Georgia Appleseed Center for Law & Justice

Effective Student Discipline:
Keeping Kids In Class

Improving the “School to Success Pipeline”

An Assessment of Georgia’s Public School Disciplinary Policies, Practices and Outcomes And Recommendations for Change

Appendix B
Public School Student Discipline District/School Policies

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APPENDIX B
PUBLIC SCHOOL STUDENT DISCIPLINE
DISTRICT/SCHOOL POLICIES

In this section, school disciplinary policies of fifteen select Georgia school districts and
individual public schools within those districts will be discussed and analyzed. To select the
fifteen school districts and individual public schools, Georgia Appleseed used certain key
parameters such as size of the student body, racial and ethnic demographics, economic affluence,
and geographic location of the district within the State. The basic goal of this selection process
was to ensure that these fifteen districts are generally representative of the current population in
Georgia’s K-12 public school system.

After selecting these school districts, the Code of Student Conduct (“Code”) for each
district and school (if applicable) was reviewed. Georgia Appleseed was assisted in this review
process by volunteer lawyers and staff from the Atlanta office of the law firm of Nelson Mullins
Riley & Scarborough.

The review focused on identifying any "zero tolerance" or similar policies adopted by the
school or the school district. For the purposes of this research, a zero tolerance policy is defined
as a policy of imposing discipline of out-of-school ("OSS") suspension for ten days or more,
expulsion, referral to an alternative education setting, or referral to juvenile court for any
infraction of a provision of a Code or any other rule, regardless of intent or extenuating
circumstances.

Most of the individual public schools do not have policies that are distinct from the
district’s policies, but rather, these individual schools adhere to a district wide policy. Additionally, within some of these districts, only one policy exists across all grade levels, elementary, middle and high school.

In Part A, we evaluate district/school policies applicable to the behaviors for which
specific disciplinary responses are mandated by Georgia statutory law. In Part B, we assess
district/school policies applicable to the much broader range of student behaviors that must be addressed in a code of conduct but for which the appropriate disciplinary response is left to the
discretion of the district/school.

A. Offenses Subject to State-Mandated Minimum Discipline

The Georgia General Assembly subjects school districts to a limited number of
mandatory minimum disciplinary standards to ensure school safety. These standards apply to
students who have been determined to have possessed a weapon on school grounds, to have

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1 The fifteen school districts are the Bartow, Bibb, Calhoun City, Chatham, Chattahoochee, Columbia, DeKalb,
Dooly, Henry, Jeff Davis, Liberty, Meriwether, Oconee, Rabun, and Valdosta City school districts. The individual
schools assessed within each district are listed in Attachment 1.
2 See the discussion in Appendix E.
engaged in multiple acts of bullying, or to have committed physical violence against a teacher, school bus driver, or other school official or employee (hereinafter, collectively referred to as “School Personnel”).

1. Weapons at School.

Georgia law dictates that each district maintain a policy that expels from school, for a period of not less than one calendar year, any student who brings a weapon to school. A "weapon" is defined as a firearm as that term is defined under federal law. Additionally, under section 16-11-127.1 of the Georgia criminal code, no person, including a student, is allowed to bring within a school’s safety zone any weapon or explosive compound. The definition of weapon under this statute encompasses more items than what is prescribed by federal law. This law, however, does not mandate the school’s disciplinary actions in the event of such a situation, but rather establishes the criminal penalties associated with this act.

Of the fifteen school districts reviewed and analyzed every school district has a policy against student possession of weapons on school grounds or at school functions. In all districts administrators will expel and notify law enforcement authorities of students possessing or controlling a firearm on school grounds, on school buses, or at school functions.

Many school districts, such as Bartow, Bibb, DeKalb, Henry, Liberty, Oconee, Rabun and Valdosta City, have zero tolerance policies for students who possess weapons that are not specifically covered under Georgia law. The scope of the term “weapon” in some districts includes “water pistols, or any instrument that projects liquids, toy guns, matches, lighters, laser pointers, or any object capable of inflicting bodily injury as a weapon or giving the appearance of a weapon.”

For example, in the DeKalb school district, similar to all other districts, the Code prohibits students from possessing, handling or transmitting any weapon or any other tool or instrument capable of inflicting bodily injury as a weapon. While the Code explicitly provides that students will be expelled for possessing firearms, a student found guilty of possessing any type of weapon from its long list of weapons and similar to the list of weapons banned on school grounds.

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4 O.C.G.A. § 20-2-751(4); see 18 U.S.C. § 921 (a)(3) (2009) ("The term ‘firearm’ means (A) any weapon . . . [that can] expel a projectile by the action of an explosive; (B) the frame or receiver of any such weapon; (C) any firearm muffler or firearm silencer; or (D) any destructive device.").
5 O.C.G.A. § 16-11-127.1. "Weapon" means and includes any pistol, revolver, or any weapon designed or intended to propel a missile of any kind, or 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, metal knucks, 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 weapon of like kind, and any stun gun or taser as defined in subsection (a) of Code section 16-11-106. This paragraph excludes any of these instruments used for classroom work authorized by the teacher. Id.
7 Id.
grounds under section 16-11-127.1 will be suspended for ten days and referred to the Student Evidentiary Hearing Committee or tribunal, which could subject a student to long-term suspension, an alternative school, or expulsion. Additionally, the Henry and Chatham districts include mace and any pepper spray in their lists of prohibited weapons. Administrators in these school districts must discipline students with ten days of OSS for bringing to or possessing at school such weapons. Students also face tribunal hearings that could place them in an alternative education program or expel them.

In contrast, the Oconee district permits administrators to exercise discretion in its disciplinary standards. As such, the potential discipline ranges from a written reprimand to expulsion for such an infraction. However, regardless of the circumstances or the discipline imposed, the administrators must notify law enforcement of the incident.

In summary, while all districts have a policy that expels students for bringing “firearms” to school or school related events, all districts, except Oconee, also have zero tolerance policies that exceed this minimum standard by including more than just “firearms” into their respective definitions of weapons. Zero tolerance policies enforced by the schools’ Code leave no discretion for administrators to resolve these types of infractions, regardless of the circumstances or the type of weapon involved, and thus, the minimum consequence for bringing any type of weapon is ten days of OSS.

2. Bullying.

Section 20-2-751.4 requires schools to adopt certain policies, applicable to students in grades six through twelfth, in connection with "bullying." The bullying statute was significantly amended by the 2010 Georgia General Assembly. See Appendix E for a discussion of the new version of the law.

In many of the districts, the act of bullying includes both verbal and physical bullying, threats to staff and / or students, and ethnic or religious harassment. While all districts must...
remove students from school upon a third instance of bullying in a year, the DeKalb district also mandates that the student receive ten days of OSS for such behavior.

For each school district reviewed, the school administration has discretion in the disciplinary policy they wish to administer for the first two instances of this behavior. (For example, in the Bartow school district, the disciplinary action for this behavior can range from a conference between the student and the administration to short-term OSS for the first two occurrences in a school year.) Based on the discretion of the school administration, students can be suspended or even expelled, following the relevant proper due process requirements, for any instance of bullying, but the respective school’s Code does not mandate this disciplinary consequence. In sum, although schools must remove students from school upon the third instance of bullying in a school year, none of the districts reviewed impose zero tolerance policies for the first two instances of bullying in a given school year.

3. Physical Violence.

Georgia law also mandates that the districts adopt specific discipline policies for students committing acts of physical violence against School Personnel. 10 In this provision the term "physical violence" can either fall under Category 1 or Category 2 acts, as discussed in Appendix A.

The law requires that a student accused of either category of physical violence must be suspended pending a tribunal hearing. If a student is found to have committed Category 1 physical violence, then the student may be disciplined by expulsion, long-term suspension, or short-term suspension.

Zero tolerance exists for Category 2 behavior because if a student is guilty of a Category 2 physical violence (i.e., physical violence resulting in physical harm), then the student must be expelled from the public school system for the remainder of that student's eligibility to attend public school. 11 Furthermore, any student who is found to have committed Category 2 physical violence against School Personnel must be referred to juvenile court with a request for a petition alleging delinquent behavior.

While districts are mandated to expel students who physically injure School Personnel, districts do not have to abide by these disciplinary standards for behavior involving physical violence by students against other students. Nevertheless, most districts have zero tolerance policies for fighting, battery, and assault committed by one student against another or even dangerous behavior committed against oneself.

The Chatham, Jeff Davis, Columbia, Liberty, Dooly, Henry, and Meriwether school districts do not employ zero tolerance policies for physical violence beyond what the State mandates. However, these districts do discretionarily discipline students for such behavior and the discipline can range from detention to expulsion or from corporal punishment to suspension

10 § 20-2-751.6.
11 See the discussion in Appendix E.
to any relevant disciplinary technique that positively promotes desired character trait(s) as required in the Liberty district.

The Dooly district does not have a zero tolerance policy for student-to-student physical violence as defined in this memo; the discipline imposed for fighting or committing battery against another student is nine days of OSS with the matter referred to a tribunal hearing to determine whether the student will be expelled and referral to the local law enforcement. Similarly, in the Henry district, students are suspended for five days with the matter being submitted to a disciplinary hearing officer to determine whether the student will be expelled or placed in an alternative education program. Finally, Meriwether school district does not have any policies regarding physical violence.

All other districts have zero tolerance policies for committing battery, fighting, or for both. The Calhoun district only has a zero tolerance policy for student fighting and not for battery. For fighting, a student is given ten days of OSS and is subject to a tribunal hearing to determine if additional discipline is warranted. DeKalb, Bartow, and Oconee districts have policies for both fighting and committing battery. Specifically, in the Oconee district, a student is expelled for engaging in a fight, but only suspended for committing battery against another student. DeKalb is unique in its “Bystander Battery” rule, a rule where a student who engages in a fight out of self-defense will be subject to ten days of OSS if he or she had the opportunity to avoid the brawl. The rest of the school districts reviewed have zero tolerance policies for committing a battery against another student, but no separate policies for fighting.12

B. Discretionary Disciplinary Actions

The following section compares and analyzes certain behaviors that occur during school, school functions, or on the school bus13 that the State mandates school districts must address in their disciplinary policies, but does not mandate a required disciplinary response.14 These behaviors include, but are not limited to:

- Verbal or physical assault, sexual harassment, and threat of physical violence of School Personnel or other students;
- Disrespectful conduct toward School Personnel and other students, including use of vulgar or profane language;
- Failure to comply with compulsory attendance as required under Georgia law;
- Vandalism of real or personal property of the school or to personal property of any person legitimately at the school;

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12 Battery for most schools is defined as: 1) making intentional contact of an insulting or provoking nature; or 2) causing intentional harm to another.
13 For a limited number of the listed offenses, the code may address activities outside of normal school hours, e.g., defacing school property.
• Inciting, advising, or counseling of others to engage in prohibited acts;
• Unlawful use or possession of illegal drugs or alcohol;
• Willful and persistent violation of the Student Code of Conduct;
• False Alarms or Reports.
• Off-campus behavior of a student that could result in the student being criminally charged with a felony and which makes the student's continued presence at school a potential danger to persons or property at the school or which disrupts the educational process.\(^{15}\)

1. **Disrespectful and Disruptive Conduct toward School Personnel and Other Students.**

Of the fifteen school districts reviewed and analyzed, no district has a zero tolerance policy for disrespectful conduct. However, the Bibb, DeKalb, and Chattahoochee school districts prohibit students from engaging in behavior that substantially disrupts the orderly process of the classroom on a serious or persistent basis. More specifically, these acts include terrorist threats, gang-related activities, walk-outs, sit-downs, rioting, picketing, trespassing, inciting disturbances, threats to the school, pranks, and/or actual violence during the period of disruption. In Bibb and DeKalb county public schools, students found violating this policy face immediate removal from class and will be subject to long-term suspension and placement in alternative education programs or expulsion based on the findings of the tribunal.

Based on the gravity of the circumstance and the discretion of the administrators, in the Bartow, Chattahoochee, and Oconee districts, a student’s disciplinary consequence for directing profanities toward School Personnel could be as severe as OSS. The potential disciplinary consequences, however, range from a verbal reprimand to OSS. Moreover, the Valdosta City school district also has a policy against “chronic disruption.” After a student initiates disruptive behavior several times\(^{16}\), a student can be removed from the classroom and referred to the Juvenile Court System.\(^{17}\)

This section combines policies that address both disrespectful and disruptive behavior. While disrespectful conduct toward School Personnel carries greater potential disciplinary consequences than such conduct directed toward another student, none of the districts impose zero tolerance policies for such behavior alone. The disruptive conduct must be serious and not just a momentary distraction to warrant a suspension. In sum, when the conduct is not egregious, administrators have more latitude to prescribe the discipline.

\(^{15}\) *Id.* § 20-2-751.5(c).
\(^{16}\) Note that the gravity of the disruption should determine whether it is considered an infraction of the policy before a student is referred to Juvenile Court System for “chronic disruption.”
\(^{17}\) A behavior support process must be initiated for chronically disruptive students prior to referring to referring the student to Juvenile Court System.
2. **Physical or Verbal Threats to School Personnel and Other Students**

Physical threats in this section do not include actions constituting bullying or sexual, religious, or ethnic harassment even though such conduct can be interrelated. In many of the districts, these policies involving physical threats also bar assault, intimidation, blackmail, and extortion. None of the school districts reviewed have zero tolerance policies for physically threatening or assaulting another student or School Personnel. Nevertheless, in DeKalb, Bibb, Columbia, Liberty, Rabun, Calhoun, and Valdosta City schools, students assaulting or physically threatening a student or School Personnel will face immediate suspension that can range from two to ten days. The verbal or physical assault must indicate some threat of physical injury to another. Additionally, students will face a tribunal hearing with the recommendation that they be expelled and / or removed from their current school and placed in an alternative education program.

Bartow and Chatham county public schools use a progressive discipline method for behavior inciting school disturbances, intimidating school staff, and extorting or blackmailing school staff. In Bartow County, the discipline ranges from ISS to OSS pending notification to the proper authorities and a tribunal hearing. For students in Bartow elementary schools, the minimum consequences are less harsh for such behavior compared to middle and high school students. For example, where middle and high school students will receive at least in school suspension for physical or verbal threats, an elementary school student can receive a conference with administration and the student’s parents to discuss the behavior. In the Chatham school district, a student will be immediately removed from class if the student assaulted another individual at school, but the disciplinary consequences for such an activity ranges from an unsatisfactory conduct grade to a recommendation to the tribunal for permanent expulsion and / or a referral to the Juvenile Justice System.

None of the school districts reviewed have a policy where students automatically receive long-term OSS or expulsion for physical or verbal threats, but in these schools, administrators have great discretion in deciding the appropriate discipline. Thus, even after one occurrence of such behavior, students risk being suspended for this type of offense.

3. **Sexual harassment or Sexual Offenses toward School Personnel and Other Students.**

Many of the school districts break down these offenses by conduct (i.e. harassment, lewdness, indecency, battery). Typically, sexual battery covers rape and statutory rape, sodomy, child molestation, and indecent fondling of the private body parts of another.

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18 In Liberty school district, the student will be suspended immediately pending investigation of the allegation. Additionally, because the district adheres to a progressive discipline policy, the administration may assign discretionary punishment as appropriate. Depending upon the offense and the circumstances, the alternative punishment might be given in lieu of or in addition to the progressive punishment outlined in the Code of Conduct.
In the Chattahoochee, DeKalb, Dooly, and Liberty school districts, disciplinary action for sexual battery, misconduct and harassment is an automatic ten day OSS with a possible referral for permanent expulsion and notification of the proper law enforcement agencies. Additionally, those students found to be engaging in sexual relations of any type, on campus or at school-sponsored events, will receive an immediate ten day OSS from Valdosta city schools and additional penalties may apply. In Bibb County, if a student engages in sexual battery, and in Liberty County, if a student engages in indecency with a child, they are automatically expelled after the first offense. Students at Valdosta City schools who sexually harass other students or School Personnel will be suspended for ten days after three occurrences of this type of behavior.

In Chatham, Calhoun, and Columbia school districts will immediately suspend and refer to a tribunal for additional disciplinary measure students who sexually batter or assault another student or School Personnel. Bibb, Columbia, and Bartow counties have a similar policy for conduct that involves public lewdness, indecent exposure, sexual conduct, or dissemination or acceptance of pornographic materials.

Administrators in Chatham, Jeff Davis, Bartow, Columbia, Oconee, and Chattahoochee districts take into consideration the circumstances and other factors before determining the disciplinary action for such behavior. As such, in Chatham county public schools, a student is prohibited from sexually or emotionally harassing another through any forms of communication including but not limited to mail, computer networks, electronic devices, and telephone. At minimum, a student faces detention and parental notification for such behavior after the first occurrence, but if the student repeats the act three or more times during a school year the principal will request that the tribunal sentence the student to long-term suspension from regular school and placement in an alternative education program.

Bartow County distinguishes verbal, non-verbal, and physical sexual harassment as distinct offenses. In all Bartow public schools, a student, at minimum, will have to attend a conference with School Personnel; however, based on the severity of the act, the child might receive OSS for four to ten days from elementary school for such behavior or OSS pending a tribunal hearing and referral to the proper law enforcement agency for middle and high school students.

In Jeff Davis and Chattahoochee districts, a first and subsequent offense for sexual battery, “inoffensive touching,” or harassment can warrant corporal punishment, in-school suspension, detention, and/or extended work assignments, or suspension at the discretion of the principal.

In Oconee and Columbia, sexual offenses can vary from downloading pornographic content to engaging in rape. The principal’s discretion the discipline for sexual harassment ranges from a verbal reprimand to expulsion.

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19 Students in elementary schools will only be expelled if they are found guilty of committing the conduct on school property or while attending a school sponsored event. For middle and high school students
20 For first and second time offenses, a student will receive three (3) and five (5) days of suspension.
While not all of the districts maintain zero tolerance policies, each of the districts permit administrators to impose harsh discipline based on the nature of the behavior. Those districts that have Codes that are more detailed in listing specific behavior have more zero tolerance policies. In contrast, districts that cover behaviors in a broad manner (i.e. sexual offense versus indecent exposure) will be more likely to have a broad list of disciplinary outcomes.

4. Vandalism of Real or Personal Property of the School or to Personal Property of Any Person Legitimately at the School

Only the DeKalb and Liberty districts had zero tolerance policies regarding vandalism and theft of the school’s property and of other’s property. In both districts, not all acts of vandalism or theft are subject to ten days of OSS with a recommendation to a tribunal for harsher disciplinary outcomes. Only students who steal or vandalize property valued greater than one hundred dollars are subject to such zero tolerance consequences in DeKalb county public schools. In Liberty county zero tolerance only applies to students whose actions involve violations of the state law.

While not technically a zero tolerance policy, in the Bibb and Bartow district, for acts of arson or criminal damage to school property, administrators will immediately remove a student from school and the student will be subject to long-term OSS, expulsion, or notification to the local law enforcement agency pending the tribunal’s decision. Accordingly, while not initially suspended, after a tribunal hearing, the student faces the risk of being expelled.

Finally, in other districts, such as Oconee, Valdosta City, or Chattahoochee, while the minimum punishment may be a verbal reprimand, the maximum disciplinary consequences can include up to ten days of OSS and / or referral to a tribunal hearing and the proper law enforcement authority for greater discipline.

Administrators not mandated to suspend students for vandalizing or stealing the school’s or another’s property still have great authority and discretion to impose penalties that could lead to long-term suspension, expulsion, or even incarceration for students.

5. Unlawful Use or Possession of Illegal Drugs or Alcohol.

For alcohol and drug use, possession, or distribution on school property, the majority of schools include prescription and over the counter drugs in such offenses. While only Bibb, DeKalb, and Liberty districts have zero tolerance policies to address alcohol and drug possession on school or school-related function, many other districts maintain rules that can lead to long-term suspension or expulsion, without the opportunity to attend an alternative school even after only one occurrence of such behavior.

In Bibb, DeKalb, and Liberty school districts, administrators can immediately give students ten days of OSS for a first time offense of possessing or selling drugs or drug
paraphernalia. While not technically a “zero tolerance” policy as defined in this memo, the Dooly Middle and High Schools impose a nine day suspension with referral to a tribunal for recommendation for expulsion and / or notification of the proper authorities for possession, use, or distribution of drugs or alcohol on school premises.

Other school districts, Jeff Davis Valdosta City, Bartow, Columbia, and Chattahoochee school districts, impose short term OSS, with a possible referral to a disciplinary tribunal for additional discipline action and / or notification to the local law enforcement agency. For possession or use related first offenses, a student in these school districts can reduce the number of days suspended by attending a school-sponsored drug education program. Each of these school districts employs a tribunal to recommend further discipline in certain situations.

Rabun, Oconee and Chatham public schools and Jeff Davis and Dooly elementary schools, use a progressive discipline process, which takes into account the particular student’s discipline history, the age of the student, and other relevant factors to ensure that the degree of discipline imposed is proportionate to the severity of the behavior. Parents are notified and requested to attend a mandatory conference to determine the student’s discipline for all drug related offenses, but the disciplinary action can range from a simple written reprimand or unsatisfactory conduct grade to permanent expulsion and court referral, based on the circumstances of the situation and whether the student, with a parent or guardian, attends a school-sponsored drug and alcohol education program.

In contrast, the Meriwether school district in the high school code of conduct forbids students from bringing to school tobacco, drugs, and alcohol. For such behavior, the school will only mandate that the student surrender such items to the school administrators, and will be returned only to a student’s parent or guardian.

Only Chatham, Chattahoochee, DeKalb, Oconee, Bartow, and Valdosta City schools have zero tolerance policies regarding tobacco use. For all of these districts, it is assumed based on the progressive discipline process used in the district that a student needs to engage in such behavior several times before suspension results. For example, in DeKalb County, after the third or subsequent occurrence a student be suspended or even expelled in a “local formal hearing” or “student evidentiary hearing.”

Overall, most of the school districts reviewed do not have zero tolerance policies in regard to alcohol or drug possession or use, but still maintain rules that can lead to long-term suspension or expulsion for students caught engaging in this behavior.


21 Bibb County school district automatically places students in an alternative education program if the student has been arrested, indicted, adjudicated, convicted, or had an information filed for drug-related conduct that occurs off-campus, and while the student is not in attendance at a school related event or activity. BIBB CODE OF STUDENT CONDUCT 54-55 (2009-2010), available at http://www.bibb.k12.ga.us/secondary_conduct.pdf; see infra at Part B.10.
Many school districts described this behavior as repeated violations of the Code and more specifically, behavior that repeatedly or chronically disrupts or disturbs the educational process, the orderly operation of school, school activities, or the school bus. Usually the third violation of the Code in a given school year will permit the administration to use this policy to discipline a student. DeKalb is the only school district to have a zero tolerance policy for chronic misbehavior. After two infractions of the Code, DeKalb administrators can give students ten days of OSS, given that prior to the application of this rule, the student must be warned of possible consequences, a referral made to a school counselor or social worker, and/or other appropriate resource personnel and the parent/guardian must be contacted about the misbehavior, given an opportunity to observe their child in school, and given an opportunity to participate in the development of a student discipline correction plan.

Similarly, in the Columbia, Bibb, Meriwether and Chattahoochee districts, consequences for chronic disruptions or misbehavior include removing students immediately from class for such behavior. Administrators in those districts, however, will impose short term OSS, with a possible referral to a disciplinary tribunal to recommend further discipline or placement in an alternative education program in certain situations.

In most districts, the administrators have more latitude in determining the disciplinary consequences for repeated acts of misbehavior. Nonetheless, even in those districts, the administration must exhaust all less severe consequences prior to suspending a student.

7. False Alarms or Reports.

DeKalb is the only school district to have a zero tolerance policy for providing false information. Specifically, actions the DeKalb school district prohibits include, but are not limited to, falsifying school records, forging signatures, making or providing false statements, cheating, bribing, or using an unauthorized computer user ID or password. On the third or subsequent occurrence of such behavior, administrators can give students ten days of OSS and recommend to the tribunal hearing that the student be placed in an alternative school or be expelled.

The Bibb district prohibits making false reports of school emergencies. As such, if a student makes a false bomb threat or improperly discharges a fire alarm, administrators will remove students immediately from class for such behavior. Administrators in those districts, however, will impose short term OSS, with a possible referral to a disciplinary tribunal to recommend further discipline in certain situations.

Other school districts like Bartow, Valdosta City, Chatham or Oconee permit administrations and tribunals to sanction students for such behavior by expelling them, but do not require such disciplinary consequences. Thus, administrators, in most of the districts reviewed, have great liberty in the type of discipline they wish to set for lying or reporting false emergency situations.
8. Failure to Comply with Compulsory Attendance as Required under Georgia Law.

For excessive tardiness or truancy, in all schools the parent or guardian will be informed that, if a student accumulates a total of five unexcused absences, a referral may be made to the Juvenile Court System or charges filed against the parent or guardian. In Valdosta City public schools, the administration can decide that the student be placed in an alternative educational program and a referral will be made to the truancy officer upon the third or subsequent unexcused absence. No other district automatically removes a child to alternative school for excessive skipping, but many districts give the administration leeway to administer corporal punishment, ISS, or even OSS for such behavior.


No school district reviewed had zero tolerance policies against inciting others to engage in prohibited acts, but like other policies listed here, administrators in some jurisdictions are given the authority to impose disciplinary consequences based on their judgment of the situation. For example in the Oconee district, if a student encourages others to make prank phone calls, activate a fire alarm without justification, or falsely report a fire, bomb, terrorist act or any other threat the student will be punished for such behavior. The discipline, however, ranges from verbal reprimand to expulsion based on the seriousness of the activity.

10. Off-Campus Behavior of a Student that Could Result in the Student Being Criminally Charged with a Felony.

Of the fifteen school districts reviewed and analyzed, only DeKalb and Liberty districts had zero tolerance policies for off-campus behavior that could result in the student being criminally charged for a felony and that could adversely affect the educational process or endanger students. Students will receive ten days of OSS for such actions and the administration can recommend to the tribunal to expel the student or to refer the student to an alternative school. An example of such a situation is when a student is caught selling or buying felony class drugs. Nonetheless, in Liberty county public schools, while the Code states the punishment is ten days of OSS, it also provides that the administration may assign discretionary punishment, and so its policy is not a pure zero tolerance rule.

In the Bibb and Bartow school districts, for student conduct punishable as a felony or for a delinquent act punishable as a felony if the student is an adult, administrators will immediately remove a student from school and the student will be subject to long-term OSS, expulsion, or notification to the local law enforcement agency pending the tribunal’s decision.

While the state authorizes school districts to develop rules to discipline students convicted or charged with felonies committed off-campus in non-school related activities, only a few school districts impose zero tolerance policies for such behavior. The remaining districts leave the disciplinary consequences for the administration to form based on the circumstances and other factors.
11. **Gang-Related Activity.**

Policies against gang-related activities include, but are not limited to prohibiting recruiting, gathering, intimidating, or initiating activities for the gang. In the Dooly school district, for gang related activity, the administration can suspend a student for up to ten days and refer the matter to a tribunal hearing to expel the student. DeKalb County does not label the behavior as gang-activity, but rather can discipline students for such conduct under its school disturbance zero tolerance policy as discussed above in subsection 1 of this section. Finally, in the Rabun school district, while gang-related activities are strictly prohibited and policies relating to such behavior are labeled as “zero tolerance” policies, the specific level of disciplinary action is still determined by the circumstances of the offense. Accordingly, the consequences range from a warning to a referral to a tribunal for long-term suspension, expulsion, referral to law enforcement or juvenile court, or placement in an alternative education program.

Henry county schools do not have explicit policies for most student conduct; however, after four occurrences of gang related activities, the administration will discipline students with OSS. After a seventh occurrence of gang-related activities, students will face a tribunal that determines their disciplinary consequences. Prior infractions only lead to short term OSS.

Bartow and Chatham county public schools use a progressive discipline method to deter such behavior. The discipline for students ranges from ISS to OSS, pending notification to the proper authorities and a tribunal hearing. Additionally, although a student who pursues gang-related activities in the Chatham school district will be immediately removed from class, the disciplinary consequences for third or subsequent gang activity range from an unsatisfactory conduct grade to a recommendation for permanent expulsion.

In Valdosta City schools, gang-related activities include, but are not limited to: gang-related drawings done by the student or found on their person or in their personal belongings and locker; the use of gang-related hand signs; the use of gang-related slang; the wearing of any colors or designs that affiliate the student with a gang; the wearing or use of certain clothes that are identified as gang related. Any of these related items will be confiscated from the student and the disciplinary action taken will be at the discretion of the administrators of the school.

The Meriwether school district forbids students from bringing to school “bandanas of all colors, head cloths (doo-rags), gang insignia, confederate/ rebel flag insignia, and Malcolm ‘X’ insignia”. However, for such behavior, the school will only make the student surrender such items to the school administrators who will return the surrendered items only to a student’s parent or guardian.

12. **Other Zero Tolerance Behavior.**

DeKalb school district has a couple of other policies that are zero tolerance that do not fit in any of the previous categories. DeKalb has zero tolerance policies for parking and traffic violations for high school students or repeated occurrences of loitering or trespassing on school grounds by students at any grade level. Even after one instance of reckless driving on school grounds, or after a third instance of parking on school property without a permit, the
administration can give a student ten days of OSS. The DeKalb Code also prohibits students from entering the premises of a school other than his or her school, unless prior permission is received from an administrator of the school to be visited, or unless the school is hosting a school-related function, such as an academic or athletic activity. Moreover, a student may not enter or remain in any school building on weekends or after school hours without authorization or permission. After three instances of such conduct, a student will receive ten days OSS with referral to a tribunal for additional disciplinary action. If a student refuses to leave any school property and/or returns to any school property after being instructed by school staff or law enforcement staff to leave the property, the student will be in violation of this section and the matter will be referred to law enforcement.

Although not a pure zero tolerance policy, in Bibb county public schools, students committing computer violations will be immediately removed from school and be subject to long-term suspension, expulsion, or placement in an alternative school by a tribunal. Computer violations include, but are not limited acts of copyright infringement, software piracy, vandalism, theft, sabotage, electronic distribution of inappropriate material such as pornography.

C. Conclusion

The State mandates school districts to enforce certain zero tolerance policies regarding behavior concerning possessing firearms, bullying, and committing physical violence. While all the districts have policies that abide by these minimum standards, most districts also have policies that include more behavior than demanded from the State. This finding is especially true of the larger districts in the study that develop and execute more comprehensive Codes.

Zero tolerance policies as we have defined them for the purposes of this analysis do not dominate the district disciplinary polices that we reviewed. Indeed, the overwhelming attribute of district and school disciplinary policies is the broad discretion granted to school administrators and tribunals to impose a broad range of disciplinary sanctions for almost any violation of the student code of conduct.
ATTACHMENT 1

GEORGIA PUBLIC SCHOOLS REVIEWED BY DISTRICT AND GRADE LEVEL

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<th>Elementary</th>
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