

**Regulation JCDA-R(1): Student Code of Conduct**

**Status:** ADOPTED

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The Morgan County Charter School System strives to operate each school in an orderly manner that provides for the welfare and safety of all students. Therefore, the Board of Education has adopted a policy that requires students to conduct themselves at all times according to established behavioral standards. All student conduct shall be based on respect and consideration for the rights of others. Students are expected to behave themselves at all times in a responsible manner that will contribute to the best interest of the school system. Such conduct includes behaving themselves in such a way so as to facilitate a learning environment for themselves and other students, respecting each other and school district employees, obeying student behavior policies adopted by the local board of education, and obeying student behavior rules established by individual schools.

The faculty and staff of the Morgan County Charter School System seek to provide a safe and equitable learning environment for all students. Our goal is to educate, not to punish. However, when a student's behavior comes in conflict with the rights of others, corrective actions may be necessary for the benefit of that individual and the school. Accordingly, students shall be governed by policies, regulations and rules set forth in the Student Code of Conduct.

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

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

Also, students may be disciplined for conduct off campus 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.

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. 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.

### **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.

### **TEACHER AUTHORITY**

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.

## **STUDENT SUPPORT PROCESSES**

The Morgan County Charter School System provides a variety of resources that are available at every school to help address student behavioral problems. The school discipline process will include appropriate consideration of support processes to help students resolve such problems. In addition to chronic disciplinary problem student behavior plans, these resources include student Positive Behavior Intervention and Supports (PBIS), Multi-Tier System of Supports (MTSS), school counselors, Peer Mediation, and other programs.

## **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 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.

## **AUTHORITY TO ESTABLISH SCHOOL RULES**

The Morgan County Board of Education grants the authority to each school to establish school rules to clarify or extend the rules in the system code of conduct. Final decisions with regard to discipline and consequences belong to school administrators. Administrative discretion will be used to handle all discipline infractions.

## **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 actions may be imposed for any violation of this Code of Conduct:

- Warning and/or conference with a school administrator, counselor, or social worker
- Loss of privileges
- Time out
- Removal from class or activity
- Notification of parents

- Parent conference
- Detention
- In-school suspension
- Short-term suspension
- Placement in an alternative education program
- Referral to a disciplinary hearing 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.

## SEARCHES

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 or is in possession of evidence that the student broke the law or violated school rules. Students 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. Cell phones/multi-media/electronic devices taken from students due to possession and/or use in violation of school rules are subject to having their contents searched. Students are required to cooperate if asked to open book bags, lockers or any vehicle brought on campus.

## SUSPENSION OR EXPULSION FROM SCHOOL

All Out-of-School Suspension (OSS) or Expulsion from any Morgan County School shall also include a prohibition for the student from participating in all regular school activities, extracurricular school activities, athletic events, and other school events for the period of time assigned the respective consequence. Students who receive OSS or Expulsion are not allowed on any school grounds belonging to the Morgan County Charter School System during the assigned period. Students assigned to Alternative Education Program, or other approved alternative placements due to disciplinary reasons, are prohibited from attending any and all events held on school grounds belonging to the Morgan County Charter School System (except for the Alternative Education Program site).

## BEHAVIOR THAT WILL RESULT IN DISCIPLINARY PROCEDURES

The degree of discipline imposed will be in accordance with the progressive discipline process unless otherwise stated. Consequences may range from a warning to a referral to a disciplinary hearing for long-term suspension or expulsion. Final decisions with regard to discipline and consequences belong to school administrators. Administrative discretion will be used to handle all discipline infractions.

- **Possession, sale, transmission, use in any amount, distribution, or being under the influence of any narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana, drug paraphernalia, or alcoholic beverage, intoxicant, inhalant, prescription drug not currently prescribed, or substance that creates the same effect of the items listed.**
- **Possession, distribution, attempted sale or sale of substances represented as drugs or alcohol or any of the other items listed above.**
- **Sale, attempted sale, distribution, possession, or being under the influence of a prescription or over the counter drug.** All medications, whether prescription or over-the-counter, may be administered only in accordance with the guidelines set forth by Board Policy JGCD. All medications must be delivered by the student, parent or guardian to the school office immediately upon arrival at school and must be in original pharmaceutical containers, clearly labeled as the name of the student, the name of the medication, the appropriate dosage, and the times for dosage. Medications cannot be transported by bus to school. Any student possessing prescription or over-the-counter medication not in accordance with these guidelines will be considered in violation of the Morgan County Charter School System's Code of Conduct and shall be subject to disciplinary consequences.
- **Possession or use of a weapon, as provided for in Board Policy JCDAE:** A student shall not possess, use, handle, or transmit any object that reasonably can be considered a weapon. Weapons may include, but are not limited to:
  1. Any handgun, firearm, rifle, shotgun or similar weapon; any explosive compound or incendiary device; or, any other dangerous weapon as defined in O.C.G.A. § 16-11-121, including a rocket launcher, bazooka, recoilless rifle, mortar, or hand grenade.
  2. Any hazardous object, including any dirk, bowie knife, switchblade knife, ballistic knife, any other knife

having a blade of two or more inches, straight-edge razor, razor blade, spring stick, knuckles, whether made from metal, thermoplastic, wood, or other similar material, blackjack, any bat, club, or other bludgeon-type weapon, or any flailing instrument consisting of two or more rigid parts connected in such a manner as to allow them to swing freely, which may be known as a nun chahka, nun chuck, nunchaku, shuriken, or fighting chain, or any disc, of whatever configuration, having at least two points or pointed blades which is designed to be thrown or propelled and which may be known as a throwing star or oriental dart, or any instrument of like kind, any nonlethal air gun, and any stun gun or taser. Such term shall not include any of these instruments used for classroom work authorized by the teacher

- **Verbal assault, including threats of violence or 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 hearing if a student is alleged to have committed an assault upon a teacher or other school personnel.
- **Physical assault or battery, including sexual battery, of other students, or persons attending school-related functions:** possible referral to a disciplinary hearing 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:** Immediate suspension and automatic referral to the disciplinary hearing 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 hearing officer 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 six, then the Board upon the recommendation of the hearing officer may permit the student to re-enroll in regular programs for grades 9 through 12; and provided further that if the Board does not operate an alternative education program for grades kindergarten through grade six, then the Board may permit the student in kindergarten through grade six 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. Possible punishments may include expulsion, long-term suspension, or short-term suspension for students found by a hearing or hearing officer to have intentionally made physical contact of an insulting or provoking nature with the person of another.
- **Disrespectful conduct, including use of vulgar or profane language, toward teachers, administrators, other school personnel, other students, or persons attending school-related functions**
- **Harassment based on a student's race, national origin, religion, sex, or disability that is unwelcome, unwanted, and/or uninvited by the student 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 defined in the Federal Regulations implementing Title IX of the Education Amendments of 1972.**
- **Transmitting sexually explicit or suggestive material to other students at school or circulating such material at school through electronic devices or in any other manner**
- **Violating the school's/school system's acceptable use of the Internet/electronic resources agreement/policy**
- **Possession or use of tobacco in any form or electronic cigarettes; this prohibition shall include the use of vapor products (vaping) and electronic nicotine delivery systems, specifically including any product with CBD (cannabidiol), whether hemp or cannabis, and regardless of the amount of THC in the product or the extent to which it is legal or illegal under state law.**
- **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 during prohibited times of cell phone or other electronic communication devices, except for reasons approved by an administrator or teacher**
- **Inappropriate public displays of affection**
- **Gambling or possession of gambling devices**
- **Driving or parking permit violations**
- **Giving false information to school officials**

- **Students may not falsify, misrepresent, omit, or erroneously report information regarding instances of alleged inappropriate behavior by a teacher, administrator, or other school employee toward a student.** Any student (or parent or friend of a student) who believes a student has been the victim of an act of sexual abuse or sexual misconduct by a teacher, administrator or other school system employee is urged to make an oral report of the act to any teacher, counselor or administrator at his/her school.
- **Cheating on school assignments or other academic dishonesty**
- **Unexcused absences, chronic tardiness, skipping class, leaving campus without permission, failure to comply with compulsory attendance law**
- **Bullying: See Definitions of Terms. Georgia law mandates that upon a disciplinary hearing 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 of others to engage in prohibited acts**
- **Willful and persistent violations 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 or referral to a disciplinary hearing.**
- **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. A meeting of the parent or guardian of the student 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.

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.

## 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.

**Bullying:** In accordance with Georgia law, bullying is defined as an act 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 educational environment; or
  - D. Has the effect of substantially disrupting the orderly operation of the school.

The term applies to acts which occur 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. The term also applies to acts of cyberbullying which occur through the use of electronic communication, whether or not electronic act originated on school property or with school equipment, 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.

**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 or time missed. Detention may require the student's attendance before school or after school.

**Disciplinary Hearing Officer:** A person appointed by the Superintendent to hear discipline cases of a serious nature and determine guilt or innocence. If guilt is determined, then he/she is responsible for assigning consequences for the student's actions.

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

**Dress Code:** Acceptable standards of dress code as explained in the student handbook or through other means.

**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 or that are allowed under board policy or school rules. Caffeine pills are considered drugs. [Some schools will want to modify this definition to include all medications. Each board should have a policy on the dispensing of prescription and over-the-counter medications at school and the Code of Conduct should be consistent with that policy].

**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 hearing tribunal or hearing officer in accordance with Code Section 20-2-754.

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

**Fireworks:** 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.

**Harassment:** Any behavior based on a student's race, national origin, religion, sex, or disability that is unwelcome, unwanted, and/or uninvited by the student. Such behavior by students and employees is strictly prohibited.

**In-School Suspension:** Removal of a student from class(es) or the 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.

**Sexual Harassment:** Sexual harassment can take many forms and it is not possible to define or itemize every aspect of the harassment forbidden by the School District. Sexual harassment may include conduct or speech that entails unwelcome sexual advances, requests or demands for sexual favors, taunts, threats, comments of a vulgar or demeaning nature, or physical contact that creates a hostile environment. There may be other speech or conduct which students experience as inappropriate or illegal harassment, all of which is forbidden. Sexual harassment defined in the Federal Regulations implementing Title IX of the Education Amendments of 1972 is defined as follows:

**Sexual harassment** means conduct on the basis of sex that satisfies one or more of the following:

1. An employee of the District conditioning the provision of a District aid, benefit, or service on an individual's participation in unwelcome sexual conduct;
2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the District's education program or activity; or
3. "Sexual assault"- an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation; or  
"Dating Violence"- sex-based violence committed by a person-
  - A. who is or has been in a social relationship of a romantic or intimate nature with the victim; and
  - B. where the existence of such a relationship shall be determined based on a consideration of the following factors:
    - i. The length of the relationship.
    - ii. The type of relationship.
    - iii. The frequency of interaction between the persons involved in the relationship; or

"Domestic Violence"- sex-based violence which includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a

child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction; or

"Sex-based Stalking" - engaging in a course of conduct directed at a specific person that would cause a reasonable person to-

- A. fear for his or her safety or the safety of others; or
- B. suffer substantial emotional distress.

Students or other persons wishing to report alleged sexual harassment of a student should promptly notify the student's school principal, school counselor, or Title IX Coordinator. All reports or complaints regarding alleged sexual harassment of students will be handled in accordance with Board Policies JAA and/or JCAC, as applicable.

**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 hearing or hearing officer). 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.

**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 hearing.

**Weapon:** The term weapon is defined in Georgia's criminal Code Section 16-11-127.1, but for the purpose of this code of conduct includes any object that is or may be used to inflict bodily injury or to place another in fear for personal safety or well-being.

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