

The Banks County School System's Student Behavior Code of Conduct is included in this handbook. Refer to this document below for more information.

### **Banks County Schools Student Behavior Code of Conduct**

It is the purpose of the Banks County School System 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 requires 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 in conflict with 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 activity, function or event and while traveling to and from such events;
- On vehicles provided for student transportation by the school system and at all school bus stops;

Also, students may be disciplined for conduct off campus which is felonious or which may pose a threat to the school's learning environment or the safety of students and employees.

The Banks County Board of Education in compliance with the law (20-2-751.2) is authorized to refuse to enroll a student under a discipline order from public/private schools in Georgia and public schools outside of Georgia in which the student was previously enrolled. The Banks County Board of Education may enroll the student and subject the student to provisions of the disciplinary order (suspension, expulsion) from the previous school or school system.

Administrators must inform school personnel to whom a student is assigned if the student has been convicted or adjudicated to have committed a felony act.

The Banks County School Superintendent shall fully support the authority of principals and teachers to remove a disruptive student from the classroom, including establishing and disseminating procedures.

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 Banks County School System will distribute electronically a student code of conduct and parents will be provided with a form on which the student's parent or guardian may acknowledge their receipt of the code and the local school shall request that the form be signed and returned to the school.

### **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 the 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.

Each principal shall support the authority of each teacher to remove a student from the classroom who interferes with the teacher's ability to communicate effectively with students in the classroom and who disrupts the opportunity for other students to learn.

System policies and procedures related to teacher removal of students from class shall be implemented and disseminated to faculty, staff, parent/guardians, and students.

### **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 or 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/Silent Lunch
- Isolation or Time Out
- Temporary Removal from Class or Activity
- Notification of Parents
- Parent Conference
- Temporary Placement in an Alternative Education Program
- Short-term Suspension
- 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 Banks County 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.

A disciplinary hearing will be held in instances of alleged violation of the student code of conduct where the principal recommends a suspension or expulsion of longer than ten days or an alleged assault or battery by a student upon a teacher or other school official or employee, if such teacher or other school official or employee so requests.

The hearing must be held no later than ten school days after the beginning of the student's suspension unless the school system and the parent or guardian, mutually agree to an extension. All parties are afforded an opportunity to present and respond to evidence and to examine and cross-examine witnesses on all issues unresolved. Any teacher who is called as a witness by the school system shall be given notice no later than three days prior to the hearing and a verbatim electronic or written record of the hearing shall be made and shall be available to all parties.

Decisions must be in writing and shall be given to all parties within ten days of the close of the record. Any decision by the disciplinary hearing officer, panel or tribunal may be appealed to the local board of education by filing a written notice of appeal within 20 days from the date the decision is rendered. Any disciplinary action imposed by the disciplinary officer, panel or tribunal may be suspended by the school superintendent pending the outcome of the appeal.

The penalties for physical violence against a teacher, school bus driver, or other school official or employee shall be assessed against a student by a disciplinary hearing officer, panel or tribunal. Any student alleged to

have committed an act of physical violence shall be suspended pending the hearing by the disciplinary hearing officer, panel or tribunal. The decision of the disciplinary hearing officer, panel or tribunal may be appealed to the local school board pursuant to Code Section 21-2-754. The decision of the disciplinary officer, panel or tribunal shall include a recommendation as to whether a student may return to public school and, if return is recommended, a time for the student's return must be included in the recommendation.

A student found by a disciplinary hearing officer, panel or tribunal to have committed an act of physical violence as defined against a teacher, school bus driver, school official or school employee shall be expelled from the public school system. The expulsion shall be for the remainder of the student's eligibility to attend public school as noted in the law. The local board of education at its discretion may permit the student to attend an alternative education program for the period of the student's expulsion. If the student who commits an act of physical violence is in kindergarten through grade eight, then the local school board at its discretion and on the recommendation of the disciplinary hearing officer, panel or tribunal may permit such a student to reenroll in the regular public school program for grades nine through twelve. If no alternative educational program is available for students in grades kindergarten through six, the local board of education at its discretion may permit a student in kindergarten through grade six who has committed an act of physical violence to reenroll in the public school system.

A student who is found by the disciplinary hearing officer, panel or tribunal to have committed an act of physical violence against a teacher, school bus driver, school official or school employee shall be referred to juvenile court with a request for a petition alleging delinquent behavior.

A student who is found by the disciplinary hearing officer, panel or tribunal to have committed an act of physical violence against a teacher, school bus driver, school official or school employee may be disciplined by expulsion, long-term suspension, or short term suspension.

This code shall not infringe of the rights provided to students with Individualized Educational Programs pursuant to the federal Individuals with Disabilities Act, Section 504 of the federal Rehabilitation Act of 1973 or the federal Americans with Disabilities Act of 1990.

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, 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 book bag, 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 PROCEEDURES**

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 drug or alcohol.**
- Sale, attempted sale, distribution, or being under the influences of a prescription or over the counter drug.**

#### **- Behavior: Possession or use of Tobacco/ Lighters (in any form including imitations or paraphernalia) on school property or at any school sponsored event.**

Please note: Students will also be considered in violation of the tobacco policy when they are in a restroom stall with a prohibited item (or in a restroom stall with another student possessing a prohibited item). Prohibited items include any and all tobacco related products and paraphernalia. **Consequences: ISS/OSS up to expulsion or referral to disciplinary tribunal. Could also result in the loss of school privileges as deemed appropriate by administration. Parent contact required. May result in successful completion of a tobacco/drug education class. Law Enforcement may be contacted.**

#### **Behavior: Possession or use of E-Cigarettes, Vapes, Dab Pens, Juuls, or any other vaporizing delivery system (in any form including imitations or paraphernalia) on school property or at any school sponsored event.**

Please note: Students will also be presumed to be vaping when they are in a restroom stall with a delivery/vaporizing device (or with another student in a restroom stall possessing a delivery/vaporizing device).

**Consequences: ISS/OSS up to expulsion or referral to disciplinary tribunal. Could also result in the loss of school privileges as deemed appropriate by administration. Parent meeting required. May result in successful completion of a tobacco/drug education class. Law Enforcement may be contacted.**

**1<sup>st</sup> offense will require a mandatory face to face parent conference. Students will be assigned 2 days of OSS, and 3 days of ISS.**

**2<sup>nd</sup> offense will require a mandatory face to face parent conference. Students will be assigned 5 days of OSS and loss of school privileges as deemed appropriate by school administration.**

**3<sup>rd</sup> offense will result in referral to a disciplinary tribunal or tribunal waiver. Expulsion from school with an option to enroll in our alternative education program for 1 full semester. Student must successfully complete 1 full semester in Alternative School in order to be eligible to return to regular classes. May also require successful completion of a tobacco/drug education class.**

**-Possession or use of a weapon or dangerous instrument:** 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.

**-Assault, including threats of bodily harm and/or sexual assault, 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.

**-Inciting, advising or counseling of others to engage in prohibited acts.**

**-Battery, including sexual battery, of teachers, administrators, other school personnel, other students, or persons attending school-related functions:** Immediate suspension and automatic referral to the disciplinary tribunal if a student is alleged to have committed battery upon a teacher or other school personnel; possible referral to the disciplinary tribunal if a student is alleged to have committed battery upon another student or a person attending a school-related function.

**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.

### **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 other unruly behavior;
2. 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
3. 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 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.**

- **Possession or use of tobacco, lighters, matches, or paraphernalia in any form**
- **Damaging or defacing personal property or school property (vandalism)**
- **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 pocket pager, cell phone or electronic communication device during school hours, except for health or other unusual reasons approved by the board of education.**
- **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:** Guidelines and consequences are outlined in the student attendance policy.

**Loitering:** A student is not allowed to enter the premises of a school other than his/her school, unless prior permission is received from an administrator of the school to be visited. A student may not enter any school building on weekends or after school hours without authorization.

**Criminal law violations:** A student who has committed a violation of the criminal laws, whether on or off campus, which could result in the student being criminally charged with a felony, and whose presence on the school campus may endanger the safety of other students or cause substantial disruption to the school operation, may be subject to disciplinary action, including in-school suspension, short-term suspension and referral to a disciplinary tribunal.

#### DEFINITION OF TERMS

**Assault:** Any 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. (Example: fighting)

**Behavior Support Process:** a student support process for identifying and addressing the behavioral needs through providing integrated resources that promote behavioral change.

**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 another school official.

**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 day's warning so that arrangements for transportation and be made by the parents or guardians.

**Disciplinary Order:** any public or private school or school system order that imposes short-term suspension, long-term suspension, or expulsion upon a student in such school or system.

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

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

**Drug:** The term drug does not include prescriptions issued to the individual, aspirin or similar medications and/or cold medications that are taken according to product use recommendations and board policy. Caffeine 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.

**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 of 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 compounds and tablets and other devices containing an explosive substances.

**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 participation stands to win or lose something of value.

**Loitering:** going on any school campus without authorization – trespassing.

**Physical Violence:** Intentionally making physical contact of an insulting or provoking nature with the person or another; or intentionally making physical contact or physical harms were in defense of himself or herself, as provided in Code Section 16-3-21.

**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.

**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.

**System's Early Intervention Program for Student and Parent:** This early intervention program is for youth ages 12-18 and their parents/guardians. First offenders for possession or use of alcohol or other intoxicants may be offered the opportunity to attend the Substance Use Prevention Education Resource (SUPER) Program.

**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.

**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.

**Weapons:** The term weapon is defined as 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 weapon designed or intended to propel a missile of any kind, or any dirk, any bat, club, or other bludgeon-type weapon, any stun gun or taser, bowie knife, switchblade knife, ballistic knife, any other knife, straight-edge razor or razor blade, spring sticks, 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 Banks County Board of Education provides a variety of resources which 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 Response to Interventions, school counselors, 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 is extremely valuable; therefore, they provide information to parents and 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 and 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 and 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 a 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.

## Banks County School System Bullying Policy

The Banks County Board of Education believes that all students can learn better in a safe school environment. Behavior that infringes on the safety of students will not be tolerated. Bullying, as the term is defined in Georgia law, of a student by another student is strictly prohibited. Such prohibition shall be included in the Student Code of Conduct for all schools within the school system.

Bullying is defined as follows: An act which occurs on school property, on school vehicles, at designated school bus stops, or at school related functions or activities, or by use of data or software that is accessed through a computer, computer system, computer network, or other electronic technology of a local school system, that is:

1. Any willful attempt or threat to inflict injury on another person, when accompanied by an apparent present ability to do so;
2. Any intentional display of force such as would give the victim reason to fear or expect immediate bodily harm; or
3. Any intentional written, verbal, or physical act, which a reasonable person would perceive as being intended to threaten, harass, or intimidate, that:
  - a. Causes another person substantial physical harm within the meaning of Code Section 16-5-23.1 or visible bodily harm as such term is defined in Code Section 16-5-23.1;
  - b. Has the effect of substantially interfering with a student's education;
  - c. Is so severe, persistent, or pervasive that it creates an intimidating or threatening education environment; or
  - d. Has the effect of substantially disrupting the orderly operation of the school.

Procedures may be developed at each school encouraging a teacher or other school employee, student, parent, guardian, or other person who has control or charge of a student, either anonymously or in the person's name, at the person's option, to report or otherwise provide information on bullying activity. Any teacher or other school employee who, in the exercise of his or her personal judgment and discretion, believes he or she has reliable information that would lead a reasonable person to suspect that someone is a target of bullying is encouraged to immediately report it to the school principal. Any report will be appropriately investigated by the administration based on the nature of the complaint in a timely manner to determine whether bullying has occurred, whether there are other procedures related to illegal harassment or discrimination that should be implemented and what other steps should be taken. Any report of retaliation for reporting bullying will also be investigated and addressed as called for in this policy and in accordance with school procedures.