

Student Conduct Behavior Code Gwinnett County Public Schools

Discipline Policy Statement

Gwinnett County Public Schools (“GCPS” or “District”) is committed to creating a safe, positive environment for all of our students, staff, parents, stakeholders, and community partners. GCPS will work to assure that all students and staff are well-motivated, fully aware of their potential, and dedicated to pursue excellence in academic knowledge, skills and behavior. GCPS believes that all children can thrive in a safe learning environment. The District utilizes a range of activities to recognize, celebrate, and reward positive behavior at the classroom, school and district levels.

In addition to this Student Conduct Behavior Code (“Code”), GCPS has various policies that govern conduct in the District. A copy of those policies can be obtained at www.gwinnett.k12.ga.us (click on the quick link for Board of Education) or call the Office of the Executive Director for Administration and Policy at 678-301-6005.

Purpose of the Code

GCPS has adopted this Code to support the creation of a safe learning environment for all members of the school community. The purpose of this Code is to state clearly our standards for acceptable conduct of students. The Code also explains the consequences for not meeting these standards of conduct. This Code establishes a strict policy for conduct that endangers the safety of the schools and/or disrupts the educational experience for other students. GCPS does not permit corporal punishment.

The Code also sets forth the discipline procedures for the students who have committed violations of the Code. This Code is not meant to be a contract between the District and the students, and may be amended at any time. It is a place for GCPS to explain certain policies applicable to students.

Scope of the Code

Everyone is entitled to a safe, secure, and orderly environment in which to learn and work. The rules and regulations in this Code are designed toward that end and are effective during the following times and places:

- a. On school grounds at any time;
- b. Off school grounds at a bus stop, on a school bus, at a school activity, function, or event;
- c. When either the alleged perpetrator or the alleged victim is en route to and/or from school, or to or from a school activity, function or event;

- d. Off school grounds when the behavior of a student (1) could result in the student being criminally charged with a felony or which could result in a felony criminal charge if committed by an adult; and which (2) makes the student's continued presence at school a potential danger to person or property at school or which disrupts the educational process. (O.C.G.A. 20-2-751.5(c)).
- e. Off school grounds while the student is participating in or attending school-sponsored or school-related activities such as field trips, conferences or athletic events, or is otherwise subject to the jurisdiction of school authorities;
- f. Off school grounds when the misconduct is directed at a school student or employee and is related to the victim's school affiliation, or when the off-campus conduct directly affects the safety and welfare of the school community or the orderly mission and function of the school; and
- g. Off school grounds and when a student leaves without permission (AWOL) of a school official, or anytime Rule 10 would apply.

The rules of this Code do not apply to:

- h. Student speech that occurs off campus if the speech is at a nonschool-sponsored event and does not cause or is not likely to cause a material and substantial disruption to the school environment or a school activity.

Equal Opportunity Statement

The District complies with all federal, state, and local laws, and provides an equal opportunity for all students. GCPS prohibits discrimination in admission, grading, discipline and any other activity based on race, creed, color, national origin, religion, ancestry, age, marital status, sexual orientation (known or perceived), gender identity expression (known or perceived), gender, handicap, nationality, or citizenship. All decisions of GCPS will be administered without regard to any of the categories listed on this page.

Statement of Student Misconduct

The rules in this Code are designed to notify students (Pre-K–12) as to the types of behaviors that are not acceptable; nevertheless, every specific variation of the prohibited conduct may not have been included. Consequently, students should expect to be disciplined for misconduct that is obviously inappropriate. A specific rule need not be written for every conceivable variation of behavior that directly affects the orderly mission of the school.

References to the Official Code of Georgia Annotated

References to Title 16 of the Official Code of Georgia Annotated (O.C.G.A.) included in the Student Conduct Behavior Code do not require that the elements of the specific criminal code section referenced be proved beyond a reasonable doubt before schools may punish misconduct. Further, these code references do not impose any additional intent requirements upon schools pursuing discipline against students for the violation of this Code.

When a school rule is violated that may also be a violation of the law, the schools may notify the School Resource Officer (SRO) who will review the incident for possible criminal charges or notification of the District Attorney. Rules that require SRO notification are marked with an asterisk (*).

The following is general information regarding discipline:

1.) A principal, or other personnel designated to perform the duties normally performed by the principal, may suspend a student for violation of school rules or for any other act of misconduct or insubordination for a period not exceeding ten (10) school days.

Oral notice and an opportunity to discuss the matter with the principal or an assistant principal must be given to the student as soon as is practicable, and written notice (disciplinary referral) stating the reason for suspension shall be given to parents or guardians within a reasonable time, not to exceed two school days.

2.) Students under short-term suspension (1–10 days), long-term suspension (10 or more days), or expulsion are not allowed on any Gwinnett County school campus or to attend any school activity, function, or event. Students assigned to in-school suspension are not allowed to participate in extracurricular activities on the date of their ISS assignment.

3.) All dangerous weapons, instruments, or controlled substance confiscated by school authorities are to be turned in to Safety and Security.

4.) A student is considered to be in possession of an illegal and/ or banned item(s) or substance(s) when such item(s) or substance(s) is found on the person of the student, in his/her possession, in his/her locker, in a student's vehicle on school property, or in any vehicle a student brought on school property, on property being used by the school, at any school function or activity, or any school event held away from the school.

5.) Students are prohibited from engaging in gang/hate group or hazing related activities in school (Safe Schools Policy).

6.) School administrators and/or their designated representatives possess the authority to conduct a reasonable search of students, their possessions, their lockers, and their vehicles when on school property, on property being used by the school, at any school

function or activity, or at any school event held away from the school if it is established there is reasonable suspicion that the search will reveal a violation of the law, the Student Conduct Behavior Code, or local school rules.

7.) A student may be considered a party to a violation of the Student Conduct Behavior Code and disciplined for the underlying offense where the student:

- (1) Directly violates the Student Conduct Behavior Code;
- (2) Intentionally causes some other person to commit a violation of the Student Conduct Behavior Code;
- (3) Intentionally aids or abets another in a violation of the Student Conduct Behavior Code; or
- (4) Intentionally advises, encourages, hires, counsels, or procures another to commit a violation of the Student Conduct Behavior Code. A student may be considered a party to a violation of the Student Conduct Behavior Code even where the underlying actors are not students subject to the Code.

8.) Certain violations of the Student Conduct Behavior Code may also be violations of state law and juvenile authorities or other law enforcement agencies may address the student's misconduct in accordance with state laws, in addition to the school system's administrative procedures and regulations.

9.) Students are to notify an administrator or staff member when suspected illegal items, dangerous items, or other items banned from school are found in the school building, on the school campus, or on the school bus. Students are advised not to pick up or handle illegal, dangerous, banned, or unidentified items.

10.) Students who are under suspension or expulsion through spring semester will not be allowed to participate in any school-sponsored activities.

11.) Students should recognize their responsibility to know the contents of this student handbook and to ask the local school administration or staff for any clarification. All students, regardless of age, are subject to the rules and regulations of the Gwinnett County Public Schools. Each local school will review the contents of this handbook with its students.

12.) State law requires that certain criminal offenses committed by a student while on school property or at a school-sponsored activity, function, or event be reported to the principal, school superintendent, appropriate law enforcement authority, and the District Attorney. (O.C.G.A. § 20-2-1184).

13.) Georgia law makes it unlawful for any person to manufacture, distribute, disperse, or possess with the intent to distribute a controlled substance or marijuana in, on, or within 1,000 feet of any real property owned by or leased to any public or private elementary school, secondary school, or school board used for elementary or secondary

education. Any person who violates or conspires to violate this code section shall be guilty of a felony. (O.C.G.A. § 16-13-32.4)

14.) After a disciplinary hearing has been held, textbooks, materials, or equipment belonging to the local school must be returned to a school administrator at their local school.

15.) The Unsafe School Choice Option provides students at schools classified as “persistently dangerous” with the option of transferring to another school. Major offenses, including, but not limited to, drug and weapon offenses, can lead to a school being named “persistently dangerous” or unsafe pursuant to State Board of Education Rule 160-4-8-.16.

Note: The Student Conduct Behavior Code published here has been abbreviated for an elementary school audience. See your local principal or go online (www.gwinnett.k12.ga.us) to view the full version of the Student Conduct Behavior Code.

Rule 1 – Disruption and Interference with School

No student shall cause or attempt to cause directly or indirectly disruption or interference with school.

Mandatory Reporting of Repeated and Substantial Class Interference

Teachers in Gwinnett County Public Schools are required to report any student’s violation of the Student Conduct Behavior Code 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 the students in his or her class to learn. Teachers shall report any such incidents to the principal or the principal’s designee within one school day of the most recent occurrence of such behavior. Such report shall not exceed one page and shall describe the behavior. The principal or the 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 the principal’s designee may be contacted. O.C.G.A. § 20-2-737.

Student Removal from Class

A teacher may remove or refer to the principal or designee a student from class if the student has exhibited behavior that repeatedly or substantially interferes with the teacher’s ability to teach students in his or her class or the ability of other students to learn in the class. O.C.G.A. § 20-2-738 (a-h).

Where a teacher has previously filed a report of a student’s repeated or substantial interference with the classroom or where the behavior of a student poses an immediate

threat to the safety of student's classmates or the teacher, the teacher shall have the authority to remove the student from the classroom pursuant to O.C.G.A. § 20-2-738. Each school will have a placement review committee. The placement review committee shall be responsible for determining the appropriate placement of a student when the principal recommends that the student be returned to the classroom and the teacher withholds consent for the student's return. The placement review committee shall consist of three members, including two teachers and one alternate teacher chosen by the faculty and a member of the professional staff chosen by the principal. O.C.G.A. § 20-2-738(d).

Rule 2— Damage, Destruction, or Misuse of School Property or Equipment

A student shall not cause or attempt to cause damage to school property or alter/misuse school technology or any other equipment, including accessing unauthorized areas on the computer. A student shall not steal or attempt to steal school property. A student shall not possess, sell, use, buy or transmit stolen school property or attempt to possess, sell, use, buy or transmit stolen school property.

Rule 3— Damage, Destruction, or Misuse of Private Property

A student shall not cause or attempt to cause damage to private property or steal or attempt to steal private property. A student shall not possess, sell, use, buy, or transmit stolen private property on school grounds. Further, off schools grounds, a student shall not cause or attempt to cause damage to private property belonging to a school employee where such theft or damage is on account of that school employee's performance of his/her official duties. A student shall not sell or buy or attempt to sell or buy personal property on school grounds.

Rule 4— Abuse, Threats, Intimidation, Assault, or Battery on a School Employee

Section A

Regardless of intent, a student shall not make oral or written communication, create a document, or make a symbolic gesture or contact of a threatening, undermining, or provoking nature to or about a school employee or in the presence of a school employee. This includes, but is not limited to, disrespectful conduct, insult, use of profanity, ethnic, racial, sexual, disability, or religious slur, or harassment and includes the development of a "hit list," "people to kill," "people to shoot," or a statement about bringing a weapon to school and injuring people.

Section B

A student shall not cause or attempt to cause physical injury or behave in such a way that could reasonably cause physical injury or make physical contact of a threatening or provoking nature to a school employee.

Rule 4B also applies off school grounds when the misconduct by the alleged perpetrator is because of the school employee's performance of his or her official duties.

Intentional Physical Contact with a Teacher, Bus Driver or Other School Employee

Any student who intentionally makes physical contact of a threatening or provoking nature with a teacher, bus driver, school official, or other school employee shall be suspended and brought before a disciplinary hearing. The minimum penalty for a student found in violation of Rule 4BC shall be suspension from public school until the end of the school year. Any hearing finding a student in violation of Rule 4BC may impose a more severe penalty at its discretion. This minimum penalty shall not be applied in conflict with federal law. Any student found in violation of Rule 4BI shall be expelled from the public school system for the remainder of his or her eligibility to attend public school.

The following exceptions apply:

- (1) the Board of Education, at its discretion, may allow a student found in violation of Rule 4BI to attend the alternative school;
- (2) the Board of Education, at its discretion and upon the recommendation of the disciplinary hearing, may allow a student in grades 6–8 to return to the public school system for grades 9–12;
- (3) the Board of Education, at its discretion, may allow a student in grades K–5 to return to the public school system;
- (4) permanent expulsion will not be imposed where this penalty would infringe any right created under federal law; and
- (5) permanent expulsion will not be imposed where the student acts in defense as provided in O.C.G.A. § 16-3-21 (O.C.G.A. 20-2- 751.6; 20-2-751.4).

Rule 5— Abuse, Threats, Intimidation, Assault, or Battery by a Student on Another Student or to Any Other Person Not Employed by the School

Section A

Regardless of intent, a student shall not make oral or written communication, create a document, or make a symbolic gesture or contact of a threatening, distracting, or provoking nature to or about a person/student or in the presence of a person/student. This includes, but is not limited to, bullying, disrespectful conduct, insult, use of profanity; ethnic, racial, sexual, disability, or religious slur; or harassment and includes

the development of a “hit list,” “people to kill,” “people to shoot,” or a statement about bringing a weapon to school and injuring people. State law defines Bullying 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;
- 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) disrupts the orderly operation of school. Upon finding that a student in grades 6-12 has committed the offense of bullying for the third time in a school year, such student shall be assigned to an alternative school. (O.C.G.A. 20-2-751.4) Retaliation for reports of bullying will not be tolerated and will be subject to independent disciplinary action.

Section B

A student shall not cause or attempt to cause physical injury or behave in such a way as could reasonably cause bodily injury to any student/person. A student shall not engage in any behavior that threatens the safety or well-being of another person or has the likelihood of provoking a fight.

Gwinnett County Public Schools Are No Bullying Zones

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

Rule 6— Weapons, Dangerous Instruments, and Explosive or Implosive Devices

A student shall not solicit to buy or sell, or buy or sell or possess, handle, transmit, threaten with or discharge/use, any object that can reasonably be considered or converted to and/or used as a weapon such as, but not limited to, knives; guns; pellet guns; brass knuckles; fire works; lighters, tear gas, mace, explosives, pepper spray; bats, clubs, sticks (other than for athletics), or other instruments of a bludgeoning type; Chinese stars; razors; projectiles and the like. Possession of a Weapon on School Property or at School Functions A student shall be excluded from school for one year (exceptions limited on case-by-case basis) for possessing on school grounds or at a

school function a firearm, including a starter gun, any weapon which will or is designed to or may readily be converted to expel a projectile by the action of an explosive, the frame or receiver of such a weapon; any firearm muffler or silence; or any destructive device. See O.C.G.A. 20-2-750; 20-2-751.1

Rule 7— Drugs, Alcohol, and Tobacco

Section A

A student shall not be involved in any substance, drug, alcohol, or tobacco transaction, including, without limitation to buy, possess, sell, use, transmit, solicit; attempt to buy, possess, sell, use, or transmit; or be under the influence of any narcotic drug, depressant, or stimulant drug including without limitation caffeine pills, hallucinogenic drug, anabolic steroid, amphetamine, barbiturate, marijuana, inhalant, alcoholic beverage, or intoxicant of any kind. A student shall not possess, sell, buy, or transmit, or attempt to sell, buy, or transmit any substance under the pretense that it is, in fact, a prohibited substance as described in this rule. The misuse or unauthorized possession of a prescription drug or nonprescription drug shall be considered a violation of this rule; however, this rule shall not apply to proper possession and/or use of a drug as authorized by a medical prescription from a registered physician. Self-administration of asthma medication and prescription auto injectable epinephrine is permitted with written parental approval and required documentation to the principal or his or her designee. See administrator for completion of proper county form/procedures.

Section B

A student shall not possess, sell, use, transmit, buy or solicit any drug-related paraphernalia which includes, but is not limited to pipes, water pipes, clips, rolling papers, or any other items related to drug use or depicting drugs or drug use except where such items are related to approved curriculum.

Section C

A student shall not possess, sell, use, transmit, buy or solicit tobacco products, or tobacco paraphernalia such as, but not limited to matches, lighters, pipes, rolling papers and the like.

Rule 8— Disregard of Directions or Commands

A student shall not fail to comply with reasonable directions or commands of teachers, student teachers, substitute teachers, teacher aides, administrators, school bus drivers, or other authorized school personnel.

Rule 9— Sexual Misconduct/Indecency

A student shall not engage in any act of sexual harassment of a physical nature or verbal nature. A student shall not perform any act of indecent exposure, lewd exposure, gesture

or lewd caress or indecent fondling/touching of the student's own body or the body of another person, or any act of sexual intercourse. A student shall not use any inappropriate gestures that mimic or imply sexual acts or engage in any acts of "streaking" or "mooning" as those terms are commonly understood. Such acts will not be regarded lightly or considered pranks. A student shall not possess, view, copy, sell, buy, or transmit printed or non-printed pornographic materials including any non-curricular sexually explicit printed or non-printed materials; or a student shall not possess, view, copy, sell, buy, or transmit printed or non-printed pornographic materials including but not limited to non-curricular materials depicting the human male or female genitals or buttocks with less than a fully opaque covering or any portion of the female breast with less than a fully opaque covering.

Rule 10— Unexcused Absences

A student shall not be absent from school or from any class or other required school function during required school hours except for illness or other providential cause, except with written permission of the teacher, principal, or other duly authorized school official. A student may not leave school grounds prior to the end of the school day, after his or her initial arrival on campus, without the permission of a duly authorized school official.

Rule 11— Other Conduct Which is Subversive to Good Order

A student shall not perform any other act which is subversive to good order and discipline in the schools. This includes, but is not limited to, violation of local school rules, violation of state and federal law, involvement in criminal gang-related behavior and/or criminal gang conduct as defined and prohibited by O.C.G.A. § 16-15-3 and §16-15-4, providing false information to school personnel, unauthorized possession or inappropriate use of laser pointers, and electronic communications devices (including CD Players, MP3 players, video games, and televisions), loitering or trespassing, providing false information to or about school personnel, or community misconduct that would be so serious as to pose a threat to the school community. The Gwinnett County Board of Education permits students to possess electronic pagers or communication devices on a limited basis and provides local school principals with the authority to set forth rules pertaining to student possession and use of such devices at their individual schools.

Rule 12— Repeated Violations/Misbehavior/ Chronic Disciplinary Problem Students

Students who chronically disrupt or repeatedly violate other school rules may be charged with repeated violations of school rules or misbehavior. This rule applies after remediation attempts, including the development and implementation of a student disciplinary and behavioral correction plan. The student and parent must be notified in

advance that once the student has been placed on a Rule 12, all subsequent violations will lead to an escalation in consequences and may lead to an independent Rule 12 charge and a disciplinary hearing.

Rule 13— School Bus Infractions

No student shall cause or attempt to cause (either directly or indirectly) a disruption or interference with a school bus by any means

Note: All other GCPS rules still apply while on the bus or at the bus stop.

Safety is the first priority while transporting students to and from school. While on a bus, the bus driver/manager is the school official who has supervisory responsibility of students. Drivers must be able to concentrate on their driving at all times. A momentary distraction from their concentration can lead to a serious accident resulting in injury or death. The safety and well-being of each student depend on everyone following the standards of conduct outlined in this Code. That safety is why certain infractions have a different level of consequence or are singled out as a school bus infraction.

If a student is found to have engaged in bullying or other acts of physical violence such as physical assault or battery of another person on the school bus, a meeting with the student's parents or guardian and appropriate school officials will be required in order to develop a school bus behavior contract for the student. (O.C.G.A. 20-2-751.5)

Note: Any student who receives an assignment to the opportunity room for a bus infraction may forfeit his or her bus-riding privileges on that day(s).

Student Misconduct: Range of Consequences

The decision to charge a student for violation of this Student Conduct Behavior Code shall be made by the administration of the local school. The range of consequences for misconduct that can be assigned by a local school administrator and staff may include the following. Note: See your local principal or go online (www.gwinnett.k12.ga.us) for a detailed version of the Student Conduct Behavior Code as well as more on levels of consequences for rule violations.

Level I Discipline (Minor Consequences)

Level I discipline is used for minor acts of misconduct which interfere with the good order of school. Following appropriate teacher intervention, students may be referred to an administrator. Consequences range from an administrative conference to three (3) days of out-of-school suspension.

Level II Discipline (Major Consequences)

Level II discipline is used for intermediate acts of misconduct which interfere with the good order of school. Students should be referred to an administrator. Consequences will involve any combination of opportunity room assignment or out-of-school suspensions ranging from four (4) to nine (9) days.

Level III Discipline (Severe Consequences)

Level III discipline is used for serious acts of misconduct. Students should be referred to an administrator. The consequence for these acts of misconduct is up to a 10-day, out-of-school suspension pending a 17 disciplinary hearing for long-term suspension, placement in an alternative program, or permanent expulsion.

Alternative Disciplinary Consequences

A student subject to a long-term suspension may be provided with the opportunity to reduce the period of suspension by completing alternative disciplinary consequences. The decision to allow a student the opportunity to reduce the period of suspension shall be at the discretion of the hearing officer determining the consequence imposed as a result of the student's misconduct. The student shall have the option to complete the alternative disciplinary consequences or to serve the full term of his or her suspension. The following alternative disciplinary consequences are authorized:

- (1) perform community service; or
- (2) pay restitution.