



# Harriet Tubman School of Science and Technology

## Student Code of Conduct and Guide to Disciplinary Hearings and Appeals

### **Purpose**

The Governing Board of the School adopts this Student Code of Conduct and Guide to Disciplinary Hearing and Appeals to establish and implement an age-appropriate student code of conduct designed to create and sustain a learning environment that facilitates all students' efforts to learn. This Policy will comply with applicable law, rules and regulations, including O.C.G.A. § 20-2-753 and SBOE Rule 160-4-8-.15.

### **Duration**

This policy is permanent.

### **Policy**

#### **SECTION 1. When and Where the Code of Conduct is in Effect.**

- a. This Code of Conduct is in effect during the following times and in the following places:
  - i. At school or on school property at any time (including on-campus, after-school programs and extracurricular activities);
  - ii. Off school grounds at any school activity, function, or event and while traveling to and from such events;
  - iii. On vehicles provided for student transportation by the school.
- b. Students may also be disciplined for off-campus conduct that is felonious or that may pose a threat to the school's learning environment or to the safety of students and staff.

#### **SECTION 2. Progressive Discipline.**

When student behavior warrants disciplinary action, School administrators and staff will follow a progressive discipline process that assigns consequences to students based on the

severity of misbehavior, the student's discipline history, the age of the student, and other relevant factors.

Please note the lists of examples provided below are non-exhaustive. Further, administrators have the reasonable discretion to modify procedures and/or disciplinary actions depending upon the facts and circumstances of each individual case.

**a. Level 1: Disruption of Teaching and Learning**

- i. **“Level 1 Behavior”** is behavior that (1) distracts and/or disrupts staff members from teaching, supervising, or otherwise adequately performing their job; or (2) distracts and/or disrupts other students from learning and performing to the best of their abilities. Level 1 Behavior is often minor, and it is usually the classroom teacher's responsibility to facilitate a quick resolution at the time of the misbehavior.
- ii. Examples of Level 1 Behavior include:
  1. Wandering around classroom at inappropriate times
  2. Disrupting or distracting others from working
  3. Calling or speaking out of turn
  4. Talking while others are talking
  5. Purposeful slowness
  6. Refusing to work with others
  7. Refusing to participate
  8. Missing work, bookbag, and other materials necessary for class
  9. Possession of non-instructional items (including electronics)
  10. Intentional off-task behavior
  11. Not sharing instructional materials
  12. Destroying classroom materials
- iii. Procedures
  1. There is immediate intervention by the staff member who is supervising the student or observes the misbehavior.
  2. The classroom teacher will note behavior in behavior log.
  3. The staff member may decide to discuss the misbehavior with a parent/guardian, an administrator, and/or other appropriate staff members.
- iv. Possible Disciplinary Actions
  1. Student moved closer to staff member
  2. Behavior expectations/Tubman Tenets restated or clarified
  3. Student reminded of appropriate behavior
  4. Student discreetly redirected
  5. Student prompted to use relaxation exercises
  6. Student allowed time and space to cool down or refocus
  7. Brief conference with student outside classroom or privately after class
  8. Student assigned a task for redirection (e.g., handing out papers)

9. Temporary removal from activity
10. Confiscation of non-instructional item(s)

**b. Level 2: Contribution to a Physical or Emotionally Unsafe Environment**

- i. **“Level 2 Behavior”** is behavior that creates or contributes to a physically and/or emotionally unsafe learning environment for staff and/or students. Level 2 Behavior requires staff to immediately intervene and for student(s) to immediately stop and reflect on how such student(s) behavior impacts others.
- ii. Examples of Level 2 Behavior include:
  1. Repeat of Level 1 behaviors
  2. Wandering around the school at inappropriate times
  3. Intentionally disrupting or distracting others from working
  4. Using inappropriate or profane language
  5. Taunting, mocking, or making fun of students
  6. Roughhousing or playfighting
  7. Refusing to follow staff directions
  8. Arguing with a staff member
  9. Cursing at a classmate
  10. Habitually missing work, bookbag, and other materials necessary for class
  11. Destroying school property
  12. Cheating or copying another student’s work on a major assignment
  13. Inappropriate use of instructional technology
- iii. Procedures
  1. There is immediate intervention by the staff member who is supervising the student or observes the misbehavior.
  2. If misbehavior continues after interventions or is severe enough, the staff member will complete a classroom or advisor referral.
  3. Student will be removed from the activity and sent to the designated “think space” to reflect on behavior.
  4. The staff member may decide to discuss the misbehavior with a parent/guardian, an administrator, and/or other appropriate staff members
- iv. Possible Disciplinary Actions
  1. Parent notified
  2. Lunch or after-school detention
  3. Community service
  4. Temporary removal from class or activity
  5. Conference with parent/guardian, teacher, and/or administrator
  6. Confiscation of non-instructional item(s)
  7. Special seating arrangements
  8. Loss of relevant privileges
  9. Mediation
  10. Referral to counselor
  11. Referral to Student Support Team (SST)

12. Plagiarizing a major assignment

**c. Level 3: Dangerous, Unsafe, or Illegal Behaviors**

- i. **“Level 3 Behavior”** is behavior that is dangerous, unsafe, or illegal in a school environment. Level 3 Behavior requires staff to immediately intervene and for student(s) to immediately stop the behavior. Additionally, the Executive Director must conduct an investigation to determine whether student(s) acted in a way that was dangerous and/or illegal and to determine the appropriate disciplinary action.
- ii. Examples of Level 3 Behavior include:
  1. Repeat of Level 2 behaviors
  2. Engaging in, attempting to engage in, or threatening to engage in a physical or verbal altercation with another student (e.g., fighting)
  3. Knowingly intimidating or engaging in threats and/or harassment of a staff member or other school personnel
  4. Bullying or cyber-bullying
  5. Disrespectful conduct toward staff member(s) or school official(s)
  6. Damaging or defacing school or private property
  7. Stealing or attempting to steal school or private property, or knowingly receiving stolen or private property
  8. Using of profane, vulgar, or obscene words or actions
  9. Possession and/or distribution of obscene material
  10. Insubordination, disorderly conduct, disobeying school rules or regulations, and/or disobeying directives given by a staff member or school official
  11. Harassing, threatening, or intimidating a student witness
  12. Engaging in sexual harassment
  13. Engaging in threats and/or harassment based on race, nationality, gender, disability, sexuality, etc.
- iii. Procedures
  1. There is immediate intervention by the staff member who is supervising the student or observes the misbehavior.
  2. The staff member will complete a referral and student will be taken to the Executive Director or Assistant Executive Director to reflect on behavior.
  3. All persons involved (including staff members) complete a Witness to Incident report and submit to the Executive Director or Assistant Executive Director.
  4. The Executive Director or Assistant Executive Director will investigate the incident and initiate disciplinary action.
  5. The staff member may decide to discuss the misbehavior with a parent/guardian, an administrator, and/or other appropriate staff members.
- iv. Possible Disciplinary Actions
  1. Conference with Executive Director.

2. Suspension, in-school or out-of-school
3. Referral to outside agency
4. Removal from extracurricular school activities
5. Loss of privileges for a long time period
6. Recommendation to Tribunal Panel for long-term suspension
7. Behavior contract
8. Referral to SST
9. Referral to counseling

**d. Level 4: Serious Threat to Safety**

- i. **“Level 4 Behavior”** is behavior that is dangerous and poses a serious threat to the safety to staff and/or students. Level 4 Behavior requires staff to immediately intervene. The Executive Director must conduct an investigation to determine whether student(s) acted in a way that was dangerous and/or illegal (which may include involving the police), and for a parent/guardian to immediately come to the School to meet with administration and pick up their child. Further disciplinary action may result at the discretion of the administration.
- ii. Examples of Level 4 Behavior include:
  1. Repeat of Level 3 behaviors
  2. Attempting to or threatening to cause physical harm to a staff member or school personnel (assault)
  3. Use of physical violence against a staff member or school personnel (battery)
  4. Possession or use of a weapon, firearm, explosive, or other dangerous object
  5. Possession, sale, distribution, use, consumption, or under the influence of any narcotic, drug paraphernalia, alcoholic beverage, or other intoxicant
  6. Possession or use of tobacco in any form
  7. Possession, sale, distribution, use, consumption, or under the influence of a prescription or over-the-counter drug without a valid prescription
  8. Possession, sale, distribution, or attempt to sell a substance represented as drugs or alcohol
  9. Making terrorist threats, activating a fire alarm under false pretenses, or making a bomb threat
  10. Committing or attempting to commit sexual assault or battery
- iii. Procedures
  1. Teacher observing misbehavior intervenes, if appropriate.
  2. Staff member notifies the Executive Director or Assistant Executive Director.
  3. Student will be taken to Executive Director or Assistant Executive Director, if appropriate.
  4. All persons involved (including staff members) complete a Witness to Incident report and submit to the Executive Director or Assistant Executive Director.
  5. Executive Director or Assistant Executive Director will investigate the incident and initiate disciplinary action.
  6. Executive Director or Assistant Executive Director will meet with the student(s) and notify the parents/guardians of the misbehavior and resulting disciplinary action.
  7. An accurate record of the misbehavior and disciplinary action is maintained and

entered in the School's records.

iv. Possible Disciplinary Actions

1. Parent/guardian picks student up immediately from school
2. Suspension
3. Long-term suspension and recommendation to Tribunal Panel
4. Parents/guardians, student, administrator, and teachers must have a conference before the child is allowed to return to school
5. Police notification
6. Behavior contract upon return to school
7. Referral to counseling with an outside agency

### SECTION 3. Definitions.

- a. **Assault:** Any threat or attempt to physically harm another person or any act that reasonably places another person in fear of physical harm. Example: Threatening language or swinging at someone in an attempt to strike.
- b. **Battery:** Intentionally making physical contact with another person in an insulting, offensive, or provoking manner or in a way that physically harms the other person. Example: Fighting.
- c. **Bullying:** The term "bullying" means an act that occurs on school property, on school vehicles, designated school bus stops, or at school-related functions or activities, or by use of or software that is accessed through a computer, computer system, computer network, other electronic technology provided by the School, and includes the following:
  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 that would give the victim reason to fear or expect immediate bodily harm.
  3. Any intentional written, verbal, or physical act, which a reasonable person would perceive as being intended to threaten, harass, or intimidate, that has any one of the following effects:
    - A. Causes another person substantial physical harm within the meaning of O.C.G.A. § 16-5-23.1 or visible bodily harm as such term is defined in O.C.G.A. § 16-5-23.1.
    - B. Substantially interferes with a student's education
    - C. Is so severe, persistent, or pervasive that it creates an intimidating or threatening educational environment; or
    - D. Substantially disrupts the orderly operation of the school.

The term also applies to acts of "**Cyberbullying**," which occurs 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.

Retaliation against any complainant or any participant in the complaint process is also prohibited.

- d. **Chronic Disciplinary Problem Student:** A student who exhibits a pattern of behavioral characteristics that interfere with the learning process of students around him or her and that are likely to recur.
- e. **Detention:** A requirement that the student report to a specified school location and to a designated teacher or school official to make up work missed. Detention may require the student's attendance before or after school. Students are given a one-day warning so that arrangements for transportation can be made by the parents/guardians.
- f. **Drug:** The term "drug" does not include prescriptions issued to the individual, aspirin or similar medications, and/or cold medications that are taken according to product use recommendations and Board policy. Caffeine pills are considered drugs.
- g. **Expulsion:** Suspension of a student from a school beyond the current school quarter or semester. Such action may be taken only by a disciplinary Tribunal Panel.
- h. **Extortion:** Obtaining money or goods from another student by violence, threats, or misuse of authority.
- i. **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.
- j. **Gambling:** Engaging in a game or contest in which the outcome is dependent upon chance, even though potentially accompanied by some skill, and in which a participant stands to win or lose something of value.
- k. **Harassment:** To bother or upset someone repeatedly through words and/or actions.
- l. **In-School Suspension:** Removal of a student from class(es) or regular school program and the assignment of that student to an alternative program within the regular school but isolated from peers.
- m. **Suspension:** Removal of a student from the regular school program for a period not to exceed 10 days (short-term) or for a period greater than 10 days (long-term, which

may be imposed only by a disciplinary Tribunal Panel). During the period of suspension, the student is excluded from all school-sponsored activities, including practices, competitive events, and/or activities sponsored by the school or its employees. Each day a student is suspended, he/she must make up schoolwork assigned by teacher that is missed.

- n. **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.
- o. **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 Panel.
- p. **Weapons:** The term “weapon” is defined as any object that is or may be used to inflict bodily injury or to place another in fear for personal safety or well-being.

#### **SECTION 4. Disciplinary Hearing and Due Process Rights for Students.**

- a. Students who have committed serious violations of the Code of Conduct are referred to the Tribunal Panel for a disciplinary hearing. The purpose of the Tribunal Panel is to consider the evidence brought forth by the student and other witnesses to determine if the student has violated the Code of Conduct. The Tribunal Panel will be comprised of an odd number of individuals approved by the Executive Director and may include an authorized hearing officer.
- b. At the Tribunal, the student, parent/guardian, Executive Director, and other student(s) or staff involved in the incident may provide evidence or context concerning the student or the incident.
- c. The Tribunal will afford sufficient due process to students. Consistent with *Goss v. Lopez*, 419 U.S. 565 (1975), its progeny, and other relevant federal and state law, the level of due process will depend on the severity of the infraction.
- a. The Tribunal Panel has discretion to take any action consistent with the following directives.
  - i. For an infraction that warrants suspension from school for fewer than ten days (“**Short-Term Suspension**”), the Tribunal Panel will advise a student of the nature of the misconduct and allow the student an opportunity to be heard, absent exigent circumstances requiring immediate action to prevent danger to life or serious damage to property.
  - ii. For any infraction that warrants suspension from school for ten days or longer or expulsion (“**Long-Term Suspension**”), the Tribunal Panel will



afford a student, at a minimum:

1. written notice of the charges within 24 hours of the occurrence of the infraction;
  2. an explanation of the evidence; and
  3. the time and date of a hearing, which will occur no later than ten (10) days after the beginning of the suspension unless the parent and the School mutually agree to an extension or the conduct of the student or parent causes a delay beyond said ten (10)-day period.
- iii. In preparation of the student's hearing, the student and such student's parent or guardian will be notified of the opportunity to have legal counsel present, and at the hearing, the student will have the opportunity to call witnesses and the opportunity to cross-examine witnesses.
- iv. After the hearing, the Tribunal Panel will determine the appropriate consequence or consequences based solely on the evidence presented at the hearing. The Tribunal Panel's decision will be based solely on the evidence presented at the hearing. If the Tribunal Panel determines that the student has violated the Code of Conduct, the Tribunal Panel may impose a range of sanctions that include conditional reinstatement into the School and permanent expulsion from the School.
- v. The Tribunal Panel will provide the student with an opportunity to appeal the decision within seven (7) days after the student receives notice of the Tribunal Panel decision.
- vi. The Board will hold a hearing to address the appeal within ten (10) days after receiving notice of the appeal. A student will never be subject to any disciplinary action due to the action or inaction of such student's parent or guardian. After an appeal to the Governing Board, the student will be informed of his or her right to appeal to the State Board of Education.
- b. In addition, the School's student discipline procedure for Long-Term Suspensions and expulsions complies with all state and federal laws, rules and regulations relating to due process for students receiving accommodations under Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 701 et seq. (504 Plan), and/or an Individualized Education Plan (IEP) pursuant to the Individuals with Disabilities Education Act, 20 U.S.C. § 1400 et seq.
- i. For such students, the Executive Director will convene a review committee to determine whether the student's misconduct was a manifestation of such student's disability. If the review committee determines that the student's misconduct was a manifestation of the student's disability, the School will conduct or amend a functional behavioral assessment and will implement or amend a behavior intervention plan. If the review committee determines, on the other hand, that the misconduct was not a manifestation of the student's disability, then the student will be disciplined in the same manner as any student without a disability, and the School will continue to provide services

in accordance with such student's 504 Plan or IEP. Notwithstanding anything to the contrary above and consistent with Section 300.530 of IDEA, school personnel may remove a student with a disability from the School for up to forty-five (45) days prior to the review committee's assessment of whether the student's misconduct was a manifestation of the student's disability if the child:

1. Carries a weapon to or possesses a weapon at school, on school premises, or to or at a school function under the jurisdiction of the Georgia Department of Education or the School;
2. Knowingly possesses or uses illegal drugs, or sells or solicits the sale of a controlled substance, while at school, on school premises, or at a school function under the jurisdiction of the Georgia Department of Education or the School; or
3. Has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function under the jurisdiction of the Georgia Department of Education or the School.

## **Approval**

**Policy Approval Date: 3/18/2021**

**Policy Effective Date: 3/18/2021**