

**JCDA-R Student Code of Conduct**

7/1/20

**RATIONALE/OBJECTIVE:**

The Cobb County School District (District) is dedicated to sound discipline practices in the continuing effort to provide students in the District an effective and safe learning environment, to promote learning, and to encourage maturity during the school day as well as during all school-related activities. The District also recognizes concerns for the welfare of students from their entry on a school bus or school property to their return to the bus stop or when they leave school property. Therefore, schools will take appropriate actions in an effort to provide students and staff a safe and orderly environment.

**RULE:**

The following code provisions apply to offenses that students commit while on school property at any time, engaging in or attending a school-sponsored event, while using the school technology resources, or in the case of cyberbullying and for limited off-campus offenses, whether or not offense or the electronic communication occurred on school property or with school equipment. As used in this Code of Conduct:

- A. School property includes, but is not limited to:
  - 1. The land and improvements which constitute the school;
  - 2. Any other property or building, including school bus stops, wherever located, where any school function or activity is conducted;
  - 3. Any bus or other vehicle used in connection with school functions and activities, including but not limited to, school buses, buses leased by the District and privately-owned vehicles used for transportation to and from school activities; and
  - 4. Personal belongings, automobiles or other vehicles which are located on school property.
- B. School technology resources includes, but is not limited to:
  - 1. Electronic media systems such as computers, electronic networks, messaging, and Web site publishing; and
  - 2. The associated hardware and software programs used for purposes such as, but not limited to, developing, retrieving, storing, disseminating, and accessing instructional, educational, and administrative information.

Any and all violations of the Code of Conduct will be part of a student's disciplinary record and may be used in a student disciplinary hearing pursuant to the District's progressive discipline process.

The decision to charge a student for violation of this Code of Conduct shall be made by the administration of the school. Degree of discipline shall be based upon a progressive discipline process, with discipline assigned in proportion to the severity of the behavior leading to the discipline, previous discipline history of the student, and other relevant factors. All due process procedures required by federal and state law will be followed. Relevant factors to be considered should include, but not be limited to the age, maturity level, willfulness and intent, and the cognitive ability of the student. If the school administration is uncertain as to the interpretation of the Code of Conduct they are to contact Student Support or their respective level assistant superintendent.

Suspension of a student from school for not more than ten (10) consecutive days is considered a short-term suspension, not subject to formal rights of hearing or appeal. Although there are no

such rights guaranteed by law, parents/guardians may contact the Principal to discuss their child's discipline.

## **I. GENERAL PROVISIONS**

### **A. PROGRESSIVE DISCIPLINE:**

School personnel shall utilize progressive discipline processes in order to create the expectation that the degree of discipline will be in proportion to the severity of the behavior. In addition, consideration will be given to each student's previous discipline history and other relevant factors, including repeated offenses, which may include offenses over the course of more than one school year (cumulative offenses). Discipline assigned may increase where students have committed repeated offenses. Infractions in Part II below that are considered cumulative over the course of more than one school year include Paragraphs A, K, L-3, R-6, R-7, R-9, R-10, S, and Category I and Category II Weapons.

### **B. DISCIPLINE LEVELS:**

#### **1. Level 1 Discipline:**

- a. Level 1 discipline is used for minor acts of misconduct which interfere with the good order of school.
- b. Following appropriate teacher intervention, students may be referred to an administrator.
- c. Level 1 consequences range from a minimum of an administrative conference to a maximum of five (5) days of In-School Isolation (ISI) for elementary students, or five (5) days of In-School Suspension (ISS) for middle and high school students, and may include restitution.

#### **2. Level 2 Discipline:**

- a. Level 2 discipline offenses are intermediate acts of misconduct.
- b. Students should be referred to an administrator.
- c. Level 2 consequences range from a minimum of one (1) day of Out-of-School Suspension (OSS) to a maximum of ten (10) days of Out-of-School Suspension (OSS), and may include restitution.
- d. Repeated violations of any Level 2 offense may result in that violation being considered a Level 3 or higher offense which may result in long-term suspension/expulsion. For Levels 2 through 5 Discipline, students in grades preschool through third must receive a multi-tiered system of supports, such as response to intervention, prior to suspension for more than five consecutive or cumulative days during a school year. This does not apply to offenses including possession of weapon, illegal drugs or other dangerous instrument, or if student's behavior endangers the physical safety of other students or school personnel.

#### **3. Levels 3, 4, and 5 Discipline:**

- a. Levels 3, 4, and 5 discipline offenses are serious acts of misconduct including, but not limited to, repeated misbehaviors of a similar nature, serious disruptions of the school environment, threats to health, safety, or property and other acts of serious misconduct.
- b. Students must be referred to an administrator. Administrators will notify the appropriate level assistant superintendent, Student Support and the Cobb County School District Police Department (CCSDPD), as well as other law enforcement agencies as deemed appropriate. Consequences range from out-of-school suspension to permanent expulsion. Consequences for middle school and high school students may also include referral to apply to the Alternative Education Program (AEP). All students accepted in the District's AEP will be on contract, which will include behavior and attendance objectives.
- c. Any misconduct that threatens the health, safety, or well-being of others may result in immediate suspension of the student from the school and/or school-sponsored activities for up to ten (10) school days, pending disciplinary investigation of the allegations.
- d. Middle schools and high schools may recommend that a student be considered eligible to apply to attend the AEP during his/her long-term suspension/expulsion. Upon this

recommendation or a decision of the District Hearing Officer/Panel, long-term suspended/expelled students may attend AEP pursuant to a contract. If the student violates the terms of the contract, he/she may forfeit the opportunity to attend the AEP during the remainder of his/her long-term suspension or expulsion, pursuant to the Order of the Hearing Officer/Panel and/or the terms of the contract. The student may appeal his/her dismissal from the AEP to the District administrator for the supervision of the AEP. The student may also receive further discipline, in addition to the reinstatement of his/her long-term suspension or expulsion.

- e. Level 3 consequences range from a minimum of ten (10) days of Out-of-School Suspension (OSS) to a maximum of ten (10) days OSS with a recommendation for long-term suspension for the remainder of the current semester.
- f. Level 4 consequences include ten (10) days OSS with a recommendation for expulsion for the remainder of the current semester and for one additional semester.
- g. Level 5 consequences include ten (10) days OSS with a recommendation for expulsion for the remainder of the current semester and for two additional semesters. Based on the severity of the behavior, student's previous discipline history, and other relevant factors, permanent expulsion may be recommended with approval of the appropriate level assistant superintendent.

### **C. Removing Disruptive Students from the Classroom:**

1. The Superintendent and principals shall, and do, fully support the authority of every teacher in his/her school(s) to remove a disruptive student from his/her class pursuant to O.C.G.A. § 20-2-738. This code applies to a student who repeatedly or substantially interferes with the teacher's ability to communicate effectively with students in the class or with the student's classmates' ability to learn where the student's behavior is in violation of the District Student Code of Conduct.
2. The teacher shall follow his/her school's administrative referral guidelines and, when necessary, the procedures outlined in Administrative Rule JDF-R (Teacher Authority to Remove Students from Classroom).

### **D. Student Enrollment/Conduct Relative to Georgia Driver's Licenses:**

The issuance of driver's licenses and permits to minors will be based on student enrollment rather than school attendance. The Department of Driver Services (DDS) shall not issue an instruction permit or driver's license to a person who is younger than 18 years of age unless, at the time such minor submits an application for an instruction permit or driver's license, the records of the department indicate that said applicant is enrolled in and not under suspension from school. Accordingly, the State Department of Education will forward student enrollment, suspension and expulsion information from the statewide student information system to DDS, which will issue licenses when its records indicate that applicants are enrolled in school and not under suspension or expulsion. Lastly, DDS shall notify such minor of his or her ineligibility for an instruction permit or driver's license at the time of such application. (O.C.G.A. § 40-5-22)

### **E. Truancy:**

When a child is absent, parents, guardians, or other persons who have control of a child enrolled in the District should comply with Administrative Rule JB-R (Student Attendance) and school guidelines to report reasons for absences. Georgia law requires that after any student accrues five (5) days of unexcused absences in a given school year, the parent, guardian, or other person who has control or charge of that child shall be in violation of O.C.G.A. § 20-2-690.1(b). Any child that is subject to compulsory attendance who, during the school calendar year, has more than five (5) days of unexcused absences is considered truant. The law states the following:

"Any parent, guardian, or other person residing in this state who has control or charge of a child or children and who violates this Code section shall be guilty of a misdemeanor and upon conviction thereof, shall be subject to a fine of not less than \$25.00 and not greater than \$100.00, or imprisonment not to exceed 30 days, community service, or any combination of such penalties, at the discretion of the court having jurisdiction. Each day's absence from

school in violation of this part after the child's school system notifies the parent, guardian, or other person who has control or charge of a child of five unexcused days of absence for a child shall constitute a separate offense."

- Schools will notify parents/guardians when a student has accumulated five (5) unexcused absences.
- Schools will also notify parents/guardians of students 14 years of age and older when the student has accumulated seven (7) unexcused absences during the school year.

#### **F. REPORTING TO LAW ENFORCEMENT:**

In addition to discipline of students by the District, student conduct may be reported to appropriate law enforcement authorities. The District encourages parents/guardians to inform their children of the consequences, including potential criminal penalties, of underage sexual conduct and crimes for which a minor can be tried as an adult.

#### **G. CHRONIC DISCIPLINARY PROBLEM STUDENTS:**

A chronic disciplinary problem student is a student who exhibits a pattern of behavioral characteristics which interfere with the learning process of students around him or her and which are likely to recur. (see Administrative Rule JCD-R)

### **II. STUDENT OFFENSES:**

A student shall not violate any of the following rules of the Cobb County School District. Pursuant to state requirements, disciplinary levels have been assigned to each offense. These levels correspond to the disciplinary levels detailed above. However, principals or designee working in conjunction with Student Support and their appropriate level assistant superintendent may give greater discipline in egregious circumstances, as identified on a case-by-case basis by the severity of the behavior, student's previous discipline history, and other relevant factors.

#### **A. ALCOHOL/ILLEGAL DRUGS/INHALANTS:**

1. No student shall possess, consume, store, or be under any degree of influence of alcoholic beverages (including related products such as "near" beer, non-alcoholic beer, and non-alcoholic wine coolers), illegal drugs (including, but not limited to narcotics, hallucinogens, amphetamines, barbiturates, marijuana, cannabis oil, or any other substance listed under the Georgia Controlled Substances Act), or any substance believed by the student to be alcohol or an illegal drug. Legal intoxication is not required for violation of this Code of Conduct.
  - **Elementary School – Level 2-3**
  - **Middle and High School – Level 3-5**
2. No student shall possess, transmit, store, buy, sell, distribute or possess with intent to sell any drug-related paraphernalia.
  - **Elementary School – Level 1-2**
  - **Middle School – Level 2-3**
  - **High School – Level 2-5**
3. No student shall falsely present or identify a substance to be alcohol or an illegal drug.
  - **Elementary School – Level 1-2**
  - **Middle School – Level 2-3**
  - **High School – Level 2-5**
4. No student shall buy, sell, or otherwise distribute or possess with intent to distribute or attempt to buy, sell, or otherwise distribute or possess with intent to distribute alcoholic beverages, illegal drugs (including, but not limited to narcotics, hallucinogens, amphetamines, barbiturates, marijuana, cannabis oil, or any other substance listed under the Georgia Controlled Substances Act), or any substance falsely identified as such, or is believed by the purchaser to be an alcoholic beverage or illegal drug.
  - **Elementary School – Level 2-3**
  - **Middle and High School – Level 3-5**
5. No student shall sniff or be under the influence of inhalants and/or other substances.

- **Elementary School – Level 2-3**
  - **Middle and High School – Level 3-5**
6. No student shall be in possession or under the influence of synthetic Cannabinoids such as “K-2” (also known as, Spice, Blayze II, RedBird, Mojo, VooDoo Magic, Spice Gold, Yucatan Fire, Demon and Serenity).
- **Elementary School – Level 2-3**
  - **Middle and High School – Level 3-5**
- **For all A-1, A-4, A-5, and A-6:**
- Notify the appropriate level assistant superintendent.
  - **Contact CCSDPD.**
  - **Option:** For middle school and high school students, the student may reduce the first out-of-school suspension for A-1, A-4, A-5, or A-6 by three days by attending the Gaining Results in Intervention and Prevention (GRIP) Program consisting of one four-hour Saturday session attended by the student and the parent, or another comparable program approved by Student Assistance Programs office. Failure to successfully complete this program will result in the student serving the full length of the suspension.

**NOTE: Alcohol/Illegal Drug/Inhalant offenses are cumulative for grades K-2, grades 3-5, grades 6-8 and grades 8-12.**

**B. ATTENDANCE VIOLATIONS:**

**NOTE: For High School students, parking privileges may be revoked for attendance violations.**

1. A student shall not be truant by failing to attend school in compliance with the Georgia Compulsory Attendance Laws. **(Level 1)**
2. No student shall be tardy for a class or activity for which he/she is enrolled without a valid excuse. **(Level 1)**
3. No student shall miss any class or activity for which he/she is enrolled without a valid excuse. **(Level 1)**
4. Students shall not leave school grounds during the course of the regularly scheduled school day without the permission of a parent/guardian and the Principal or designee. Students must follow the established procedures for checking in or out of school. **(Level 1-2)**

**C. BOMB THREATS:**

**Bomb threat is defined as:** Transmitting in any manner a false alarm to the effect that a bomb or other explosive of any nature is concealed on school property creating a potentially dangerous situation.

- **Elementary School – Level 2-4**
- **Middle and High School – Level 3-5**
- Notify the appropriate level assistant superintendent.
- **Contact CCSDPD.**

**D. BULLETS, BB’S, PAINT BALL PELLETS:**

Students may not possess ammunition, BB’s, paint pellets, or CO<sub>2</sub> cartridges. These items are disruptive to the function of the school and may pose a safety risk.

- **Elementary and Middle School – Level 1-2**
- **High School – Level 2-5**

**E. BUS BEHAVIORS:**

Students shall follow all student behavior policies and regulations while at the bus stop and on school-provided transportation including, but not limited to, the prohibitions on physical violence, bullying, assault, battery, disrespectful conduct, or other unruly behavior. In addition to other portions of the code of conduct, the following apply to bus transportation:

1. Students must keep all body parts inside the bus at all times. **(Level 1-2 and/or suspension from the bus for a specified time)**

2. Nothing may be thrown into, within, out of, or at the bus. **(Level 1-2 and/or suspension from the bus for a specified time)**
3. **Bus Disruptions:**  
No student shall act in any manner so as to interfere with a driver's ability to safely drive the bus or another student's ability to ride the bus without harassing or loud distractions. Students must remain seated at all times unless directed by the driver. Students must remain quiet at all railroad crossings. **(Level 1-2 and/or suspension from the bus for a specified time)**
4. Emergency doors and windows are to be used only at the direction of the driver. **(Level 1-2 and/or suspension from the bus for a specified time)**
5. Students may not ride a bus or disembark a bus at a bus stop other than that assigned for their residence without submitting a written request from their parent/guardian to the Principal or designee for approval. **(Level 1-2 and/or suspension from the bus for a specified time)**
6. Students shall not use any electronic devices during the operation of a school bus that may interfere with the bus' communication equipment or the driver's operation of the school bus, including but not limited to: cell phones; pagers; audible radios, tape players, and compact disc players without headphones; or any other electronic device. Students may not use any electronic device to video or audio record while on school provided transportation vehicles. **(Level 1-2 and/or suspension from the bus for a specified time)**
7. Students shall not use mirrors, lasers, flashing lights, flash cameras, or any other lights or reflective surfaces in a manner, which might interfere with the operation of the school bus. **(Level 1-2 and/or suspension from the bus for a specified time)**

**NOTE:** Students who commit sexual offenses, physical offenses against students, or physical offenses against District employees (as defined elsewhere in this Code of Conduct) on the school bus will receive penalties for the offense(s) as specified in this Code of Conduct for these offenses and may also be suspended from the bus for a specified time.

**If a student has been found to have engaged in battery, acts of physical violence, bullying or physical threats on the school bus, the student's parent/guardian shall be required to meet with the Principal or designee to execute a bus behavior contract. Additional bus behaviors are addressed through the District's Safe Rider Program.**

#### **F. PERSONAL COMMUNICATIONS/ELECTRONIC DEVICES:**

1. **Elementary and Middle School:** Students shall not use, display, or turn on smart watches, cellular phones, video phones, or electronic devices during instructional time, class change time, breakfast or lunch. The Principal shall determine specified times on campus when electronic devices may be used for instructional purposes. **(Level 1)**  
**High School:** Students shall not use, display, or turn on smart watches, cellular phones, video phones, or electronic devices during instructional time for non-instructional purposes and without the express permission of the teacher. The Principal shall determine specified times on campus when cell phones and other electronic devices may be used and will publish this information in student handbooks, the school website, on posters, and/or by other means. **(Level 1)**
2. 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.

#### **Consequence:**

- **Elementary and Middle School – Level 1-2**
- **High School – Level 2-3**

- Notify the appropriate level assistant superintendent.
  - **Contact CCSDPD.**
3. Students shall not use personal technology devices to access chat rooms/social networking sites such as Facebook, Twitter, Instagram or Snapchat during the regular school day for non-instructional purposes and without the express permission of the teacher. **(Level 1-2)**
  4. Students shall not use audio or visual recording devices without the permission of a school administrator or as permitted by Administrative Rule JG(1)-R (Monitoring-Recording Staff and Students). This includes, but is not limited to, using recording devices to video, photograph or record misbehaviors or to violate the privacy of others. **(Level 1-2)**

#### **G. DISRESPECTFUL CONDUCT:**

1. No student shall use any type of profane, vulgar, obscene or offensive language (written or oral) or gestures. Offensive language may include, but is not limited to, disparaging statements on the basis of disability, race, ethnicity, gender, or religion. **(Level 1-2)**
2. No student shall possess or distribute profane, vulgar, pornographic, obscene, or ethnically offensive materials. **(Level 1-2)**
3. A student shall not use profane, obscene, or abusive language (written or oral) or gestures toward District personnel or other adults on school property or at school sponsored events.
  - **Elementary School – Level 1-2**
  - **Middle School – Level 1-3**
  - **High School – Level 2-4**
4. **Insubordination:** All students shall comply with reasonable directions or commands of all authorized District personnel or designees.
  - **Elementary School – Level 1-2**
  - **Middle School – Level 1-3**
  - **High School – Level 2-4**
5. All students shall comply with the directions of a staff member to remove themselves from the location of a disruptive situation. **(Level 1-2)**
6. No student shall refuse to identify one's self upon request of any District employee or designee. **(Level 1-2)**
7. No student shall repeatedly violate the school dress code. **(Level 1-2)**
8. No student shall fail to attend Saturday School, Detention, or In-School Suspension. **(Level 1-2)**

#### **H. DISRUPTION OF SCHOOL:**

1. **Class Disruption:** No students shall intentionally make noise or act in any other manner so as to interfere with a teacher's ability to conduct a class or a student's ability to learn.
  - **Elementary and Middle School – Level 1-2**
  - **High School – Level 1-3**
2. **School Disruption:** No student shall, in any manner, by the use of violence, force, noise, coercion, threat, intimidation, fear, passive resistance, or any other conduct, intentionally cause the disruption of any lawful mission, process or function of the school, or engage in any such conduct for the purpose of causing the disruption or obstruction of any such lawful mission, process or function.
  - **Elementary School – Level 1-3**
  - **Middle and High School – Level 1-5**
3. Students shall not be on the campus of a school in which they are not enrolled during that school's hours or while that school is operational without permission from that school's administration. Students also may not enter a school building after hours without express permission.
  - **Elementary and Middle School – Level 2-3**
  - **High School – Level – 2-4**
4. Students may not return to campus or attend any school function while on suspension.
  - **Elementary and Middle School – Level 1-2**
  - **High School – Level 2-3**
5. Students may not be present in an unauthorized area. **(Level 1-2)**

6. Students shall not occupy nor block the entrance/exit of any school building, gymnasium, school grounds, properties or parts(s) thereof with the intent to deprive others of its use, or when the effect thereof is to deprive others of such use.
  - **Elementary and Middle School – Level 1-2**
  - **High School – Level 1-3**
7. Students shall not prevent or attempt to prevent the convening or continued functioning of any school, class, activity or lawful meeting or assembly on the school campus.
  - **Elementary and Middle – Level 1-2**
  - **High School – Level 2-3**
8. Students shall not prevent students from attending a class or school activity.
  - **Elementary and Middle – Level 1-2**
  - **High School – Level 2-3**
9. No student shall, except under the direct instruction of the Principal, block normal pedestrian or vehicular traffic on a school campus or adjacent grounds.
  - **Elementary and Middle – Level 1-2**
  - **High School – Level 1-3**
10. No student shall be involved in a serious verbal altercation that disrupts the school, class or school activity.
  - **Elementary and Middle – Level 1-2**
  - **High School – Level 1-3**

#### **I. FALSE REPORTS:**

1. No student shall knowingly and willfully make false reports or statements whether orally or in writing; falsely accuse other students of wrong actions; falsely accuse District employees of wrong action or inappropriate conduct; falsify school records; or forge signatures.
  - **Elementary and Middle School – Level 1-2**
  - **High School – Level 1-3**
2. No student shall make false calls to emergency services including false fire alarms which create a potentially dangerous interruption to the normal school operation and to both the physical and emotional well-being of students and staff.
  - a. **False Call to Emergency Services:**  
No student shall knowingly make or cause a false call to emergency services to be made.
    - **Elementary School – Level 1-2**
    - **Middle School – Level 2-3**
    - **High School – Level 2-4**
    - **Contact CCSDPD**
  - b. **False Fire Alarms:**  
No student shall knowingly give or cause a false fire alarm to be given.
    - **Elementary School – Level 1-2**
    - **Middle School – Level 2-3**
    - **High School – Level 2-4**
    - **Contact CCSDPD**

#### **J. GAMBLING:**

No student shall participate in any type of gambling activity as defined by state law or that involves the wagering or betting of services, money or other items. **(Level 1-2)**

#### **K. GANG RELATED ACTIVITY:**

A "gang" is defined as any group or association of three or more persons, whether formal or informal, which encourages, solicits, promotes, urges, counsels, furthers, advocates, condones, assists, causes, advises, procures, or abets any illegal or disruptive activity or behavior of any kind, whether on or off school campuses or school property.

1. No student shall engage in any activity while participating in a gang which interferes with the orderly conduct of school activities, with discipline in the schools, or with the rights of other students or faculty members.
  - **Elementary School – Level 1-3**
  - **Middle and High School – Level 2-5**



2. No student shall display identified gang tattoos.
  - **Elementary School – Level 1-3**
  - **Middle and High School – Level 2-5**
3. No student shall hold himself/herself out as a member of a gang.
  - **Elementary School – Level 1-3**
  - **Middle and High School – Level 2-5**
4. No student shall recruit or solicit membership in any gang or gang-related organization.
  - **Elementary School – Level 1-3**
  - **Middle and High School – Level 2-5**
5. No student shall engage in any other gang-related behavior which is subversive to good order and discipline in the schools, even though such behavior is not specified in the preceding written rules.
  - **Elementary School – Level 1-3**
  - **Middle and High School – Level 2-5**

**NOTE: Gang Related Activity offenses are cumulative for grades 6-8 and grades 8-12.**

**L. HARASSMENT, INTIMIDATION, THREATS (VERBAL, WRITTEN OR ELECTRONIC), AND BULLYING BEHAVIOR:**

1. **Harassment is defined as:**  
 Intentional, substantial, and unreasonable verbal, physical or written contact that is initiated, maintained, or repeated. No student shall engage in harassment, intimidation, or abuse of or toward any other student(s), District employees or other adults for any reason. This prohibition includes but is not limited to, harassment, intimidation or abuse of students or others based on actual or perceived race, creed, color, national origin, religion, sex, age, disability, sexual orientation, gender, gender identity or a physical characteristic.
  - **Elementary and Middle School – Level 1-3**
  - **High School – Level 2-5)**
2. No student shall threaten, either verbally, in writing, electronically, or by physical presence, expressed or implied, or conspire to cause bodily injury to any student, District employee or non-District employee.
  - **Elementary School – Level 1-3**
  - **Middle School – Level 2-4**
  - **High School – Level 2-5**
3. **Bullying:**  
 No student shall bully another student or students. **Bullying behavior is defined as:**
  - Willful attempt or threat to inflict injury on another person when accompanied by an apparent present ability to do so; or
  - Intentionally exhibiting a display of force such as would give the victim reason to fear or expect immediate bodily harm; or
  - Any intentional written, verbal or physical act, which a reasonable person would perceive as being intended to threaten, harass or intimidate that:
    - Causes substantial physical harm or bodily harm capable of being perceived by a person other than the victim and may include, but is not limited to, substantially blackened eyes, substantially swollen lips or other facial or body parts, or substantial bruises to body parts;
    - Has the effect of substantially interfering with the victim student’s education;
    - Is so severe, persistent or pervasive that it creates an intimidating or threatening educational environment; or
    - Has the effect of substantially disrupting the orderly operation of the school.

Bullying behavior is also defined as cyberbullying which occur through the use of electronic communication, whether or not such electronic act originated on school property or with school equipment, if the electronic communication:

- Is directed specifically at students or school personnel; **AND**
- Is maliciously intended for the purpose of threatening the safety of those specified or substantially disrupting the orderly operation of the school; **AND**

- 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.

- **Elementary School – Level 2-3**
- **Middle and High School – Level 2-5**

**NOTE:** If a third offense occurs within one school year, as determined by a hearing officer/tribunal, the student shall be expelled for at least one calendar year, but may be assigned to the AEP during this discipline.

**NOTE: L-3 offenses are cumulative for grades 6-8 and grades 8-12.**

Parents/guardians of students who are victims of bullying or are found to have committed bullying behaviors will be notified via conference or letter/referral. Staff members should report instances of these behaviors to school administration immediately so that administrators may review them in a timely manner.

Employees, volunteers, students and parents/guardians/other persons that have control of students may report or otherwise provide information on bullying activity to a school administrator anonymously if they choose. No person who reports bullying behaviors will be retaliated against by any school employee. Students who retaliate against others for reports of bullying behavior are subject to discipline which may include enhanced consequences. Students who knowingly file a false report of bullying will also be disciplined.

**M. INCENDIARY DEVICES:**

No student shall possess, light, and/or discharge smoke bombs, stink bombs, fireworks, cigarette lighters, matches, or similar devices. **(Level 1-2)**

**N. OFF-CAMPUS OFFENSES:**

Off-campus misconduct for which a student shall be disciplined includes, but is not limited to, any off-campus conduct that:

- Could result in the student being criminally charged with a felony and is prohibited by the Georgia or United States criminal codes or would be punishable as a felony if committed by an adult; **AND**
- Makes the student's continued presence at school a potential danger to persons or property at the school or disrupts the educational process. **(Level 1-5 and contact CCSDPD)**

**O. OTHER BEHAVIORS:**

No student shall participate in any activity that is subversive to good order and discipline of the school not specifically addressed in the other sections of this Code of Conduct (Possession or use of counterfeit money or forged official school forms is included in this category).

- **Elementary School – Level 1-3**
- **Middle School – Level 1-5**
- **High School – Level 1-5**

**NOTE:** Schools should contact Student Support prior to charging a student with this section.

**P. OVER-THE-COUNTER MEDICATION:**

Possession of all over-the-counter medication on school property must be in compliance with Administrative Rule JGCD-R (Medication). A student is prohibited from selling, distributing, or possessing with intent to distribute any over-the-counter medication. Over the counter medications specifically include, but are not limited to, nicotine replacement therapies such as nicotine gum and candy, nicotine lozenges, nicotine patches, nicotine inhalers, nicotine nasal sprays and the like. **(Level 1-3)**

**Q. PARTIES TO THE OFFENSE:**

No student shall urge, encourage, counsel, further, promote, assist, cause, advise, procure, or abet any other student(s) to violate any section or paragraph of this Cobb County Code of Conduct.

- **Elementary and Middle – Level 1-3**
- **High School – Level 1-5**

**R. PHYSICAL OFFENSES:**

Principals or designees will continue to exercise professional discretion in determining incidents of horseplay, intentional spitting, physical altercation, fighting or physical bullying, or self-defense as defined by Georgia law in O.C.G.A. § 16-3-21. Principals or designees will have the authority to assign consequences based on behavior related to specific incidents. This may include differentiated discipline assigned on a case by case basis. The minimum consequences for prohibited behaviors will apply as noted in this Code of Conduct and other District Administrative Rules.

**NOTE: R-6, R-7, and R-9 offenses are cumulative for grades 6-8 and grades 8-12. R-10 offenses are cumulative for grades K-2, grades 3-5, grade 6-8, and grades 8-12.**

1. No student shall use any device, chemical, irritant, or substance in a manner inconsistent with its intended or prescribed use, or in a manner designed to cause harm, physical irritation, or allergic reaction. Examples include, but are not limited to, directing a laser optical pointer or similar device at another person's eyes, and applying "itching powder" or like substances to another person. **(Level 1-2)**
2. Students may not possess or use any device designed to produce a mild electrical shock. **(Level 1-2)**
3. Students shall not engage in rough or boisterous activities. **(Level 1-2)**
4. No student shall participate in any kind of physical altercation.
  - **Elementary and Middle School – Level 1-3**
  - **High School – Level 2-4**
5. No student shall participate in any kind of physical harassment (This can include forms of hazing [Administrative Rule JHC-R {School Clubs/Organizations and Student Organizations}], intentionally spitting, shanking [i.e. intentionally exposing another student's undergarments]).
  - **Elementary and Middle School – Level 1-3**
  - **High School – Level 2-4**
6. No student shall participate in any type of fighting.
  - **Elementary School – Level 2-3**
  - **Middle School – Level 2-3**
  - **High School – Level 2-5**
7. No student shall gang up with any student or students to physically attack another student or other persons.
  - **Elementary and Middle School – Level 2-3**
  - **High School – Level 3-5**
  - **Contact CCSDPD**
8. **Physical Threat of a Student or a Person who is not a District Employee:** Physical Threat is defined as: when a student attempts to commit a violent injury to the person of another; or commits an act which places another in reasonable apprehension of immediately receiving a physical injury.
  - **Elementary and Middle School – Level 2-3**
  - **High School – Level 2-5**
9. **Battery on a Student or a Person who is not a District Employee:** Battery is defined as when a student: intentionally causes physical harm to a person; or causes or attempts to cause injury or behaves in such a way as to cause physical injury to a student.
  - **Elementary School – Level 2-3**
  - **Middle School – Level 3-4**
  - **High School – Level 3-5**
  - **Contact CCSDPD**

## 10. **Physical Offenses upon District Employees:**

### **Hearing:**

If a student commits an act of physical threat (assault) upon a District employee, a mandatory disciplinary hearing will be held in accordance with Administrative Rule JCEB-R (Student Hearing Procedure), regardless of the recommended discipline, unless the hearing is waived. A disciplinary hearing regarding a recommendation for a short-term out of school suspension (10 days OSS or less) must be waived by the employee. A disciplinary hearing regarding a recommendation of long-term out-of-school suspension (11 days OSS or more) must be waived by both the employee and the parent/guardian/student over 18.

#### a. **Physical Threat:**

Physical Threat is defined as: when a student attempts to commit a violent injury to the person of a staff member; or commits an act which places a staff member in reasonable apprehension of immediately receiving a serious or violent injury.

- **Elementary School – Level 1-3**
- **Middle School – Level 2-5**
- **High School – Level 3-5**

#### b. **Physical Violence Without Harm:**

No student shall intentionally commit an act of assault or battery of an insulting or provoking nature with the person of a District employee, unless such contact was in self-defense, as provided in Georgia law in O.C.G.A. § 16-3-21.

- **Elementary School – Level 2-3**
- **Middle and High School – Level 3-5**
- **Contact CCSDPD**

#### c. **Physical Violence With Harm:**

No student shall intentionally commit an act of assault or battery, which causes physical harm to a District employee, unless such physical contacts or physical harms were in self-defense, as provided in Georgia law in O.C.G.A. § 16-3-21. (**Level 5 – Permanent Expulsion and contact CCSDPD**)

**NOTE:** A student found by a disciplinary hearing officer, panel, or tribunal to have committed an act of physical violence [with harm] against a teacher, school bus driver, school official, or school employee shall be expelled from the public-school system. The expulsion shall be for the remainder of the student's eligibility to attend public school pursuant to Code Section 20-2-150. The local school board at its discretion may permit the student to attend an alternative education program for the period of the student's expulsion. If the student who commits an act of physical violence is in kindergarten through grade eight, then the local school board at its discretion and on the recommendation of the disciplinary hearing officer, panel, or tribunal may permit such a student to reenroll in the regular public school program for grades nine through 12. If the local school board does not operate an alternative education program for students in kindergarten through grade six, the local school board at its discretion may permit a student in kindergarten through grade six who has committed an act of physical violence as defined in paragraph (2) of subsection (a) of this Code section to reenroll in the public school system. (O.C.G.A. § 20-2-751.6).

## **S. PRESCRIPTION DRUGS:**

No student shall be in possession of prescription medication not prescribed for the student. All prescription medication prescribed for a student must be in compliance with Administrative Rule JGCD-R (Medication). In addition, a student shall not sell, distribute, or possess with intent to distribute any prescribed medication on school property.

- **Elementary School – Level 1-3**
- **Middle School – Level 2-3**
- **High School – Level 2-4**

**NOTE: Consequences for S are cumulative in grades 6-8 and grades 9-12.**

**NOTE:** If the prescription drug is a controlled substance under the Georgia Controlled Substances Act, the student shall be found to have violated Section II, Paragraph A, Alcohol/Illegal Drugs/Inhalants, and shall be disciplined according to that Section.

**T. PROPERTY RELATED OFFENSES:**

**NOTE:** Parents/guardians and/or students will be held responsible for restitution of the full value of any damaged or stolen property (Administrative Rule DFJ-R [District Property Replacement/Restitution]).

1. No student shall intentionally cause substantial damage to personal property belonging to a District employee or another student.
  - **Elementary and Middle School – Level 1-3**
  - **High School – Level 2-3**
2. No student shall set fire to any private property or school property either while on school grounds or off school grounds during a school activity, function, or event.
  - **Elementary and Middle School – Level 2-3**
  - **High School – Level 2-5**
  - **Contact CCSDPD**
3. No student shall attempt to, threaten to, or actually damage, destroy, vandalize, or steal private property or school property on school grounds.
  - **Elementary School – Level 1-3**
  - **Middle School – Level 2-3**
  - **High School – Level 2-4**
  - **Contact CCSDPD**
4. No student shall attempt to, threaten to, or actually damage, destroy, vandalize, or steal private property or school property off school grounds during a school activity, function or event.
  - **Elementary School – Level 1-3**
  - **Middle School – Level 2-3**
  - **High School – Level 2-4**
  - **Contact CCSDPD**
5. No student shall possess stolen private property or school property on school grounds.
  - **Elementary and Middle School – Level 1-3**
  - **High School – Level 2-4**
  - **Contact CCSDPD**

**U. SEXUAL OFFENSES:**

Sexual offenses are prohibited against members of the same sex as well as members of the opposite sex. See Administrative Rule JCAC-R (Sexual Harassment Reporting and Investigation), for further requirements, information and explanation.

1. **Sexual Misconduct:**
  - a. No student shall be engaged in amorous kissing, other inordinate displays of affection. **(Level 1-2)**
  - b. No student shall consent to and participate in any form of sexual activity.
    - **Elementary School – Level 1-3**
    - **Middle and High School – Level 2-3**
    - **Contact CCSDPD**
  - c. 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.
    - **Elementary School – Level 1-2**
    - **Middle School – Level 2**
    - **High School – Level 2-4**
    - **Contact CCSDPD**
  - d. 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.
    - **Elementary and Middle – Level 1-3**
    - **High School – Level 2-4**
2. **Sexual Harassment:**

**NOTE:** See Administrative Rule JCAC-R (Sexual Harassment Reporting and Investigation), for further requirements, information and explanation.

- a. No student shall participate in verbal or non-verbal 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.
  - **Elementary and Middle School – Level 2-3**
  - **High School – Level 2-4**
- b. 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.
  - **Elementary and Middle – Level 2-3**
  - **High School – Level 2-5**
  - **Contact CCSDPD**

**3. 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.

- **Elementary School – Level 2-3**
- **Middle School – Level 2-4**
- **High School – Level 3-5**
- **Contact CCSDPD**

**4. 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. 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 molestation or the attempts thereof on school property, school buses, or at school-sponsored events.

- **Elementary School – Level 2-5**
- **Middle and High School – Level 3-5**
- **Contact CCSDPD**

**V. STIMULANTS:**

A student shall not consume, possess, sell, distribute, or possess with intent to distribute diet pills, caffeine pills, or other stimulant on school property. **(Level 1-3)**

**NOTE:** If the stimulant is a controlled substance under the Georgia Controlled Substances Act, the student shall be found to have violated Section II, Paragraph A, Alcohol/Illegal Drugs/Inhalants, and shall be disciplined according to the Section.

**W. DISTRICT TECHNOLOGY OFFENSES:**

All students using school technology must have a signed Internet use form (Form JCDA-3 [Receipt of the Family Information Guide]) on file with the school. Unauthorized access and prohibited behaviors are fully discussed and defined in Administrative Rule IFBG-R (Technology Acceptable Use). School technology cannot be used for other than school related purposes.

1. Students will not purposely look for security problems because such action may be considered an unauthorized attempt to gain access to school technology resources.
  - **Elementary School – Level 1-2**
  - **Middle school – Level 2-3**
  - **High School – Level 2-4**
  - **Contact CCSDPD**

2. Students will not attempt to or disrupt the school technology resources by destroying, altering or otherwise modifying technology. Hacking is strictly prohibited.
  - **Elementary and Middle School – Level 2-3**
  - **High School – Level 2-4**
  - **Contact CCSDPD**
3. Students will not use school technology resources to solicit business, advertise, or engage in any other selling activities in support of non-school related fund-raising or private business enterprises.
  - **Elementary and Middle School – Level 1-2**
  - **High School – Level 1-3**
4. Students will not engage in any activity that monopolizes, wastes or compromises school technology resources.
  - **Elementary and Middle School – Level 1-2**
  - **High School – Level 1-3**
5. Students will not copy computer programs, software or other technology provided by the District for personal use. Downloading unauthorized files is strictly prohibited.
  - **Elementary and Middle School – Level 1-2**
  - **High School – Level 1-3**
6. No student shall attempt to, threaten to, or actually damage, destroy, vandalize, or steal private property or school property while using school technology resources on or off school grounds.
  - **Elementary School – Level 1-2**
  - **Middle School – Level 2-3**
  - **High School – Level 2-4**
  - **Contact CCSDPD**
7. Students will not use school 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 material that:
  - 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.

**Consequence:**

  - **Elementary School – Level 1-2**
  - **Middle School – Level 2-3**
  - **High School – Level 2-4**
  - **Contact CCSDPD**
8. Students shall not commit any other prohibited act discussed in Administrative Rule IFBG-R (Internet Acceptable Use). This includes any modification of school records.
  - **Elementary School – Level 1-2**
  - **Middle School – Level 2-3**
  - **High School – Level 2-4**
9. Students may not use school technology devices to access chat rooms/social networking sites including, but not limited to Facebook, Twitter SnapChat, or Instagram. **(Level 1-2)**
10. Students may not use audio or visual recording devices without the permission of a school administrator or as permitted by Administrative Rule JG(1)-R (Monitoring-Recording Staff and Students). This includes, but is not limited to, using recording devices to video or record misbehaviors or to violate the privacy of others.
  - **Elementary and Middle School – Level 1-2**
  - **High School – Level 1-3**

#### **X. TOBACCO:**

Student possession or use of tobacco, tobacco product substitutes (e.g., tobacco look-alikes), cigarette look-alikes (e.g., electronic cigarettes), hookahs and hookah look-alikes (e.g.

electronic hookahs), vaping devices, or vaping cartridges on school property and at school-sponsored events is prohibited.

- **Elementary School – Level 1-2**
- **Middle and High School – Level 2**

#### **Y. WEAPONS:**

A student who wants to use a weapon or look-alike weapon in an exhibit, presentation, or activity in a classroom or at a school-sponsored event must meet the following requirements:

- Verbal approval of the teacher in whose class the weapon will be used;
- Prior written permission from the Principal which includes a description of the weapons authorized and the time period during which the weapons may be on campus;
- Transport of the weapon or look-alike weapon to and from the school by the parent/guardian of the student making the request; and
- The teacher or school administration storing the weapon or look-alike weapon in a secure location when it is not being used in the above classroom activities.

**Prohibition:** A student shall not possess, handle, transmit, or cause to be transmitted; use or threaten to use; sell, attempt to sell, or conspire to sell a weapon, either concealed or open to view, on school property. A weapon includes a dangerous weapon, firearm or hazardous object, as further defined below. All weapons shall be confiscated and given to CCSDPD or other law enforcement agencies as appropriate. The disposition of confiscated weapons shall be determined by the superintendent or his/her designated school official, in conjunction with law enforcement.

**Note:** The definition of "weapon" for purposes of this Code of Conduct is one that includes, but is not limited to, the following items:

#### **Category I Weapon - Dangerous Weapon or Firearm (Loaded or Unloaded):**

**NOTE: Category I Weapon offenses are cumulative in grades K-5, grades 6-8 and grades 8-12.**

Dangerous weapon means any weapon which fires explosive or non-explosive rockets or weapon which is designed to explode to injure, kill, destroy armor, or similar weapon used for such purpose as defined in O.C.G.A. § 16-11-121. Firearm means a handgun, rifle, shotgun, or other weapon which will or can be converted to expel a projectile by the action of an explosive or electrical charge. **(Level 5)**

- The hearing officer, tribunal, panel, Superintendent, or Cobb County Board of Education has the authority to modify these expulsion requirements on a case-by-case basis.
- Notify the appropriate level assistant superintendent.
- **Contact CCSDPD**

#### **Category II Weapon – Hazardous Object:**

**NOTE: Category II Weapon offenses are cumulative in grades K-5, grades 6-8 and grades 8-12.**

Hazardous object means any dirk, bowie knife, switchblade knife, ballistic knife, any other knife having a blade of two or more inches, straight-edge razor, razor blade, spring stick, knuckles, whether made from metal, thermoplastic, wood, or other similar material, blackjack, any bat, club, or other bludgeon-type weapon, or any flailing instrument consisting of two or more rigid parts connected in such a manner as to allow them to swing freely, which may be known as a nun chahka, nun chuck, nunchaku, shuriken, or fighting chain, or any disc, of whatever configuration, having at least two points or pointed blades which is designed to be thrown or propelled and which may be known as a throwing star or oriental dart, or any instrument of like kind, any nonlethal air gun, and any stun gun or taser as defined O.C.G.A. §



16-11-106 or any tool or instrument which the school administration could reasonably conclude as being used as a weapon or intended by the student to be used as a weapon and thus a violation of the intent of this Code of Conduct.

- **Elementary School – Level 2-5**
- **Middle and High School – Level 3-5**
- **Contact CCSDPD**

**Category III Weapon:**

Any knife or instrument having a blade of less than two inches, any "look-alike" firearm, or plastic disposable razor or sling shot.

- **Elementary School – Level 1-3**
- **Middle and High School – Level 2-5**
- **Contact CCSDPD**

**Note:** For items such as smoke bombs, stink bombs, fireworks, cigarette lighters, matches, or similar devices, see Paragraph M. above.

**III. CLUBS AND ORGANIZATIONS:**

The names of student clubs and organizations, as defined by Administrative Rule JHC-R (School Clubs/Organizations and Student Organizations) the mission or purpose of such clubs or organizations, the names of the club's or organization's contacts or faculty advisors, and a description of past or planned activities will be available in student handbooks, school-provided information and/or on school Websites for each school. This information is updated periodically throughout the year and is available on the school's Website, which may be accessed at [www.cobbk12.org](http://www.cobbk12.org), and/or the school's administrative office. Also see Administrative Rule IDE-R (Co-Curricular Activities) and Administrative Rule IDF-R (Interscholastic Activities).

Adopted: 7/9/80

Revised: 4/13/83; 8/8/84; 6/28/90; 5/23/91; 5/28/92; 11/11/92; 5/27/93; 8/10/94; 6/14/95; 6/27/96; 6/26/97; 5/28/98; 10/28/99; 5/25/00; 9/18/00; 5/24/01; 6/27/02; 6/26/03; 6/9/04

Reclassified an Administrative Rule: 9/1/04

Revised: 6/21/05; 7/1/06; 7/1/07; 7/1/08; 7/1/09, 6/9/10; 6/8/11; 6/13/12

Revised and Re-coded: 7/1/13

Revised: 6/11/14; 7/1/14; 7/1/15; 7/1/16; 7/1/19; 7/1/20

Legal Reference

O.C.G.A. 20-2-1126	Written policies and procedures for operation of school buses; receipt of code of conduct by students; acknowledgement by parent or guardians
O.C.G.A. 20-2-751.4	Policies prohibiting bullying; assignment to alternative school; notice
O.C.G.A. 20-2-751.5	Required provisions for student code of conduct
O.C.G.A. 16-11-37	Terroristic threats and acts
O.C.G.A. 16-11-37.1	Dissemination of information relating to terroristic acts
O.C.G.A. 20-2-751.7	Student reporting of inappropriate behavior by teacher/staff
O.C.G.A. 16-11-37	Terroristic threats and acts; penalties
O.C.G.A. 20-2-735	Adoption of policies by LBOEs to improve student learning environment
O.C.G.A. 20-2-736	Student codes of conduct; distribution
O.C.G.A. 20-2-737	Reports by teacher of violations of student code of conduct; parental notice
O.C.G.A. 20-2-738	Authority of teacher to remove student from classroom; procedures
Rule 160-4-8-.15	Student Discipline