



Student Code of Conduct & Discipline Handbook

Fulton County Schools

For Students, Parents, & Staff

2018-2019

*F*ulton
County Schools
Where Students Come First



August 2018

Dear Stakeholders:

The beginning of the 2018-2019 school year is upon us! We have many great accomplishments to celebrate from the previous school year. However, a new school year also presents us with many opportunities to improve the quality of our students' experiences, as well as opportunities to forge ahead with our new strategic plan.

School safety remains a top priority for us, and we take maintaining safe and secure learning environments extremely seriously. This year's Student Code of Conduct and Discipline Handbook contains some vital information that will help your child understand the expectations of the Fulton County School district. Additionally, this document provides information that will aid students and parents with questions about various services and rights afforded to all student throughout Fulton County Schools.

We all need to work together to provide a safe and nurturing environment for our students. A safe climate is something we must all own and never take for granted. We are asking everyone to help monitor the security of our students, and communicate with us concerns or challenges you or others are facing.

We encourage you and your child to take some time to familiarize yourselves with the content of this student handbook. Teachers will spend the first days of school reviewing portions of the handbook with their students. All students and parents are asked to acknowledge receipt of the handbook and to confirm that you've read it. Your child's school will provide a link for you to complete this process.

It's going to take us all working collectively to ensure the safety of everyone who enters our schools. We are looking forward to an exciting, worthwhile 2018-2019 school year!

Sincerely,



Jeff Rose, Ed.D.
Superintendent

Book	Operating Guidelines
Section	J – Students
Title	Student Discipline/Code of Conduct
Number	JD
Status	Active
Legal	O.C.G.A. 20-2-751.4, 20-2-320, 20-2-690, 20-2-690.2, 20-2-697, 40-5-22
Adopted	July 1, 1986
Last Revised	May 17, 2018
Last Reviewed	May 17, 2018

Student Discipline and Code of Conduct
JD Operating Guideline

A well-disciplined school promotes the ideal of each student working toward self-management and controlling his or her own actions. At the same time, the school recognizes that adult intervention is both desirable and necessary.

Schools have the goal of helping each student to learn appropriate behavior as he or she develops into a mature member of society. Social, emotional and life skills help students develop into mature members of society by providing the following benefits:

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

The following character traits are essential for students to be competitive locally, nationally and internationally. These traits should be modeled and maintained by adults and students. This student code of conduct is developed to meet these purposes.

Respect

Showing high regard for self, others and property.

Responsibility

Being accountable for individual behavior that is positive and contributes to a conducive learning environment

Honesty

Being truthful in word and action.

Caring

Showing concern for the well-being of others.

Fairness

Demonstrating impartial, unbiased and equitable treatment for all.

Citizenship

Being an informed, responsible and caring participant in the community.

Courage

Intentionally/deliberately doing the right thing in the face of difficulty regardless of who is around.

Perseverance

Staying the course and not giving up while maintaining a positive attitude in completing tasks.

Many discipline problems can be minimized through prevention. Problem behavior should be handled quickly and decisively as teachers and administrators intervene and restore a supportive learning atmosphere. To maintain a positive school climate, the Board, the Superintendent, and/or their designees have established this code of conduct governing student behavior and discipline. Compliance with these requirements is mandatory. Parents and students will annually receive a summary of these discipline guidelines outlining standards of conduct, means of reporting misconduct, and possible disciplinary sanctions.

Positive Behavioral Support

A variety of resources are available at every school to help address behavioral problems. The school discipline process should include appropriate consideration of support processes to help students resolve such problems.

Schools should make reasonable efforts to correct student misbehavior through school-based resources at the lowest possible level, and to support students in learning the skills necessary to enhance a positive school environment and avoid negative behavior. Positive behavior supports and interventions should be implemented to improve the learning environment by improving student behavior and discipline. Behavior supports and interventions may include, but are not limited to, Student Support Team, counseling with school counselor, school social worker, school police officer and other staff, behavior, attendance and academic contracts or plans, peer mediation, Insight Drug Prevention program, and Stopping Acts of Violence Through Education (SAVTE) program.

Parents, guardians, teachers, administrators and other staff are expected to work together to improve and enhance student behavior and academic performance and should freely communicate their concerns about, and actions in response to student behavior that detracts from the learning environment.

Investigation

When an administrator receives information of an alleged disciplinary rule violation, he/she should conduct an investigation to determine whether the charge or complaint has a basis in fact. Such investigation may include, but not necessarily be limited to, an interview with the charged student or students, interviews with witnesses, if any, and an examination of any relevant documents, including written statements from teachers, staff and student witnesses. Based on the evidence available, the administrator will determine whether a disciplinary rule(s) was violated. If the local school administration is uncertain as to the interpretation of the Code of Conduct they are to contact the system office of student discipline.

Searches

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

Students are permitted to park on school premises as a matter of privilege, not of right. The school retains authority to conduct routine patrols of student parking lots and inspections of student vehicles on school property. Students should not expect their vehicles or vehicle contents to remain private if exercising the privilege of parking on campus.

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

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

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

Disciplinary Consequences

Once it has been determined that a rule(s) was violated, the Principal or designee will afford the student oral or written notice of the charges. If the student denies the charges, he/she shall be given an explanation of the evidence the school authorities have and an opportunity to present his/her side of the story.

The administrator will follow a progressive discipline process. The degree of discipline to be imposed by each school administrator will be in proportion to the severity of the behavior of the particular student and will take into account the student's discipline history, the age of the student and other relevant factors. Disciplinary consequences may include supportive discipline management techniques, in-school suspension (ISS), short-term suspension, long-term suspension, expulsion and/or referral for a disciplinary hearing. Disciplinary hearings may result in assignment to an alternative education program, long-term suspension, expulsion, or permanent expulsion from all Fulton County schools.

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

Suspensions/Expulsion

If a student is removed from regular class assignments for more than one-half of the school day, written notice of this assignment to in-school suspension must be sent to the parent. The student's parent/guardian should be notified of in-school suspension and out-of-school suspension (OSS) as soon as possible. This notification should be confirmed in writing no later than two school days after the suspension begins. This notification should contain the charges, a description of the alleged acts, and the number of days and dates of the suspension. The written notification should be delivered to the student's parent/guardian either in person or by first class mail to the last known address of the parent/guardian. If notification is delivered in person, a written confirmation of delivery should be obtained. Students under suspension or expulsion shall not participate in or attend school activities on or off campus or be present on any Fulton County school campus without permission.

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

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

If the school recommends OSS for more than 10 school days, or alternative school, a disciplinary hearing is required and will be offered. Schools may recommend and/or the Disciplinary Hearing Officer may determine that students attend the alternative school during their suspension/expulsion. Upon this recommendation or determination, students may attend alternative school pursuant to strict academic, attendance and behavior requirements. If students fail to comply with the strict requirements, they may forfeit the opportunity to attend the alternative school during the remainder of their suspension/expulsion. The Director of the system office of student discipline will determine whether the student has violated the strict requirements and whether the suspension/expulsion will be reinstated.

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

Chronic Disciplinary Problem Student

A "chronic disciplinary problem student" is defined by law as a student who exhibits a pattern of behavioral characteristics which interfere with the learning process of students around him or her and which are likely to recur. Any time a teacher or principal identifies a student as a chronic disciplinary problem student, the principal shall inform the parent or guardian of the student's disciplinary problem. Notification should be by either first-class mail or certified mail with return receipt requested and telephone call.

The principal should invite the parent or guardian to observe the student in a classroom situation. The principal should also request that at least one (1) parent or guardian attend a conference with the principal and/or teacher. The purpose of the conference would be to devise a disciplinary and behavioral correction plan.

Before any chronic disciplinary problem student is permitted to return from suspension or expulsion, the school to which the student is to be readmitted should request by telephone call or by either certified mail with return receipt requested or first-class mail that at least one (1) parent or guardian schedule and attend a conference with the principal, or principal's designee, to devise a disciplinary and behavioral correction plan. At the discretion of the principal, a teacher, counselor, or other person may attend the conference. The principal will note the conference in the student's permanent file. Failure of the parent or guardian to attend shall not preclude the student from being readmitted to the school. The school system may, by petition to the juvenile court, proceed against a parent or guardian of a chronic disciplinary problem student if school system personnel believe the parent or guardian has willfully and unreasonably failed to attend a conference requested by a principal.

Teacher Classroom Management

Teachers have the authority, consistent with District policy, procedures and guidelines to manage the classroom, discipline students, and refer a student to the principal or the principal's designee to maintain discipline in the classroom. The principal or the principal's designee will respond when a student is referred by a teacher by employing appropriate discipline management techniques that are consistent with District policy, procedure and guidelines.

a. Teacher Reporting

Teachers are required to file a report with the principal or principal's designee if he or she has a student that has exhibited behavior that repeatedly or substantially interferes with the teacher's ability to communicate effectively with the students in his or her class or with the ability of such student's classmates to learn, where such behavior is in violation of the student code of conduct. This report will be filed within one school day of the most recent occurrence of such behavior, will not exceed one page, and will describe the behavior. The principal or the principal's designee will, within one school day after receiving such a report from a teacher, send to the student's parents or guardian a copy of the report and information regarding how the student's parents or guardians may contact the principal or the principal's designee.

If student support services are utilized or if disciplinary action is taken in response to such a report by the principal or the principal's designee, the principal or the principal's designee will send written notification to the teacher and the student's parents or guardians of the student support services being utilized or the disciplinary action taken within one school day after the utilization or action and will make a reasonable attempt to confirm that such written notification has been received by the student's parents or guardians. Such written notification will include information regarding how the student's parents or guardians may contact the principal or the principal's designee.

b. Teacher Removal

Teachers have the authority to remove from the class a student who repeatedly or substantially interferes with the teacher's ability to communicate effectively with the students in the class or with the ability of the student's classmates to learn, where the student's behavior is in violation of the student code of conduct, provided that the teacher has previously filed a report pursuant to the Teacher Reporting section of this Code, or determines that such behavior of the student poses an immediate threat to the safety of the student's classmates or the teacher. Principals will implement the District's removal process and will fully support the authority of every teacher in his or her school to remove a student from the classroom pursuant to Georgia law.

Each school will establish one or more placement review committees, each of which is to be composed of three members, to determine the placement of a student when a teacher withholds his or her consent to the return of a student to the teacher's class. For each committee established, the faculty will choose two teachers to serve as members and one teacher to serve as an alternate member and the principal will choose one member of the professional staff of the school to serve as a member. The teacher withholding consent to readmit the student may not serve on the committee. The placement review committee will have the authority to: return the student to the teacher's class upon determining that such placement is the best alternative or the only available alternative; or refer the student to the principal or the principal's designee for appropriate action consistent with the removal process. The District will provide training for members of placement review committees regarding the provisions of this process, including procedural requirements; policies, procedures and guidelines relating to student discipline; and the student code of conduct that is applicable to the school.

For a student with disabilities, including those with IEPs or 504 plans, the removal from class must be consistent with state and federal laws and regulations regarding students with disabilities. The Superintendent fully supports the authority of principals and teachers in the Fulton County School System to remove a student from the classroom pursuant to O.C.G.A. § 20-2-738.

School staff should refer to additional processes maintained by the Office of Student Discipline for more information regarding implementation of the Removal Process.

Attendance

Regular attendance in school is important for a student to make adequate academic progress. When a child is absent, parents, guardians, or other persons who have control of a child enrolled in the school district should follow Policy JBD, Attendance and Absences, as well as the local school rules to report reasons for absences. Georgia compulsory attendance law requires that after any student accrues five (5) days of unexcused absences in a given school year, the person, guardian, or other person who has control or charge of said child shall be in violation of O.C.G.A. § 20-2-690.1(b) and the child will be considered truant. The law also places notice requirements on Georgia school systems. The law provides for the penalties and notice as discussed below:

Any parent, guardian, or other person residing in this state who has control or charge of a child or children and who violates this Code section shall be guilty of a misdemeanor and upon conviction thereof, shall be subject to a fine not less than \$25.00 and not greater than \$100.00, or imprisonment not to exceed 30 days, community service, or any combination of such penalties, at the discretion of the court having jurisdiction. Each day's absence from school in violation of this part after the child's school system notifies the parent, guardian, or other person who has control or charge of a child of five (5) unexcused days of absence for a child shall constitute a separate offense. After two (2) reasonable attempts to notify the parent, guardian, or other person who has control or charge of a child of five (5) unexcused days of absence without response, the school system shall send a notice to such parent, guardian, or other person by certified mail, return receipt requested. Public schools shall provide to the parent, guardian, or other person having control or charge of each child enrolled in the public school a written summary of possible consequences and penalties for failing to comply with compulsory attendance under this Code section for children and their parents, guardians, or other persons having control or charge of children. By September 1 of each school year or within 30 days of the student's enrollment in a school system, the parent, guardian, or other person who has control or charge of a child or children shall sign a statement indicating receipt of such written statement of possible consequences and penalties; children who are ten (10) years or older by September 1 shall sign a statement indicating receipt of such written statement of possible consequences and penalties.

After two (2) reasonable attempts by the school to secure such signature or signatures, the school shall be considered to be in compliance with this subsection if it sends a copy of the statement, via certified mail, return receipt requested, or first-class mail, to such parent, guardian, or other person who has control or charge of a child, or children. Public schools shall retain signed copies of statements through the end of the year.

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

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

Drivers' Licenses

In addition to the discipline specified in this Code of Conduct for attendance and selected conduct, students fifteen (15) through seventeen (17) years of age may find their eligibility for a Georgia instructional/learner's permit or driver's license impacted by their school enrollment and/or conduct. Students must obtain a Certification of Enrollment from their school stating that the student is enrolled in and not under expulsion to be eligible for a driver's license or learner's permit.

Clubs and Organizations

"Clubs and organizations" means clubs and organizations comprised of students who wish to organize and meet for common goals, objectives, or purposes and which are directly under the sponsorship, direction, and control of the school. This term shall include any activities reasonably related to such clubs and organizations, but shall not include competitive interscholastic activities or events. "Competitive interscholastic activity" means functions held under the auspices or sponsorship of a school that involves its students in competition between individuals or groups representing two or more schools. This term shall include cheerleading, band, and chorus.

The name of each the club or organization, mission or purpose of the club or organization, name of the club's or organization's faculty advisor/custodian, and a description of past or planned activities is available from the individual school through the school's website, handbook or front office. All terms of the Code of Conduct apply to all school sponsored activities, including: Clubs and Sports.

Part I: Disciplinary Rules

The following code provisions apply to student behavior AT ANY TIME while on school property, engaging in or attending a school-sponsored event, while using school technology resources or, in some cases, off-campus (see Rule 21 and Rule 6). The decision to charge a student for violation of this Code of Conduct shall be made by the administration of the local school. If the local school administration is uncertain as to the interpretation of the Code of Conduct they are to contact the system office of student discipline.

Definitions:

- **"Administrator"** means the principal or other designated person to whom authority has been delegated.
- **"Board"** means the Fulton County Board of Education.
- **"Detention"**, including Saturday school, by a teacher or an administrator requires a student to be at school for a limited period of time other than normal school hours or days. The student's parent or legal guardian should be notified at least on the day prior to the serving of detention or Saturday school.
- **"Disciplinary Hearing Officer or Hearing Officer"** means the individual(s) appointed to conduct a Disciplinary Hearing.
- **"Expulsion"** means suspension or expulsion of a student from school beyond the current school quarter or semester.
- **"In-school suspension"** is the removal of a student from his/her class for at least half a school day by the principal or a designee and assignment to a location supervised by appropriate personnel in another room on the school premises for a period not exceeding ten (10) consecutive school days. A student assigned to in-school suspension will be permitted to work on classroom assignments and will be counted present on the attendance register. If a student is removed from regular class assignments for more than one-half of the school day, written notice of this assignment to in-school suspension must be sent to the parent. A copy of the written notice ("suspension letter") must also be sent to the Exceptional Children Department if the student has an Individual Education Plan (IEP) and the visiting teacher/school social worker should be sent a copy of all suspension letters. The letter should clearly indicate that the suspension is "in-school." The administrator should make every effort to have a conference with the parent(s) and student before, or at the time the student returns to regular classes.
- **"Local school interventions"** include the use of student and/or parent conferences, student court, mediation, detention, in-school suspension, bus suspensions, Saturday school, out-of-

school suspension, and forfeiture of the privilege of participation in extracurricular activities. (See also "Part III: Tiered Offenses and Disciplinary Responses).

- **"Long-Term suspension"** means the suspension of a student from school for more than ten (10) school days, but not beyond the current school quarter or semester.
- **"Office of student discipline"** means the system office that is responsible for student discipline.
- **"Parent"** means the student's natural parent or court approved legal guardian.
- **"Permanent expulsion"** means expulsion from all Fulton County Schools for the remainder of the student's eligibility to attend school pursuant to Georgia law.
- **"President"** means the chair or president of the Fulton County Board of Education or another member of the Board who has been designated as acting chairman or president for the purpose of these rules.
- **"School property"** includes, but is not limited to:
 1. The land and improvements which constitute the school;
 2. Any other property or building, including school bus stops, wherever located, and where any school sponsored/sanctioned function or activity is conducted;
 3. Any bus or other vehicle used in connection with school functions and activities, including but not limited to, school buses, buses leased by the Fulton County School District and privately-owned vehicles used for transportation to and from school activities;
 4. En route to and from school (Prior to imposing discipline regarding incidents occurring en route to and from school, school administration should consult with the system office of student discipline.)
- **"School technology resources"** includes, but is not limited to:
 1. Electronic media systems such as computers, electronic networks, messaging, and Web site publishing, and
 2. The associated hardware and software programs used for purposes such as, but not limited to, developing, retrieving, storing, disseminating, and accessing instructional, educational, and administrative information.
- **"Short-Term suspension"** means the suspension of a student from school for ten (10) school days or less.
- **"Superintendent"** means the system's Superintendent or chief administrative officer or other designated person to whom disciplinary authority has been delegated.
- **"Teacher"** means a classroom teacher, counselor, school assistant, substitute teacher or a student teacher who has been given authority over some part of the school program by the principal or a supervising teacher.
- **"Timeout"** includes the removal of an elementary student from his/her class by the principal or a designee. The timeout is served in a cool-down location supervised by appropriate school personnel in a room on the school premises other than the student's classroom for less than one-half day depending upon the nature of the behavior and the age/grade of the student.

Disciplinary Rules (Related Character Trait)

The following behaviors are a violation of this Code of Conduct:

Rule	Description
1	Disruption and Interference with School
2	Damage, Alteration, or Theft of School Property or Private Property
3	Unauthorized Entry/Trespassing
4	Assault or Battery to a School Employee
5	Assault or Battery by a Student to any Person Other than a School Employee
6	Harassment, Bullying and other Derogatory Behavior
7	Insubordination
8	Misrepresentation
9	Honor Code Violation

10	Weapons and Dangerous Instruments/Hazardous Objects/Unauthorized Items
11	Alcohol and Other Drugs/Psychoactive Substances
12	Attendance
13	Dress and Grooming
14	Tobacco Use/Cigarette Products
15	Gambling
16	Sexual Harassment
17	Sexual Misconduct/Sexual Offenses
18	Technology Offenses
19	Gang Related Activity
20	Interference with School Bus
21	Off-Campus Misconduct
22	Encouraging Violations of Code of Conduct

Rule 1. Disruption and Interference with School (Responsibility/ Respect/ Citizenship)

Any conduct, including actions that originate off campus, that causes a disruption of a school may be a violation of one or more of the following sub-sections.

- a. Occupy or block any school building, part of school grounds, entrance, exit, or normal pedestrian/vehicular traffic on school grounds or adjacent grounds so as to deprive others of access;
- b. Use of violence, force, noise, coercion, threat, intimidation, fear, passive resistance, false statements, or any other conduct that causes, may cause, or attempts to cause the disruption of any mission or function of the school or poses a threat to the health, safety and/or welfare of students, staff or others;
- c. Threaten to plant a bomb or falsely inform others that a bomb or other explosive has been planted on school property or at a school-sponsored event. The local school police officer must be notified of such incidents;
- d. Pull a fire alarm without authorization or without the belief that a true emergency exists. (See Rule 8 for false fire alarm report);
- e. Engage in horseplay or rough or boisterous activities. School administrators will use discretion in determining acts of horseplay/rough or boisterous activities as opposed to other prohibited activities, such as intentional physical contact; or
- f. Engage in amorous kissing or similar public or other displays of affection (PDA); or

[g. Making explicit or implied threats that cause a school disruption. See also Rules 4 and 5]

Rule 2. Damage, Alteration, or Theft of School Property or Private Property (Responsibility/ Respect/ Citizenship)

- a. Cause or attempt to cause damage to or deface school or private property;
- b. Alter or attempt to alter school or private property
- c. Set fire to or attempt to set fire to school or private property;
- d. Steal or attempt to steal school or private property; **[includes, but is not limited to: use of counterfeit money, committing cybercrimes, theft by deception, selling or disposing of school-issued devices/materials, etc.]**
- e. Robbery: Steal or attempt to steal anything of value under confrontational circumstances by force or threat of force or violence and/or by putting the victim in fear; or
- f. Possess or distribute school or private property without appropriate school/school system authorization.

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

Rule 3. Unauthorized Entry/Trespassing (Citizenship/ Respect)

- a. Unauthorized forceful entry into a school building or vehicle (with or without intent to commit theft);
- b. Entering or remaining on a public school campus or school property without authorization or invitation;

Rule 4. (Physical or Verbal) Assault or Battery or Abusive Language to a School Employee (Responsibility/ Respect/ Caring)

a. Intentionally make physical contact which causes physical harm to a school employee unless such physical contacts or physical harms were in self-defense as provided by O.C.G.A. § 16-3-21. (Battery) Physical harm may include, but is not limited to, significant injuries such as swelling, bleeding, concussions, broken bones, sprains, etc. or where medical attention was sought for a significant injury. Where physical harm is not present, students may be charged and disciplined in accordance with Rule 4b, below.

Elementary School Discipline:

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

Middle and High School Discipline:

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

- b. Intentionally make physical contact of an insulting or provoking nature with a school employee, unless such physical contact was in self-defense as provided by O.C.G.A. § 16-3-21. (Battery);
- c. Attempt to cause physical injury, threaten bodily harm, or commit an act which places an employee in reasonable apprehension of receiving physical injury; or

If a student commits a violation of 4a, 4b, or 4c, a mandatory disciplinary hearing shall be held regardless of the recommended discipline, unless waived. The hearing may only be waived by agreement of the employee and the student's parent/guardian/student age 18 or older. If the employee is not available, in the opinion of the Director of the system office of student discipline, the school principal may waive the hearing on the employee's behalf.

Rule 5. (Physical or Verbal) Assault or Battery by a Student to any Person Other Than a School Employee (Responsibility/ Respect/ Caring)

School administrators will use discretion in determining acts of intentional physical contact as opposed to other prohibited activities, such as horseplay/rough or boisterous activities (Rule 1g).

Offenses are cumulative at the elementary, middle and high school levels.

- a. Intentionally make physical contact of an insulting or provoking nature with another person. (Battery) Physical contact which causes harm may result in increased consequences. Harm may include, but is not limited to, significant injuries such as swelling, bleeding, concussions, broken bones, sprains, or where medical attention was sought for a significant injury;
- b. Mutually participate in a physical altercation (Fight);
- c. Attempt to cause physical injury, threaten bodily harm, or commit an act which places a person in reasonable apprehension of receiving physical injury or

d. Participate in consensual physical hazing/initiation or bodily modifications (e.g. tattooing, branding, piercing).

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

If a student is found to have engaged in bullying or in physical assault or battery of another person on the school bus, a meeting shall be scheduled involving the parent or guardian of the student and appropriate school district officials to form a school bus behavior contract for the student. Such contract shall provide for progressive age-appropriate discipline and restrictions for student misconduct on the bus. Contract provisions may include but shall not be limited to assigned seating, ongoing parental involvement, and suspension from riding the bus. This paragraph does not in any way limit or restrict the school system's ability to take additional action, including imposing disciplinary sanctions through and including permanent expulsion from the school system, as a result of the student's behavior.

Rule 6. Harassment, Bullying, and other Derogatory Behavior (Respect/ Caring/ Fairness/ Courage)

Any alleged victim of harassment or bullying may request to have his/her schedule changed, subject to the principal's approval - (See also Policy JBCD, Transfers and Withdrawals, for more information about transfer options for victims of violent offenses. See Policy JAA, Equal Educational Opportunities for Students, for more information regarding harassment.) Students with disabilities may be entitled to additional protections and considerations that may not be contained in this Rule or this Code of Conduct. If a parent/guardian has a question about a student with a disability, he or she should contact the school principal or Services for Exceptional Children. Staff members should report instances of behaviors referenced in this Rule to school administration within a reasonable time period so that administrators may review them in a timely manner. At the conclusion of the investigation, any written report required by Policy JAA, Equal Education Opportunities for Students, will be forwarded to the system office responsible for student discipline as the Compliance Coordinator's designee.

It is beneficial for the school to be notified of community situations that may impact the school environment. However, individuals who are subject to harassment, bullying or "cyberbullying" in the community may contact their local police department for action, as the school may have no jurisdiction to discipline (OSS, ISS, etc.) for events in the community. (See Rule 21)

a. Harassment is strictly prohibited. *Harassment includes behavior that* creates an unpleasant or hostile situation by uninvited and unwelcome verbal or physical conduct, teasing, or taunting. Harassing behaviors may include, but are not limited to:

- Committing any act of bigotry directed toward another person's race, ethnic heritage, national origin, religion, age, sex, gender or disability;
- Racial, sexual, or ethnic slurs;
- Derogatory comments, insults, and jokes;
- Physical harassment, such as offensive touching, and visual harassment, such as racially, sexually, or ethnically offensive posters, graffiti, drawings, clothing, or gestures.
- Harassing behaviors based on actual or perceived race, creed, color, ethnic heritage, national origin, religion, sex, age, disability, sexual orientation, gender, gender identity or a physical characteristic.

b. Bullying: Bullying is strictly prohibited. Bullying includes the following:

- Willful attempt or threat to inflict injury on another person, when accompanied by an apparent present ability to do so; or
- Intentionally exhibiting a display of force such as would give the victim reason to fear or expect immediate bodily harm; or

- Any intentional written, verbal, or physical act, which a reasonable person would perceive as being intended to threaten, harass or intimidate that:

- Causes substantial physical harm or bodily harm capable of being perceived by a person other than the victim and may include, but is not limited to, substantially blackened eyes, substantially swollen lips or other facial or body parts, or substantial bruises to body parts;
- Has the effect of substantially interfering with the victim student's education;
- Is so severe, persistent or pervasive that it creates an intimidating or threatening educational environment; or
- Has the effect of substantially disrupting the orderly operation of the school.

Bullying applies to acts which occur on school property or through school technology resources, and also applies to acts which occur through the use of electronic communication, whether or not that communication originated on school property or with school technology resources, if the electronic communication (1) is directed specifically at students or school personnel, (2) is maliciously intended for the purpose of threatening the safety of those specified or substantially disrupting the orderly operation of the school, and (3) creates a reasonable fear of harm to the students' or school personnel's person or property or has a high likelihood of succeeding in that purpose. Electronic communication includes but is not limited to any transfer of signs, signals, writings, images, sounds, data or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic, photo electronic or photo optical system. (See also Rule 18 Technology Offenses)

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

Upon a finding by a Disciplinary Hearing Officer that a student in grades six (6) through twelve (12) has committed the offense of bullying for the third time in a school year, such student shall be assigned to an alternative education program. If a student is found to have engaged in bullying or in physical assault or battery of another person on the school bus, a meeting shall be scheduled involving the parent or guardian of the student and appropriate school district officials to form a school bus behavior contract for the student. Such contract shall provide for progressive age-appropriate discipline and restrictions for student misconduct on the bus. Contract provisions may include but shall not be limited to assigned seating, ongoing parental involvement, and suspension from riding the bus. This does not in any way limit or restrict the school system's ability to take additional action, including imposing disciplinary sanctions through and including permanent expulsion from the school system, as a result of the student's behavior.

- c. Use of abusive words, profane or vulgar language (written or oral) or gestures (if directed at or towards a school employee then may result in increased consequences);
- d. Possessing, displaying, or distributing profane, vulgar, pornographic, obscene, or ethnically offensive materials; or
- e. Forcefully abduct, transport and/or detain a person against his/her will.

Rule 7. Insubordination (Responsibility/ Respect/ Perseverance)

Failure to comply with local school rules, and/or reasonable directions or commands of teachers, student teachers, substitute teachers, school assistants, administrators, school bus drivers or other authorized school personnel, including refusing to identify one's self upon request of any School District

employee/designee; or engaging in verbal altercations with another person (if verbal altercation is disruptive then violation of Rule 1d).

Rule 8. Misrepresentation (Honesty)

Knowingly and willfully make false reports or statements, whether orally or in writing (e.g., making false calls to emergency services and making false fire alarm or emergency reports which must be reported to the local school police officer, falsely accusing others of wrong actions, falsifying school records, forging signatures, etc.).

Rule 9. Honor Code Violation (Honesty)

The expectation is that each student will be honest and submit his/her own work. Cheating, plagiarism and other Honor Code violations are strictly prohibited. Examples of violations of this rule include, but are not limited to:

- copying or "borrowing" from another source and submitting it as one's own work
- seeking or accepting unauthorized assistance on tests, projects or other assignments
- fabricating data or resources
- providing or receiving test questions in advance without permission
- working collaboratively with other students when individual work is expected

See Policy JCD, Student Academic Integrity, and the school's Honor Code for more information.

Rule 10. Weapons and Dangerous Instruments/Hazardous Objects/Unauthorized Items (Responsibility/ Caring)

Prohibition: A student shall not possess, handle, transmit, or cause to be transmitted; use or threaten to use; sell, attempt to sell, or conspire to sell a firearm, a dangerous weapon or dangerous instrument/hazardous object/unauthorized item, either concealed or open to view, on school property. All items prohibited under this rule should be confiscated and given to the local school resource officer or other law enforcement agencies as appropriate. The disposition of items prohibited under this rule should be determined by the Superintendent or his/her designated school official, in conjunction with law enforcement. The possession of any dangerous weapon, hazardous object, or firearm in violation of O.C.G.A. § 16-5-21; 16-5-24; 16-11-127; 16-11-127.1; or 16-11-132 will trigger the reporting requirements of O.C.G.A. § 20-2-1184. The incidents will be reported to the school police, the Area Superintendent, and the system office of student discipline. The Chief of Fulton County Schools Police, or designee, will notify the district attorney.

There is no exception for students who have a valid legal license to carry a weapon.

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

Category I Weapon: Firearm/Dangerous Weapon

Any loaded or unloaded firearm or a dangerous weapon.

A firearm includes a handgun, rifle, shotgun, or other weapon which will or can be converted to expel a projectile by the action of an explosive or electrical charge.

A dangerous weapon includes any weapon commonly known as a "rocket launcher," "bazooka," or "recoilless rifle" which fires explosive or nonexplosive rockets designed to injure or kill personnel or destroy heavy armor, or similar weapon used for such purpose. The term shall also mean a weapon commonly known as a "mortar" which fires high explosive from a metallic cylinder and which is commonly used by the armed forces as an antipersonnel weapon or similar weapon used for such purpose. The term shall also mean a weapon commonly known as a "hand grenade" or other similar weapon which is designed to explode and injure personnel or similar weapon used for such purpose.

Discipline for First and Additional Offenses:

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

Category II Weapon: Hazardous Object

Any pellet gun, paint pellet gun, or BB gun, antique firearm, nonlethal airgun, stun gun, taser, or any similar weapon that does not meet the definition of a Category I weapon; any Bowie, Dirk, machete, switchblade knife, ballistics knife, any other knife having a blade of two or more inches; any razor blade (e.g., straight, regular, retractable, etc.); boxcutter; any bludgeon (e.g. billy club, PR-24, night stick, spring stick, blackjack, club); any firearm muffler or firearm silencer; "look-alike" bomb; any "martial arts" device or flailing instrument consisting of two or more rigid parts connected in such a manner as to allow them to swing freely (e.g., nunchakus, nun chuck, nun chahka, shuriken, or fighting chain, etc.); any disc of whatever configuration with at least two points or pointed blades which is designed to be thrown or propelled (e.g., Chinese star, oriental dart, throwing star, etc.); miscellaneous devices such as swords, sword/knife canes, ice picks, chains, bow and arrows, knuckles made of metal, thermoplastic, wood or other similar material, objects placed on fingers, in hands, or on fists or knuckles to provide a "loaded fist," etc., or any tool or instrument which the school administration could reasonably conclude as being used as a weapon or intended by the student to be used as a weapon and thus a violation of the intent of this Code of Conduct.

In addition to the above, Category II weapons include any item defined as a weapon or hazardous object as defined by O.C.G.A. § 16-11-127.1 and 20-2-751, with the exception of firearms and dangerous weapons (See Category I).

- The local school police officer must be notified of such incidents.
- Notify the system office of student discipline and Area Superintendent.

Category III Weapon:

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

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

Dangerous Instruments/Unauthorized Items:

Students shall not possess ammunition, BBs, paint pellets, CO2 cartridges fireworks (other than "snap its", "poppers", or "pop-its" which may be addressed as a disruptive behavior), matches, lighters, stink bombs, pepper spray, mace or similar instruments /items. These instruments/items are disruptive to the function of the school and may pose a safety risk.

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

Transport of the weapon, look-alike weapon or dangerous instrument/item to and from the school must be by the approved parent, guardian or other approved individual 21 years of age. The transporting individual should remove the weapon or dangerous instrument/item from the school immediately upon completion of the educational session. When necessary, the teacher or school administration will store the weapon, look-

alike weapon or dangerous instrument/item in a secure location when it is not being used in the above approved classroom activities. The weapon or dangerous instrument must be unloaded and must not contain any explosive material.

Rule 11. Alcohol and Other Drugs/Psychoactive Substances (Responsibility/ Citizenship)

Offenses are cumulative at the elementary, middle and high school levels.

A student shall not:

- A. Possess, consume (eaten, digested, injected, inhaled, etc.), receive, purchase, transmit, store, or be under any degree of influence of alcoholic beverages and/or illegal drugs, narcotics, hallucinogens, amphetamines, barbiturates, marijuana, synthetic cannabinoid drugs, synthetic cathinone drugs (e.g. bath salts) or any other substance listed under the Georgia Controlled Substances Act or any substance believed by the student to be alcohol or an illegal drug. Legal intoxication is not required for violation of this rule. First-time offenders may be required to attend a drug intervention program in addition to any other disciplinary action deemed appropriate.
- B. Possess, transmit, store, buy, sell, or otherwise distribute or possess with intent to sell, or otherwise distribute any drug-related paraphernalia, which may include vaporizers (For electronic cigarettes, see Rule 14, Tobacco Use/Cigarette Products).
- C. Falsely present or identify a substance to be alcohol or an illegal drug or use/consume/buy/sell/distribute/possess/transmit compounds or substances meant to mimic the effects of drugs or alcohol.
- D. Sell, or otherwise distribute or possess with intent to distribute or attempt to buy, sell, or otherwise distribute or possess with intent to distribute alcoholic beverages, illegal drugs, narcotics, hallucinogens, amphetamines, barbiturates, or marijuana, or any other substance listed under the Georgia Controlled Substances Act, or any substance falsely identified as such, or is believed by the purchaser to be an alcoholic beverage or illegal drug, narcotics, hallucinogens, amphetamines, barbiturates, or marijuana, synthetic cannabinoid drugs, synthetic cathinone drugs or any other substance listed under the Georgia Controlled Substances Act. There is no requirement that there be an exchange of money, goods, and/or services to find a violation of this rule.
- E. Sniff or be under the influence of inhalants and/or other substances.
- F. **Over-The-Counter Medication:**
Possession of all over-the-counter medication on school property must be pursuant to Operating Guideline JGCD – Medication Administration and Storage. A student is prohibited from selling, distributing, or possessing with intent to distribute any over-the-counter medication. Over the counter medications specifically include, but are not limited to, stimulants (e.g., diet pills, caffeine pills, etc.), nicotine replacement therapies such as nicotine gum and candy, nicotine lozenges, nicotine patches, nicotine inhalers, nicotine nasal sprays and the like. For electronic cigarettes, see Rule 14, Tobacco Use/Cigarette Products.
- G. **Prescription Drugs:**
Possess prescription medication not prescribed for the student. All prescription medication prescribed for a student must be in compliance with written parent authorization and adherence to Operating Guideline JGCD – Medication Administration and Storage. In addition, a student shall not sell, distribute, or possess with intent to distribute any prescribed medication on school property. If the prescription drug is a controlled substance under the Georgia Controlled Substances Act, the student shall be found to have violated the appropriate portions of Paragraphs A through E above.

Rule 12. Attendance (Responsibility/ Citizenship/ Perseverance)

- a. "Skipping" or missing any class or activity or any portion of a class or activity, or being tardy for a class or activity for which he or she is enrolled without a valid excuse;

- b. Leave school grounds during the course of the regularly scheduled school day without the permission of a parent and school principal or designee. Students must follow the established procedures for checking in or out of school.
- c. Failure to attend detention, Saturday school or ISS

It should be noted that O.C.G.A. § 20-2-690.1 states that any parent, guardian, or other person residing in this state who has control or charge of a child or children that accrues five (5) unexcused absences during one school year will be deemed to have violated Code section 20-2-690.1 and shall be guilty of a misdemeanor and subject to fines, imprisonment, community services, or any combination of these penalties. (See also Attendance section, above.)

Rule 13. Dress and Grooming (Responsibility/ Respect)

Students in the school system are expected to dress and groom themselves in such a way as to reflect neatness, cleanliness and safety. All students shall dress appropriately so as not to disrupt or interfere with the educational program or the orderly operation of the school. Examples of inappropriate dress and grooming include: lack of cleanliness in person or dress; shoelessness; "short-short" clothing; bare midriffs; "tank tops"; "see-through" clothing or apparel which designates gangs or similar organizations or any dress that is disruptive to the educational process. Designated dress involving school activities approved by the principal shall be acceptable. The principal or other duly authorized school official shall determine whether any particular mode of dress or grooming results in a violation of the spirit and/or the intent of this rule.

Rule 14. Tobacco Use/Cigarette Products (Responsibility/Citizenship)

Possess, distribute, or use, cigarettes, electronic cigarettes (a.k.a., e-cigarettes, e-cigs), or related tobacco products of any kind, including cigarette wrapping paper or containers for such products. First offenders may be referred to attend a tobacco use program, in addition to any other disciplinary action deemed appropriate.

Rule 15. Gambling (Responsibility)

Gamble or participate in gambling activity, or solicit others to gamble or participate in gambling activity. Gambling includes, but is not limited to, betting on any game or event, shooting dice, matching or other games of chance for money and/or things of value.

Participating in a raffle or bingo game sponsored by a school-related support group such as a PTA or booster club will not violate this rule when the student is accompanied by his or her parent or guardian or by another parent who has permission in writing from the student's parent or guardian to supervise that student at the fundraiser.

Rule 16. Sexual Harassment (Respect/ Caring)

A student shall not harass another person through unwelcome conduct or communication of a sexual nature. Prohibited acts of sexual harassment include verbal or written harassment, such as sexual jokes or comments about an individual or his/her physical characteristics; physical harassment such as unwanted touching or gestures; visual harassment such as the display of, or encouraging/participating in the display of, sexually suggestive objects or pictures; or requests or demands for sexual involvement, accompanied by implied or explicit threats.

The local school police officer must be notified of such incidents where the behavior involves a sexual offense (as defined in Chapter 6 of Title 16 of Georgia law) including, but not limited to, sexual battery, rape, and molestation. Any alleged victim of such offense may request to have his/her schedule changed, subject to the principal's approval. (See also Policy JBCD, Transfers and Withdrawals, for more information about transfer options for victims of violent offenses)

Staff members should report instances of behaviors referenced in this Rule to school administration within a reasonable time period so that administrators may review them in a timely manner. (See also Policy JAA, Equal Educational Opportunities for Students, for more information regarding harassment.) At the conclusion of the investigation, any written report required by Policy JAA will be forwarded to the system office responsible for student discipline as the Compliance Coordinator's designee.

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

Rule 17. Sexual Misconduct/Sexual Offenses (Respect/ Caring)

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

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

See also Policy JAA, Equal Educational Opportunities for Students, for more information regarding harassment. At the conclusion of the investigation, any written report required by Policy JAA will be forwarded to the system office responsible for student discipline as the Compliance Coordinator's designee.

As used in this Rule, "intimate body parts," as defined in Georgia law, O.C.G.A. § 16-6-22.1 include "the primary genital area, anus, groin, inner thighs, or buttocks of a male or female and the breasts of a female."

A. General Misconduct:

1. Willing participation in any form of sexual activity. (The local school police officer must be notified of such incidents.)
2. Expose one's intimate body parts or "moon" in public.

B. Sexual Battery:

Sexual battery is defined as a student intentionally making physical contact with the intimate body parts of another person without the consent of that person. No student shall commit any act of sexual battery on school property, school buses, or at school-sponsored events.

- The local school police officer must be notified of such incidents. The Chief of Fulton County Schools Police, or designee, will notify the district attorney. (See O.C.G.A. § 20-2-1184)
- Notify the system office of student discipline and Area Superintendent.

C. Sexual Molestation:

Sexual molestation is defined as a student doing any immoral or indecent act to or in the presence of another person, without that person's consent, with the intent to arouse or satisfy the sexual desires of either the student or the other person. This includes a student forcing another person to make physical contact with the student's intimate body parts, such as having another student perform sex acts.

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

- The local school police officer must be notified of such incidents. The Chief of Fulton County Schools Police, or designee, will notify the district attorney. (See O.C.G.A. § 20-2-1184)
- Notify the system office of student discipline and Area Superintendent.

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

Rule 18. Technology Offenses (Respect/ Honesty/ Citizenship)

The school is not responsible for personal electronic devices on school property or at school sponsored events. Electronic devices may be confiscated by the school administrator or designee. See Rule 20, for specific rules relating to use of electronic equipment, including cellular phones, and other items while on the school bus.

(a) Purposely look for security problems, attempt to disrupt school technology resources, or engage in any activity that monopolizes or compromises school technology resources;

(b) Copy computer programs, software or other technology provided by the District for personal use; download unauthorized files; or use school technology resources for personal gain or private business enterprises;

(c) Attempt to, threaten to, or actually damage, destroy, vandalize, or steal private property or school property while using school technology resources on or off school grounds (The local school police officer must be notified of such incidents.);

(d) Use or participate in using personal or school technology resources to distribute or display inappropriate material. Inappropriate material does not serve an instructional or educational purpose and includes but is not limited to the following (See Rule 6b for bullying using technology):

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

(e) Refusing to comply with reasonable directions or commands of school staff regarding responsible use of technology, and/or use audio or visual recording devices without permission of a school administrator (including but not limited to Policy and Operating Guideline IFBGA Responsible Use of Enterprise Technology).

Use of recording devices to record misbehaviors or to violate the privacy of others may also result in a violation of Rule 22.

(f) Gain or attempt to gain unauthorized access to the District's computer data, network, system, Internet connections, e-mail accounts, or intranet or to any third party's computer system, data, or network, such as:

- Malicious tampering, phishing, or hacking activities;
- Intentionally seeking information about passwords belonging to other users;
- Disclosing a user's password to the District's computer network, system, Internet connections, e-mail accounts, or intranet to other individuals. Students, however, may share their passwords with their parents.
- Modifying passwords belonging to others;
- Attempting to log in through another person's account;
- Attempting to gain access to material that is blocked or filtered by the District;
- Accessing, copying, or modifying another user's files without authorization;
- Disguising a user's identity;
- Using the password or identifier of an account that does not belong to the user; or
- Engaging in uses that jeopardize access into others' accounts or other computer networks or systems.

(g) Violate the District's Responsible Use Agreement (Operating Guideline IFBGA) in any other way.

Rule 19. Gang Related Activity (Responsibility/ Caring/ Fairness)

(Contact system office of student discipline and local school resource officer)

A "gang" is defined as any group of three or more people with a common name or common identifying signs, symbols, tattoos, graffiti, attire or other distinguishing characteristics which engage in "criminal gang activity" as described in O.C.G.A. 16-15-3(1)(A)-(J) (including but not limited to the commission, attempted commission, conspiracy to commit, or solicitation, coercion, or intimidation of another person to commit offenses such as, but not limited to, rape, aggravated sexual battery, violence, possession or use of a weapon, or trespass or damage to property resulting from any act of gang related painting on, tagging, marking on, writing on, or creating any form of graffiti on school or personal property).

- (a) A student shall not engage in criminal gang activity.
- (b) A student shall not hold himself or herself out as a member of a gang, which may include, but is not limited to, displaying gang identified tattoos or other gang related paraphernalia, or participating in creating or displaying gang related graffiti.
- (c) A student shall not recruit or solicit membership in any gang or gang-related organization.

Rule 20. Interference with School Bus (Responsibility/ Respect/ Citizenship)

All code of conduct rules apply on school provided transportation and at school bus stops. Students may not violate any direction of the school bus driver. Students may not disrupt the environment of the bus or bus stop in any manner, including but not limited to: loud or boisterous behavior; failure to remain silent at railroad crossings; using emergency exits improperly; riding an unauthorized bus; disembarking at an unauthorized stop; throwing objects in the bus, or into or out of the bus; extending body parts or objects outside of the bus; drinking/eating/chewing gum; interference with District recording equipment; **[failure to wear seatbelts where fitted on buses, or unbuckling of seatbelts before reaching the destination,]** and failure to remain seated.

Additionally, students are prohibited from using items during the operation of a school bus in a manner which might interfere with the school bus communications equipment or the school bus driver's operation of the bus. These items include but are not limited to cell phones; pagers; audible radios; tape or compact disc players without head-phones; mirrors; lasers, or flash cameras. (Consequences may include confiscation of device.) Cell phone use will not be allowed during the operation of the bus because it interferes with the operational technology. However, cell phones may be used with the special permission of the principal, supervising teacher, or bus driver while the student is on the bus waiting to depart the starting location or when the bus returns to its final destination after athletic events, fields trips, or other special situation deemed appropriate by the principal, supervising teacher, or bus driver. (See also Procedure EDCB, Bus Conduct)

Rule 21. Off-Campus Misconduct (Responsibility/ Citizenship)

Off-campus misconduct for which a student may be disciplined includes, but is not limited to, any off-campus conduct which could result in the student being criminally charged with a felony, or felonious conduct for which a student has been arrested, criminally charged/indicted, adjudicated to have committed, or convicted; and conduct which makes the student's continued presence at school a potential danger to persons or property at the school or which disrupts the educational process.

(Contact system office of student discipline and local school police officer.)

Rule 22. Encouraging Violations of Code of Conduct Responsibility/ Respect/ Caring)

Incite, urge, encourage, advise, or counsel other students to violate any Rule of this Code of Conduct or conspire to violate any Rule of this Code of Conduct. O.C.G.A. § 20-2-751.5(a)(11).

Part II: Disciplinary Hearing Process

A. Discipline Team Meeting (DTM)

When a Principal requests a disciplinary hearing for a student, a Discipline Team Meeting (DTM), which consists of the Principal/designee, the Student Behavior Program Specialist and/or another representative from the system's Office of Student Discipline, and the parent/guardian will be offered within 5 days of the first day of suspension. The student may attend at the parent/guardian's discretion.

The purpose of this meeting is for the team to discuss the investigation completed by the school, the discipline procedures afforded, and any information provided by the student and/or the parent/guardian. As this is a parent conference, the student's or parents' legal counsel may not attend. The Student Behavior Program Specialist and/or another representative from the system office of student discipline may set a reasonable time limit for the DTM, and may end the DTM if it is evident that resolution is not imminent. If the parent/guardian and school are able to reach an agreement about the disciplinary outcome and the parent/guardian waives the hearing in writing, then the hearing will be canceled. If the parent/guardian disagrees with the disciplinary outcome and the end result of the DTM, or the parent/guardian does not attend the DTM, then the hearing will proceed as scheduled. Discipline Team Meetings can be conducted using various modes of communication. If the DTM does not occur or does not occur as discussed in this Code, the hearing will proceed as scheduled.

B. Disciplinary Hearing

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

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

Group Hearing: When students are charged with violating the same rule(s) and have acted in concert, and the facts are basically the same for all students, a group hearing may be conducted for them if the Director of the system office of student discipline believes that the following conditions exist:

- (a) A single hearing will not likely result in confusion and
- (b) No student will have his/her interests substantially prejudiced by a group hearing.

Any student who objects to participation in a group hearing should notify the system office of student discipline in writing no less than 48 hours before the hearing.

If during the disciplinary hearing, the hearing officer finds that a student's interests will be substantially prejudiced by the group hearing, he/she may order a separate hearing for that student.

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

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

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

Continuance: If good and sufficient cause exists, the system office of student discipline may reschedule a hearing. Upon rescheduling, written notice of the rescheduled date and time of the hearing will be sent to the student's parent/guardian/representative/attorney/ student age 18 or older either in person, by first class mail, certified mail return receipt requested, and/or delivery confirmation, in conjunction with electronic mail where available and deemed appropriate by the district.

The student's parent/guardian/representative/attorney/student age 18 or older may request a continuance of the hearing from the system office of student discipline. Continuances should be requested no later than 24 hours in advance of the scheduled hearing date and time. Extenuating circumstances should be presented to the system office of student discipline for approval. If a continuance is requested or caused by the parent/guardian/student age 18 or older/student's representative, the student will continue to serve his/her recommended school level discipline (ISS or OSS) during the time of the continuance and until the hearing is conducted and the Hearing Officer has rendered a decision.

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

Record of Proceedings:

- a. A verbatim record of the hearing shall be made and shall be available to all parties upon request. The cost of recording shall be borne by the District. Parents/guardians/student's legal counsel may request a copy of the recording.
- b. A written transcript will be prepared by the District if the Board so requests; or if the decision the Board is appealed to the State Board of Education. If a written transcript is not prepared by the District, the parent/guardian/ student may obtain a written transcript at their own expense.

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

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

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

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

Hearing Officers and Hearing Facilitators: Disciplinary Hearings may be conducted by a Student Discipline Hearing Officer or Hearing Facilitator (which may include the director of the system office that is responsible for student discipline or designee).

Notwithstanding any language in this Code of Conduct, Hearing Officers and Hearing Facilitators will possess minimum qualifications as set by the State Board of Education and will receive initial training and ongoing continuing education as required by the State Board of Education.

The Hearing Officer will serve as the presiding officer and may rule on issues of procedure and admissibility of evidence presented during the hearing, if no Hearing Facilitator is present. A Hearing Facilitator, if present, may serve as the presiding officer and may rule on issues of procedure and admissibility of evidence presented during the hearing.

The Disciplinary Hearing Officer after conducting the hearing and receiving all evidence, shall render a decision based solely on the evidence received at the hearing and shall determine what, if any, disciplinary action shall be taken. Such action may include, but is not limited to, assignment to alternative school, short-term suspension, long-term suspension, expulsion or permanent expulsion.

Appeals: Any party may appeal the hearing decision to the Board by filing a written notice of appeal within twenty (20) calendar days of the date of decision. The appeal should be addressed to the attention of the Superintendent and delivered to the system office of student discipline. Appeals via email alone may be accepted but appealing parties must confirm receipt with the system office of student discipline within the 20 calendar day appeal timeline. Appeals by administration must be approved by the Superintendent. The Superintendent shall have the authority to suspend the decision of the disciplinary hearing officer, during the period of appeal to the Board. Upon the appeal of a decision of the disciplinary hearing officer to the Board, the Board will render its decision within 10 days, excluding weekends and public and legal holidays, from the date the Board receives notice of the appeal, unless all parties agree to a different date. The decision shall be in writing and a copy shall be provided to the student/parent/guardian, the Principal, and Superintendent.

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

STUDENTS WITH DISABILITIES

Nothing in this Code of Conduct shall be construed to infringe on any right provided to students pursuant to the federal Individuals with Disabilities Education Act, Section 504 of the Federal Rehabilitation Act of 1973, or the federal Americans with Disabilities Act of 1990.

An IEP or Section 504 committee shall be convened for determining if the behavior of a student receiving special education services or who has been identified as a student with a disability under the Individuals with Disabilities Act (IDEA) or Section 504 of the Rehabilitation Act, is a manifestation of his/her disability.

Any student who is receiving special education services or has been identified as a student with a disability under the Individuals with Disabilities Act (IDEA) or Section 504 of the Rehabilitation Act, and whose acts are determined by the disciplinary hearing officer to have violated any of the rules, regulations or laws as alleged, shall be referred to an IEP or Section 504 committee as appropriate.

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

The IEP or Section 504 committee determines that the student's conduct is not a manifestation of the student's disability, it shall determine what services the student shall receive during the student's discipline

as determined by the disciplinary hearing officer. If the Section 504 committee determines that the student's conduct is not a manifestation of the student's disability, the student's 504 Plan will be implemented at the new location of educational services if the Disciplinary Hearing Officer recommends alternative school placement. The IEP or Section 504 committee shall also have the authority to consider, recommend and implement any changes in the student's IEP or 504 Plan or educational placement. Nothing in this rule shall alter or adversely affect the rights of students with disabilities under applicable federal and state laws.

Part III: Tiered Offenses and Disciplinary Responses

Tiered Offenses:

The responsibility cycle included in the code of conduct handbook covers discipline for some more commonly known infractions of the student behavior code. However, parents and school administrators should refer to the remainder of the student code of conduct for more information about specific offenses, and should contact the system office of student discipline with questions or concerns.

This cycle cannot anticipate all possible misbehaviors. Unique, serious or multiple offenses may result in more severe consequences. If a student's behavior is a violation of more than one rule, the student may face more severe or "stacked" discipline to reflect these multiple offenses.

Schools should implement positive behavioral supports, as discussed in this code of conduct, and local interventions designed to improve the learning environment by improving student behavior and discipline.

Where appropriate, local interventions may include the following:

Classroom interventions (assigned seats, etc.)

- Replacement or Payment for any Damage Property
- Reflective Essay or other Reflective Activity
- Written Apology
- Role Playing/Teaching of Expectations and Skills
- Participation in a School-Service Project
- Confiscation of Devices (school issued personalized devices will not be confiscated as a consequence for behavior)
- Conference with Student, Caregivers, and Staff in Attendance
- Mediation
- Conference with School Police Officer
- Administration Change of Class Schedule
- Behavior Expectation Contract
- Plan for increased supervision of student
- Revocation of privilege to participate in social/extracurricular activities/ceremonies
- Digital Citizenship Activity
- School Counselor/Social Worker intervention related to the infraction
- Creation or review of a Tier II/Tier III academic/behavior plan
- Refer to Counselor/Social Worker/Psychologist for risk protocol
- Modification of FBA/BIP/IEP/504 (if applicable)
- Refer to community agency/provider
- Temporary assignment to another classroom
- Lunch Detention
- Referral to Insight Drug Intervention Program- Middle and High School
- Referral to Stopping Acts of Violence Through Education Program (SAVTE)- Middle and High School
- Suspension from the bus. Students must attend school, and the parents must provide transportation.

Tier I: Minor Acts of Misconduct

Tier I offenses are minor acts of misconduct that interfere with the orderly operation of the classroom, a school function, extracurricular/co-curricular program or approved transportation. The school district employee involved should intervene in the misconduct. If further action is necessary, the school district

employee should refer the student to the school administrator for disciplinary action. After hearing the student's explanation, consulting with staff members as needed and doing any other investigation deemed necessary, the administrator will decide on disciplinary action.

Tier II: Intermediate Acts of Misconduct

Tier II offenses are intermediate acts of misconduct that may include repeated acts of misconduct from Tier 1, acts directed against people or property that do not seriously endanger the health or safety of others and serious disruptions of school order. Unique, serious, or multiple offenses may result in the offense being considered a Tier III offense.

Tier III: Moderate Acts of Misconduct

Tier III offenses are moderate acts of misconduct that place students or staff at serious risk of emotional or physical harm which may include threats to the health, safety, and/or property of others; and other acts of moderate or repeated misconduct. Depending on the severity, the consequence can include a disciplinary hearing referral for long-term suspension/expulsion/ alternative school (except for students in grades K – 2).

Tier IV: Serious Acts of Misconduct

Tier IV acts of misconduct are the most serious. These acts may be grounds for expulsion and will result in a mandatory 10-day suspension and a disciplinary hearing referral with consideration for a recommendation for long-term suspension, expulsion and/or assignment to an alternative education program.

TIER I MINOR ACTS OF MISCONDUCT

Acts that interfere with the orderly operation of the classroom, school function, extracurricular/co-curricular program or approved transportation.

SUPPORTIVE DISCIPLINE MANAGEMENT TECHNIQUES (SDMT):

The principal or designee will select at least one Supportive Discipline Management Technique for all Tier I violations.

For repeated TIER I violations occurring during the same school year, in addition to conferencing with the student, contacting the parent, and selecting at least one supportive discipline management technique, the following *consequence ranges* may be considered:

K – 2: SDMT --- Timeout

3 – 5: SDMT --- Timeout --- up to 3 days ISS

MS and HS: SDMT --- Timeout --- up to 5 days ISS

RULE AND OFFENSE		SUPPORTIVE DISCIPLINE MANAGEMENT TECHNIQUES
1f	Public Displays of Affection	Classroom Interventions (assigned seats, etc.)
6a	Teasing/Taunting	Replacement or Payment for any Damaged Property
6c	Profane Language or Gestures towards a student	Reflective Essay or other Reflective Activity
7	Insubordination	Written Apology
9	Honor Code Violation	Role-Playing/Teaching of Expectations and Skills
12a	Skipping/Tardies (Starts over every 9 weeks)	Participation in a School-Service Project
12c	Failure to attend detention, Saturday School, or Timeout/ISS	Confiscation of Devices <i>School issued personalized devices will not be confiscated as a consequence for behavior.</i>
13	Dress Code Violations	Conference w/Student, Caregiver(s), & Staff in Attendance
14	Smoking/Possession of Tobacco Products	Mediation
15	Gambling	Conference with School Police Officer
18e,g	Technology offenses; refusal to comply with Operating Guideline IFBGA	Saturday School
		Creation or review of a Tier II/Tier III academic/behavior plan
		Refer to Counselor/Social Worker/Psychologist for risk protocol
		Refer to SAVTE or INSIGHT (Middle & High School students only)
		Suspension from the bus. <i>Students must attend school and parent(s) must provide transportation</i>
		Modification of FBA/BIP/IEP/504 (if applicable)
		Refer to community agency/provider
		Temporary Assignment to Another Classroom
		Lunch Detention

TIER II INTERMEDIATE ACTS OF MISCONDUCT

Acts of misconduct that may be directed against people or property that do not seriously endanger the health or safety of others and serious disruptions of school order. Unique, serious, or multiple offenses may result in the incident being considered a Tier III offense.

SUPPORTIVE DISCIPLINE MANAGEMENT TECHNIQUES (SDMT):

The principal or designee will select at least one supportive discipline management techniques for a Tier II violation. For serious and/or repeated TIER II violations occurring during the same school year: in addition to conferencing with the student, contacting the parent and selecting at least one supportive discipline management technique, the following **consequence ranges** may be considered:

K – 2: SDMT --- Timeout --- up to 3 days ISS

3 – 5: SDMT --- Timeout --- ISS --- up to 3 days OSS

MS and HS: SDMT --- Timeout --- ISS --- up to 5 days OSS

RULE AND OFFENSE		SUPPORTIVE DISCIPLINE MANAGEMENT TECHNIQUES
1a	Deprive Others of Access to School Buildings/Grounds	Classroom Interventions (assigned seats, etc.)
1b	Schoolwide Disruption	Replacement or Payment for any Damaged Property
1e	Horseplay, Rough or Boisterous Activities	Reflective Essay or other Reflective Activity
2a	Damage or Attempt to Damage/Deface School or Private Property	Written Apology
2b	Alter or Attempt to Alter School or Private Property	Role-Playing/Teaching of Expectations and Skills
2d	Steal or Attempt to Steal School or Private Property	Participation in a School-Service Project
2f	Possess or distribute school or private property without authorization	Confiscation of Devices <i>School issued personalized devices will not be confiscated as a consequence for behavior.</i>
3a, b	Unauthorized Entry/Trespassing	Conference w/Student, Caregiver(s), & Staff in Attendance
5d	Consensual hazing, initiation or bodily modifications	Mediation
6c	Profanity toward an employee/Verbal abuse of an employee	Conference with School Police Officer
6d	Offensive Material	Saturday School
8	Misrepresentation	Creation or review of a Tier II/Tier III academic/behavior plan
10	Weapons: Category II and Category III without intent	Refer to Counselor/Social Worker/Psychologist for risk protocol
10	Dangerous Instruments/Unauthorized Items	Refer to SAVTE or INSIGHT (Middle & High School students only)
12b	Leaving campus without permission from parent and Principal/designee	Suspension from the bus. <i>Students must attend school and parent(s) must provide transportation</i>
17A	Sexual Misconduct/Sexual Offenses <i>See Code of Conduct for when to notify School Police Officer, Area Superintendent, and Office of Student Discipline</i>	Modification of FBA/BIP/IEP/504 (if applicable)
20	Interference with School Bus	Refer to community agency/provider
22	Encouraging Misconduct	Temporary Assignment to Another Classroom
		Lunch Detention

TIER III MODERATE ACTS OF MISCONDUCT

Acts of misconduct that place students or staff at serious risk of emotional or physical harm. May include threats to the health, safety, and/or property of others; and other acts of moderate or repeated misconduct. Depending on severity, consequence may include a disciplinary hearing referral (except for students in grades K – 2).

SUPPORTIVE DISCIPLINE MANAGEMENT TECHNIQUES (SDMT):

The principal or designee will select at least one supportive discipline management techniques for a Tier III violation. For serious and/or repeated TIER III violations occurring during the same school year: in addition to conferencing with the student, contacting the parent and selecting at least one supportive discipline management technique, the following *consequence ranges* may be considered:

K – 2: SDMT --- Timeout --- ISS --- up to 3 days OSS

3 – 5: SDMT --- Timeout --- ISS --- up to 8 days OSS

MS and HS: SDMT --- Timeout --- ISS --- up to 10 days OSS

RULE AND OFFENSE		SUPPORTIVE DISCIPLINE MANAGEMENT TECHNIQUES
1c	Bomb threat	Classroom Interventions (assigned seats, etc.)
1d	False Fire Alarm	Replacement or Payment for any Damaged Property
2c	Terroristic Threat	Reflective Essay or other Reflective Activity
2e	Robbery	Written Apology
5a	Battery	Role-Playing/Teaching of Expectations and Skills
5b	Fight; Mutual Participation	Participation in a School-Service Project
5c	Assault	Confiscation of Devices <i>School issued personalized devices will not be confiscated as a consequence for behavior.</i>
6a	Harassment/Bigotry	Conference w/Student, Caregiver(s), & Staff in Attendance
6b	Bullying	Mediation
6e	Forcefully Abduct, transport, detain a person	
10	Weapon Category III/Dangerous Instrument; with intent – did not use	Conference with School Police Officer
11A	Alcohol/Drug Possession	Saturday School
11B	Drug Paraphernalia/Vaporizers Possession, Distribution	Creation or review of a Tier II/Tier III academic/behavior plan
11C	False Drugs	Refer to Counselor/Social Worker/Psychologist for risk protocol
11E	Inhalants	Refer to SAVTE or INSIGHT
11F	Over-the-Counter Medication	(Middle & High School students only)
11G	Prescription Drugs	Suspension from the bus.
16	Sexual Harassment	<i>Students must attend school and parent(s) must provide transportation</i>
17B	Sexual Battery	Modification of FBA/BIP/IEP/504 (if applicable)
18a-d, f	Technology Offense, Tamper/Damage or Distribute Inappropriate Material	Refer to community agency/provider
19a	Criminal Gang Activities	Temporary Assignment to Another Classroom
19b	Intentional display of gang tattoos, paraphernalia, graffiti, etc.	Lunch Detention
19c	Gang Solicitation	

TIER IV SERIOUS ACTS OF MISCONDUCT

Acts of misconduct that are the most serious. These acts may be grounds for expulsion and will result in a mandatory suspension (as outlined below) and consideration for a recommendation for long-term suspension, expulsion and/or assignment to an alternative education program.

SUPPORTIVE DISCIPLINE MANAGEMENT TECHNIQUES:

In addition to conferencing with the student and contacting the parent, the following **consequence ranges** shall be imposed:

K – 2: up to 10 days OSS and a Disciplinary Hearing Referral

3 – 5: 10 days OSS and a Disciplinary Hearing Referral

MS and HS: 10 days OSS and a Disciplinary Hearing Referral

**If appropriate, the principal or designee may also select at least one supportive discipline management technique.

RULE AND OFFENSE		SUPPORTIVE DISCIPLINE MANAGEMENT TECHNIQUES
4a	Intentional Battery of an Employee with harm	Classroom Interventions (assigned seats, etc.)
4b	Intentional Battery of an Employee without harm	Replacement or Payment for any Damaged Property
4c	Assault/Threaten Employee	Reflective Essay or other Reflective Activity
10	Weapons: Category I <i>Recommendation for expulsion for at least one (1) calendar year required</i>	Written Apology
10	Weapons: Category II with intent to harm or use for protection	Role-Playing/Teaching of Expectations and Skills
10	Category III/Dangerous Instrument: actual use	Participation in a School-Service Project
11D	Alcohol/Drugs Distribution	Confiscation of Devices <i>School issued personalized devices will not be confiscated as a behavior consequence.</i>
17C	Sexual Molestation	Conference w/Student, Caregiver(s), & Staff in Attendance
21	Off Campus Felonious Misconduct	Mediation
		Conference with School Police Officer
		Saturday School
		Creation or review of a Tier II/Tier III academic/behavior plan
		Refer to Counselor/Social Worker/Psychologist for risk protocol
		Refer to SAVTE or INSIGHT (Middle & High School students only)
		Temporary Bus Suspension <i>Students must attend school, parent(s) must provide transportation</i>
		Modification of FBA/BIP/IEP/504 (if applicable)
		Refer to community agency/provider
		Temporary Assignment to Another Classroom
		Lunch Detention

Equal Educational Opportunities for Students

See Policy JAA

In accordance with the provisions of Title IX of the Educational Amendments of 1972, the Board of Education does not discriminate against students on the basis of sex in the educational programs and activities that it operates. No student shall, on the basis of gender, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any academic, extracurricular, or other educational program or activity operated by this School System.

The Board of Education believes that all students should be able to enjoy an educational environment free from all forms of gender discrimination, including sexual harassment. Sexual harassment undermines the integrity of the educational environment. It is a form of sex discrimination prohibited by Title IX. The District is committed to upholding these laws and takes discriminatory behaviors seriously. Therefore, Board policy prohibits even acts of sexual harassment that may not rise to the level of a violation of federal law.

The Chief Talent Officer shall serve as the Compliance Coordinator for ensuring compliance with this policy and federal laws prohibiting gender discrimination and sexual harassment. The Compliance Coordinator may be contacted through the Office of the Chief Talent Officer, 6201 Powers Ferry Road, NW, Atlanta, GA 30339, telephone (470) 254-4585.

DEFINITION OF PROHIBITED CONDUCT:

Unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature constitutes sexual harassment when:

Such conduct unreasonably interferes with a student's educational performance or creates an intimidating, hostile or offensive educational environment;

Submission to such conduct is made a term or condition of a student's educational opportunities or development; or

Submission to or rejection of such conduct by a student is used as a basis for education decisions affecting the student.

Examples of prohibited conduct include, but are not limited to, offensive or unwelcome sexual advances or propositions; unwelcome intentional touching of intimate body areas; dating of a student by an employee; verbal abuse of a sexual nature; graphic or degrading verbal comments about an individual or his/her physical attributes; the display of sexually suggestive objects, pictures, cards or letters; lewd or suggestive comments or gestures, off-color language or jokes of a sexual nature in the presence of a student.

Sexual harassment may occur in a variety of circumstances, including but not limited to, the following:

1. The victim as well as the harasser may be male or female. The victim does not have to be of the opposite sex.
2. The harasser may be an employee of the School System, a non-employee, or another student.
3. Sexual harassment may occur without economic or academic injury to the victim.

REPORTING SEXUAL HARASSMENT:

- A. Incidents of sexual harassment should be reported as soon as possible so that prompt corrective action may be taken if warranted, and no later than 30 days after the incident.
- B. The report should be made or forwarded to the student's school principal/building administrator, who shall promptly investigate the matter.
- C. If the school principal/building administrator is the alleged harasser or if the complainant prefers reporting the incident to someone other than the school principal/building administrator, the report may be made to the Compliance Coordinator at the address and telephone number stated above.
- D. The initial report of the incident may be made in person, by telephone or in writing.
- E. The school principal/building administrator and/or the Chief Talent Officer or designee, as the case may be, will discuss the matter with the student complainant and/or the student's parent/guardian at the earliest practical time in order to secure the details and circumstances giving rise to the complaint. At the meeting, the procedure for investigating the situation will be explained and the student or parent/guardian will be provided with a complaint form to complete and sign. A sample complaint form, calling for a detailed description of the incident(s) giving rise to the complaint will be provided by the Compliance Coordinator or designee.
- F. Filing a complaint under this procedure does not prevent the student from also pursuing other remedies available under the law.

INVESTIGATION:

- A. The Compliance Coordinator or the school principal/building administrator shall conduct an investigation of the complaint. Such investigation shall include interviews with the accused party or parties, interviews with any witnesses, and an examination of any relevant documents or other evidence. In appropriate circumstances, school officials may request relevant medical records or documentation from the student.
- B. As a general guideline, an investigation should be completed within a reasonable time period, but no more than 60 days from the initial report of the incident to the school principal/building administrator or Compliance Coordinator.
- C. At the conclusion of the investigation, the Compliance Coordinator or designee or the school principal/building administrator shall prepare a written report that sets forth the findings of the investigation and the evidence in support of the findings. A copy of the report will be provided to the Compliance Coordinator or designee and will be available to the student making the complaint or the student's parent/guardian, but will not include information on other students protected by federal or state privacy laws.

RESOLUTION OF THE COMPLAINT:

- A. If it is determined that the sexual harassment occurred, the Compliance Coordinator or designee or the school principal/building administrator shall recommend appropriate corrective and disciplinary action to prevent a recurrence of the harassment.

- B. Appropriate corrective action may include, but is not limited to, reprimand, suspension, non-renewal or termination of an employee offender or the suspension or expulsion of a student offender. Appropriate procedures will be followed where required by law.

REQUEST FOR REVIEW:

- A. The complainant may ask the Compliance Coordinator to reconsider the result of the investigation and any corrective measures taken.
- B. If still dissatisfied, the complainant may ask the Superintendent or designee to review the matter. The Superintendent or designee, at his/her option, may agree to review the matter or may decline to do so. The request for review shall be made in writing and shall include the reasons why the complainant believes a different result should have been reached.

NONDISCLOSURE OF PROCEEDINGS:

- A. Except as otherwise required by law, complaints and investigations under this procedure shall be disclosed only to those persons who have a need to know for purposes of investigating or resolving the complaint. All disclosures are subject to state and federal privacy laws. Any employee or student who releases information in violation of this procedure shall be subject to disciplinary action.
- B. The Compliance Coordinator or designee shall maintain the files and records relating to reports and investigations of sexual harassment.

NO RETALIATION:

Retaliating against anyone for filing a complaint or for participating in an investigation of a complaint filed under this procedure is prohibited. Any employee or student who retaliates in violation of this procedure shall be subject to disciplinary action. However, students or employees who knowingly make false charges of harassment may be subject to disciplinary action as well as any civil or criminal legal proceedings.

PUBLICATION AND NOTIFICATION:

The School System's policy and procedure on sexual harassment will be explained to all students and school-based employees. A summary of the policy and procedure shall be included in student handbooks.

As required by O.C.G.A. 20-2-1184, a principal or designee who receives a report of a sexual offense (as defined in Chapter 6 of Title 16 of Georgia law) and has a reasonable cause to believe that the report is valid must immediately report the matter to the appropriate superintendent, the appropriate police authority and the district attorney. These offenses include, but are not limited to, sexual battery, rape and molestation.

CIVIL RIGHTS CONCERNS:

The Fulton County School District requires full compliance with all federal and state non-discrimination laws, including but not limited to: Title VI and VII of the Civil Rights Act of 1964, Title IX of the Educational Amendments of 1972, Equal Pay Act of 1963, Pregnancy Discrimination Act, Age Discrimination Act of 1975 (Age Act), Age Discrimination and Employment Act (ADEA), Americans with Disabilities Act of 1990 (ADA), Section 504 of the Rehabilitation Act of 1973, **Boy Scouts of America Equal Access Act of 2001**, and Public Law 101-476, Individuals with Disabilities Education Act (IDEA).

These laws prohibit and the District forbids discrimination on the basis of age, race, color, national origin, religion, sex, disability, pregnancy, and veteran status in all Fulton County School District (District) programs and activities. This includes District academic, extracurricular, athletic, and other District programs, as well as on District buses, during field trips, and in District classes or training programs that take place off school grounds. Sexual harassment is a form of sex discrimination prohibited by Title IX. The District is committed to upholding these laws and takes discriminatory behaviors seriously.

The Chief of Human Resources (also referred to as the Chief Talent Officer), handles inquiries or concerns regarding the District's non-discrimination policies. Alternatively, a parent or student may contact his/her principal or Area Superintendent to share concerns. The Chief of Human Resources/Chief Talent Officers' contact information is:

Chief of Human Resources/Chief Talent Officer
6201 Powers Ferry Road, NW
Atlanta, GA 30339
470-254-4585
TTY 1-800-255-0135

Finally, discrimination complaints may also be filed directly with the Equal Employment Opportunity Commission, Sam Nunn Atlanta Federal Center, 100 Alabama Street, SW, Suite 4R30, Atlanta, GA 30303 or the U.S. Department of Education, Atlanta Office For Civil Rights, 61 Forsyth St. S.W., Suite 19T70, Atlanta, GA 30303-3104.

PARENTS' RIGHT TO KNOW

In compliance with the requirements of the *Every Student Succeeds Act*, Fulton County Schools informs parents that you may request information regarding the professional qualifications of your student's teacher(s) and/or paraprofessional(s). The following information may be requested:

- Whether the student's teacher—
 - has met State qualification and licensing criteria for the grade levels and subject areas in which the teacher provides instruction;
 - is teaching under emergency or other provisional status through which State qualification or licensing criteria have been waived; and
 - is teaching in the field of discipline of the certification of the teacher.

- Whether the child is provided services by paraprofessionals and, if so, their qualifications.

If you wish to request information concerning your child's teacher's or paraprofessional's qualifications, please contact your child's principal or the district's Office of Teacher and Staff Quality at 470-254-0370.

A NOTE FOR PARENTS REGARDING TECHNOLOGY USE

Cell Phone/Smart Phone Use

Please review the cell phone use policy contained in Rule 18 and Rule 20 of the Student Code of Conduct, Operating Guideline JD. While cell phones can be an important communication and safety device for families, their use during the school day may be prohibited and can be quite disruptive.

Cell phones/smart phones containing evidence of potential criminal activity, including types of pornography, may be permanently confiscated and provided to law enforcement.

Students who use cell phones or visual recording devices to participate in inappropriate behavior or film inappropriate activity at school or to violate someone's privacy may also be charged with a violation of the Student Code of Conduct. (See, e.g., Rule 1b, 18 and 22) Behaviors that could result in disciplinary action include but are not limited to: sending or showing an inappropriate picture/video to another (other than a staff member); sending or showing a picture/video of a student's misconduct to another (other than a staff member); or knowingly viewing an inappropriate picture/video on another's device. Students charged with violating the Student Code of Conduct, may have the device confiscated by the school administrator or designee. The school is not responsible for electronic devices on school property or at school sponsored events.

Harassment and Inappropriate Technology Use

Parents should have a serious conversation with their students about the harmful effects of sending out inappropriate videos, pictures or information, or using technology to harass or threaten someone. Students should also be told about the serious emotional, educational, and criminal impacts that harassing, bullying, or threatening another, or sending or viewing sexually explicit information, may have. Georgia law and the Student Code of Conduct permit serious penalties for students who engage in these behaviors. For instance, these behaviors can result in criminal charges for terroristic threats or child pornography.

Social Networking Web Sites

Social networking websites and applications such as Twitter, Instagram, Facebook, Ask.fm or Vine can offer a positive opportunity to interact; however, when used inappropriately, these sites can become a hurtful or dangerous place for students.

Students are sharing information or acting upon negative information that they have posted or read. This creates disruptions to student relationships and the learning environment. **Please talk with your child about the importance of never posting or sharing something mean, hurtful, profane or obscene online or through other technology.**

District Issued Device Fines

If your school issues devices (tablets, laptops and or computers) to students, the following fines will apply:

Mobile Device Break/Loss/Damage Fines:

Lost:

If for any reason the device is lost, stolen or destroyed during the time that it is issued to the student, whether intentionally or due to negligence, the student and the student's parent/guardian will be responsible for the following fines:

- For the first occasion, a fine of \$250
- For the second and subsequent occasion, the actual replacement cost of the device and the device is no longer permitted to leave the school during the current school year. A new device may not be issued in a following school year if fees and fines are not paid.

Damage:

If for any reason the digital device is damaged during the time that it is issued to the student, whether intentionally or due to negligence, the student and the student's parent/guardian will be responsible for the following fines to help offset the actual cost to FCS of repair or replacement:

- For the first occasion, the actual cost of the repair or \$100, whichever is less
- For the second occasion, the actual cost of the repair or \$250, whichever is less
- For the third and subsequent occasion, the actual cost of repair or the actual replacement cost, whichever is less. The device is no longer permitted to leave the school during the current school year. A new device may not be issued in a following school year if fees and fines are not paid.

Failure to Return a Device or Accessories:

A student who fails to return a device or any accessories or peripherals will be responsible for the full replacement cost of the item that was not returned.

Peripheral Lost/Damage:

If any peripheral equipment is damaged or destroyed during the time it is issued to the student, whether intentionally or due to negligence, the student and the student's parent/guardian will be responsible for the following fines:

- For the first occasion, the actual cost of the repair or \$10, whichever is less
- For the second occasion, the actual cost of the repair or \$25, whichever is less
- For the third or subsequent occasions, the actual cost of repair or the actual replacement cost, whichever is less

Please note that, while you may purchase insurance for your device or your homeowner's insurance may cover the device, the District will not be responsible for communicating with your insurance provider. You remain solely responsible for paying fees directly to the District.

Recommendations

Open communication and being able to access and review the content of your child's social media accounts, internet use and cell phone use is a step in the right direction for student safety. Remember that students sometimes share personal information that jeopardizes their safety such as: suggestive photos, substance use, weapons, personal cell numbers, personal diary or blog, or current location

Online predators may use this information to search for potential victims. These predators may also pose as teenagers or young adults in order to establish relationships with young people.

Your support is in keeping our students safe is greatly appreciated! Please contact your school administration with any questions or concerns.

POLICY IFBGA – RESPONSIBLE USE OF ENTERPRISE NETWORK

The Fulton County Schools' Responsible Use Policy is designed to prevent unauthorized access and other unlawful activities by staff and students, to prevent unauthorized disclosures of or access to sensitive information, and to comply with the Children's Internet Protection Act (CIPA) of 2000 while using the district's Enterprise Network.

The District maintains an Enterprise Network (EN) that includes all District-provided electronic devices, software, data, communications services, storage media and access to internal and external networks (Internet). Access to the EN is the property of the school system, and shall be used solely in support of the school system's instructional and administrative programs. Use of this property is a privilege that may be discontinued at any time. The existing EN is exclusively intended for employees, students and guests using FCS-IT approved EN resources.

All use of the EN should be consistent with the school system's goal to promote educational excellence. The EN should be used only in a responsible, ethical and lawful manner in ways that contribute to communication, collaboration, creativity, and critical thinking. Any unauthorized use of the EN or any failure to comply with the local and system-wide provisions relating to use of the EN will be grounds for disciplinary and/or legal action.

Principals, department heads, and technology personnel shall be responsible for monitoring all use of the EN at their facilities. Student access to the EN shall be under the supervision of a teacher or other appropriate staff member. There is currently no charge for access to the EN when used in accordance with Board policy and procedures.

Internet Safety:

(a) The Superintendent shall, with respect to any computers, portable, mobile, or other electronic devices belonging to the District and having access to the Internet:

1. Insure that a qualifying "technology protection measure," as that term is defined in section 1703(b)(1) of the Children's Internet Protection Act of 2000, is installed and in continuous operation; and

2. institute, maintain and enforce procedures or guidelines which provide for monitoring the online activities of users and the use of the chosen technology protection measure to prevent access to visual depictions that are (i) obscene, (ii) child pornography, or (iii) "harmful to minors," as that term is defined in section 1721(c) of the Children's Internet Protection Act of 2000.

3. Insure that measures are in place to support order FCC 11-125 which requires that a school's Internet safety policy provide for the education of minors about appropriate online behavior, including interacting with other individuals on social networking websites, blogs, wikis, discussion boards and in chat rooms and cyber bullying awareness and response.

(b) The Superintendent shall, with respect to access to the Internet by or through computers, portable,

mobile, or other electronic devices belonging to the District, institute, maintain and enforce procedures or guidelines which:

1. provide for monitoring a school's Internet safety policy to ensure it provides for the education of minors about appropriate online behavior, including interacting with other individuals on social networking websites, blogs, wikis, discussion boards and in chat rooms and cyber bullying awareness and response.
2. record all users' online activities and to access, review, copy, store or delete any electronic communication or files and disclose this information as deemed necessary. Users should have no expectation of privacy regarding their use of District property, networks, and/or Internet access or files; including email.
3. are designed to promote the safety and security of minors when using electronic mail, chat rooms, and other forms of direct electronic communications;
4. are designed to prevent unauthorized access, including so-called "hacking," impersonations, service disruptions and/or any other unauthorized activities by minors online;
5. are designed to prevent the unauthorized disclosure, use, and dissemination of personal identification information regarding minors; and
6. are designed to restrict minors' access to materials "harmful to minors," as that term is defined in section 1721(c) of the Children's Internet Protection Act of 2000.

While this Act specifically references minors, the protections listed above should apply to all users of the school system network.

Responsible Use Agreements for use of Fulton County Schools Enterprise Networks and Computers

Regardless of the access provided, all users of the District's enterprise networks, computers, portable, mobile, and/or other electronic devices must complete Responsible Use Agreement prior to use of the District's electronic networks, computers, portable, mobile, and/or other electronic devices each school year. This includes, but is not limited to teachers, administrators, paraprofessionals, clerical staff, maintenance and facilities staff, technology staff, vendors, students, parents and volunteers.

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 Fulton County School District's Section 504 Coordinator at the following address:

Administrative Center
Attn: 504 Program Administrator
6201 Powers Ferry Road, NW
Atlanta, Georgia 30339
Phone: (470)254-0449

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 school system's request to evaluate your child. 34 CFR 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 school system 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 school system 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 school system'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 school system's impartial hearing procedure upon request. 34 CFR 104.36.

15. If you disagree with the decision of the impartial hearing officer (school board members and other district employees are not considered impartial hearing officers), you have a right to a review of that decision according to the school system'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.

Section 504 Procedural Safeguards

1. Overview: Any student or parent or guardian ("grievant") may request an impartial hearing due to Fulton County School 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 school system's Section 504 Coordinator; however, a grievant's failure to request a hearing in writing does not alleviate the school system's obligation to provide an impartial hearing if the grievant orally requests an impartial hearing through the school system's Section 504 Coordinator. The school system's Section 504 Coordinator will assist the grievant in completing the written Request for Hearing.

2. 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.
- 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.

3. Mediation: The school system may offer mediation to resolve the issues detailed by the grievant in his or her Request for Hearing. Mediation is voluntary and both the grievant and school system must agree to participate. The grievant may terminate the mediation at any time.

If the mediation is terminated without an agreement, the school system will follow the procedures for conducting an impartial hearing without an additional Request for Hearing.

4. 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 school system, 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 hearing officer may require the recipient 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 school system, 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 recipient. All documentation related to the hearing shall be retained by the recipient.
- l. Unless otherwise required by law, the impartial review official shall uphold the action of school system 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.

5. 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.

6. 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.

POLICY JGFA – RESTRAINT OF STUDENTS

Definitions:

“Chemical Restraint” means any medication that is used to control behavior or restrict the student’s freedom of movement that is not a prescribed treatment for the student’s medical or psychiatric condition. **(Use of chemical restraint is prohibited in all District schools.)**

“Mechanical Restraint” means the use of any device or material attached to or adjacent to a student’s body that is intended to restrict the normal freedom of movement and which cannot be easily removed by the student. The term does not include an adaptive or protective device recommended by a physician or therapist when used as recommended by the physician or therapist to promote normative body positioning and physical functioning, and/or to prevent self-injurious behavior. The term also does not include seatbelts and other safety equipment when used to secure students during transportation. **(Use of mechanical restraint is prohibited in all District schools.)**

“Physical Restraint” means direct physical contact from an adult that prevents or significantly restricts a student’s movement. The term “physical restraint” does not include prone restraint, mechanical restraint, or chemical restraint. Additionally, 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.

“Prone restraint” means a specific type of restraint in which a student is intentionally placed face down on the floor or another surface, and physical pressure is applied to the student’s body to keep the student in the prone position. **(Use of prone restraint is prohibited in all District schools.)**

“Seclusion” – is a procedure that isolates and confines the student in a separate area until he or she is no longer an immediate danger to himself/herself or others. The seclusion occurs in a specifically constructed or designated room or space that is physically isolated from common areas and from which the student is physically prevented from leaving. Seclusion may also be referred to as monitored seclusion, seclusion timeout, or isolated timeout. 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, 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), in-school suspension, detention, or a student-requested break in a different location in the room or in a separate room. **(Use of seclusion is prohibited in all District schools.)**

Use of Physical Restraint in District Schools:

1. Physical restraint may be used in District schools only in situations in which the student is an immediate danger to himself/herself or others i.e. actively hurting themselves or others, or is in immediate danger of hurting themselves or others and the student is not responsive to less intensive behavioral interventions including verbal directives or other de-escalation techniques.
2. Physical restraint is prohibited in District schools as a form of discipline or punishment; when the student cannot be safely restrained; or when the use of intervention would be contraindicated due to the student’s psychiatric, medical, or physical conditions as described in the student’s education records.
3. All physical restraint must be immediately terminated when the student is no longer an immediate danger to himself/herself or others or if the student is observed to be in severe distress.
4. Whenever possible, all physical restraints should be observed and monitored by another adult to ensure student and staff safety.

5. Whenever possible, only faculty and staff trained in the use of physical restraint will physically restrain students. In situations when a trained staff member is not present, but a student must be physically restrained in accordance with this Policy, the student may be restrained. In such situations, individuals present should be directed to summon trained staff and/or seek assistance as quickly as possible.

6. Each school may designate a Crisis Response Team to safely manage students in crisis – the team may consist of administrator(s); counselor(s); psychologists; social workers; staff experienced (or trained) in de-escalation, communication, and/or some form of restraint

Training on Use of Physical Restraint:

1. The Superintendent and/or designee shall make available appropriate training to District faculty and staff on the appropriate use of physical restraint. This training will be provided as part of a program which addresses a full continuum of positive behavioral intervention strategies, as well as prevention and de-escalation techniques.

2. The Superintendent and/or designee will identify for training those staff members working in schools/programs in which staff historically has been called upon to physically restrain students, or others as deemed appropriate based on their employment positions.

3. The District will maintain written and/or electronic documentation on training provided and the list of participants in each training. Records of such training will be made available to the State Department of Education or any member of the public upon request.

Documentation of Physical Restraint:

1. The use of physical restraint will be documented by staff or faculty participating in or supervising the restraint for each student in each instance in which the student is restrained. Staff and faculty should use the District's Restraint Incident Report Form (or equivalent) to document the use of physical restraint.

2. Each school shall maintain a copy of completed Restraint Incident Report Form (or equivalent), as well as any other summary reports, in accordance with the requirements of the State Department of Education and existing record retention schedules.

3. Staff and faculty should electronically report student restraint in the District's Student Information System.

Parental Notification:

1. Parents shall be informed within one (1) school day when a physical restraint is used and shall be provided a copy of the completed Restraint Incident Report Form (or equivalent) at that time. Parents and the District may mutually agree that notification may be provided via electronic mail.

2. The District will provide information to parents about the District's policies governing the use of physical restraint by posting this Policy on its website and by including it in its Student Handbook.

Limitations:

1. Nothing in this Policy shall be construed to prohibit a school system, school, or program employee from taking appropriate actions to diffuse a student fight or altercation.

2. Nothing in this Policy shall be construed to eliminate or restrict the ability of a District employee to use his or her discretion in the use of physical restraint to protect students or others from imminent harm or bodily injury. Nothing in this Policy shall be construed to impose ministerial duties on any District employee.
3. Nothing in this Policy limits the ability of District staff 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.
4. Nothing in this Policy shall be construed to go beyond or as inconsistent with the requirements of State Board of Education Rule 160-5-1-.35.
5. The use of physical restraint in District schools, as well as this Policy and the Restraint Incident Report Form, shall be reviewed by the District at least annually.

2018– 2019 PARENT INFORMATION GUIDE
Directory Information Statement – FERPA

Rights under the Family Educational Rights and Privacy Act

- (1) The right to inspect and review the student’s education records within 45 days of the day the District receives a request for access.

Parents or eligible students should submit to the school principal a written request that identifies the records 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 or misleading.

Parents or eligible students may ask the Fulton County School District (District) to amend a record that they believe is inaccurate or misleading. They should write the school principal, clearly identify the part of the record they want changed, and specify why it is inaccurate or misleading.

If the 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 can be found in Policy/Procedure JR, Student Records, at www.fultonschools.org.

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

One exception which permits disclosure without consent is disclosure to school officials with legitimate educational interests. A school official is a person employed by the 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 Board of Education; a school or District approved volunteer; a person or company that is under the direct control of the District with respect to the use and maintenance of education records and with whom the District has contracted or who volunteers to perform a service or function for which the District would otherwise use employees (such as an attorney, auditor, medical consultant, therapist, insurance adjuster); or a parent or student serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing his or her tasks.

A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility.

Upon request, the District discloses educational records, without consent, to officials of another school in which a student seeks or intends to enroll.

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

- (5) The District may disclose appropriately designated "directory information," for educational compliance purposes, to governmental agencies and offices, to non-profit entities for school or District support purposes, or to educational technology providers as deemed appropriate to access educational services, without written consent, unless you have advised the District to the contrary in accordance with District procedures.

The District may include personally identifiable information in school publications such as a playbill, showing your student's role in a drama production; the annual yearbook; honor roll or other recognition lists; graduation programs; and sports event publications, such as a football game program. District teachers,

District schools and the District may also display directory information on District school, District classroom or District websites or blogs for the purposes of recognizing student achievement or informing the community about school or District events.

Directory information is information that is generally not considered harmful or an invasion of privacy if released. Directory information includes a student's name, address, email addresses, phone number(s), date and place of birth, grade level, dates of attendance and most recent previous school attended, degrees/honors/awards received, photograph/peripheral student images or audio (see information below), participation in school activities and sports, as well as weight and height of members of athletic teams, student ID number, user ID, or other unique personal identifier used to communicate in electronic systems (subject to the District's determination that this information cannot be used to access education records without a PIN, password, etc.--a student's SSN, in whole or in part, cannot be used for this purpose) or similar information.

The District records and maintains audio recordings and video or photographic footage and audio recordings of students on school property and at school events in locations including, but not limited to, parking lots, school buses, lunchrooms, classrooms and hallways. Such information is used and maintained for security and other purposes, including yearbooks, video yearbooks, and school publications and websites. In many cases, recordings contain peripheral video or photographic footage of students engaged in day-to-day activities including, but not limited to, walking to class and attending to classroom or school activities.

Peripheral video footage, photographic images, or audio recordings of day-to-day student activities do not include footage of a student or students committing, being involved in, or witnessing a violation of law or District or school rule, procedure, or policy. The District may also determine that other activities do not qualify as peripheral images, footage, or recordings on a case-by-case basis.

Parents/Guardians of students under 18 years of age or a student 18 years of age or older objecting to the release of this information should place their objection in writing and notify the student's Assistant Principal, no later than August 17, 2018, or within ten calendar days of the student's enrollment.

COMPULSORY EDUCATION OCGA § 20-2-690.1:

Every parent, guardian or other person who has control of any child between the ages of 6 and 16 must enroll and send their child to school. Any parent, guardian or other person having control of a child that has more than 5 unexcused absences*, after being notified by school personnel, will be guilty of a misdemeanor and subject to the following penalties:

- 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 courts
- Each day absent after 5 unexcused absences will constitute a separate offense

*Additional information on unexcused absences and consequences are outlined in the Student of Code of Conduct and the District's website.

NOTIFICATION OF RIGHTS UNDER THE PROTECTION OF PUPIL RIGHTS AMENDMENT (PPRA)

PPRA affords parents certain rights regarding our conduct of surveys, collection and use of information for marketing purposes, and certain physical exams. These include the right to:

• **Consent** before students are required to submit to a survey that concerns one or more of the following protected areas (“protected information survey”) if the survey is funded in whole or in part by a program of the U.S. Department of Education (ED)

1. Political affiliations or beliefs of the student or student's parent;
2. Mental or psychological problems of the student or student's family;
3. Sex behavior or attitudes;
4. Illegal, anti-social, self-incriminating, or demeaning behavior;
5. Critical appraisals of others with whom respondents have close family relationships;
6. Legally recognized privileged relationships, such as with lawyers, doctors, or ministers;
7. Religious practices, affiliations, or beliefs of the student or parents; or

8. Income, other than as required by law to determine program eligibility.

•**Receive notice and an opportunity to opt a student out of**

1. Any other protected information survey, regardless of funding,
2. Any non-emergency, invasive physical exam or screening required as a condition of attendance, administered by the school or its agent, and not necessary to protect the immediate health and safety of a student, except for hearing, vision, or scoliosis screenings, or any physical exam or screening permitted or required under State law, and
3. Activities involving collection, disclosure, or use of personal information obtained from students for marketing or to sell or otherwise, distribute the information to others.

•**Inspect, upon request and before administration or use**

1. Protected information surveys of students,
2. Instruments used to collect personal information from students for any of the above marketing, sales, or other distribution purposes; and
3. Instructional materials used as part of the educational curriculum

These rights transfer from the parents to a student who is 18 years old or an emancipated minor under State law.

The District maintains policies or procedures, in consultation with parents/guardians, regarding these rights, as well as arrangements to protect student privacy in the administration of protected information surveys and the collection, disclosure, or use of personal information for marketing, sales, or other distribution purposes. These policies/procedures, including Policy and Procedure ICC, are available online at www.fultonschools.org or through your local school.

The District will directly notify parents of these policies at least annually at the start of each school year and after any substantive changes. The District will also directly notify (such as through U.S. Mail, e-mail, or hand delivery) parents of students who are scheduled to participate in the specific activities or surveys noted below and will provide an opportunity for the parent to opt his or her child out of participation of the specific activity or survey. The District will make this notification to parents at the beginning of the school year if the District has identified the specific or approximate dates of the activities or surveys at that time. For surveys and activities scheduled after the school year starts, parents will be provided reasonable notification of the planned activities and surveys listed below and be provided an opportunity to opt their child out of such activities and surveys. Parents will also be provided an opportunity to review any pertinent surveys. Following is a list of the specific activities and surveys covered under this requirement:

- Collection, disclosure, or use of personal information for marketing, sales or other distribution.
- Administration of any protected information survey not funded in whole or in part by ED.
- Any non-emergency, invasive physical examination or screening as described above.

Parents who believe their rights have been violated may file a complaint with the Family Policy Compliance Office, U.S. Department of Education, 400 Maryland Avenue, SW, Washington, DC 20202-5920.

SURVEY DATA COLLECTION

At this time, the District plans to administer one anonymous protected information survey not funded by ED, the Georgia Student Health Survey II (GSHS II), which is issued through the Georgia Department of Education. The GSHS II anonymously identifies safety and health issues that have a negative impact on student achievement and school climate. The information helps provide the most effective drug and violence prevention resources and/or activities for your child.

The survey will take approximately 20 minutes to complete and is totally anonymous and voluntary. Students have the right to “opt out”. It asks for responses that pertain to student involvement in substance abuse, violent situations, school climate and nutrition. Survey analysis of these data provides information/data that:

- Meets the No Child Left Behind Title IV mandated data collection requirements;
- Assists in the maintenance of a school environment that is free of drugs and violence;
- Promotes a classroom atmosphere that allows teachers to teach and students to learn; and
- Develops and offers experiences that involve students in applying the concepts of making healthy decisions, accepting responsibility for behaviors, and understanding consequences.

Our desire is to involve parents in the education of their children. The GA Student Health Survey is given annually to all students in grades 3-12. If you **do not** wish for your child to participate in this important activity, please inform your student's Assistant Principal each year in writing by September 15, 2018. If you would like to examine the survey, please visit www.gadoe.org or feel free to contact the Student Discipline Prevention and Intervention Department at 470-254-0480. If you **do not** "opt out" your child from survey participation, he/she could be selected to complete a Student Health Survey beginning in October each year in grades 3-12.

CLUBS/ORGANIZATIONS

After reviewing the list of Clubs/Organizations at my student's school (available from the school website or from the school office), I decline permission for my child (under the age of 18) to participate in the following school club(s) which is defined as clubs and organizations that are directly under the sponsorship, direction, and control of the school):

I understand that I should discuss this prohibition with my child to ensure compliance. I understand that more information regarding student organizations may be found at the school or in Policies JHC, Student Organizations and JH, Student Activities.

Participation in athletic and extracurricular activities in Fulton County Schools is a privilege. School offer a wide variety of extracurricular activities such as clubs, teams, award ceremonies, and school social events, such as school dances. Student participating in these activities represent their school and more importantly, depict its character. Therefore, the School may withdraw the privilege to participate in these activities if students violate the Code of Conduct or state/federal laws.

ATHLETIC INTEREST

The Fulton County School District values student participation in athletics. All sports offered at each school are listed on the District's Athletic webpage at www.fultonschools.org, or you can access each school's individual webpage.

Suggestions or Changes

If you are a high school student, eighth grade student, parent/guardian, coach or other interested school personnel that has a specific suggestion or request about:

- The addition of a Georgia High School Association (GHSA) sanctioned sport not currently offered at your high school;
- Adding an additional level of competition for an existing GHSA sport at your high school (such as a freshman or junior varsity team);
- Getting your high school's assistance in approaching GHSA about adding a sport to its list of sanctioned sports; or
- You have an idea on a way to increase participation in currently existing GHSA sports teams,

then please complete the form that can be accessed on the District's Athletics webpage at www.fultonschools.org. Your feedback will be sent to the School District's Athletic Director and the relevant school, and may be shared with relevant coaches.

PUBLICITY RELEASE

Throughout the school year the Fulton County School District (District) and local schools will conduct activities that may be publicized through local or national news media.

_____ I **grant permission** for the Fulton County School District to use or publicly display me/my child's photograph, video, audio clip, name, age, grade, school and school activities or achievements on the District's Web site(s), individual school Web pages, District or school social media (such as Facebook, Twitter, Instagram or similar), or in other official District publications without further notice for any purpose deemed acceptable to the District. I acknowledge the District's right to crop, edit, or treat the photograph, video, or audio clip of me/my child at its discretion. I also agree that my child/I will participate in any publicity activities for events sponsored by the District. Such activities may include but are not limited to: interview

sessions with third party (non-District) news reporters; photographs for third party (non-District) newspapers or various District publications including newsletters, calendars, and brochures; videotaping for local and national television newscasts, cable programming, and School District promotional videos. I understand that although the District makes efforts to only engage student in positive media activities, the District has no control over how third party media use information from me/my child.

This permission is effective as long as I/my child attends his/her/my current school or until I give further notice to his/her/my Assistant Principal in writing.

**PARENT AND STUDENT RECEIPT ACKNOWLEDGEMENT FORM
(MUST BE COMPLETED AND RETURNED TO THE SCHOOL)**

We have received the **Student Code of Conduct & Discipline Handbook** and all included documents, and understand that we are responsible for reading and understanding this information. Parents are responsible for ensuring their student(s) understand this information.

We also understand that this **Student Code of Conduct & Discipline Handbook** contains rules that students are expected to follow, including but not limited to, rules that must be followed at school, on school grounds; off school grounds at a school activity, function or event, going to and from school or other transportation provided by the District, at school bus stops; while in any vehicle used in connection with a school function or activity, or while using the school technology resources.

We also understand that this **Student Code of Conduct & Discipline Handbook** contains information about possible legal consequences if a child does not attend school as required by Georgia law in § 20-2-690.1. **If a child has more than five (5) unexcused absences, parents, guardians, or other persons who have control or charge of a child are subject to fines, imprisonment, community service or any combination of these penalties.** Absences that are excused are listed in **Policy JBD** and may be accessed at www.fultonschools.org and/or at the local school.

We understand that this handbook contains information about opting out of the Georgia Department of Education's Georgia Student Health Survey II (GSHS II) and that if we **do not** “opt out” our child from survey participation, he/she could be selected to complete a survey on or after **October 2, 2018**.

We also understand that in addition to school-based discipline of students, student misconduct may be reported to appropriate law enforcement authorities. The School District encourages parents/guardians 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.

We understand that all volunteers who work with children in the state of Georgia are required by law to report suspected child abuse as required by Georgia law in O.C.G.A. 19-7-5.

We understand that each student will be provided one copy of this Student Code of Conduct. Anyone requiring an additional copy should contact their local school administrator or review a copy on the District’s website www.fultonschools.org.

If I/We have any questions about the enclosed information, I/We will ask a school administrator to discuss those questions. **Failure to sign and return this form does not relieve me/us or my/our child(ren) from complying with and understanding the information enclosed in the Student Code of Conduct & Discipline Handbook.**

Parent/Guardian Name (please print)

Parent/Guardian Signature

Student Name (please print)

Student Signature (if 10 years of age or over)

Date



It is the policy of the Fulton County School System not to discriminate on the basis of race, color, sex, religion, national origin, age, or disability in any employment practice, educational program, or any other program, activity, or service. If you wish to make a complaint or request accommodation or modification due to discrimination in any program, activity, or service, contact Compliance Coordinator
at 6201 Powers Ferry Road, NW, Atlanta, Georgia 30339, or phone 470-254-4585. TTY 1-800-255-0135.