

160-4-8-.15 STUDENT DISCIPLINE.

(1) DEFINITIONS.

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

(b) 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.

(c) Discipline Policies – outlines consequences and punishments that will occur in the response to specify unacceptable behaviors.

(d) Multi-tiered system of supports or MTSS – a systemic, continuous-improvement framework in which data based problem-solving and decision making is practiced across all levels of the educational system for supporting students at multiple levels of intervention.

(e) Public preschool through third grade – a public preschool, a Pre-K program in a public school administered pursuant to Code Section 20-1A-4, and kindergarten through third grade in a public school.

(f) Progressive Discipline – the levels of consequences assigned to students who violate codes of conduct based on severity of misbehavior, students discipline history, and other relevant factors.

(g) Response to intervention or RTI – a framework of identifying and addressing the academic and behavioral needs of students through a tiered system.

(h) Tribunal Training Course – a course of at least five (5) hours duration which

1. includes instruction on:

(i) all student disciplinary provisions in Title 20 of the Official Code of Georgia Annotated,

(ii) due process requirements under federal and state law,

(iii) applicable rules of evidence,

(iv) leading federal and state judicial and administrative decisions, and

(v) applicable ethical standards and the role of the hearing officer and panel member as an independent, neutral arbiter; and

2. follows a training course outline that is annually approved by the Local Board of Education.

(i) Tribunal Training Provider – one who has expertise and/or knowledge of:

1. all student disciplinary provisions in Title 20 of the Official Code of Georgia Annotated,

2. due process requirements under federal and state law,

3. applicable rules of evidence,

4. leading federal and state judicial and administrative decisions, and

5. applicable ethical standards and the role of the hearing officer and panel member as an independent, neutral arbiter.

(j) Qualified Student Discipline Hearing Officer or Disciplinary Tribunal or Panel Member – an individual selected by the local school system who is:

1. in good standing with the State Bar of Georgia, or

2. has experience as a teacher, counselor, or administrator in a public school system, or

3. is actively serving as a hearing officer under an existing contract/agreement with a Georgia school system provided that such individual completes the tribunal training course within 6 months of July 1, 2016.

(k) Weapon – includes dangerous weapons, firearms, and hazardous objects as defined in Code Section 20-2-751.

(2) REQUIREMENTS.

(a) Each local board of education shall adopt policies designed to improve the student learning environment by improving student behavior and discipline. These policies shall provide for the development of age appropriate student codes of conduct that contain the following, at a minimum:

1. Standards for student behavior during school hours, at school-related functions, on school buses, and at school bus stops designed to create the expectation that students will behave themselves in such a way so as to facilitate a learning environment for themselves and other students, respect each other and school district

employees, obey student behavior policies adopted by the local board of education, and obey student behavior rules established by individual schools;

2. Verbal assault, including threatening violence, of teachers, administrators, and other school personnel;
3. Physical assault or battery of teachers, administrators or other school personnel;
4. Disrespectful conduct toward teachers, administrators, other school personnel, persons attending school related functions or other students, including use of vulgar or profane language;
5. Verbal assault of other students, including threatening violence or sexual harassment as defined pursuant to Title IX of the Education Amendments of 1972;
6. Sexual harassment as defined pursuant to Title IX of the Education Amendments of 1972 or physical assault or battery of other students.
7. Guidelines and consequences resulting from failure to comply with compulsory attendance as required under O.C.G.A § 20-2-690.1;
8. Willful or malicious damage to real or personal property of the school or to personal property of any person legitimately at the school;
9. Inciting, advising, or counseling of others to engage in prohibited acts;
10. Marking, defacing or destroying school property or the property of another student;
11. Possession of a weapon, as provided for in O.C.G.A. § 16-11-127.1;
12. Unlawful use or possession of illegal drugs or alcohol;
13. Willful and persistent violation of student codes of conduct;
14. Bullying as defined in O.C.G.A. § 20-2-751.4;
15. Any off-campus behavior of a student which 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;
16. Each local board of education shall adopt policies, applicable to students in grades 6 through 12 that prohibit bullying of a student by another student and shall require such prohibition to be included in the student code of conduct in that school system. Local board policies shall require that, upon a finding that a student in grades

6 through 12 has committed the offense of bullying for the third time in a school year, such student shall be assigned to an alternative school.

17. Behavior support processes designed to consider, as appropriate in light of the severity of the behavioral problem, support services that may be available through the school, school system, other public entities, or community organizations that may help the student address behavioral problems; This rule neither mandates nor prohibits the use of student support teams as part of the student support process;

18. Progressive discipline processes designed to create the expectation that the degree of discipline will be in proportion to the severity of the behavior, that the previous discipline history of the student and other relevant factors will be taken into account; and that all due process procedures required by federal and state law will be followed;

19. Parental involvement processes designed to create 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. Local boards of education shall provide opportunities for parental involvement in developing and updating student codes of conduct.

20. A statement that 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 of Education Rule 160-4-8-.16 Unsafe School Choice Option.

(b) Local boards of education shall provide for the distribution of student codes of conduct to each student upon enrollment and to the parents and guardians of each student and may solicit the signatures of students and parents or guardians in acknowledgment of the receipt of such student codes of conduct.

(c) Student codes of conduct shall be available in each school and classroom.

(d) Local boards of education shall provide for disciplinary actions against students who violate student codes of conduct;

(e) Local board policies relating to student codes of conduct shall provide that each local superintendent shall fully support the authority of principals and teachers in the school system to remove a student from the classroom pursuant to O.C.G.A. § 20-2-738, including establishing and disseminating procedures.

(f) It is the preferred policy of the board that disruptive students are placed in alternative education settings in lieu of being suspended or expelled.

(g) Local board policies shall require the filing of a report by a teacher documenting a student's violation of the student code of conduct which 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 within one school day of the most recent occurrence of such behavior. The report shall be filed with the principal or principal's designee, shall not exceed one page, and shall describe the behavior. The principal or principal's designee shall, within one day of receiving such report, send to the student's parents or guardians a copy of the report, and information regarding how the principal or principal's designee may be contacted.

(h) The principal or the principal's designee shall send written notification to the teacher and to the student's parents or guardians of the student support services being utilized or the disciplinary action taken within one school day and shall make a reasonable attempt to confirm receipt of such written notification by the student's parents or guardians. Written notification shall include information regarding how student's parents or guardians may contact the principal or principal's designee.

(i) Each local board of education shall approve Tribunal Training Provider(s).

(j) Each local board of education shall make available to all Qualified Student Discipline Hearing Officers and Disciplinary Tribunal or Panel Members the initial and ongoing tribunal training course prior to the individual(s) serving in such capacity. The local board of education shall ensure initially trained student discipline hearing officers and disciplinary tribunal or panel members undergo continuing education so as to continue to serve in such capacity.

(k) Each local board of education shall observe Georgia law in developing and implementing disciplinary hearings held by a disciplinary hearing officer, disciplinary panel, or disciplinary tribunal pursuant to O.C.G.A. § 20-2-751 through § 20-2-759 including the ability to honor disciplinary orders of private schools and other public schools/school systems pursuant to O.C.G.A. § 20-2-751.2.

1. Disciplinary hearings shall be held no later than ten school days after the beginning of the student's suspension unless the school system and parents or guardians mutually agree to an extension.

2. 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.

(l) No student in public preschool through third grade shall be expelled or suspended from school for more than five consecutive or cumulative days during a school year without first receiving a multi-tiered system of supports, such as response to intervention, unless such student possessed a weapon, illegal drugs, or other dangerous instrument or such student's behavior endangers the physical safety of other students or school personnel pursuant to O.C.G.A. 20-2-742.

160-4-8-.15 (Continued)

Authority O.C.G.A § 16-11-127.1; 20-2-152; 20-2-240; 20-2-735; 20-2-736; 20-2-737; 20-2-738(b); 20-2-742; 20-2-751.1; 20-2-751.2; 20-2-751.4; 20-2-751.5; 20-2-751.6; 20-2-752; 20-2-753; 20-2-754; 20-2-755; 20-2-756; 20-2-758; 20-2-759; 20-2-1181.

Adopted: November 8, 2018

Effective: November 28, 2018