

Student Behavior Code

It is the purpose of the Dade County Board of Education to operate each school in a manner that will provide an orderly process of education and that will provide for the welfare and safety of all students who attend the schools within the district. In accordance with that purpose, the Board of Education has adopted a policy which requires all schools to adopt codes of conduct which require students to conduct themselves at all times in order to facilitate a learning environment for themselves and other students. These standards for behavior require students to respect each other and school district employees, to obey student behavior policies adopted by the Board and to obey student behavior rules established at each school within the district.

The school's primary goal is to educate, not to punish; however, when the behavior of an individual student comes into conflict with the rights of others, corrective actions may be necessary for the benefit of that individual and the school as a whole. Accordingly, students shall be governed by policies, regulations and rules set forth in the Code of Conduct.

The Code of Conduct is effective during the following times and in the following places:

- At school or on school property at any time;
- Off school grounds at any school-related activity, function or event and while traveling to and from such events;
- On school buses and at school bus stops.

Also, students may be disciplined for conduct off campus so severe that it could result in the student being criminally charged with a felony, and that makes the student's continued presence at school a potential danger to persons or property at the school, or that disrupts the educational process.

Major offenses including, but not limited to, drug and weapon offenses may lead to a school being named as an Unsafe School according to the provisions of State Board Rule 160-4-8-.16, Unsafe School Choice Options.

Parents are encouraged to become familiar with the Code of Conduct and to be supportive of it in their daily communication with their children and others in the community.

The General Assembly of Georgia requires that this code of conduct include language encouraging parents and guardians to inform their children on the consequences, including potential criminal penalties, of underage sexual conduct and crimes for which a minor can be tried as an adult.

AUTHORITY OF THE PRINCIPAL

The principal is the designated leader of the school and, in concert with the staff, is responsible for the orderly operation of the school. In cases of disruptive, disorderly or dangerous conduct not covered in this Code, the principal may undertake corrective measures which he or she believes to be in the best interest of the student and the school provided any such action does not violate school board policy or procedures.

AUTHORITY OF THE TEACHER

The Superintendent fully supports the authority of principals and teachers in the school system to remove a student from the classroom pursuant to provisions of state law.

Each teacher shall comply with the provisions of O.C.G.A. § 20-2-737 which requires the filing of a report by a teacher who has knowledge that a student 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. Such report shall be filed with the principal or designee on the school day of the most recent occurrence of such behavior, shall not exceed one page, and shall describe the behavior. The principal or designee shall, 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 designee.

The principal or designee shall notify in writing the teacher and the student's parents or guardian of the discipline or student support services which has occurred as a result of the teacher's report within one school day from the imposition of discipline or the utilization of the support services. The principal or designee shall make a reasonable attempt to confirm that the student's parents or guardian has received the written notification, including information as to how the parents or guardian may contact the principal or designee.

PROGRESSIVE DISCIPLINE PROCEDURES

When it is necessary to impose discipline, school administrators and teachers will follow a progressive discipline process. The degree of discipline to be imposed by each school official will be in proportion to the severity of the behavior of a particular student and will take into account the student's discipline history, the age of the student, and other relevant factors.

The Code of Conduct provides a systematic process of behavioral correction in which inappropriate behaviors are followed by consequences. Disciplinary actions are designed to teach students self-discipline and to help them substitute inappropriate behaviors with those that are consistent with the character traits from Georgia's Character Education Program.

The following disciplinary actions may be imposed for any violation of this Code of Conduct:

- Warning and/or Counseling with a School Administrator or Counselor
- Loss of Privileges
- Isolation or Time Out (e.g., SSC)
- Removal from Class or Activity
- Notification of Parents
- Parent Conference
- Corporal Punishment
- Detention
- Placement in an Alternative Education Program
- Short-term Suspension (e.g., ISS, OSS)
- Referral to a Tribunal for Long-term Suspension or Expulsion
- Suspension or Expulsion from the School Bus
- Referral to Law Enforcement or Juvenile Court Officials: Georgia law requires that certain acts of misconduct be referred to the appropriate law enforcement officials.

The School will refer any act of misconduct to law enforcement officials when school officials determine such referral to be necessary or appropriate.

The maximum punishments for an offense include long-term suspension or expulsion, including permanent expulsion, but those punishments will be determined only by a disciplinary tribunal as outlined in the Board of Education policies.

Parents or students may elect not to contest whether a student has violated the Code of Conduct or the appropriate discipline, and in such cases, an agreement may be negotiated which would include the parents or students waiving a right to a hearing before a disciplinary tribunal. Such an agreement and waiver must be approved also by the disciplinary tribunal or hearing officer in accordance with local board policy.

Before a student is suspended for ten days or less, the principal or designee will inform the student of the offense for which the student is charged and allow the student to explain his or her behavior. If the student is suspended, the student's parents will be notified if possible. School officials may involve law enforcement officials when evidence surrounding a situation necessitates their involvement or when there is a legal requirement that an incident be reported.

School officials may search a student if there is reasonable suspicion the student is in possession of an item that is illegal or against school rules. Student vehicles brought on campus, student book bags, purses, pockets, school lockers, desks and other school property are subject to inspection and search by school authorities at any time without further notice to students or parents. Students are required to cooperate if asked to open purses, pockets, book bags, lockers or any vehicle brought on campus. Metal detectors and drug or weapon-sniffing dogs may be utilized at school or at any school function, including activities which occur outside normal school hours or off the school campus at the discretion of administrators.

BEHAVIOR WHICH WILL RESULT IN DISCIPLINARY PROCEDURES

The degree of discipline imposed will be in accordance with the progressive discipline process unless otherwise stated.

Possession, sale, use in any amount, distribution, or being under the influence of any narcotic drug, hallucinogenic drug, amphetamine, barbiturates, marijuana, drug paraphernalia or alcoholic beverage or other intoxicant

Possession, distribution, attempted sale or sale of substances represented as drugs or alcohol

Possession, sale, attempted sale, distribution, or being under the influence of a prescription or over the counter drug. Can have diabetic supplies, inhalers and epi-pens with legal prescription.

Possession or use of a weapon or dangerous instrument as provided for in Code Section 16-11-127.1: A student shall not possess, use, handle, or transmit any object that reasonably can be considered a weapon. Students who possess firearms on campus will be subject to a minimum of a one calendar year suspension and will be referred to law enforcement officials.

Verbal assault, including threats of violence or bodily harm and/or sexual assault or harassment, of teachers, administrators, other school personnel, other students, or persons attending school-related functions: Immediate suspension and automatic referral to a disciplinary tribunal if a student is alleged to have committed an assault upon a teacher or other school personnel; possible referral to a disciplinary tribunal if a student is alleged to have committed an assault upon another student or a person attending a school-related function.

Physical assault or battery, including sexual battery, of other students, or persons attending school-related functions: possible referral to a disciplinary tribunal if a student is alleged to have committed battery upon another student or a person attending a school-related function.

Physical violence against a teacher, school bus driver, or other school personnel:

(1) Immediate suspension and automatic referral to the disciplinary tribunal if a student is alleged to have committed an act of physical violence against a teacher or other school personnel; expulsion for the remainder of the student's eligibility to attend public schools for acts of physical violence found by a tribunal to have intentionally made physical contact which causes physical harm to another unless such physical contact or physical harm was in defense of himself or herself, as provided in Code Section 16-3-21; or the Board may authorize the student to attend alternative school for the period of the expulsion; provided, however, that if such student is in kindergarten through grade five, then the Board upon the recommendation of the tribunal may permit the student to re-enroll in regular programs for grades 6 through 12; and provided further that if the Board does not operate an alternative education program for grades kindergarten through grade five, then the Board may permit the student in kindergarten through grade five who commits such an act to re-enroll in the public school system. The student shall be referred to juvenile court with a request for a petition alleging delinquent behavior.

(2) Possible punishments may include expulsion, long-term suspension, or short-term suspension for students found by a tribunal to have intentionally made physical contact of an insulting or provoking nature with the person of another.

Bus Misbehavior

The following specific provisions shall govern student conduct and safety on all school buses:

(1) All provisions of the Student Code of Conduct apply to behavior on the school bus, including but not limited to, acts of physical violence as defined by Code Section 20-2-751.6, bullying as defined by subsection (a) of the Code Section 20-2-751.4, physical assault or battery of other persons on the school bus, verbal assault of other persons on the school bus, disrespectful conduct toward the school bus driver or other persons on the school bus, and/or other unruly behavior;

(2) A meeting of the parent or guardian of the student, school principal or designee and appropriate school district officials must be held to form a school bus behavior contract whenever:

- A student is found to have engaged in bullying; or
- A student is found to have engaged in physical assault or battery of another person on the school bus.

- A student has committed an offense of any nature on the school bus and who has lost riding privileges for the second time.

The school bus behavior contract shall provide for age-appropriate discipline, penalties, and restrictions for student misconduct on the bus. Provisions may include, but are not limited to, assigned seating, ongoing parental involvement, and suspension from riding the bus.

These provisions regarding use of a bus behavior contract are not to be construed to limit the instances when other code of conduct violations may require use of a student bus behavior contract.

(3) Students shall be prohibited from using any electronic devices during the operation of a school bus, including but not limited to cell phones; pagers; audible radios, tape or compact disc players without headphones; or any other electronic device in a manner that might interfere with the school bus communication equipment or the school bus driver's operation of the school bus; and

(4) Students shall be prohibited from using mirrors, lasers, flash cameras, or any other lights or reflective devices in a manner that might interfere with the school bus driver's operation of the school bus.

Disrespectful conduct, including use of vulgar or profane language, toward teachers, administrators, other school personnel, other students, or persons attending school-related functions

Any behavior based on a student's race, national origin, sex, or disability that is unwelcome, unwanted, and/or uninvited by the recipient is prohibited, including verbal or non-verbal taunting, physical contact, unwelcome sexual advances, requests for sexual favors, and other verbal or physical contact of a sexual nature, up to and including sexual harassment as used in connection with Title IX of the Education Amendments of 1972.

Possession or use of tobacco in any form

Damaging or defacing personal property, including the property of another student or any person legitimately at the school, or school property (vandalism or graffiti) during school hours or off-school hours.

Theft

Extortion or attempted extortion

Possession and/or use of fireworks or any explosive

Activating a fire alarm under false pretenses or making a bomb threat

Insubordination, disorderly conduct, disobeying school rules, regulations, or directives;

Disobeying directives given by teachers, administrators, or other school staff

Classroom and school disturbances

Violation of school dress code

Use of profane, vulgar, or obscene words or indecent exposure

Use of a cell phone or electronic communication device during the school day

Inappropriate public displays of affection

Gambling or possession of gambling devices

Moving and non-moving driving violations

Giving false information to school officials

Cheating on school assignments

Unexcused absence, chronic tardiness, skipping class, leaving campus without permission, failure to comply with compulsory attendance law

Bullying: Georgia law mandates that upon a finding that a student in grades 6-12 has committed the offense of bullying for the third time in a school year, the student shall be assigned to an alternative school

Inciting, advising, or counseling others to engage in prohibited acts

Willful and persistent violation of the student code of conduct

Criminal law violations/Off-campus misconduct: A student whose conduct off campus could result in the student being criminally charged with a felony and which makes the student's continued presence at school a potential danger to persons or property at the school or which disrupts the educational process may be subject to disciplinary action, including in-school suspension, short-term suspension and referral to a disciplinary tribunal.

Falsifying, misrepresenting, omitting, or erroneously reporting information regarding instances of alleged inappropriate behavior by a teacher, administrator, or other school employee toward a student.

DEFINITION OF TERMS

Assault: Any verbal or written threat or attempt to physically harm another person or any act which reasonably places another person in fear of physical harm. (Example: threatening language or swinging at someone in an attempt to strike).

Battery: Intentionally making physical contact with another person in an insulting, offensive, or provoking manner or in a way that physically harms the other person.

Bullying: In accordance with Georgia law, bullying is defined as (1) Any willful attempt or threat to inflict injury on another person, when accompanied by an apparent present ability to do so; or (2) Any intentional display of force such as would give the victim reason to fear or expect immediate bodily harm.

Chronic Disciplinary Problem Student: 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.

Corporal Punishment: Physical punishment of a student by a school official in the presence of a school administrator.

Detention: A requirement that the student report to a specified school location and to a designated teacher or school official to make up work missed. Detention may require the student's attendance before school or after school. Students are given one days' warning so that arrangements for transportation can be made by the parents or guardians.

Disciplinary Tribunal: School officials appointed by the Board of Education to sit as fact finder and judge with respect to student disciplinary matters.

Dress Code: The current dress code is explained in the student handbook.

Drug: Illegal drugs, prescription drugs, and over-the-counter drugs. Caffeine and diet pills are considered drugs.

Expulsion: Suspension of a student from a public school beyond the current school quarter or semester. Such action may be taken only by a disciplinary tribunal or hearing officer in accordance with local board policy.

Extortion: Obtaining money or goods from another student by violence, threats, or misuse of authority.

Fireworks: The term "fireworks" means any combustible or explosive composition or any substance or combination of substances or article prepared for the purpose of producing a visible or audible effect by combustion, explosion, deflagration, or detonation, as well as articles containing any explosive or flammable compound and tablets and other devices containing an explosive substance.

Gambling: Engaging in a game or contest in which the outcome is dependent upon chance even though accompanied by some skill, and in which a participant stands to win or lose something of value.

In-School Suspension: Removal of a student from class(es) or regular school program and assignment of that student to an alternative program isolated from peers.

Physical Violence: Intentionally making physical contact of an insulting or provoking nature with the person of another or intentionally making physical contact which causes physical harm to another.

Out-of-School Suspension: Removal of a student from the regular school program for a period not to exceed 10 days (short-term) or for a period greater than 10 days (long-term, which may be imposed only by a disciplinary tribunal). During the period of suspension, the student is excluded from all school-sponsored activities including practices, as well as competitive events, and/or activities sponsored by the school or its employees.

Theft: The offense of taking or misappropriating any property, of another with the intention of depriving that person of the property, regardless of the manner in which the property is taken or appropriated.

Tobacco Products: Tobacco in any form including but not limited to cigarettes, chewing tobacco or snuff.

Waiver: A waiver is an agreement not to contest whether a student has committed an infraction of the Code of Conduct and the acceptance of consequences in lieu of a hearing before a disciplinary tribunal. A waiver must be approved by the disciplinary tribunal or the hearing officer.

Weapons: The term weapon is defined in Code Section 16-11-127.1 and for the purpose of this policy includes any object which is or may be used to inflict bodily injury or to place another in fear for personal safety or well-being. The following things may be defined as dangerous weapons: any pistol, revolver, or any weapons designed or intended to propel a missile of any kind, or any dirk, any bat, club, or other bludgeon-type weapon, any stun gun taser, bowie knife, switchblade knife, ballistic knife, any other knife, straight-edge razor or razor blade, spring stick, metal knucks, chains, blackjack, or any flailing instrument consisting of two or more rigid parts connected in such a way as to allow them to swing freely, which may be known as a nunchaku, or fighting chain, throwing star or oriental dart, or any weapon of like kind.

STUDENT SUPPORT PROCESSES

The Board of Education provides a variety of resources that are available at every school within the district to help address student behavioral problems. The school discipline process will include appropriate consideration of support processes to help students resolve such problems. These resources include Student Support Teams, school counselors, and chronic disciplinary problem student plans.

PARENTAL INVOLVEMENT

This Code of Conduct is based on the expectation that parents, guardians, teachers and school administrators will work together to improve and enhance student behavior and academic performance and will communicate freely their concerns about, and actions in response to, student behavior that detracts from the learning environment. School administrators recognize that two-way communication through personal contacts are extremely valuable; therefore, they provide information to parents as well as on-going opportunities for school personnel to hear parents' concerns and comments.

Parents and students should contact the principal of the school if specific questions arise related to the Code of Conduct.

The Code of Conduct specifies within its standards of behavior various violations of the Code which may result in a school staff member's request that a parent or guardian come to the school for a conference. Parents are encouraged to visit the schools regularly and are expected to be actively involved in the behavior support processes designed to promote positive choices and behavior.

Georgia law mandates that any time a teacher or principal identifies a student as a chronic disciplinary problem student, the principal shall notify by telephone call or by mail the student's parent or guardian of the disciplinary problem, invite the parent or guardian to observe the student in a classroom situation, and request at least one parent or guardian to attend a conference to devise a disciplinary and behavioral correction plan.

Georgia law also states that before any chronic disciplinary problem student is permitted to return to school from a suspension or expulsion, the school shall request by telephone call or by mail at least one parent or guardian to schedule and attend a conference to devise a disciplinary and behavioral correction plan. The law allows a local board of education to petition the juvenile court to require a parent to attend a school conference. If the court finds that the parent or guardian has willfully and unreasonably failed to attend the conference requested by the principal pursuant to the laws cited above, the court may order the parent or guardian to attend such a conference, order the parent or guardian to participate in such programs or such treatment as the court deems appropriate to improve the student's behavior, or both. After notice and opportunity for hearing, the court may impose a fine, not to exceed \$500.00, on a parent or guardian who willfully disobeys an order of the court under this law.

SCHOOL SPONSORED CLUBS

School sponsored clubs (excluding competitive interscholastic activities or events) are those under the sponsorship, direction and control of the school that organize and meet for common goals, objectives, and purposes. State law requires that parents have the right to withhold permission for their students to participate in any school sponsored club or organization designated by them. The following school sponsored clubs will be in operation during this school year, for which information is provided regarding the name of each club, its purpose, faculty sponsor, and a description of past or planned activities. You, as the parent/guardian, have the right to withhold in writing your permission for your student's participation in any club or organization. For your convenience, a form is included in this handbook for your use if you do not wish your student to participate in the club you have designated on the form. If a club is added during the school year, you will be provided information on the club and your written permission will be required prior to your student's participation. (Each school will provide parents with a list of school sponsored clubs, club sponsors and other club information.)