be served and a due process hearing held for Level 6-7

A student who has engaged in bullying should be given an age-appropriate consequence which will 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); and**
- **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 hearing by disciplinary Due Process Facilitators, 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.

11. CLASSROOM DISTURBANCE

Students will not commit any behavior that disrupts class instruction, distracts students and/or teachers, or creates a dangerous or fearful situation for students and/or staff.

SCHOOL INITIATED CONSEQUENCES: Minimum: Level 2 - Intervention(s) (see pages 34-35) Level 3 – Suspension of 1-3 days Level 4 – Suspension of 4-10 days Level 5 – Suspension of 10 days with a contract Level 6 – Long-Term Suspension Maximum: Level 7 – Expulsion A required 10-day suspension must be served and a due process hearing held for Level 6-7
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12. SCHOOL DISTURBANCE

Students will not engage in acts that cause or may cause disruption of the school 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/chaos**, picketing, trespassing, inciting disturbances, threats to the school, pranks, **bomb threats, pulling fire alarm, calling 911**, and actual violence during period of disruption, etc.

SCHOOL INITIATED CONSEQUENCES:	
Minimum:	Level 3 – Suspension of 1-3 days Level 4 – Suspension of 4-10 days Level 5 – Suspension of 10 days with a contract Level 6 – Long-Term Suspension
Maximum:	Level 7 – Expulsion
A required 10-day suspension must be served and a due process hearing held for Level 6-7	

13. PROFANITY/OBSCENITY

Students will not engage in conduct that includes, but is not limited to, cursing; profane, vulgar, obscene words or gestures; spitting on another person; possession of obscene material/pornography; and profane, vulgar or obscene comments or actions.

SCHOOL INITIATED CONSEQUENCES:	
Minimum:	Level 2 - Intervention(s) (see pages 34-35) Level 3 – Suspension of 1-3 days Level 4 – Suspension of 4-10 days Level 5 – Suspension of 10 days with a contract Level 6 – Long-Term Suspension
Maximum:	Level 7 – Expulsion
A required 10-day suspension must be served and a due process hearing held for Level 6-7	

14. FAILURE TO ACCEPT DISCIPLINARY ACTION

Students will not refuse or fail to serve detention, in-school suspension, or any other disciplinary action imposed by a teacher or school administrator.

SCHOOL INITIATED CONSEQUENCES:	
Minimum:	Level 2 - Intervention(s) (see pages 34-35) Level 3 – Suspension of 1-3 days Level 4 – Suspension of 4-10 days Level 5 – Suspension of 10 days with a contract Level 6 – Long-Term Suspension
Maximum:	Level 7 – Expulsion
A required 10-day suspension must be served and a due process hearing held for Level 6-7	

16. BUS MISBEHAVIOR

NOTE: See Bus/Bus Stop Rules and Bus Matrix (pages 31-32)

Students will not engage in behavior that includes, but is 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 communication 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.

SCHOOL INITIATED CONSEQUENCES:

Minimum: Level 1 - Conference
Level 2 - Intervention(s) (see pages 34-35)
Level 3 – Suspension of 1-3 days
Level 4 – Suspension of 4-10 days
Level 5 – Suspension of 10 days with a contract
Level 6 – Long-Term Suspension
Maximum: Level 7 – Expulsion
A required 10-day suspension must be served and a due process hearing held for Level 6-7

17. CONDUCT OUTSIDE OF SCHOOL HOURS OR AWAY FROM SCHOOL

Students will not engage in any conduct, including but not limited to, 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 District.

SCHOOL INITIATED CONSEQUENCES:

Minimum: Level 5 – Suspension of 10 days with a contract
Level 6 – Long-Term Suspension
Maximum: Level 7 – Expulsion
A required 10-day suspension must be served and a due process hearing held for Level 6-7

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 Safe Schools and Student Relations and subject to the Student Placement Protocol as described on page 40.

18. GAMBLING

Students will not engage in acts of gambling including, but not limited to, 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.

SCHOOL INITIATED CONSEQUENCES:
Minimum: Level 2 - Intervention(s) (see pages 34-35)
Level 3 – Suspension of 1-3 days
Level 4 – Suspension of 4-10 days
Level 5 – Suspension of 10 days with a contract
Level 6 – Long-Term Suspension
Maximum: Level 7 – Expulsion
A required 10-day suspension must be served and a due process hearing held for Level 6-7

19. REPEATED VIOLATIONS/CHRONIC MISBEHAVIOR/VIOLATION OF PROBATION

A. Repeated Violations/Chronic Misbehavior

Students will not engage in behavior that repeatedly or chronically disrupts or disturbs the educational process, the orderly operation of school, school activities, school buses, or other school operations that constitute a violation of the *Code of Student Conduct – Student Rights and Responsibilities and Character Development Handbook*. 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 developing a student discipline correction plan.

SCHOOL INITIATED CONSEQUENCES:
Minimum: Level 3 – Suspension of 1-3 days
Level 4 – Suspension of 4-10 days
Level 5 – Suspension of 10 days with a contract
Level 6 – Long-Term Suspension
Maximum: Level 7 – Expulsion
A required 10-day suspension must be served and a due process hearing held for Level 6-7

B. Violation of Local School and/or District-Wide Probation

Students will not disregard District and local school rules while they are on local school or District-wide probation. Failure to follow **all** District and local school rules could result in possible long-term suspension or expulsion.

SCHOOL INITIATED CONSEQUENCES:
Minimum: Level 3 – Suspension of 1-3 days
Level 4 – Suspension of 4-10 days
Level 5 – Suspension of 10 days with a contract
Level 6 – Long-Term Suspension
Maximum: Level 7 – Expulsion
A required 10-day suspension must be served and a due process hearing held for Level 6-7

20. PARKING AND TRAFFIC VIOLATIONS

Students will not violate parking and traffic guidelines if they drive a vehicle to school. 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 District. 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 District will constitute a violation of the *Code of Student Conduct – Student Rights and Responsibilities and Character Development Handbook*. **Parking permits must be renewed upon expiration.**

SCHOOL INITIATED CONSEQUENCES:
Minimum: Level 2 - Intervention(s) (see pages 34-35)
Level 3 – Suspension of 1-3 days
Level 4 – Suspension of 4-10 days
Level 5 – Suspension of 10 days with a contract
Level 6 – Long-Term Suspension
Maximum: Level 7 – Expulsion
A required 10-day suspension must be served and a due process hearing held for Level 6-7

NOTE: Penalty may include revocation of parking permit or towing of vehicle off campus at the student's expense.

21. LOITERING OR GOING ON ANY SCHOOL CAMPUS WITHOUT AUTHORIZATION/TRESPASSING/BREAKING AND ENTERING

Students will not 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 will 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.

SCHOOL INITIATED CONSEQUENCES:
Minimum: Level 2 - Intervention(s) (see pages 34-35)
Level 3 – Suspension of 1-3 days
Level 4 – Suspension of 4-10 days
Level 5 – Suspension of 10 days with a contract
Level 6 – Long-Term Suspension
Maximum: Level 7 – Expulsion
A required 10-day suspension must be served and a due process hearing held for Level 6-7

22. PROVIDING FALSE INFORMATION

Students will not engage in an act of providing false information including, but not limited to, falsifying school records, forging signatures, making or providing false statements, to teachers, administrators or other School District personnel, cheating, bribery, or using an unauthorized computer user ID or password. **Students are prohibited from falsifying, misrepresenting, omitting or erroneously reporting information to legal authorities, teachers, administrators or other School District personnel regarding instances of alleged inappropriate behavior by a teacher, administrator, or other School District employee.**

SCHOOL INITIATED CONSEQUENCES:	
Minimum:	Level 2 - Intervention(s) (see pages 34-35) Level 3 – Suspension of 1-3 days Level 4 – Suspension of 4-10 days Level 5 – Suspension of 10 days with a contract Level 6 – Long-Term Suspension
Maximum:	Level 7 – Expulsion
A required 10-day suspension must be served and a due process hearing held for Level 6-7	

23. INAPPROPRIATE BODILY CONTACT OF A SEXUAL NATURE/SEXUAL BEHAVIOR; SEXUAL MISCONDUCT; SEXUAL HARASSMENT

Students will not engage in inappropriate bodily contact of a sexual nature. This offense prohibits sexual conduct between or among students and between or among a student and School District 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.

SCHOOL INITIATED CONSEQUENCES:	
Minimum:	Level 2 - Intervention(s) (see pages 34-35) Level 3 – Suspension of 1-3 days Level 4 – Suspension of 4-10 days Level 5 – Suspension of 10 days with a contract Level 6 – Long-Term Suspension
Maximum:	Level 7 – Expulsion
A required 10-day suspension must be served and a due process hearing held for Level 6-7	

26. UNSAFE ACTION

Students will not commit any action that has the potential to cause danger or physical harm to themselves or to others, to include exiting a moving school bus, exiting a school bus by way of the emergency exit (when an emergency does not exist), attempting to allude school officials by running through a parking lot or any traffic area, climbing on the roof of buildings, being in construction areas, boiler rooms, attics or elevator shafts, or any action that has the potential for physical harm to self or others. This rule will only apply when the unsafe behavior does not meet the standards of any other violation.

SCHOOL INITIATED CONSEQUENCES:	
Minimum:	Level 5 – Suspension of 10 days with a contract
Maximum:	Level 6 – Long-Term Suspension
A required 10-day suspension must be served and a due process hearing held for Level 6-7	

BUS AND BUS STOP RULES

Students are expected to observe the following rules for safety and courtesy on the bus and at the bus stop.

AT THE BUS STOP

- Arrive at the assigned stop ten (10) minutes before bus pickup
- Stand on the sidewalk or the edge of the street by the curb
- Stay off private property
- Do not stand on the traveled part of the road
- Be respectful and watchful of traffic
- Wait in a quiet and orderly manner

WHEN THE BUS ARRIVES

- Allow the bus to come to a complete stop
- Board the bus in a quiet and orderly manner

ON THE BUS

- Remain seated at all times until time to get off bus
- Remain silent at railroad crossings
- Cooperate with the driver and practice orderly conduct
- Do not bully, harass or haze other students
- No profanity or obscene behavior
- No smoking
- No eating or drinking
- No vandalism
- No body parts outside bus
- No radio, tapes, or electronic audio/video devices without headphones
- No cell phone use at any time
- No live animals
- No unsafe objects or weapons
- No throwing of items from the bus or on the bus

LEAVING THE BUS

- Remain seated until the bus comes to a complete stop
- Leave the bus in an orderly manner
- Leave at your assigned bus stop
- Cross in front of the bus
- Leave the bus stop in an orderly manner

Violations that occur involving the school bus and/or incidents that occur while students are on the way to or returning from school, whether at the bus stop or in the surrounding neighborhood may result in direct intervention by the school. (See Bus Matrix, on the following page 32)

BUS REFERRAL MATRIX FOR SECONDARY STUDENTS

INAPPROPRIATE BEHAVIOR OR VIOLATION OF BUS RULES	First Offense	Second Offense	Third Offense	Fourth and Succeeding Offense
Delaying the bus schedule	Level 1	Level 2	Level 3	Level 4
Not sitting in the seat	Level 1	Level 2	Level 3	Level 4
Playing radio, tape, CD, IPOD, MP3 without earphones	Level 1	Level 2	Level 3	Level 4
Disrupting the bus (Excessive Noise)	Level 1	Level 2	Level 3	Level 4
Using inappropriate language (Cursing, name calling directed toward student or adult)	Level 1	Level 2	Level 3	Level 4
Hitting other students	Level 2	Level 3	Level 4	Level 5
Throwing objects in the bus	Level 2	Level 3	Level 4	Level 4
Throwing objects out of the bus window (Without damage to property)	Level 2	Level 3	Level 4	Level 4
Vandalism (Includes vandalism resulting from an object being thrown from the bus) Damage under \$100	Level 4 Damage under \$100	Level 5	Level 6	Level 6
Fighting (NO HITTING ZONE)	Level 5	Level 6	Level 6	Level 6
Violating the alcohol/drug policy (Possession/Use)	Level 5	Level 6	Level 6	Level 6
Violating the alcohol/drug policy (Distribution)	Level 6	Level 6	Level 6	Level 6
Vandalism (Includes vandalism resulting from an object being thrown from the bus) Damage over \$100	Level 6 Damage over \$100	Level 6	Level 6	Level 6
Exiting the emergency exit while in route	Level 6	Level 6	Level 6	Level 6
Assault	Level 6	Level 6	Level 6	Level 6
Multiple Assault (Physical assault by 2 or more students acting together)	Level 6	Level 6	Level 6	Level 6
Inciting to Riot/Chaos	Level 6	Level 6	Level 6	Level 6
Possession of a Weapon, other than a Firearm	Level 6	Level 7	Level 7	Level 7
Possession of a Firearm	Expulsion	Expulsion	Expulsion	Expulsion

Consequences for Levels 1, 2, 3, & 4 are bus specific and do not include a school suspension. Consequences for Levels 5, 6 & 7 require a bus suspension and a school suspension.

DISCIPLINARY JURISDICTION OVER STUDENT CONDUCT

The DeKalb County School District has discipline authority over its students whenever the interests of the School District are involved. Therefore, the *Code of Student Conduct – Student Rights and Responsibilities and Character Development Handbook* applies 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 School District-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 District student, employee, or volunteer and is related to the victim's affiliation with the School District;
- Off school grounds when a student leaves school without permission of a school official (Absent Without Leave); and
- Off school grounds when the misconduct adversely affects the safety and welfare of the school community or the orderly mission and function of the school.

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 be timely and 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. If administrators believe a request for a due process hearing will be made, he/she should attempt to preserve video surveillance of any misconduct. 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.

The determination of whether or not a student has violated the *Code of Student Conduct – Student Rights and Responsibilities and Character Development Handbook* will be made based solely on a preponderance of the evidence. In other words, is it more likely to be true than not true, based on the evidence, that the student did violate the rule?

EXPLANATION OF DISCIPLINARY LEVELS

School Initiated Consequences

Each school is responsible for following the *Code of Student Conduct – Student Rights and Responsibilities and Character Development Handbook* and applying the appropriate consequence and intervention levels.

Level 1 Conference:

Staff members may conduct a conference among any combination of the following:

Teacher/Student

Teacher/Parent

Teacher/Counselor

Teacher/Student/Administrator

Teacher/Student/Counselor/Parent

Administrator/Student

Administrator/Parent

Telephone Conference with Administrator/Parent

Telephone Conference with Teacher/Parent

Other parties as deemed necessary

Level 2 Intervention: ALL Interventions should be age appropriate and behavior specific.

(Sample List of Interventions)

Referral	Referral to School Counselor, Student Support Team, Student Support Services, School Social Worker, IEP Review, Attendance Staff, or other appropriate personnel
Time-Out	Temporary denial of a student's right to attend class
Detention	Detaining a student for disciplinary reasons before or after school hours (including Saturdays)
Staffing	Meeting of school personnel and perhaps other individuals to consider the behavior of the student and make recommendations
Local Probation	Written statement which lists steps to be taken to improve behavior and describes the support to be provided by school staff and/or parent/guardian as well as the date the contract will be reviewed and must be signed by the student and parent/guardian
Restricted Activity	Denial of participation in school activities and extra-curricular events or the use of common areas or other parts of the school
In-School Intervention	May include, but is not limited to, Saturday School, work assignment, behavior essays or transportation restriction
Substance Abuse Education	Required participation in *GRIP Program (Gaining Results Intervention/Prevention)
Violence Education	Required participation in *POINTS Program (Providing Optional Intervention Needed To Succeed)
Probation	Write-up for the discipline offense with a defined period of good behavior to prevent suspension
Mediation	Referral to conflict mediation
Lockout	Designated area on campus where students who are disruptive in class or tardy to class are assigned for the remainder of the period in which the infraction occurred

***Programs may be available upon Board Approval of the DeKalb County School District budget.**

ADDITIONAL INTERVENTIONS - SCHOOL DETERMINES USE

Anecdotal Record (Teacher Record)	Behavior Checklist
Referral to Communities in Schools	Counseling
Escort to and From Class/Change of Class	Individualized Behavior Contract
Limit Movement (Provide Supervision)	Mentoring
Moving the Student's Seat in Class/on the Bus	Probation
Parent Visit the School and Shadow the Student	Referral to School Psychologist
Parent Accompany Student to the Bus Stop	Review for Possible Exceptional Ed. Placement
Referral to School Nurse	Review for Possible 504 Plan
Schedule Change	Tutoring
Modification of the School Day	Written Disciplinary Assignments
Revisit IEP/Section 504 Plan for Additional Modifications	
Involvement of Outside Agency (Initiated by parent)	

SCHOOL- INITIATED CONSEQUENCES

NOTE: Suspensions may consist of in-school, out-of-school or bus suspensions, as deemed appropriate by school administrators.

Level 3 Suspension (1-3 days): School initiated suspension

Level 4 Suspension (4-10 days): School initiated suspension

Level 5 Suspension of 10 days (with contract): School initiated suspension

Level 6 and 7 Violations: Out of School Suspension for more than 10 days - Require a District due process hearing with appropriate consequences levied by the Due Process Facilitator or the Board of Education

Level 6 Long-Term Suspension: A long-term suspension is beyond 10 days through the current semester. During the suspension, one or more of the following decisions will be rendered:

- A. Suspension:** The student is removed from all programs of the School District for a specified length of time up to the end of the current semester.
- B. Assignment to an Alternative School or an Alternative Program:** The Due Process Facilitator or the Board of Education may require that the student be assigned to an alternative educational placement during the long-term suspension.
- C. Allowed to Remain in the Local School with Additional Consequences:** The Due Process Facilitator the Board of Education may require that the student participate in in-school suspension, community service, be placed on school-based social restriction, attend the **GRIP** (Gaining Results Intervention/Prevention), **POINTS** (Providing Optional Intervention Needed To Succeed) or other consequences as deemed appropriate.
- D. No Further Action:** The Due Process Facilitator or Board of Education will allow the student to return to the local school at the end of any outstanding suspension and no further consequences will be assigned.

Level 7 Expulsion: The denial of a student's right to attend school and school sponsored activities beyond the current semester. The student may or may not be assigned alternative education during this time as deemed appropriate and/or in compliance with state/federal law. This decision may only be rendered by the Due Process Facilitator or the DeKalb Board of Education.

DEFINITIONS OF TYPES OF DISCIPLINE

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, as imposed by the school administrator.

School work 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 school work and pick up the school work 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 Due Process Facilitator 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 Due Process Facilitator, Superintendent/Designee 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 Due Process Facilitator or the Board of Education may impose expulsion. During an expulsion, a student may or may not be allowed to attend an alternative school.

A student who has been expelled six months or more may not attend any DeKalb County school, but may apply for re-admission after six months.

ALTERNATIVE SCHOOL

A student who is removed from his/her local school for more than 10 school days may be assigned to 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 must attend and successfully complete his/her alternative school assignment and 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.**

Students cannot withdraw/leave the DeKalb County School District to circumvent an assignment to an alternative school. Students who are assigned to an alternative school must attend and successfully complete that program before returning to the designated local school. Students who leave the School District and return at a later date will automatically be assigned to an alternative school to complete the original assignment unless the student was enrolled in a comparable alternative setting as approved by the Superintendent or Designee.

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 by a preponderance of evidence to be in violation of certain offenses may be placed on probation by a school administrator, Due Process Facilitator, the Disciplinary Action Review Committee, or the Board of Education. Violation of a local school or School District rule while on probation may result in further disciplinary action, including a possible referral to a District due process hearing.

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 Regional Superintendent. If denied by the Regional Superintendent, the parent or guardian may appeal to the Disciplinary Action Review Committee for the final decision.

ACCESSORY

Based on a preponderance of evidence, a student may be found to be an accessory to a violation of the *Code of Student Conduct – Student Rights and Responsibilities and Character Development Handbook* if the student assists, plans, participates, advises, incites, counsels, and/or encourages other individuals to violate the *Code of Student Conduct*. 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 District 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 in violation by a preponderance of evidence and no punishment is imposed for that offense.

RESTROOMS AND LOCKERS

All offenses listed in this *Code of Student Conduct – Student Rights and Responsibilities and Character Development Handbook* 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.***

STUDENT DISCIPLINE PROCEDURES

Students are entitled to certain due process measures before being suspended/expelled from public school. The extent of the procedural protections depends on how long the suspension/expulsion 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.

SCHOOL ADMINISTRATIVE DUE PROCESS FOR SUSPENSION

School administrative due process for suspension is held before a student is given in-school suspension, out-of-school suspension, or bus suspension up to ten (10) days or other appropriate consequences. If the violation warrants further suspension beyond the 10 days, it must be referred by the school principal with a recommendation for long-term suspension or expulsion.

At the school administrative due process for suspension meeting, 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 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.

DISTRICT DUE PROCESS HEARING

District due process hearings are conducted by a Due Process Facilitator who hears evidence concerning charges of student misconduct, which, if proven, may require punishment greater than a ten school-day suspension. The Due Process Facilitators are appointed by the Superintendent and have no prior knowledge of the charges.

When a school principal recommends a student to the District due process hearing, the recommendation is reviewed by the appropriate Due Process Facilitator, who decides whether to hold a hearing. All hearings must be held no later than ten school days after the disciplinary action or school-initiated arrest by a SRO unless the School District and parents/guardians mutually agree to an extension. If a hearing is to be held, the student and parent/guardian will be provided verbal and written notice of the date, time and place of the hearing, charges and a list of possible witnesses.

District due process hearings 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 District may summon witnesses to testify on its behalf at the hearing. The student and parent/guardian may also bring witnesses to the hearing. If the student or parent/guardian wants School District personnel or other students to testify at the hearing, they should contact school administration, which will arrange the issuance of summonses for these persons. Witnesses testifying in a District due process hearing 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 District due process 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 District bears the burden of proving the charges against the student by a "preponderance of the evidence." The School District is not usually represented by an attorney at District due process 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 District due process hearing.

The District due process hearing is not required to be identical to a courtroom trial, and the Georgia Evidence Code does not apply. All parties may offer relevant information to assist the Due Process Facilitator with determining whether the student is in violation of an offense and whether punishment must be imposed. The Due Process Facilitator is authorized to make the final decision regarding relevancy of information provided. Based upon a preponderance of the evidence presented at the hearing, the Due Process Facilitator will determine whether or not school rules have been violated and identify the discipline to be imposed.

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 Due Process Facilitator will deliberate privately to decide whether or not a violation has occurred and an appropriate punishment if the student is found in violation by a preponderance of evidence. If the student is found not in violation of school rules, the student shall be allowed to return to school. If the student is found in violation, the Due Process Facilitator may impose punishment ranging from sending the accused back to school on probation to expulsion from the School District. Parents/guardians will be contacted the next working day with 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 Due Process Facilitator's decision to the Board of Education by submitting a written request to the Superintendent of DeKalb County School District at **5823 Memorial Drive, Stone Mountain, Georgia, 30083**. This request must be made within twenty (20) calendar days from the date the decision is rendered.

APPEAL TO BOARD OF EDUCATION

A transcript of the District due process 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 Safe Schools and 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 District due process 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 Due Process Facilitator's 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.

DISTRICT DUE PROCESS WAIVER

A parent/guardian and student may choose to waive their District due process hearing and accept the appropriate consequences for the incident by completing and signing a District Due Process Hearing Waiver. By submitting this waiver, the parent/guardian and student agree to the decision and waive any future challenges and appeals relative to that incident.

STUDENTS WITH DISABILITIES

The discipline procedures for special education students and students with disabilities covered under Section 504 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/Section 504 Chair is notified immediately of a potentially dangerous situation.**
 - Special Education/Section 504 Personnel investigate the situation and work with the local school.
 - A plan of action is developed.
 - B. Special Education/504 Personnel will contact the local school if an emergency change in education location is needed.**
2. The Special Education teacher(s), the IEP manager or the Section 504 chairperson is notified of the occurrence.
3. If a disabled student is referred to a District due process hearing, a school administrator contacts the school's coordinator from Special Education Services/Section 504 Chair to schedule a Manifestation/Determination meeting.
4. If it is determined that the behavior is not a manifestation of the disability, a recommendation is made by the school principal for a District due process hearing, subject to the education rights of the student under IDEA 2004. If the behavior is a manifestation of the disability, any further placement decisions will be made by the IEP Review Committee or Section 504 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 local school. Moreover, there may be circumstances in which a current student's presence at school may pose a serious and significant danger to the persons and/or property at the 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 local 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 local 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 district 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 Safe Schools and Student Relations. Department 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 Safe Schools and 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 Safe Schools and 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 Safe Schools and 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 District due process hearing, 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 Safe Schools and 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 the educational process, present/prior discipline history, etc. may be used in making placement determinations at all levels. By example, the following general categories of serious violent offenses will result in the school administrator's referral to the Department of Safe Schools and Student Relations:

- Assault resulting in serious injury
- Assault involving use of a weapon
- Death by other than natural causes (homicide)
- Kidnapping
- Rape
- Robbery with a dangerous weapon (armed robbery)
- Robbery without a dangerous weapon
- Sexual assault (not involving rape or sexual offense)
- Sexual Offense
- Taking indecent liberties with a minor

Additionally, an offense involving accusations of manufacturing, selling or trafficking large quantities of controlled substances is to be included.

All principals will continue to follow the *Code of Student Conduct – Student Rights and Responsibilities and Character Development Handbook* when a student's disciplinary infraction occurs within the school's jurisdiction, as defined on page 33. The normal disciplinary procedures will be followed in these instances.

This protocol does not apply to students with disabilities. Students with disabilities will be referred directly to the Department of Exceptional Education or the Section 504 Coordinator for students with 504 plans.

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 – Student Rights and Responsibilities and Character Development Handbook*, 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 of Student Conduct – Student Rights and Responsibilities and Character Development Handbook* 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 ensure 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 District 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 District 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.

KEEPING WEAPONS OUT OF SCHOOL

KEEPING YOUR SCHOOLS SAFE

Every student wants and deserves a safe and secure school. For that reason, school districts 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 – Student Rights and Responsibilities and Character Development Handbook* and may result in expulsion. (For a full and complete list of weapons, see page 19.)

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 receiving 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 may 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 – STUDENT RIGHTS AND RESPONSIBILITIES AND CHARACTER DEVELOPMENT HANDBOOK

The *Code of Student Conduct – Student Rights and Responsibilities and Character Development Handbook* makes it very clear to all students that weapons cannot be brought to school. The *Code of Student Conduct – Student Rights and Responsibilities and Character Development Handbook* 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 districts doing to keep weapons out of schools? Several strategies are being used, such as:

- Distributing the *Code of Student Conduct – Student Rights and Responsibilities and Character Development Handbook* 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

RESPONSIBILITIES

A. Parent(s)/Guardian Responsibilities

Through dissemination of the *Code of Student Conduct – Student Rights and Responsibilities and Character Development Handbook* each school will inform the parent of the following expectations:

- To assume legal responsibility for the behavior of the child as determined by law and community practice and to ensure that the child is familiar with the discipline policy and regulations.
- To teach the child self-discipline, respect for authority and for the rights of others.
- To make sure that the child attends school regularly and that the school receives notification of the reason for absences when the child cannot attend school.
- To work to the best of his/her ability to provide the necessary materials and a positive home learning environment for the child to succeed in school.
- To maintain communication with the school and provide the school with a current telephone number through which he/she may be reached during the school day.
- To respond quickly to school to get the child when called upon.
- To be available for conferences when requested.
- To cooperate with the school staff to develop strategies to benefit the child.

B. Student Responsibilities

- To be aware of and to abide by District-wide policies, regulations and school guidelines regarding acceptable behavior.
- To be responsible for one's own behavior.
- To conduct oneself in a manner which is conducive to learning and does not interfere with the teacher's right to teach or the student's right to learn.
- To respect the personal, civil and property rights of all members of the school community.
- To refrain from the use of physical force, verbal abuse or harassment, blackmail, stealing, vandalism, and other illegal activities.
- To seek clarification from school personnel concerning the appropriateness of any action or behavior.
- To attend school and classes regularly, on-time and be prepared with the necessary learning materials.
- To know and follow the policies and regulations for every event considered part of the school program regardless of the time or place.
- To comply immediately with any staff member's reasonable request to carry out school rules.

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 and harassment (including bullying). Accordingly, the School District 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 District 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, volunteer or administrator receiving a report of sexual abuse or sexual misconduct of 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 District 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 District 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 District.

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 District 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 District 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 District 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 District'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 use the internet system** for instructional purposes only as it relates to classroom and co-curricular assignments and activities.
- Students **will make** every effort to safeguard any information from unauthorized users.
- Students **will not initiate** or participate in any form of cyberbullying.
- Students **will 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 **will not post** messages and attribute them to another user.
- Students **will 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 not disclose**, use, or disseminate personal information of other minors/students.
- Students **will not use the internet system** for any purpose that violates federal or state law.
- Students **will not transmit or download** information or software in violation of copyright laws.
- Students **will not disconnect** network components, alter programs or data, or purposely infect any computer with a virus.
- Students **will 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

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 *Code of Student Conduct – Student Rights and Responsibilities and Character Development Handbook*.

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

A student who is found in violation 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 Due Process Facilitators, 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 District 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 County School District **strictly prohibits** all activities related to gangs and other organizations that engage in unlawful or delinquent behavior. The School District 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 a 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 district. Prohibited behavior includes, but is not limited to:

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

Students who participate in gang-related activities, as defined in this section, will be charged with Offense #12 – School Disturbance. Upon being found in violation of this offense, the student will be referred to a District due process hearing, 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 by calling 1-877-SAY-STOP (1-877-729-7867).

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 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 will 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 district 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 instructional time and must not interfere with the educational mission of the schools or pose a safety hazard.

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), **except for approved instructional purposes**; (2) No text messaging is allowed, **except for approved instructional purposes**; (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, e-mailing, 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.

NOTE: 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 positive role models for students, serve as liaisons 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 District 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 terroristic 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>.

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 County School District 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 a District due process hearing of:

- 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 a District due process hearing.

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 – Student Rights and Responsibilities and Character Development Handbook*), 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 ten days. Suspensions or expulsions of longer than ten days may be imposed only by the Due Process Facilitator or Board of Education.

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 up to ten days. 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

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 of Student Conduct – Student Rights and Responsibilities and Character Development Handbook*. Violators of offense #5a (distribution/sale/intent), or students charged with felony possessions or multiple offenses are not eligible, unless otherwise indicated by the Due Process Facilitator or the Board of Education.

SAFE SCHOOL AUDITS

The DeKalb County School District is committed to ensuring a safe and orderly learning environment. Research studies have indicated that supervision of students is vitally important in the prevention and reduction of violent and criminal behaviors. Adult supervision is necessary for students to feel safe at school. Therefore, the purpose of Safe School Audits is to monitor adult supervision of students, especially during transitional times; assess students' understanding of the rules for appropriate behavior according the DCSD *Code of Student Conduct Student Rights and Responsibilities and Character Development Handbook*; management of Campus Supervisors assigned to secondary schools; ensure staff understanding of procedures to follow if a campus crisis occurs; and to conduct randomly selected student surveys regarding whether the student feels safe at school.

The Safe School Audits goal is students and staff will learn and work in a safe and orderly environment. Objectives for conducting the audits are: (1) provide school-based data to local school administrators regarding supervision of staff during transitional periods of the school day; (2) gather and report information on students' feelings about safety at school; and (3) provide information on staff awareness of procedures to be followed during a crisis.

Trained audit teams (four-five members per team) will conduct random Safe School Audits throughout the year. Upon entering a school building, the team leader will notify the principal of the team's presence. Audit team members, equipped with a school map, bell schedule, and audit checklist will proceed to designated areas on the school's campus to observe and document information gathered during the audit. The process generally takes about thirty-five (35) minutes to complete. The audit will be scored according to a prescribed procedure for elementary and secondary schools. Results will be shared with the Superintendent, Deputy Superintendent, School Leadership and Operational Support, Associate Superintendent for Support Services, Chief Operating Officer, Regional Superintendents, Principals, and Assistant Principals.

In order to ensure that Safe School Audits are conducted with fidelity, a Safe School Audit training module will be developed. Campus identified personnel will be trained and tested in the use and understanding of the Safe School Audit process. Additionally, school administrators, school personnel, and students will receive professional learning on the Safe School Audit process. It is expected that the use of the Safe Schools Audit will result in a reduction of discipline referrals and suspensions.

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 District'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 17):

- 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 waistline, 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 individual 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 District.
2. The use of seclusion, as defined by Georgia Department of Education Rule 160-5-1-.35, is prohibited within the DeKalb County School District.
 - 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.

SECTION 504 PROCEDURAL SAFEGUARDS

OVERVIEW:

Any student or parent or guardian ("grievant") may request an impartial hearing due to the District's actions or inactions regarding your child's identification, evaluation, or educational placement under Section 504. Requests for an impartial hearing must be in writing to the District's Section 504 Coordinator; however, a grievant's failure to request a hearing in writing does not alleviate the District's obligation to provide an impartial hearing if the grievant orally requests an impartial hearing through the Section 504 Coordinator. The Section 504 Coordinator will assist the grievant in completing the written Request for Hearing.

HEARING REQUEST:

The Request for the Hearing must include the following:

- A.** The name of the student;
- B.** The address of the residence of the student;
- C.** The name of the school the student is attending;
- D.** The decision that is the subject of the hearing;
- E.** The requested reasons for review;
- F.** The proposed remedy sought by the grievant; and
- G.** The name and contact information of the grievant.

Within 10 business days from receiving the grievant's Request for Hearing, the Section 504 Coordinator will acknowledge the Request for Hearing in writing and schedule a time and place for a hearing. If the written Request for Hearing does not contain the necessary information noted above, the Section 504 Coordinator will inform the grievant of the specific information needed to complete the request. All timelines and processes will be stayed until the Request for Hearing contains the necessary information noted above.

MEDIATION:

The District may offer mediation to resolve the issues detailed by the grievant in this or her Request for Hearing. Mediation is voluntary and both the grievant and District must agree to participate. The grievant may terminate the mediation at any time. If the mediation is terminated without an agreement, the District will follow the procedures for conducting an impartial hearing without an additional Request for Hearing.

HEARING PROCEDURES:

- A.** The Section 504 Coordinator will obtain an impartial review official who will conduct a hearing within 45 calendar days from the receipt of the grievant's Request for Hearing unless agreed to otherwise by the grievant or a continuance is granted by the impartial review official.
- B.** Upon a showing of good cause by the grievant or the District, the impartial review official, at his or her discretion, may grant a continuance and set a new hearing date. The request for a continuance must be in writing and copied to the other party.
- C.** The grievant will have an opportunity to examine the child's educational records prior to the hearing.

- D.** The grievant will have the opportunity to be represented by legal counsel at his or her own expense at the hearing and participate, speak, examine witnesses, and present information at the hearing. If the grievant is to be represented by legal counsel at the hearing, he or she must inform the Section 504 Coordinator of that fact in writing at least 10 calendar days prior to the hearing. Failure to notify the Section 504 Coordinator in writing of representation by legal counsel shall constitute good cause for continuance of the hearing.
- E.** The grievant will have the burden of proving any claims he or she may assert. When warranted by circumstances or law, the impartial Due Process Facilitator may require the District to defend its position/decision regarding the claims (i.e., a recipient shall place a disabled student in the regular educational environment operated by the recipient unless it is demonstrated by the recipient that the education of the person in the regular environment with the use of supplementary aids and services cannot be achieved satisfactorily. 34 C.F.R. §104.34). One or more representatives of the District, who may be an attorney, will attend the hearing to present the evidence and witnesses, respond to the grievant testimony and answer questions posed by the review official.
- F.** The impartial review official shall not have the power to subpoena witnesses, and the strict rules of evidence shall not apply to hearings. The impartial review official shall have the authority to issue pre-hearing instructions, which may include requiring the parties to exchange documents and names of witnesses to be present.
- G.** The impartial review official shall determine the weight to be given any evidence based on its reliability and probative value.
- H.** The hearing shall be closed to the public.
- I.** The issues of the hearing will be limited to those raised in the written or oral request for the hearing.
- J.** Witnesses will be questioned directly by the party who calls them. Cross-examination of witnesses will be allowed. The impartial review official, at his or her discretion, may allow further examination of witnesses or ask questions of the witnesses.
- K.** Testimony shall be recorded by court reporting or audio recording at the expense of the District. All documentation related to the hearing shall be retained by the District.
- L.** Unless otherwise required by law, the impartial review official shall uphold the action of the District unless the grievant can prove that a preponderance of the evidence supports his or her claim.
- M.** Failure of the grievant to appear at a scheduled hearing unless prior notification of absence was provided and approved by the impartial review official or just cause is shown shall constitute a waiver of the right to a personal appearance before the impartial review official.

DECISION:

The impartial review official shall issue a written determination within 20 calendar days of the date the hearing concluded. The determination of the impartial review official shall not include any monetary damages or the award of any attorney's fees.

REVIEW:

If not satisfied with the decision of the impartial review official, any party may pursue any right of review, appeal, cause of action or claim available to them under the law or existing state or federal rules or regulations.

NOTICE OF RIGHTS OF STUDENTS AND PARENTS UNDER SECTION 504

Section 504 of the Rehabilitation Act of 1973, commonly referred to as "Section 504," is a nondiscrimination statute enacted by the United States Congress. The purpose of Section 504 is to prohibit discrimination and to assure that disabled students have educational opportunities and benefits equal to those provided to non-disabled students.

For more information regarding Section 504, or if you have questions or need additional assistance, please contact the District's Section 504 Coordinator at the following address:

Dr. Jennifer Jackson-Allen
5829 Memorial Drive
Stone Mountain, Georgia 30083
Phone: 678-676-1980
Email: jennifer_m_jackson-allen@fc.dekalb.k12.ga.us

The implementing regulations for Section 504 as set out in 34 CFR Part 104 provide parents and/or students with the following rights:

1. Your child has the right to an appropriate education designed to meet his or her individual educational needs as adequately as the needs of non-disabled students. 34 CFR 104.33.
2. Your child has the right to free educational services except for those fees that are imposed on non-disabled students or their parents. Insurers and similar third parties who provide services not operated by or provided by the recipient are not relieved from an otherwise valid obligation to provide or pay for services provided to a disabled student. 34 CFR 104.33.
3. Your child has a right to participate in an educational setting (academic and nonacademic) with non-disabled students to the maximum extent appropriate to his or her needs. 34 CFR 104.34.
4. Your child has a right to facilities, services, and activities that are comparable to those provided for non-disabled students. 34 CFR 104.34.
5. Your child has a right to an evaluation prior to a Section 504 determination of eligibility. 34 CFR 104.35.
6. You have the right to not consent to the District's request to evaluate your child. 34CFR 104.35.
7. You have the right to ensure that evaluation procedures, which may include testing, conform to the requirements of 34 CFR 104.35
8. You have the right to ensure that the District will consider information from a variety of sources as appropriate, which may include aptitude and achievement tests, grades, teacher recommendations and observations, physical conditions, social or cultural background, medical records, and parental recommendations. 34 CFR 104.35.
9. You have the right to ensure that placement decisions are made by a group of persons, including persons knowledgeable about your child, the meaning of the evaluation data, the placement options, and the legal requirements for least restrictive environment and comparable facilities. 34 CFR 104.35.
10. If your child is eligible under Section 504, your child has a right to periodic reevaluations, including prior to any subsequent significant change of placement. 34 CFR 104.35.

11. You have the right to notice prior to any actions by the District regarding the identification, evaluation, or placement of your child. 34 CFR 104.36.
12. You have the right to examine your child's educational records. 34 CFR 104.36.
13. You have the right to an impartial hearing with respect to the District's actions regarding your child's identification, evaluation, or educational placement, with opportunity for parental participation in the hearing and representation by an attorney. 34 CFR 104.36.
14. You have the right to receive a copy of this notice and a copy of the District's impartial hearing procedure upon request. 34 CFR 104.36.
15. If you disagree with the decision of the impartial Due Process Facilitator (school board members and other District employees are not considered impartial Due Process Facilitators), you have a right to a review of that decision according to the District's impartial hearing procedure. 34 CFR 104.36.
16. You have the right to, at any time, file a complaint with the United States Department of Education's Office for Civil Rights.

DEKALB COUNTY SCHOOL DISTRICT SAFE SCHOOL PLEDGE

My individual choices and actions, when multiplied by those of other students throughout the DeKalb County School District will make a difference. By honoring this pledge, I can do my part to make our schools safe and successful.

I believe that I can be a good student. I believe I can show good character. I believe that when I work hard, I will succeed, so I will work hard each day to do my best. I can learn. I will learn.

To help keep my school safe, I pledge to adhere to guidelines established within the *Code of Student Conduct: Student Rights and Responsibilities and Character Development Handbook*. I understand that a violation of serious school rules may result in a 10-day suspension followed by a District due process hearing. This process may result in additional consequences that may include my expulsion from school or my being assigned to an alternative school/program.

STUDENT: _____
STUDENT SIGNATURE

WITNESSED BY: _____
PARENT/GUARDIAN SIGNATURE

DATE: _____

PLEASE COMPLETE AND RETURN TO THE ASSIGNED SCHOOL.



"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

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

BOARD OF EDUCATION

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MR. MICHAEL L. THURMOND, INTERIM SUPERINTENDENT

Department of Safe Schools and 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, gender, sexual orientation, gender identity, disability, or age in any of the District's educational programs, activities, or practices.