

# **Baldwin County School District**

## **Student Code of Conduct**

### **2022-2023**



Students and parents should recognize their responsibility to know the contents of this discipline Handbook and to ask faculty or staff members for any clarification. The Baldwin County Board of Education does not discriminate on the basis of race, religion, color, sex, sexual orientation, gender identity, age, national origin, handicap, or disability in its educational programs, activities, or employment decisions.

#### **Why do we have a code of conduct?**

It is the policy of the Baldwin County Board of Education (Board) that each school within this school district shall develop and implement age-appropriate student codes of conduct designed to improve the student learning environment and which will comply with state law and State Board of Education Rules. At a minimum, each code of conduct shall include the following:

1. Standards of 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 as to facilitate a learning environment for themselves and other students. The standards should also be designed to encourage students to respect each other and school district employees, to motivate students to obey student behavior policies adopted by the Board and to obey student behavior rules established at each school within this school district;

2. Behavior support processes designed to consider, as appropriate in light of the severity of the behavioral problem, support services available at each school, the school system and other public entities or community organizations which may assist students to address behavioral problems;
3. Progressive discipline processes designed to create the expectation that the degree of discipline imposed by each school will be in proportion to the severity of the behavior of a particular student, the previous discipline history of the student and other relevant factors, while ensuring that each student receives the due process mandated by federal and state law;
4. Parental involvement processes designed to enable parents, guardians, teachers and school administrators to work together to improve and enhance student behavior and academic performance. The process should enable parents, guardians and school employees to communicate freely their concerns about student behaviors that detract from the learning environment; and
5. All other specific requirements as set forth in any existing State Board of Education Rule or in Georgia law.

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 of Conduct the principal may undertake corrective measures, which he/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. 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.

### **Statement of Purpose**

The purpose of this Code of Student Conduct is as follows:

1. To ensure an environment for learning which is protected from interruption and harassment;
2. To provide information to students and parents about the school system's rules of conduct and possible penalties for violations of these rules;
3. To provide uniform administration of discipline in the schools; and
4. To inform students and parents of when and under what circumstances the Code of Student Conduct applies.

As noted, these rules are designed to notify students of the types and range of behaviors that are unacceptable. However, it is not possible to specifically list every particular type of misconduct that is prohibited. Even though a particular type of misconduct is not listed as prohibited behavior, a student may nonetheless be punished for misbehavior that is criminal, threatens safety, or is substantially disruptive.

### **When the Code of Student Conduct Applies**

The rules contained in the Code of Student Conduct apply both during and outside normal school hours to students who are:

- A. On school property, including at a designated school bus stop;
- B. Off school property while attending a school-related activity, function, or event;
- C. While using a school issued device in violation of the Code of Conduct;
- D. In route to or from school or school related activities;
- E. Off school property but who engage in conduct 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 the health or safety of others or which would disrupt the educational process; or
- F. Off-campus but who engage in expressive conduct (e.g., text messaging, internet posting) which, the student promotes or distributes while the student is on school property or at a school-related activity, or

which causes, or reasonably threatens to cause, a risk of material and substantial disruption to the orderly operation of the school.

## **EXPECTED BEHAVIOR**

### **What Students Should Do**

Expected behavior is that behavior which promotes learning and is appropriate under the circumstances.

Students should:

**Participate Fully in the Learning Process:** Students should report to school and class on time, attend all regularly scheduled classes, remain in class until excused or dismissed, pay attention to instruction, complete assignments to the best of their ability, and ask for help when needed.

**Avoid Behavior That Impairs Their Own or Other Students' Educational Achievement:** Students should know and avoid the behaviors prohibited by this Code, take care of their books and other instructional materials, and cooperate with others.

**Show Respect for the Knowledge and Authority of Teachers, Administrators, and Other School Personnel:** Students must obey directions, use acceptable and courteous language, and avoid being rude or disrespectful, and follow school rules and procedures.

**Recognize and Respect the Rights of Other Students:** All students should show concern for and encouragement of the educational achievements and efforts of others.

## **POSITIVE BEHAVIOR INTERVENTIONS & SUPPORTS**

### **Positive School Climate**

Baldwin County School District has a focus on implementing Positive Behavior Interventions & Supports (PBIS) district wide. Every Baldwin County school has developed an individual PBIS plan to ensure equitable practices in creating a positive school climate. The PBIS process is an evidence-based framework that assists school teams in implementing systems change. The primary goal of the PBIS framework is to help schools design effective environments that increase teaching and learning for all students. Through a problem-solving approach, the PBIS framework begins with examining and improving the entire school climate. Teams use data to examine the reasons behaviors are occurring and then implement changes and interventions designed to address the identified needs. PBIS is a preventative and proactive system of addressing discipline problems that includes fair and consistent discipline practices.

### **Standards of Behavior**

The following rules are considered *standards of behavior* and are mandatory and shall apply uniformly to ALL students. Any student who violates these standards will be disciplined according to these rules. Disciplinary actions may include, but are not limited to: loss of privileges; reassignment of seats in the classroom, cafeteria or school bus; reassignment of classes; separation in the classroom, cafeteria or school bus; referral to Student Support Team/Counseling/Social Worker; involvement of behavior interventionist/specialist; removal from class; Bus suspension; Behavior plan/contract; parent notification/conference; in-school suspension; out-of-school suspension; detention; expulsion; or assignment to an alternative educational setting.

### Rule 1

#### Complying with Directions/Commands & Policies

No student shall fail to comply with directions or commands of principals, assistant principals, teachers, student teachers, substitute teachers, teacher aides, school bus drivers, or other authorized school personnel. No student shall willfully and persistently violate the Student Code of Conduct or any policy or administrative regulation of a school or the District as a whole.

### Rule 2

#### Disruption and Interference with School

No student shall disrupt or otherwise interfere with the orderly operation of school or school activities. This includes online content, internet usage, text messages, and all social media sites such as twitter, snapchat, kick, etc.

### Rule 3

#### Substantial Disruption and Clear Danger

No student shall cause substantial disruption of the school environment or present a clear danger to any other student(s) or school personnel.

### Rule 4

#### Committing Illegal Acts

No student shall commit any illegal act. Acts which will not be permitted include, but are not limited to, violation of any federal, state or local law, possession and/or discharge of fireworks, obscene and indecent acts, libelous or slanderous acts toward other students, teachers, administrators, other school personnel or other persons.

### Rule 5

#### Damaging, Destroying or Vandalizing Property

No student shall willfully or maliciously damage, mark, deface, destroy, or vandalize real or personal property of another student, other persons legitimately at the school or the Board of Education during or after school hours.

### Rule 6

#### Harassment, Bullying and Cyberbullying

No student shall sexually, emotionally, verbally, physically or by any communication by telephone, mail, broadcast, computer network or by any other electronic device or otherwise harass or bully any student, teacher, school employee or other person. Any student, in grades 6 through 12, committing the offense of bullying for the third time in a school year, shall be assigned to an alternative school. Any form of harassment or bullying shall be promptly reported to an administrator or counselor.

### Rule 7

#### Assault, Battery, and Threatening Others

No student shall assault, commit battery upon, threaten (verbally, in writing, or electronically), or otherwise abuse any student, teacher, school employee or other person. A student may be referred for permanent expulsion for violation of this section.

### Rule 8

#### Physical Violence toward School Staff or Bus Drivers

No student shall commit any act of physical violence against a teacher, school bus driver, school official, or school employee. A student shall be referred to a disciplinary hearing for violation of this section. A student found to have committed an act of physical violence by intentionally making physical contact of

an insulting and provoking nature may be disciplined by short-term suspension, long-term suspension or expulsion. A student found to have committed an act of physical violence by intentionally making physical contact, which causes physical harm, shall be permanently expelled and, if applicable, referred to juvenile court.

#### Rule 9

##### Physical Assault and Bullying on a School Bus

No student shall engage in bullying as defined in O.C.G.A. § 20-2-751.4(a) or in physical assault, battery, other unruly behavior, verbal assault or disrespectful conduct toward the bus driver or others. If a student is found to have engaged in bullying, a meeting of the parent of the student and appropriate school district officials shall be required to develop a school bus behavior contract for the student. Such contract shall provide for progressive age-appropriate discipline, penalties, and restrictions for student misconduct on the bus.

#### Rule 10

##### Weapons and Dangerous Instruments

In accordance with Board Policy JCDAE, Weapons, no student shall possess, handle, display, discharge, transmit or otherwise use any firearm, air soft guns, pellet guns, bb guns or destructive device, including but limited to explosives, incendiary device, chemical mace, tear gas, pepper gas, and other irritant, aerosols, or weapons as defined in federal and/or state law, or other objects that reasonably can be considered a weapon, hazardous object, OR have the appearance of a weapon. Principals have the authority to ban or confiscate any item that, in their judgment, may be used as a weapon to cause bodily harm either to students, themselves or to others.

A student shall be referred for full calendar year expulsion for violating this section as related to firearms and destructive devices as defined in federal law and Policy JCDAE.

Students violating this Rule by bringing weapons to school, on school grounds or to school related activities, that do not meet the federal law definition of weapons, but meet the state law definition or Board of Education definition, may be subject to long-term suspension, expulsion or permanent expulsion. For additional information, see Policy JCDAE located on the District's website.

#### Rule 11

##### Using or threatening to use a Deadly Weapon and Bomb/Terroristic Threats

Any student who uses, or threatens to use a deadly weapon, including, but not limited to, a firearm or knife, which may cause bodily harm or death, shall be subject to permanent expulsion. Students participating in or making a bomb or terroristic threat shall be subject to permanent expulsion. Student conduct off school grounds that has a direct and immediate effect on maintaining order or discipline in schools, or maintaining the safety and welfare of the students and staff; or off-campus conduct which could result in the student being criminally charged with a felony and when the student's continued presence at school becomes a potential danger to persons or property at the school, shall be subject to Board of Education discipline policies and administrative regulations.

#### Rule 12

##### Tobacco, Vapes, E-Cigarettes, Alcohol and Other Drugs/Psychoactive Substances

The use and/or possession of tobacco, tobacco substitutes (e.g. tobacco look alikes), vaping devices, vaping cartridges, cigarette look alikes (e.g. electronic cigarettes), hookahs or hookah like devices by students in any form is prohibited; on (a) school property; or (b) any property owned or leased by the Board of Education; (c) while riding as passengers on vehicles and/or operated by the Board of Education; or (d) while participating in or attending any school sponsored event at any time. Possession of vaping products such as vaporizers or oil is also prohibited.

The use of illicit drugs and the unlawful possession and use of alcohol are wrong, harmful and illegal; therefore, no student shall possess, sell, use, transmit, handle, display, distribute, otherwise use or be under the influence of any narcotic; hallucinogenic drug; amphetamine; barbiturate; marijuana; other controlled substance; drug paraphernalia; over the counter or prescription medication(s); alcoholic beverage; intoxicant of any kind; or substance represented to be illegal drugs or imitation controlled substance. A student may be referred for permanent expulsion for violating the section on illicit drugs and alcohol.

### Rule 13

#### Absenteeism

No student shall be absent from school or from any class or required school function during school hours without the written permission of the parent/legal guardian and/or the approval of the principal, except in cases of personal illness or other providential cause.

### Rule 14

#### Dress Code

Students shall comply with the District's Student Dress Code K through 12, as well as any and all individual school dress requirements. Students are required to wear Student ID's daily and must be present when entering the building. ID's must be worn at all times.

### Rule 15

#### Cell Phones/Electronic Devices

No student shall use a cell phone or other electronic communication devices except for health or other reasons as approved by the principal. Cell phones/electronic devices are not to be used at any time during the school day without the consent of the principal or his/her designee. Headphones are not permitted on any electronic devices without principal's permission. At no time are students permitted to film/record video of other students with any electronic devices unless under the direction of a teacher or staff member.

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

Students shall not use personal technology resources to distribute or display inappropriate material. Inappropriate material does not serve an instructional or educational purpose and includes but is not limited to the following:

- Is profane, vulgar, lewd, obscene, offensive, indecent, sexually explicit, pornographic or threatening;
- Advocates illegal or dangerous acts;
- Causes disruption to the District, its employees or students;
- Advocates violence;
- Contains knowingly false, recklessly false, or defamatory information; or
- Is otherwise harmful to minors as defined by the Children's Internet Protection Act.

#### Rule 16

##### Verbal Assault and Physical Assault

No student shall verbally assault, threaten violence or physically assault other students, teachers, administrators, school personnel or persons attending school-related functions.

#### Rule 17

##### Disrespectful Conduct

Students shall not become involved in disrespectful conduct or use vulgar or profane language toward other students, teachers, administrators, school personnel or persons attending school-related functions.

#### Rule 18

##### False Reporting

No student shall falsify, misrepresent, omit, or erroneously report information regarding instances of alleged inappropriate behavior by a teacher, administrators, or other school employee toward a student during or after school hours.

#### Rule 19

##### Passive Participation

No student shall incite, advise, encourage or counsel other students to engage in prohibited acts, be a passive participant or be an accomplice to a violation of the Student Code of Conduct, federal and/or state laws.

#### Rule 20

##### Internet/Electronic Use

No student shall violate the Baldwin County School System Acceptable Use Policy. BCSD provides a full range of electronic information systems, including Internet resources, for all students. Use of all electronic resources supports the vision, mission, and goals established by the BCSD. Access to these resources will be provided automatically.

#### Rule 21

##### Public Displays of Affection or Sexual Offenses

**Public Displays of Affection:** Any display of affection such as kissing, embracing, etc., while at school is prohibited.

**Sexual Offenses:** Sexual offenses are prohibited against members of the same sex as well as members of the opposite sex. Sexual offenses include, but are not limited to, the following:

##### Sexual Misconduct:

- No student shall participate in any form of sexual activity.
- No student shall expose one's intimate body parts or "moon" in public. Intimate body parts include the primary genital area, anus, groin, inner thighs, or buttocks of a male or female and the breasts of a female.
- No student shall commit any act of verbal, written, gesture-oriented, or physical sexual misconduct on school property, school buses, at school-sponsored events, or while using school technology resources.
- No student shall participate in verbal or visual conduct of a sexual nature (including, but not limited to, unwelcome sexual advances, requests for sexual favors, sexually offensive slurs, sexually offensive drawings, photographs or posters directed towards another person) where there is a pattern of harassing behavior or a single significant incident.

- No student shall participate in physical conduct of a sexual nature (including, but not limited to, unwelcome sexual advances or gestures) where there is a pattern of harassing behavior or a single significant incident.

#### Sexual Battery:

- Sexual battery is defined as a student intentionally making physical contact with the intimate parts of the body of another person without the consent of that person. Intimate body parts include the primary genital area, anus, groin, inner thighs, or buttocks of a male or female and the breasts of a female or male.
- No student shall commit any act of sexual battery on school property, school transportation, or at school-sponsored events.

#### Sexual Molestation:

- Sexual molestation is defined as a student doing any immoral or indecent act to or in the presence of another person, without that person's consent, with the intent to arouse or satisfy the sexual desires of either the student or the other person.
- This includes a student forcing another person to make physical contact with the student's intimate body parts, as defined in this Section. No student shall commit any act of sexual molestation or the attempts thereof on school property, school buses, or at school-sponsored events.

#### Rule 22

##### Gang Related Activity (Responsibility/Caring/Fairness)

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

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

#### **Chronic Disciplinary Problem Students**

Definition: "Chronic Disciplinary Problem Student" means any student who exhibits a behavior pattern which interferes with the learning process of students around him and which is likely to recur. If a teacher or principal determines that a student is a chronic disciplinary problem student, then the principal shall:

1. Notify the student's parent or guardian as soon as practical. The parent shall be notified by a telephone call and certified mail with a return receipt requested or first class mail.
2. Invite the parent to the school to observe the student in a classroom situation.
3. Give the parent an opportunity to schedule and attend a conference with the principal and/or teacher(s) to devise a disciplinary and behavioral correction plan. (O.C.G.A. § 20-2-765).
4. If not already in the Response to Intervention (RTI) process, the student will be referred to Tier 3.



Before any chronic disciplinary problem student returns from an expulsion, long-term suspension or short-term out-of-school suspension, the principal of the school to which the student is to be re-admitted shall:

1. Request that the parent schedule and attend a conference with the principal so as to devise, update, or modify a disciplinary and behavioral correction plan.
2. At their discretion, invite a teacher, counselor, or other person to attend the conference. Failure of the parent to attend shall not preclude the student from being re-admitted to the school.
3. Ensure that a notation of the conference is placed in the student's permanent file.
4. The RTI Process will be employed in the readmission process, documented, and a copy placed in the student's permanent file.

## **Response to Intervention (RTI)**

Response to Intervention is a regular education process for students experiencing problems of an academic, social or behavioral nature in school. RTI involves an interdisciplinary group that works collectively to improve the delivery of instructional services to students as well as serves as a resource for teachers and other educators in the delivery of these services.

Parents may be invited to participate in the meetings to discuss their child's RTI status and in the development of interventions for their child. Parent participation is encouraged. The RTI documents shall be placed in the student's permanent file and copies given to all involved. If an RTI plan is utilized as a result of a discipline referral, parents shall receive a copy of the report and information on how to contact the principal.

It is recommended that after five (5) cumulative days of out-of-school suspension, the RTI process be initiated. At this time, consideration of the student's behavior, lack of response to the behavior correction plan, and lack of response to being removed from the regular program must be considered. When the number of out-of-school suspension days reaches eleven (11) or more in any semester, the RTI process shall be initiated to develop or review the behavior correction plan and document the need for the out-of-school option or alternative educational placement.

## **DISCIPLINARY ACTIONS & PROCEDURES**

### **1. GENERAL PROVISIONS:**

a) A student whose behavior repeatedly or substantially interferes with the teacher's ability to teach the class, and where such behavior violates this Code of Conduct, may be removed from that class and reassigned to another educational setting. In addition, punishment consistent with the code violation may be imposed.

b) As part of the disciplinary process, the District will utilize, where appropriate, in light of the severity of the behavioral problem, student support services to help the student address behavioral problems, in addition to other disciplinary measures which may be imposed.

c) School administrators and teachers will follow a progressive discipline process whenever discipline is to be imposed. However, the degree of the discipline to be imposed for any violation, including the first times a student has committed a discipline infraction, will be in proportion to the severity of the violation.

d) School administrators and teachers will work together with, and seek the input of, the parents and guardians of students to improve and enhance student behavior. The school district recognizes the important role which parents and guardians play in developing positive behavior and academic performance.

## **2. SPECIFIC ACTIONS & PROCEDURES:**

**a) Detention:** A student may be required to report either before, during, or after school hours to a specific school location and/or to a specific teacher or school official.

**Procedure:** The parent/guardian must be notified in writing at least 24 hours before the detention. The notification must explain the reason(s) for the detention and inform the parent/guardian that necessary transportation will be their responsibility.

**b) Short Term Suspension:** Short term suspension is suspension from school and any school related activity for between one (1) and ten (10) school days. The principal or assistant principal may, at his/her discretion, assign a student to either in-school suspension or out-of-school suspension.

**Procedure:** The principal or assistant principal shall:

- 1) Tell the student, orally or in writing, the reason for the suspension and give the student an opportunity to tell his/her side of the story;
- 2) Attempt to contact the parent/guardian by telephone to inform them of the suspension; and
- 3) Within one (1) school day after the suspension begins, send the parent/guardian notice by regular mail informing them of the reason(s) for the suspension and of their right to discuss the details of their child's misbehavior with school officials.

A principal or assistant principal may suspend a student without notice of the reason for the suspension or an opportunity to provide an explanation if the student is intoxicated, under the influence of drugs, or where his/her presence otherwise poses a continuing danger to others or a disruption to normal school operations. In such cases, however, the informal hearing outlined above shall occur as soon as practicable.

**3. LONG TERM SUSPENSION OR EXPULSION:** Long term suspension means the student loses the right to attend school or participate in school activities for more than ten (10) consecutive days. Expulsion means the student loses the privilege of attending school or participating in school activities for the remainder of the grading period, remainder of the school year, or longer. Long term suspension and/or expulsion may only be imposed by action of the Disciplinary Hearing Officer, except as provided in cases where a tribunal is required, after the student has been afforded notice, opportunity for hearing, and other procedural rights prior to such expulsion or suspension becoming effective.

**Rights of Student Where Long Term Suspension or Expulsion is Recommended:**

- a) The right to written notice of the specific charges which have been made against the student;**
- b) The right to a due process hearing;**
- c) The right to be represented by legal counsel at the hearing;**
- d) The right to testify and present witnesses; and**
- e) The right to cross-examine witnesses who testify against the student.**

**Procedure:**

- 1) The principal or assistant principal must initially recommend long term suspension or expulsion to the Disciplinary Hearing Officer.
- 2) A hearing before the Disciplinary Hearing Officer will be scheduled as soon as possible but not later than ten (10) school days after the student has been removed from school.
- 3) If the hearing date is more than ten (10) school days after the student has been removed from school, and the delay in scheduling is not caused by the student or his parent/guardian, the student will be returned to the school at the end of the ten (10) day period unless, in the judgment of the Disciplinary Hearing Officer, the student's return to school would create a danger to the others or would disrupt the normal operation of the school.

- 4) Written notice will be sent to the parent/guardian by regular mail. This notice shall inform the parent/guardian of the following: the violation alleged; the date, time, and place of the hearing; the names of witnesses; and the punishment recommended. In addition, the notice shall inform them of the right to be represented by legal counsel at the hearing; the right to testify and present witnesses; and the right to cross-examine witnesses presented by the school district, and the procedure to waive their right to a hearing.
- 5) A verbatim electronic or written record of the hearing will be made and will be available to the parent/guardian or legal counsel of the student charged.
- 6) If long term suspension or expulsion is imposed, the parent/guardian will be notified of the decision in writing and of the right to appeal. This notice will be sent by regular mail within ten (10) days of the completion of the hearing.
- 7) If the discipline decision is appealed, as further explained below,, the Superintendent may in his/her discretion temporarily withhold implementation of the suspension or expulsion and return the student to school during the appeal process, but only if this will not endanger others or disrupt normal school operations.

**4. PHYSICAL VIOLENCE AGAINST SCHOOL OFFICIALS:** A student charged with physical violence as defined in O.C.G.A. § 20-2-751.6 against a teacher, administrator, paraprofessional, school resource officer, bus driver or other school official or employee, including volunteers, shall be referred to a hearing before the Discipline Hearing Officer with the same rights as are afforded a student in the case of a recommendation of long-term suspension or expulsion. For any alleged act of physical violence against any school employee, the student must be suspended pending a student disciplinary hearing. If the student is found guilty of an act of physical violence which causes physical harm to another, the student must be expelled and shall be referred to juvenile court with a petition alleging delinquent behavior.

**5. VIOLATIONS ON SCHOOL BUS:** The parent(s)/guardian(s) of a student engaged in bullying, physical assault or battery on another while on the school bus (or while boarding or departing a school bus) shall, in addition to other discipline which may be imposed, meet with school district officials to form a bus behavior contract which shall provide age-appropriate progressive discipline. When an alleged assault or battery on a school bus driver occurs, the student must have a disciplinary hearing.

#### **6. APPEALS:**

- a) The decision of the Disciplinary Hearing Officer may be appealed to the Board of Education by the student's parent/guardian. The appeal process begins with a written request for review of the Disciplinary Hearing Officer's decision addressed to the Superintendent of the Baldwin County School District at 110 North ABC Street, Milledgeville Ga. **This request must be made within twenty (20) calendar days of the date of the hearing.**
- b) The Board of Education will consider only the record of the hearing before the Disciplinary Hearing Officer. A transcript of that hearing will be made only upon receipt of a letter of appeal to the superintendent. A copy of that transcript will be made available in the office of the Disciplinary Hearing Officer upon request. If a copy of the transcript is desired, the parent/guardian must pay the cost of preparing that copy.
- c) The Board of Education has the power to affirm, reverse, or modify the decision of the Disciplinary Hearing Officer.
- d) The decision of the Baldwin County Board of Education may be appealed to the State Board of Education. Notice of any such appeal must be filed with the Superintendent of the Baldwin County Schools within thirty (30) calendar days of the date the Baldwin County Board of Education renders its

decision. The contents of this notice of appeal and the procedure to be followed before the State Board of Education of Georgia is contained in O.C.G.A. §20-2-1160.

**7. ALTERNATIVE EDUCATION SETTING:** Where, as the result of a violation of the Code of Student Conduct, a student of middle or high school age is suspended for more than ten (10) days or is expelled, the Superintendent or his/her designee may, instead, permit that student to attend an Alternative Education Setting for the period of suspension or expulsion.

In addition, in the case of a student who chronically violates this Code of Student Conduct, even where individual violations are only minor violations, the Superintendent or his/her designee, upon recommendation of the principal, may impose long-term suspension or expulsion. At the discretion of the superintendent or his/her designee, that student may be permitted to attend an Alternative Education Setting for the period of long-term suspension or expulsion.

**8. DISCIPLINE OF STUDENTS WITH DISABILITIES:** Those students receiving services under the provisions of the Individuals With Disabilities Education Acts (IDEA) are entitled to certain disciplinary safeguards in addition to the same due process procedures given to regular education students. These disciplinary safeguards are described in detail in the District's Special Education Handbook which is available online.

### **IMPORTANT INFORMATION**

1. Students under suspension or expulsion are not allowed on District property or at school related functions/activities.
2. Students are required to notify a teacher or administrator when illegal items (e.g., drugs, alcohol, etc.), dangerous items (e.g., guns, knives, explosive devices, or other weapons), or other items banned from school are found in the school building, on the school campus, on the school bus, or at a school function or activity.
3. School administrators and/or their designated representatives have the authority to conduct a reasonable search of students and their possessions. Lockers, desks, personal effects (e.g., purse, book bag, etc.) and vehicles when on school property, or at any school function or activity, may be searched at any time based on reasonable suspicion and illegal items or contraband seized.
4. A student is in possession of an illegal or prohibited item when it is found in or on the person of the student or in his/her personal effects, in his/her locker, or in a student's vehicle on school property or at any school function or activity off school property.
5. State law requires that victims of certain types of student misconduct file a written complaint with local school authorities. This includes an assault or battery by a student upon any student, teacher, or other school employee; or substantial damage which is intentionally caused by a student while at school to the personal property of a student, teacher, or other school employee where this could result in the long term suspension or expulsion of the student. O.C.G.A. § 20-2-753
6. **O.C.G.A. § 20-2-1184 requires that certain criminal offenses committed by a student while on school property or at a school function be reported to the appropriate law enforcement authority and the district attorney.** The crimes include aggravated assault with firearm involved (O.C.G.A. § 16-5-21), aggravated battery (O.C.G.A. § 16-5-24), sexual offenses (Chapter 6 of Title 16), weapon in unauthorized locations (O.C.G.A. 16-11-127), violations involving weapons in school safety zones

(O.C.G.A. § 16-11-127.1), possession of handgun by person under 18 (O.C.G.A. § 16-11-132), and controlled substances violations (O.C.G.A. § 16-13-30).

7. State law makes it unlawful for any person to manufacture, distribute, dispense or possess with intent to distribute a controlled substance or marijuana in, on, or within 1000 feet of any school property. Violation of this law is a felony and may be punished by imprisonment or a fine.

O.C.G.A. § 16-13-32.4

8. It shall be unlawful for any person to disrupt or interfere with the operation of any public school. Any person violating this Code shall be guilty of a misdemeanor of a high and aggravated nature. O.C.G.A. § 20-2-1181

**9. Georgia Law Regarding Battery Against A Teacher or School Employee: Any person who commits the offense of battery against a teacher or other personnel, engaged in the performance of official duties or while on school property shall, upon conviction thereof, be punished by imprisonment for not less than one (1) or more than five (5) years or a fine of not more than \$10,000.00 or both. O.C.G.A. § 16-5-23.1**

10. Parents and guardians are encouraged to inform your child of the consequences, including potential criminal penalties, of underage sexual conduct and crimes for which a minor can be tried as an adult.

**11. Information about Bullying:** Bullying is prohibited by the Baldwin County School District. Penalties for violating this prohibition may include, but are not limited to: loss of privileges; reassignment of seats in the classroom, cafeteria or school bus; reassignment of classes; separation in the classroom, cafeteria or school bus; referral to Student Support Team/Counseling/Social Worker; involvement of behavior interventionist/specialist; removal from class; bus suspension; behavior plan/contract; parent notification/conference; in-school suspension; out-of-school suspension; detention; expulsion; assignment to an alternative educational setting. Policy JCDAJ on Bullying can be found on the District's website.

**12. Information on Discrimination and/or Harassment:** The School District does not tolerate discrimination and/or harassment based upon race, creed, color, national origin, religion, sex, sexual orientation, gender identity, age, or disability. The School District takes such conduct very seriously. Any student (or parent/guardian or friend of a student) who has been the victim of discrimination and/or harassment by any person, including a fellow student, teacher, administrator or other School District employee, is urged to make an oral report of the act to any teacher, counselor or administrator at his/her school. All students and parents/guardians are urged to carefully review Board Policy JAA (Equal Educational Opportunities) and Policy JCAC (Harassment) found on the District's website. Penalties for such behavior are addressed in this Student Code of Conduct. Anyone may experience sexual harassment, irrespective of gender identity or sexual orientation. Individuals that believe they have been subjected to sexual harassment, or have inquiries about the application of Title IX in the District, should immediately contact the District's Title IX Coordinator:

Matt Adams  
Deputy Superintendent/Title IX Coordinator  
Phone: 478-457-2916  
Email: [Matt.Adams@Baldwin.K12.ga.us](mailto:Matt.Adams@Baldwin.K12.ga.us)  
110 North ABC St.  
Milledgeville, GA 31061

For more information on the School District's Title IX grievance process, please visit the School District's website. Any person who knowingly makes a false charge of discrimination and/or harassment may be subject to disciplinary action.

**13. Revision of Code:** This Code of Student Conduct is reviewed annually and revised as needed to provide for equitable treatment of all students as well as to ensure compliance with current laws and regulations. The District seeks input from all stakeholders including parents, students, community members, and school system personnel. Comments and suggestions may be directed to the attention of the district's Disciplinary Hearing Officer at the District's Administrative Offices.

## **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).

Simple Assault – a person commits the offense of simple assault when he or she either:

- a. Attempts to commit a violent injury to the person of another
- b. Commits an act which places another in reasonable apprehension of immediately receiving a violent injury

Aggravated assault – a person commits the offense of aggravated assault when he assaults:

- a. With the intent to murder, to rape, or to rob
- b. With a deadly weapon or with any object, device, or instrument which, when used offensively against a person, is likely to or actually does result in serious bodily injury
- c. A person or persons without legal justification by discharging a firearm from within a motor vehicle towards a person or persons.

### **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.

Simple Battery – a person commits the offense of simple battery when he either:

- a. Intentionally makes physical contact of an insulting or provoking nature with the person of another
- b. Intentionally causes physical harm to another

### **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; (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 substantial physical harm or visible harm; (b) substantially interferes with a student's education; (c) is so severe, persistent or pervasive that it creates an intimidating/threatening educational environment; or (d) substantially disrupts the orderly operation of the school. Bullying also applies to acts of cyberbullying, as further defined below.

### **First Offense of Bullying**

If the principal determines that a student has committed the offense of bullying, the principal will assign the appropriate consequence(s), hold a conference with the parent explaining the offense, review this section on bullying, and explain the consequence(s) related to the bullying in the Student Code of Conduct. This conference will be documented and a copy placed in the student's permanent file.

### **Second Offense of Bullying**

If the principal determines that a student has committed a second offense of bullying, the principal will assign the appropriate consequences and implement the Response To Intervention Process. The principal will notify the parent in writing that a third offense of bullying will result in a request being made for long-term suspension from regular school and placement in an alternative program. Principals will also follow the procedure section for Chronic Disciplinary Problem Students.

### **Third Offense of Bullying**

Upon finding that a student in grades 6 through 12 has committed the offense of bullying for the third time in a school year, the principal shall make a referral for a disciplinary tribunal for the long-term suspension of the student to an alternative setting. Documentation of the Student Support Process with a copy of the behavior correction plan, and data showing efforts to modify the bullying behavior must be included with the disciplinary request and placed in the student's permanent file.

Bullying behaviors that could implicate Title IX regulations (as implemented) may be subject to the District's Title IX grievance process found on the District's website.

### **Chronic Disciplinary Problem Student:**

A student who exhibits a pattern of behavioral characteristics, which interfere with the learning process of students around him/her and which are likely to recur.

### **Clubs and Organizations:**

School clubs and organizations are comprised of students who wish to organize and meet for common goals, objectives, or purposes. School staff will serve as sponsors for clubs and monitors for student organizations. This does not include competitive interscholastic activities.

**Competitive Interscholastic Activity:**

Functions held under the sponsorship of the school that involves its students in competition between individuals or groups representing two (2) or more schools. This includes cheerleading, band, and chorus.

**Cyber Bullying:**

When a student is tormented, threatened, harassed, humiliated, embarrassed, or otherwise targeted by another student using the Internet, interactive and digital technologies, electronic communications, or mobile phones. Online content that poses a problem or disruption at school will not be tolerated and will be subject to appropriate discipline.

**Detention:**

A requirement that the student report to a specific 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 in grades K through 12 may be assigned detention. Prior to the student serving a detention, the parent must be notified at least one (1) day in advance.

**Disciplinary Hearing Officer:**

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

**Disciplinary Tribunal:**

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

**Drug:**

The term drug does not include prescriptions issued to the individual aspirin or similar cold and/or similar medications taken according to product recommendation and board policy. Caffeine pills are considered drugs

**Expulsion:**

The suspension of a student from a public school beyond the current school semester or quarter and only a disciplinary tribunal may take such action.

**Extortion:**

Obtaining money or goods from another student by threats, violence, 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 classes 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 another person; or intentionally making physical contact, which causes physical harm to another.

**Suspension:**

The 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 actions of 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 misappropriation of 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.

**Transitional Placement:**

Any student that is returning from being incarcerated, must spend the remainder of the semester in the Baldwin Success Academy (BSA) as a transitional placement.

**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:**

Georgia Law, O.C.G.A. § 16-11-127.1(a)(2) and § 16-11-106(a), defines weapons as any objects 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, 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.

## Harassment and Sexual Harassment

Harassment includes, but is not limited to, slurs, jokes, electronic communications, and other verbal, graphic, or physical conduct relating to an individual's race, ethnic group, color, sex, sexual orientation, gender identity, religious belief, national origin, citizenship, age, or disability. Harassment is further defined as intentional, substantial, and unreasonable verbal, physical, or written contact that is initiated, maintained, or repeated.

Sexual Harassment is defined under Title IX as conduct on the basis of sex that satisfies one or more of the following:

1. A District employee conditioning the provision of an aid, benefit, or service of the recipient 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 a District education program or activity; or
3. "Sexual assault" as defined in 20 U.S.C. 1092(f)(6)(A)(v), "dating violence" as defined in 34 U.S.C. 12291(a)(10), "domestic violence" as defined in 34 U.S.C. 12291(a)(8), or "stalking" as defined in 34 U.S.C. 12291(a)(30).

The School District will respond to allegations of sexual harassment in compliance with Title IX of the Education Amendments of 1972.

Behaviors that implicate sexual harassment under the Title IX Regulations (as implemented) will be addressed through the District's Title IX grievance procedures found on the District's website.

LEVEL I VIOLATIONS	LEVEL I CONSEQUENCES
<ol style="list-style-type: none"><li>1. Bringing nuisance and non-related items on school property, to include but not limited to, electronic communication devices not being used for instructional purposes (e.g. CD players, cell phones/ pagers, toys, radios, skateboards, hand held computer games etc.)</li><li>2. Cheating or copying the work of another student</li><li>3. Classroom disruption</li><li>4. Minor damage of school property or property of others</li><li>5. Misbehavior on school bus</li><li>6. Refusal to follow directions</li><li>7. Rude and disrespectful behavior toward anyone, including name calling (isolated incidents)</li><li>8. First offenses of Public Displays of Affection or Inappropriate Contact</li><li>9. Horse playing</li><li>10. Cell Phone/Electronic Device (1st and 2nd Infractions)</li></ol>	<p>Student conference (Required) Parent notification (Required) Counseling Confiscation of electronic communication devices/nuisance items Test invalidation Loss of privileges Special assignments Lunch Detention/Saturday detention Restitution Isolation</p> <p><u>Administratively assigned</u> Time out Exclusion from extracurricular activities Suspension of bus transportation</p> <p><u>Cell Phone/Electronic Device:</u> 1st Infraction: Immediate confiscation of device</p>

	<p>and ONLY released to parent/legal guardian at the end of the next school day.</p> <p>2nd Infraction: Immediate confiscation of device and held for 3 days. Students will be given (1) day of ISS. The device will ONLY be released to a parent/guardian at the end of the final holding day.</p>
LEVEL II VIOLATIONS	LEVEL II CONSEQUENCES
<ol style="list-style-type: none"> <li>1. Repeated Level I offenses</li> <li>2. Engaging in verbal assault including threatened violence, ethnic racial slurs, derogatory or profane language or gestures directed toward anyone, including distribution of obscene materials</li> <li>3. Profanity</li> <li>4. Extortion</li> <li>5. *Fighting or instigating a fight (see simple assault and simple battery)</li> <li>6. Forgery</li> <li>7. Gambling</li> <li>8. Hazing (harassment, initiations, etc.)</li> <li>9. Possession or use of tobacco or tobacco products, including matches and lighters</li> <li>10. Bullying/Cyberbullying</li> <li>11. Skipping class</li> <li>12. Truancy</li> <li>13. Theft</li> <li>14. Computer/Internet Violations</li> <li>15. Cell Phone/Electronic Device (3rd Infraction or Subsequent Infractions)</li> <li>16. Gang Related Activity</li> </ol>	<p><b>All level II consequences require a student/parent conference.</b></p> <ul style="list-style-type: none"> <li>Detention</li> <li>Loss of privileges or credit (including driving on campus)</li> <li>Restitution</li> <li>Removal from class</li> <li>Prohibit attending or participating in extracurricular activities</li> <li>Behavioral contracts</li> <li>Counseling</li> <li>In-school suspension (ISS)</li> <li>*Out-of-school suspension (OSS) at home</li> <li>Assignment to an alternative educational setting</li> <li>Suspension of bus transportation</li> <li>Possible court referral for repeated Level I &amp; II violations</li> </ul> <p><u>Cell Phone/Electronic Device:</u></p> <p>3rd Infraction: Immediate confiscation of device and held for 5 days. Student will be given (2) day of ISS. The device will ONLY be released to a parent/guardian at the end of the final holding day.</p> <p>Subsequent Infractions: Immediate confiscation of device and held for 10 days. Student will be given (3) day of ISS. The device will ONLY be released to a parent/guardian at the end of the final holding day.</p>

LEVEL III VIOLATIONS	LEVEL III CONSEQUENCES
<ol style="list-style-type: none"> <li>1. Substantial or Repeated Level II offenses</li> <li>2. Criminal/delinquent acts of theft or attempted theft</li> <li>3. Engaging in conduct that violates Student Discipline - Policy JD relative to drug possession or use including inhaling (huffing) abusable glue, paint, or chemicals and possession of any type of weapon or item that could be considered a weapon</li> <li>4. Joining or being a member of any gang, or recruiting students for gang membership, or engaging in any gang activity</li> <li>5. Participating in any activity of an unauthorized organization or group which results in a violation of the Student Code of Conduct</li> <li>6. Physical assault against anyone</li> <li>7. Battery against anyone</li> <li>8. Bullying/Cyberbullying</li> <li>9. Terroristic threat</li> <li>10. Threatening bodily harm or property damage</li> <li>11. Trespassing on school property after school hours for an unlawful purpose</li> <li>12. Vandalism, damaging or destroying school equipment or school property or the property of any other individual on school property</li> <li>13. Any other conduct considered by the principal to be substantially disruptive, to the point it affects the orderly operation of the school or school related activities</li> <li>14. Refusal by Student to Surrender Electronic Device</li> <li>15. Gang Related Activity (Harassment, Intimidation, Violence, etc)</li> <li>16. Possession of a vape or vaping materials</li> </ol>	<p><b>All Level III consequences require a student/parent conference.</b></p> <ul style="list-style-type: none"> <li>Unsatisfactory conduct grade</li> <li>Out-of-school suspension at home (5 to 10 days)</li> <li>Long-term suspension (more than 10 days)</li> <li>Expulsion (Beyond the current school semester)</li> <li>Full calendar year expulsion</li> <li>Permanent expulsion</li> <li>Court referral</li> <li>Long term or permanent loss of bus transportation privileges</li> <li>Loss of privileges (including driving on campus)</li> </ul> <p><b>Mandatory referral for Level III offenses.</b></p> <p>A teacher must remove a student from class and send to the principal for referral, as appropriate, a student who engages in conduct described under Level III Violations/Consequences. The Public School Disciplinary Tribunal Act found in <b>O.C.G.A. § 20-2-750, et. seq.</b>, in conjunction with Board Policy, will be used to determine appropriate sanctions.</p> <p><u>Cell Phone/Electronic Device:</u>  Refusal by Student to Surrender Electronic Device: Students will be given up to 3 days of OSS, confiscation of the device, and device will be held for 10 days. The device will ONLY be released to a parent/guardian at the end of the final holding day.  *Cell Phone/Electronic Device must be turned in to school administrators before the student can return from suspension.</p>

