

STUDENT CODE OF CONDUCT

Students at Utopian Academy for the Arts (UAFA) are expected to abide by the UAFA Student Code of Conduct. For students who choose not to follow the tenants of this agreement, there will be consequences in place to redirect student behavior in a more positive direction. The Utopian Academy for the Arts will provide each student with a copy of the Discipline Matrix to guide them towards appropriate behavior throughout the school year. Consequences associated with this system include, but are not limited to in-house suspension, Saturday Detention, and out of school suspension.

CHARACTER EDUCATION

Utopian Academy for the Arts (UAFA) conducts a series entitled “Forums.” Utopian will highlight a “Core Value” that will be posted and practiced in classrooms. Once a month the Utopian student body meets with the Utopian Academy for the Arts Executive Director/Founder and principal to talk about the school’s mission and how it is being fulfilled. In addition several issues will be discussed that talk about student character growth through students skits, video clips or other forms of communicating character building to the entire school student body. In addition, Utopian Academy for the Arts will implement a socio-emotional and study skills curriculum during advisement period.

Utopian Academy Student Strivers & Scholars Pledge

As a Utopian Academy student I will strive to:

- U** – Seek first to **UNDERSTAND** then to be understood
- T** – Strive to be **TENACIOUS** in everything I do
- O** – Look for **OPPORTUNITIES** to show kindness to others
- P** – Always seek a **PEACEFUL** way to solve problems with others
- I** - **IMPROVE** in everything I do
- A**- **APPROPRIATE** in word and deed
- N**- **NEVER** give up, and always do my best

SEARCH AND SEIZURE

The School recognizes that the privacy of students may not be violated by unreasonable search and seizure and directs that no student be searched without reason or in an unreasonable manner.

School authorities are charged with the responsibility of safeguarding the safety and well-being of the students in their care. In the discharge of that responsibility, School authorities may search the person or property, including vehicles, of a student, with or without the student's consent, whenever they reasonably suspect that the search is required to discover evidence of a violation of law or of School rules.

School lockers, desks, and property are on loan to the students and remain the property of the School. They may be inspected and reclaimed at any time.

Students will not keep prohibited items, including drugs, drug paraphernalia, firearms, explosives, and property belonging to others within their lockers, backpacks or desks.

Students will open their lockers at the request of School officials.

When on School grounds, students and their personal property may be searched if a school official has grounds to believe the search may turn up evidence that the student has violated or is violating the law or School rules.

A student will have the opportunity to be present during the search of his or her locker, desk, or other property unless the student is absent from School or the safety or welfare of the School or an individual necessitates a search during the student's absence.

The search of a student's person or intimate personal belongings shall be conducted by the School Leadership. This person should be of the student's gender and conduct the search in the presence of another staff member of the same gender. However, no strip searches may be conducted by School personnel.

This authorization to search shall also apply to all situations in which the student is under the jurisdiction of the School.

The School also authorizes the use of canines, trained in detecting the presence of drugs, when the School Leadership has reasonable suspicion that illegal drugs may be present in the School. This means of detection shall be used only to determine the presence of drugs in locker areas and other places on School property where such substances could be concealed. Canine detection must be conducted in collaboration with law enforcement authorities or with organizations certified in canine detection and is not to be used to search individual students unless a warrant has been obtained prior to the search.

The School Leadership shall be responsible for the prompt recording in writing of each student search, including the reasons for the search; information received that established the need for the search and the name of informant, if any; the persons present when the search was conducted; any substances or objects found; and the disposition made of them.

FIELD TRIP POLICY

Field trips are a privilege and not a right, thus we reserve the right to deem students ineligible to attend when students have not exhibited behavior consistent with the students code of conduct. However, we will provide those students unable to attend with classwork congruent with the experience, when the field trip directly is related to an academic content area and standard.

FINE ARTS DEPARTMENT POLICY

Every student in the school of the arts program is required to meet specific academic and behavior guidelines. Upon participating in a production/event, parents and scholars must sign a Fine Arts contract stating that, in order to remain in the production/event, the guidelines below must be met.

- A. Scholars cannot receive two or more discipline referrals.
- B. Scholars cannot receive grades of Needs Improvement or Unsatisfactory for behavior.
- C. Scholars must attend all rehearsals, meet required deadlines or submit in writing one excused notice to Dean of Arts.

Academic Failure to meet the standards below in any grading period will result in academic probation from the Utopian Academy for the Arts: Fine Arts Department production/event.

- A. Scholars will be responsible to submit weekly grades to the Dean of Arts.
- B. Scholars who fail within two weeks consecutively of grade check period.

Failure to meet the standards below in any grading period will result in dismissal from the Utopian Academy for the Arts: Fine Arts Department production/event.

- A. Scholars who fail to abide by the Student code of conduct as outlined in the Utopian Academy for the Arts Parent/Student Handbook.
- B. Scholars who fail to maintain a “C” average in all of their classes.
- C. Scholars receive any disciplinary infraction that has been referred to administration, resulting in detention, ISS or OSS.
- D. The student/parent will be required to provide an excuse for all subsequent tardiness or absences according to the Georgia State Board Rule JB and o.c.G.A 160-5-1-10. Students who fail to meet this expectation will be dismissed from the Utopian Academy for the Arts: Fine Arts Department production/event.

BEHAVIOR CATEGORIES:

UAFA has adopted policies regarding specific prohibited behaviors. This list is not an inclusive list of all violations. The Executive Director or his designee has the discretion to discipline behaviors not listed that interfere with the educational process and operations of the School, provided that no long-term suspensions or expulsions shall be implemented without following the due process procedures.

SUSPENSIONS AND EXPULSIONS

The Executive Director or designee has the authority to suspend students for up to ten days. Suspensions last from one to ten days depending on the severity of the infraction. All suspensions will require a parent-administrator conference. The conference will occur before the student is readmitted to class. The Executive Director/Designee may request the parent to attend a full day of class with the student upon return. A parent's failure/refusal to comply will not restrict the student's readmission to School, but may result in additional intervention efforts such as a school social work referral.

In addition to the categories provided below, expulsion from the School may be recommended for the following violations:

- Carrying, bringing, using, or possessing a dangerous weapon;
- Sale or distribution of a drug or controlled substance; and/or the commission of an act which, if committed by an adult, would be robbery or assault; and
- Any other violation(s) that, seriously adversely affects the educational process or endangers the health, safety or wellbeing of other students, teachers, administrators, or other persons.

PROGRESSION OF CONSEQUENCES

Successive or repeated acts of misconduct may result in additional suspensions or expulsion.

BEHAVIOR CATEGORIES:

UAFA has adopted the following policies regarding specific prohibited behaviors. This list is not an inclusive list of all violations. The Executive Director has the discretion to discipline behaviors not listed that interfere with the educational process and operations of the School, provided that no long-term suspensions or expulsions shall be implemented without following the due process procedures discussed in the UAFA Disciplinary Hearing Process :

CATEGORY I:

STUDENT BEHAVIORS JUSTIFYING A ONE-DAY SUSPENSION (MAY INCLUDE IN-SCHOOL SUSPENSION, AT THE SOLE DISCRETION OF SCHOOL LEADERSHIP)

The following behaviors generally will result in a one-day suspension. Although teachers determine the consequences for misbehavior in class, the School Leadership will determine the appropriate consequences for repetitive behaviors in this category based on each student's discipline record.

UNRULY CONDUCT

All students will obey all adults in the school: administrators, teachers, educational assistants, secretaries, custodians, lunchroom helpers, security guards, and others. Students will do what these adults ask of them. Students will not talk back to an adult. If a student intentionally refuses to obey the instructions and/or directions a teacher gives, his/her conduct will be considered unruly. If a teacher says to open a particular book, to write an assignment, to work with another student, to work in a group, to take a test, or to do any other class-related activity and a student refuses to do so, this is considered being unruly.

THIS POLICY IS APPLICABLE TO THE BEFORE AND AFTER CARE PROGRAM, AND ALL APPROVED TRANSPORTATION SERVICES.

BEING OUT OF UNIFORM

Students will wear a uniform to school every day except when given written permission that it is a "non-uniform day." All elements of our school uniform are listed in the Student Handbook. Students that arrive to school out of uniform will be required to call a parent/guardian to bring the missing item. If a parent is unable to bring this item, the student will report to In-School Suspension. However, based on the discretion of School Leadership, a student may be required to serve an out of school suspension due to the frequency of the infraction.

DISORDERLY CONDUCT

Students will not break classroom or school rules. They will not keep teachers from teaching and students from learning. Students who cause a disruption in the classroom by talking, making noises, throwing objects, or otherwise distracting one or more of their classmates are engaging in disorderly conduct. If the teacher is prevented from starting an activity or lesson or has to stop what s/he is doing to try to stop the distractive behavior,

then the behavior is considered disorderly. Leaving the classroom without permission and inappropriate displays of affection are also considered to be disorderly conduct.

FAILURE TO COOPERATE

Students will not refuse to cooperate with school administrators and/or teaching staff investigating a possible violation of this Code of Conduct and/or building rules. Students will not make false statements or give false evidence. Students will not refuse to testify or otherwise cooperate with school personnel in any disciplinary proceeding.

SMOKING

Students will not smoke, have or use any kind of tobacco at school, on school grounds, or at any school-related activities.

FALSIFICATION OF RECORDS

Students will not use the name of another person or falsify times, dates, grades, addresses, or other data on school forms or records, nor shall they provide false, misleading or inaccurate statements or information to School staff or on school forms or records.

SCHOLASTIC DISHONESTY

Students will not engage in academic cheating. Cheating includes, but is not limited to, the actual giving or receiving of any unauthorized aid or the actual giving or receiving of unfair advantage on any form of academic work. Students will not engage in plagiarism, which includes the copying of language, structure, idea and/or thought of another and represent it as one's own original work. A student will not unlawfully duplicate, reproduce, retain, or use copyrighted material.

TRESPASSING

Students will not be on school property or in a school building except to participate in the educational process and/or the specific enrolled activity of the school. Nor will students loiter in building hallways, classroom, bathrooms, etc. Students who are suspended or expelled will not return to school without the School Leadership's specific, written permission. Students who do return to school without permission will be suspended or expelled depending upon the circumstances.

GAMBLING

Students will not play games of cards, chance, or dice for money or other items unless these games are played as part of a special school activity.

ELECTRONIC/COMMUNICATION DEVICES

Students will bring radios, headsets, CD players, handhelds, cellular phones, mp3 players, IPODs, or other electronic communication devices for receiving and/or transmitting messages to school; however they are NEVER allowed in class during instruction, unless noted otherwise by the teacher. Not only will this behavior lead to the appropriate consequences, the items will be confiscated and held until a parent comes to school and retrieves the items.

CATEGORY II:**STUDENT BEHAVIORS JUSTIFYING MULTIPLE DAYS OF SUSPENSION**

The following behaviors may, with no warning required, lead to immediate suspension. The length of the suspension will be determined by the School Leadership and will be based on the student's discipline record and the seriousness of the offense(s). The School Leadership will investigate major breaches of student code of conduct on a case-by-case basis, and make decisions accordingly. Repetitive violations will lead to a recommendation for expulsion, as well as violations deemed physically or mentally harmful or those requiring emergency removal at the discretion of the School Leadership.

FIGHTING

NO PHYSICAL CONTACT. Students will not fight. They will not push, shove, or hit another with any part of their body or with any object. This offense may be grounds for expulsion.

PROFANITY OR OBSCENITY

Students will not use inappropriate words or make obscene signs. Student will not draw or show sexually explicit pictures to anyone at school. Students will not bring sexually related items (i.e. condoms) to school. Students will never curse or swear. Such use includes, but is not limited to, profane, vulgar, obscene words or sending obscene material via the Internet, email, cell phones (e.g. sexting") or other electronic means; profane, vulgar, obscene or insulting racial, ethnic, or religious comments or actions.

BEING REPEATEDLY OUT OF UNIFORM

Students, who are repeatedly out of uniform, may be suspended for more than one school day.

STEALING

Students will not take anything that does not belong to them. Students will not have in their possession anything that has been stolen.

VIOLENT DISORDERLY CONDUCT

Students will not, by any type of conduct (violence, force, noise, coercion, threat, intimidation, fear passive resistance, etc.) cause the disruption, disturbance, or obstruction of any school function, activity or event, nor shall they engage in any such conduct if such disruption or obstruction is reasonably likely to result. Students will not urge other students to engage in such conduct for the purpose of causing such disruption or obstruction. This offense may be grounds for expulsion.

GANG ACTIVITY

Gang activity is defined as "any assembly of individuals who gather together, whose purpose, the school reasonably believes is to commit anti-social behavior or to violate school policy." Students will not wear or display any clothing, jewelry, colors, or insignia that may be reasonably perceived by a teacher or administrator as evidence of membership in or affiliation with a gang or otherwise symbolizes support of a gang. Students will not

use any words, phrases, written symbol or gesture, which intentionally identifies them as a member of a gang or otherwise symbolizes support of a gang. Students will not try to recruit others for gangs.

DEFACEMENT OF PROPERTY

Students will not mark on, damage, break, or destroy school property or anything that belongs to someone else. Actions such as writing in school textbooks or library books; writing on desks or walls; carving into woodwork, desk, or tables; and spray-painting surfaces are actions of defacement. Students who destroy or vandalize school property will be required to pay for losses or damages. This offense may be grounds for expulsion.

DESTRUCTION OF PROPERTY

Students will not damage, break, or destroy school property or anything that belongs to someone else. Actions that impair the use of something are destructive. Ruining bulletin boards, intentionally clogging the system, breaking light bulbs or fixtures, and damaging school equipment to the point where repair is necessary are all acts of property destruction. This offense may be grounds for expulsion.

SEXUAL MISCONDUCT

Students will not act or use any body parts or those of another in an unacceptable way. Unacceptable will be defined using a “reasonable person” standard.

HARASSMENT

Harassment of any type, including hazing and discriminatory harassment, is prohibited. Students will also not engage in unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct relating to a person’s sex, race, color, national origin, religion, height, marital status, or disability (e.g. sexual or racial comments, threat or insults, unwanted touching, etc.). Sexual harassment in education is an unwelcome behavior of a sexual nature that interferes with a student’s ability to learn, study, work or participate in school activities.

Harassment, which includes any form of behavior that would contribute to or cause psychological harm to someone else and/or urges students to engage in such conduct, shall also be prohibited at the school. Examples are verbal, written or physical taunts, insults, or challenges, which are likely to intimidate and/or provoke a negative response from the student being treated in this manner. Additional examples of bullying/harassment behaviors include but are not limited to:

- Physical: hitting, grabbing, spitting, etc.
- Verbal: name calling, racist remarks, put-downs, extortion, etc.
- Indirect: spreading rumors, wearing or possessing items depicting or implying hatred or prejudice, exclusion from peer group, taking and hiding/destroying other’s possessions, etc.
- Written/electronic: email/blogs or other similar means, notes, and/or graffiti, containing harassing or bullying messages, etc.

LOOK-ALIKE WEAPONS

Students will not possess, handle, or transmit any object or instrument that is a “look-alike” weapon or instrument (e.g. rubber knife, toy gun, etc.).

CATEGORY III:

STUDENT BEHAVIORS JUSTIFYING MANDATORY SUSPENSION WITH PROBABLE RECOMMENDATION FOR EXPULSION

Students who engage in any of the behaviors in this category, may be suspended for up to ten (10) school days with a recommendation for suspension or expulsion by the School’s Leadership team.

ALCOHOL AND DRUGS

Students will not intentionally bring alcohol or drugs to school. They will not manufacture, sell, handle, possess, use, deliver, transmit or be under any influence (legal intoxication is NOT required) of any alcoholic beverage, intoxicant, or drug. Students will not inhale any chemical substance for the purpose of becoming intoxicated or under the influence. Students are permitted to bring prescribed medication to school with the permission of parent(s) and the authorization of a physician. They will not sell or give a prescribed medication to anyone at school. All prescribed medication will be submitted to the Main Office before the student goes to class. All prescribed medication will have an accompanying physician’s note for dispensing and recording purposes.

1. Students may also be subject to prosecution under the Official Code of Georgia 16-13-32.4 which states:

“It shall be unlawful for any person to manufacture, distribute, dispense, or possess with intent to distribute a controlled substance or marijuana in, on, or possesses with intent to distribute a controlled substance or marijuana in, on, or within 1000 feet of any real property owned by or leased to any public or private elementary or secondary education. Any person violates or conspires to violate subsection (a) of this Code section shall be guilty of felony and upon conviction shall receive the following punishment: (1) Upon a first conviction, imprisonment for not more than 20 years or a fine of not more than \$20,000.00, or both; or (2) Upon a second or subsequent conviction, imprisonment for not less than five years or more than 40 years or a fine of not more than \$40,000.00, or both.

It shall be mandatory for the court to impose a minimum sentence of five years nor more than \$40,000.00, or both. It shall be mandatory for the court

to impose a minimum sentence of five years which may not be suspended unless otherwise provided by law.”

PHYSICAL ASSAULT

Students will not physically attack another person. Physical assault is defined as “intentionally causing or attempting to cause harm to another through force or violence.”

DANGEROUS WEAPONS

Students will not possess, handle, transmit, or use as a dangerous weapon any instrument capable of harming another person. Dangerous weapons include, but are not limited to:

A **FIREARM** is defined as any weapon, including a starter gun, 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 any such weapon, any firearm muffler or silencer, or any destructive device. A destructive device, includes but is not limited to, any explosive, incendiary, or poison gas, bomb, grenade, rocket having a propellant charge of more than four (4) ounces, missile having an explosive or incendiary charge of more than one-quarter ounce, mine, or other similar device.

A **KNIFE** is defined as any cutting instrument consisting of at least one sharp blade.

DEFENSIVE WEAPONS: Chemical Mace, pepper gas, or like substances; stun gun; brass knuckles; blackjack.

ITEMS NOT DESIGNED AS A WEAPON, BUT COULD BE PERCEIVED AS A WEAPON, such as: razors, box cutters, hammers, baseball bats, metal combs of any length with a sharpened handle are strictly prohibited from school grounds.

This is not all inclusive and can be amended by the School Leadership with acceptance by the Governing Authority (School Board).

FALSE FIRE ALARMS OR BOMB REPORTS

Students will not break or pull the fire alarm at any time unless there is an emergency. They will not make bomb threats.

SEXUAL ASSAULT

Students will not sexually assault or attack another person. Sexual harassment in education is an unwelcome behavior of a sexual nature that interferes with a student’s ability to learn, study, work or participate in school activities.

ROBBERY

Students will not force or threaten someone to give them something that does not belong to them.

BULLYING, HAZING OR EXTORTION

The School expressly prohibits the bullying, harassing, or intimidating of any student, by any means or method, at school, on school property, or at school-related functions; off-campus when the behavior results in a disruption to the school environment; or by use of data or software that is accessed through a School computer, computer system, computer network, or other electronic technology of the School.

Examples of bullying and harassment include but are not limited to:

- Verbal assaults such as unwanted teasing or name-calling;
- Threats, taunts and intimidation through words and/or gestures;
- Direct physical contact such as hitting or shoving;
- Physical violence and/or attacks;
- Destruction of school or personal property;
- Any form of electronic bullying or cyberbullying using school equipment, school networks, or e-mail systems or committed at school;
- Theft of money and/or personal possessions for the purpose of bullying, harassing, or intimidating;
- Harassment or intimidation motivated by any actual or perceived characteristic including race, color, ethnicity, religion, gender, gender identity, sexual orientation, ancestry, national origin, physical attributes, socioeconomic status, physical or mental ability or disability, or by any other distinguishing characteristic;
- Public humiliation;
- Social isolation;
- Extortion or manipulation, including incitement and/or coercion;
- Rumors or spreading of falsehoods;
- Stalking;
- Cyberstalking or engaging in conduct to communicate, or to cause to be communicated, words, images, or language by or through the use of electronic mail or electronic communication, directed at or about a specific person, causing substantial emotional distress to the victim;
- Cyberbullying or the willful, hostile and repeated harassment and intimidation of a person through the use of digital technologies, including, but not limited to, email, blogs, personal websites and social networking websites (e.g., Facebook, Twitter, etc.), chat rooms, texts, and instant messaging;
- The use of cameras or camera phones to take embarrassing photographs of students or school employees and distributing them to others or posting them online;

Children who encourage bullying behavior or join in bullying incidents will also receive disciplinary action.

Reports of bullying also may be made by using the school's complaint procedures or by calling the Georgia Department of Education's School Safety Hotline at 1-877-SAY-STOP (1-877-729-7867).

STARTING A FIRE

Students will not start a fire at school; they will not take part in any activity of burning property.

FIREWORKS AND EXPLOSIVES

Students will not intentionally handle, possess, or transmit any substance or prepared chemical that can explode or is capable of inflicting bodily injury or is reasonably likely to cause physical discomfort to another person. Students may not bring any fireworks or firecrackers to school.

In addition, the Official Code of Georgia Annotated 16-11-127.1 states that “it shall be unlawful for any person to carry to or possess or have under such person’s control while within a School Safety Zone or at a school building, school function, or school property or on a school bus or other transportation furnished by the school any weapon or explosive compound. Any person who violates this subsection shall be guilty of a felony and, upon conviction thereof, be punished by a fine of not more than \$10,000, by imprisonment for not less than two nor more than ten years, or both. A juvenile who violates this subsection shall be subject to the provisions of Code Section 15-111-37.”

BREAKING AND ENTERING

Students will not force their way into any school building.

DISCIPLINE OF STUDENTS WITH DISABILITIES

UAFA’s Code of Conduct applies to all students, but discipline of students with disabilities requires certain considerations because the behavior may or may not be related to the disability. If the Executive Director or other school administrator imposes or recommends a disciplinary sanction that would result in the student being suspended from school for more than a cumulative total of 10 days per school year, the following procedure should be followed:

1. The Executive Director or his designee will provide the student’s parents with written notice of the disciplinary decision or recommendation on the day that such decision or recommendation is made. For students covered by the IDEA, the notice will also provide the parents with a summary of the procedural safeguards to which they are entitled under the disciplinary provisions of the IDEA.
2. The student’s IEP team or 504 team will conduct a Manifestation Determination Review (“MDR”) within 10 school days. During the MDR,

the IEP team or 504 team will determine (1) whether the student's behavior was caused by or was substantially related to the student's disability, or (2) whether the student's behavior was the direct result of the School's failure to implement the student's IEP.

If the answer to either question is in the affirmative, the student will be returned to his or her educational setting, unless the student's parents and the School agree to an alternate placement as part of a Behavioral Intervention Plan. Additionally, the IEP team or 504 team will conduct a functional behavior assessment ("FBA") to determine what led to the student's behavior, unless the school district had already conducted an FBA before the occurrence of the behavior that led to the change in placement. In addition, the student's IEP team or 504 team must implement a BIP for the student, or, if the IEP team or 504 team had previously developed a BIP, the team must review the student's current BIP and make modifications as necessary.

If the IEP team or 504 team determines that the student's behavior was not a manifestation of his or her disability, then the School may discipline the student in the same manner as a student without a disability. However, the School must ensure that the student continues to receive educational services that will enable the student to continue receiving the general education curriculum and to continue making progress toward his or her IEP goals.

Classroom teachers should work closely with special education teachers and the student support team to determine appropriate methods of discipline.

UTOPIAN ACADEMY FOR THE ARTS DISCIPLINARY HEARING PROCESS

A Student accused of committing a Category III disciplinary infraction, as defined in Utopian Academy for the Art's (UAFA) Code of Conduct, is referred for a Disciplinary Hearing for determination as to whether a long term suspension or expulsion is appropriate. A long term suspension means denial to a student of the right to attend school and take part in any school function for a period of more than ten (10) school days. Expulsion shall mean removal of the student from enrollment at UAFA for the remainder of the school year or longer.

A long term suspension or expulsion will normally follow a short term suspension. There are exceptions, however, that could prompt the school administration to move forward with a recommendation for immediate dismissal of a student. Examples of such violations include, but are not limited to, bringing a weapon to school, assault on a student or school personnel, or other chargeable offenses.

A decision to impose a long term suspension will be the result of a Disciplinary Hearing before an independent hearing officer(s). The purpose of the Disciplinary Hearing is to receive and evaluate testimony and other evidence concerning the disciplinary violation. The school principal or his/her designee will present the case for suspension or expulsion to the Hearing Officer(s). The student's parent/guardian, or other appointed representative present for the hearing will be able to ask questions and present arguments against the recommendation. The School shall provide written notice of the relevant procedures to the student's parent/guardian. The notification shall include the following:

3. A brief statement of the act(s) student is alleged to have committed, along with the portion of the Code of Conduct allegedly violated.
4. The maximum penalty which may be administered for the alleged misconduct, and a recommendation for discipline.
5. A copy of this Student Disciplinary Hearing Process.
6. The date, time and place of the hearing.
7. The names of witnesses expected to be called at the hearing and a short summary of evidence that may be presented.
8. A statement that a hearing is required unless the student/parent/guardian waives the hearing.
9. A statement that at the hearing the student is entitled to be represented by an advocate (spokesperson) of his/her choice, including an attorney if so desired; and that the student may subpoena witnesses and utilize other compulsory process upon request.
10. A statement that all parties are afforded an opportunity to present and respond to evidence and to examine and cross-examine witnesses.

Continuance:

If good and sufficient cause exists, the school administrator may request to the Hearing Officer that the hearing be rescheduled, but in no instance shall the hearing be delayed more than ten school days after the beginning of the suspension unless the School and the parent/guardian mutually agree to an extension in writing. If the extension is not agreed to by the parent/guardian, the hearing will move forward as scheduled or the charges will be dismissed.

Upon rescheduling, written notice of the rescheduled date and time of the hearing will be sent to the student's parent/guardian/representative/attorney either in person, by first class mail, certified mail return receipt requested, and/or delivery confirmation.

The student's parent/guardian/representative may request a continuance of the hearing from the school administrator. Continuances should be requested no later than 24 hours in advance of the scheduled hearing date and time. Extenuating circumstances should be presented for approval. If a continuance is requested or caused by the parent/guardian/student's representative, the student will continue to serve his/her recommended School level discipline (In-School or Out-of-School Suspension) during the time of the continuance and until the hearing is conducted and the Hearing Officer has rendered a decision.

Waiver of Hearing:

If the student's parent/guardian/representative waives the hearing, they may do so by requesting a waiver from the School prior to the notified date and time of the hearing. If no waiver request is received, or if the hearing may not be waived, the hearing will be held as scheduled, whether or not the student/parent/guardian/representative chooses to participate.

Record of Proceedings:

A verbatim record of the hearing shall be made and shall be available to all parties upon request. The cost of recording shall be borne by the School. The student's parent/guardian/representative may request a copy of the recording.

A written transcript will be prepared by the School if the Board so requests; or if the decision of the Board is appealed to the State Board of Education. If a written transcript is not prepared by the School, the student's parent/guardian/representative may obtain a written transcript at their own expense.

Burden of Proof:

The burden of proof is a preponderance of the evidence (more likely than not) and shall be on the School.

Legal Representation at the Disciplinary Hearing:

If the student is represented by an attorney, the School's attorney will be present. The student's parent/guardian will notify the School not less than 48 hours prior to the hearing if the student may be represented by an attorney. Failure to give such notice can result in the hearing being continued so the School's attorney may be present.

Hearing Officers:

Disciplinary Hearings will be conducted by an independent Hearing Officer, who shall be selected by the School. To qualify for service as a Hearing Officer, an individual will (1) be in good standing with the State Bar of Georgia, (2) have experience as a teacher, counselor, or administrator in a public school system, or (3) be actively serving as a hearing officer under an existing contract/agreement with a Georgia school system. Before selecting a Hearing Officer, the school administrator shall also confirm that the selected individual has no prior involvement in the matter and no conflict of interest.

Procedural Objections:

Objection to the sufficiency of the notice and/or other procedural objections shall be waived unless written notice thereof is filed with the Hearing Officer no less than 24 hours prior to the time the hearing is scheduled to begin. The hearing may be postponed until such defects have been removed or remedied.

Disciplinary Hearing:

Within ten school days after the beginning of the suspension, the Hearing Officer(s) will meet at the appointed time and place to review the case. As this time, the school administrator will present the facts of the case against the student as well as the reason for the recommendation. The student, parent or guardian, or other appointed representative present for the hearing will be able to ask questions and present arguments against the recommendation.

At the conclusion of the hearing, the Hearing Officer(s) will determine if the accused student has violated UAFA's Disciplinary Policy. The Hearing Officer's decision will be based solely on the evidence presented at the hearing. If the Hearing Officer determines that a student has committed a disciplinary violation, s/he may impose a range of sanctions that include reinstatement into school to permanent expulsion, as long as the sanction complies with the school's established policies.

The Disciplinary Hearing is a closed and confidential proceeding. Friends or relatives of the students or other members of the public who are not witnesses will not be allowed in the hearing room. Any representative(s) of the family other than the student and parent or guardian will be approved by the principal in advance. If a family wishes to bring a lawyer, they will notify the principal in advance so that the school can ensure its legal counsel is present.

Appeal:

Once the Hearing Officer has informed the school administration of the decision, the school administration will immediately inform the family and mail a letter of decision to the family.

Once a decision has been rendered, the student may appeal directly to UAFA Board of Directors. To do so, s/he will inform the school administration of the intent to appeal within ten working days of the date of the Hearing Officer's decision. The school administrator will supply all records from the previous hearing including, if available, written statements, minutes and audio recordings of the Disciplinary Hearing. The Board of Directors will evaluate all information and will make a decision solely on the facts presented in the record from the hearing. The student and the school administrator may provide a written statement identifying any reasons why they believe the Hearing Officer's decision was valid or invalid based on the evidence presented at the Disciplinary Hearing. There will not be an opportunity for additional testimony or argument. The Board will render its decision within 20 working days of receiving the appeal. Once the Board renders a decision on the appeal, the school administration will immediately inform the family and mail a letter of decision to the family. The decision of the Board may be appealed to the State Board of Education in accordance with state law.