



**WASHINGTON**  
COUNTY SCHOOLS  
INSPIRE ★ STRIVE ★ THRIVE

# **Student Code of Conduct 2022-2023**



Jerry S. Boyd  
Superintendent

405 W. College St. Mr.  
Jonesborough, TN 37659  
Phone (423) 753-1100

Dear Students and Parents:

The mission of Washington County Schools is to inspire every student to reach their full potential every day. An important first step toward fulfilling this mission is to provide a learning environment that is orderly, safe, and positive. As Superintendent, one of the responsibilities I hold most seriously is the obligation to provide a safe and secure environment for all students and staff.

Discipline begins at home, and schools support families by establishing high expectations, reinforcing positive behavior, and addressing behaviors that may prevent anyone from achieving success in our classrooms and schools. Recognizing the importance of the dignity and worth of each individual, the faculty and staff of Washington County Schools believe that all students should be afforded the opportunity to thrive in an atmosphere of mutual respect conducive to teaching and learning.

The Student Code of Conduct outlines the expectations and responsibilities for student behavior in schools. Please pay particular attention to the attendance section of the handbook as school attendance is vital to academic achievement. Every day is an opportunity to learn and grow.

Please review with your child the expectations for conduct and attendance found in this handbook. Working together, we can continue to keep schools among the safest places in the community for children to be inspired to pursue excellence in all that they do.

Thank you for partnering with us to make this the best school year ever!

Sincerely,

Jerry S. Boyd  
Superintendent

# Extracurricular Programs

In recognition of the honor and responsibility that comes with representing his or her school, all students are expected to be model students both on and off campus when participating in any extracurricular programs and/or activities. Principals may remove students from participating in extracurricular activities if/when the student's conduct creates a substantial disruption to the school climate or the student uses any type of social media to bully, harass, intimidate and/or threaten other students and/or school personnel whether this occurs off campus or outside of the calendar season. Representing a school in an extracurricular activity is a privilege that must be maintained through acceptable behavior.

## Student Rights and Responsibilities

### **Each student has the right to:**

1. Have the opportunity for a free education in the most appropriate and safe learning environment;
2. Be secure in his/her person, papers and effects against unreasonable searches and seizures;
3. Expect that the school will be a safe place;
4. Have an appropriate environment conducive to learning;
5. Not be discriminated against on the basis of sex, race, color, creed, religion, national origin or disabilities;
6. Be fully informed of school rules and regulations.

### **Each student has the responsibility to:**

1. Know and adhere to reasonable rules and regulations established by the Board;
2. Respect the human dignity and worth of every other individual;
3. Refrain from libel, slanderous remarks, and obscenity in verbal and written expression;
4. Study and maintain the best possible level of academic achievement;
5. Be punctual and present in the regular school program;
6. Dress and groom in a manner that meets reasonable standards of health, cleanliness, modesty and safety;
7. Maintain and/or improve the school environment, preserve school and private property, and exercise care while using school facilities;
8. Refrain from behavior which would lead to physical or emotional harm or disrupts the educational process;
9. Respect the authority of school administrators, teachers and other authorized personnel in maintaining discipline in the school and at school-sponsored activities;
10. Obey the law and school rules as to the possession or the use of alcohol, illegal drugs and other unauthorized substances or materials;

11. Possess on school grounds only those materials which are acceptable under the law, Board policy and school rules and accept the consequences for articles stored in one's locker or vehicle.

School Board Policy 6.301

## **Attendance Policy**

By law students must attend school daily. Washington County Schools will allow parent/guardian excuses to serve as documentation for five (5) personal illness days only. After five (5) parent/guardian excused personal illness days, parents must provide medical documentation for additional personal illnesses or family illness. To avoid student absences being recorded as unexcused, a written statement signed and dated by the parent/guardian and any medical documentation should be presented to the appropriate school official within five (5) days of the student returning to school.

Absences shall be classified as either excused or unexcused as determined by the principal/designee.

**Excused Absences-** Conditions for which a student's absence may be excused are:

- Personal illness/injury
- Illness of immediate family member
- Death in the family
- Extreme weather conditions
- Religious observances
- Pregnancy
- School endorsed activities
- Summons, subpoena, or court order
- Circumstances which in the judgment of the principal create emergencies over which the student has no control
- All other reasons for absence, including out of school suspensions and failing to report a reason, will be deemed an unexcused absence.

### **Tardies and Early Dismissals**

Students who accumulate five (5) unexcused tardies, unexcused early dismissals, or combination of both will receive a discipline referral.

### **Driver's License Revocation**

A student who has more than ten (10) consecutive or fifteen (15) unexcused absences during any semester shall be ineligible to retain a driver's permit or license.

### **Progressive Truancy Plan**

District personnel will intervene to address attendance issues using a *Progressive Truancy Plan* structured to provide tiered support for students and their families.

**Tier One intervention** will apply to all students within the district and include school-wide prevention-oriented supports to assist with satisfactory attendance. It may include one or more of the following strategies: verification/documentation of absence, Bright Arrow call/text/email, phone meeting, phone conference with guardian and/or student to review the attendance contract.

**Tier Two intervention** will be implemented after the student accumulates five (5) unexcused absences, but before referral to juvenile court, and includes the following:

1. A conference with the student and the student's parent(s)/guardian(s)
2. An attendance contract, based on the conference, signed by the student, the parent(s)/guardian(s) and the Attendance Supervisor/designee.
3. Regularly scheduled follow-up meetings to discuss the student's progress; and
4. A school employee shall conduct an individualized assessment detailing the reasons a student has been absent from school. The employee may refer the student to counseling, community-based services, or other services to address the student's attendance problems.

**Tier Three Intervention** will be implemented if the truancy interventions under Tier II are unsuccessful.

*School Board Policy 6.200*

## **Virtual Education Program**

The Washington County Schools virtual education program is a course or series of courses offered by a school district to provide students a broader range of educational opportunities through the use of technology. Utilizing this program is temporary and shall not replace a student's regular instructional program.

Class size ratios for the virtual education program shall comply with the requirements as outlined in state law.

Virtual education programs shall be made available to students for the following purposes:

1. Academic remediation, enrichment, or providing students access to a wider range of courses;
2. Continuity of educational service for students who are homebound;
3. Continuity of educational service for students who are quarantining; and
4. Continuity of educational service for students enrolled in an alternative school.

#### ELIGIBILITY AND PARTICIPATION REQUIREMENTS

Students shall be eligible to utilize a virtual education program if participating in one of the above educational opportunities. The following factors shall also be taken into consideration when determining eligibility:

1. Attendance;
2. Grades;
3. Technology survey; and
4. Admission Interview.

#### ATTENDANCE

Student attendance in the virtual education program shall adhere to the general requirements of board policy 6.200 and any relevant administrative procedures.

Methods of confirming student attendance shall include two or more of the following:

1. Students participating in a phone call with a teacher, with parent/guardian support as appropriate for the age of the student;
2. Students participating in synchronous virtual instruction;
3. Students completing work in a learning management system;
4. Students submitting work via hard-copy or virtual formats; or
5. Students making daily progress on assigned virtual instruction.

## REMOVAL FROM VIRTUAL EDUCATION PROGRAM

A student may be removed from the virtual education program or denied future enrollment in a virtual education program based on disciplinary issues, attendance issues, or poor academic performance.

Before a student is removed based on poor academic performance, the following interventions shall occur:

1. Notification of parent/guardian;
2. One-on-one assessment conducted by the principal/designee regarding any learning needs and academic performance; and
3. Weekly progress communication from the principal.

## ENROLLMENT AGREEMENT

The Director of Schools shall work with the Board's attorney to draft an enrollment agreement for students from other school districts that want access to virtual education program courses.

School Board Policy 4.212

# Dress and Groom Policy

Washington County Schools is committed to each student to fulfill his or her responsibility to dress and groom in a manner that meets reasonable standards of health, cleanliness, modesty and safety.

*School Board Policy 6.310*

A student shall not dress, groom, wear or use emblems, insignias, badges, gang symbols or other symbols where the effect thereof is to distract unreasonably the attention of other students or otherwise to cause disruption or interference with the operation of the school. The principal or other duly authorized school official shall determine whether any particular mode of dress, apparel, grooming or use of emblems, insignias, badges or other symbols results in the interference or disruption of the school environment. If there is a disruption to the school environment due to this violation, then all consequences listed under Rules Violations will be followed. The Dress and Grooming Policy must accommodate students whose religious beliefs may be substantially burdened by this policy.

★Each school has the autonomy to create a special dress code policy that meets the safety requirements of the school and community. These guidelines and/or restrictions will be

published and communicated with parents/guardians and the local school community prior to student registration for the upcoming school year. In no way will the individual school's dress code policy be less restrictive than what is listed in the Code of Acceptable Behavior (COAB).

## **Zero Tolerance Offenses**

To ensure a safe and secure learning environment, the following offenses shall not be tolerated:

1. Unauthorized possession of a firearm on school property;
2. Unlawful possession, use, or being under the influence of any drug, including any controlled substance, controlled substance analogue, or legend drug on school grounds or at a school-sponsored event; and
3. Aggravated assault or assault that results in bodily injury upon any teacher, principal, administrator, any other employee of the school, or school resource officer.

Committing any of these offenses shall result in a student being expelled from regular attendance at school for at least one (1) calendar year, unless modified by the Director of Schools. Modification to the length of time shall be granted on a case-by-case basis. Students that commit zero tolerance offenses shall be assigned to an alternative school or program if staff and space are available as determined at the time of the infraction

When it is determined that a student has violated this policy, the principal of the school shall notify the student's parent(s)/guardian(s) and the criminal justice or juvenile delinquency system as required by law.

School Board Policy 6.309

## **Searches**

### **SEARCHES BY SCHOOL PERSONNEL**

Any principal having reasonable suspicion may search any student, place, or thing on school property or in the actual or constructive possession of any student during any organized school activity off campus, including buses, vehicles of students or visitors (Notice shall be posted in the school parking lot that vehicles parked on school property by students or visitors are subject to search for drugs, drug paraphernalia or dangerous weapons), and containers or packages if he/she receives information which would cause a reasonable belief that the search will lead to the discovery of:

1. Evidence of any violation of the law;



2. Evidence of any violation of school rules or regulations or proper standards of student or faculty conduct;

3. Any object or substance which, because of its presence, presents an immediate danger of harm or illness to any person.

A student using a locker that is the property of the school system does not have the right of privacy in that locker or its contents. All lockers or other storage areas provided for student use on school premises remain the property of the school system and are provided for the use of students subject to inspection, access for maintenance, and search. Notice shall be posted in each school that lockers and other storage areas are school property and are subject to search.

A student may be subject to physical search or a student's pocket, purse, or other container may be required to be emptied because of the results of a locker search, or because of information received from a teacher, staff member, or other student if such action is reasonable to the principal. All of the following standards of reasonableness shall be met:

1. A student has violated policy;

2. The search could be expected to yield evidence of the violation of school policy or disclosure of a dangerous weapon or drug;

3. The search is in pursuit of legitimate interests of the school in maintaining order, discipline, safety, supervision, and education of students;

4. The primary purpose of the search is not to collect evidence for a criminal prosecution; and

5. The search shall be reasonably related to the objectives of the search and not excessively intrusive in light of the age and sex of the student, as well as the nature of the infraction alleged to have been committed.

School officials may conduct hand-held or walk-through metal detector checks of a student's person or personal effects.

School Board Policy 6.303

# Student Vehicles on School Property

Students of driving age are permitted to operate their own vehicles on campus if they have proof of liability insurance coverage and have paid required parking fees.

## Discrimination/Harassment, Bullying Cyberbullying, Hazing

Discrimination/Harassment. It shall be a violation of board policy for any student to discriminate against or harass another student on the basis of sex, gender identity, race, ethnicity, disability, or religion.

For purposes of this policy, discrimination and harassment includes words, gestures, threats, or any other conduct that is severe, pervasive, or persistent and that creates a hostile environment that substantially interferes with or limits a student's ability to participate in or benefit from services, activities, or other opportunities offered by the school.

Bullying, Cyberbullying, Hazing. It shall be a violation of this policy for any student to bully, cyberbully, or haze another student whether directly, through a third party, or through the use of electronic devices such as text messages or posts on social media sites.

For purposes of this policy, bullying includes any act that substantially interferes with a student's educational benefits, opportunities or performance. Bullying is unwanted, aggressive, repeated behaviors that involve a power imbalance that places a student in reasonable fear and causes a hostile educational environment. Cyberbullying is bullying that takes place using electronic technology. Electronic technology includes devices and equipment such as cell phones, computers, and tablets, as well as communication tools including social media sites, text messages, chat sites, and websites. Examples may include inappropriate text messages or emails, rumors sent by email or posted on social network sites, and embarrassing pictures, videos, websites, or fake profiles. Hazing is any act intended to or reasonably be expected to have the effect of humiliating, intimidating or demeaning a student or endangering the mental or physical health of the student committed by an individual or group against a student in connection with pledging, being initiated into, affiliating with, holding office in, or maintaining membership in any organization affiliated with any school or program operated by the school district.

If the act occurs on school grounds, at a school sponsored activity, on school sponsored transportation or at a school designated bus stop, it is violation of school board policy if it has the effect of harming a student or damaging his or her property; knowingly placing a student in reasonable fear of harm to the student or to his or her property; causing emotional distress to

the student; or creating a hostile educational environment. If the act occurs off school property or outside of any school-sponsored activity, it is nevertheless a violation if it is directed at a specific student or students and has the effect of creating a hostile educational environment or a substantial disruption to the educational environment or the learning process.

Claims of discrimination, harassment, bullying, cyberbullying, or hazing are to be directed to the building administrator for investigation without the fear of reprisal or retaliation. False accusations as a means of reprisal or retaliation will be disciplined in accordance with the district policies, procedures, and agreements.

#### *School Board Policy 6.304*

**NOTE:** This Code of Acceptable Behavior will be implemented in compliance with the requirements of applicable federal and state statutes and accompanying regulations governing the appropriate discipline of students suspected or identified as having a disability.

It is the policy of Washington County Board of Education not to discriminate on the basis of sex, race, national origin, creed, religion, age, marital status, or disability in its educational programs, activities, or employment policies.

A complaint may be filed by anyone who has a grievance regarding discrimination as set forth in one of the following statutes:

1. The Rehabilitation Act of 1972, Section 504;
2. Title VI of the Civil Rights Act of 1964; or directed at a specific student or students and has the effect of creating a hostile educational environment or a substantial disruption to the educational environment or the learning process.

## **Unacceptable Conduct and Consequences**

### Administration Requirements

- For each consequence that an administrator suspends a student for more than five (5) days a Behavior Improvement Plan must be implemented.
- The principal of each school shall be responsible for the implementation and administration of the Student Code of Conduct in his/her school and shall apply the Code uniformly and fairly to each student at the school without partiality or discrimination.
- All *change of placements* and/or *suspensions* of more than 10 days have to be reported to the office of the Chief Student Supports Office, within 24 hours in order for this office to schedule an appeal hearing for the student.

**NOTE:** The **discipline matrix** that follows in this document sets forth the guidelines for assessing consequences for violations of school board policies. The school principal has the discretion to deviate from these guidelines by assessing an appropriate consequence other than stated in the matrix if he or she determines in his or her sole discretion that there are mitigating or aggravating circumstances. However, the Chief Student Supports Officer must be consulted when this deviation occurs - prior to finalizing the parental notice.

## ***Discipline Matrix***

<b>Staff/Student Relations</b>	<b>1st Offense</b>	<b>2nd Offense</b>	<b>3rd Offense</b>	<b>4th Offense</b>
Refusal to comply with reasonable request	C, LP, D, 1-2 ISS	C, LP, D, 2-3 ISS	C, 2 OSS, Behavior Contract	OSS more than 10-day SDHA, Alternative School Placement
Profanity/Disrespect/ Obscene gestures directed to staff	C, LP, D, 1-2 ISS	C, LP, D, 2-3 OSS	C, 5 OSS Behavior Contract	OSS more than 10-day SDHA, Alternative School Placement
Verbal threats to staff (Low level, non-criminal/no harm or physical injury)	C, D, 1-day ISS, RSW	C, D, 2-5-day ISS, RSW	C, 2 days OSS, Behavior Contract	OSS more than 10-day SDHA, Alternative School Placement
Assault on staff	See Zero Tolerance Board Policy	See Zero Tolerance Board Policy	See Zero Tolerance Board Policy	See Zero Tolerance Board Policy
Verbal threats to staff (High Level) Physical Threat	OSS 6-10 Days, Parent Conference upon Return	OSS more than 10 days SDHA Alternative School Semester	OSS more than 10 days SDHA Alternative School Entire School Year	

Student Relations	1st Offense	2nd Offense	3rd Offense	4th Offense
<p>Bullying/Cyber-Bullying</p>	<p>C, 2-5 days ISS, SW,  Loss of electronic devices  Severity could result in OSS more than 10 days with SDHA</p>	<p>C, SW, 2-3 days OSS,  Loss of electronic devices  Behavior Contract  Severity could result in OSS more than 10 days with SDHA</p>	<p>OSS more than 10 days SDHA  Alternative School Semester</p>	<p>OSS more than 10 days SDHA  Alternative School Placement</p>
<p>Harassment*</p>	<p>C, LP, ISS 2-3 Days, 1-2 Days OSS,  Admin parent conference,  Loss of electronic devices</p>	<p>C, RSW, LP, ISS 3-5 Days, 3-5 OSS, Loss of electronic devices,  Suspension more than 10 days SDHA</p>	<p>C, RSW, LP, 6-10 OSS, Behavior Contract, Loss of electronic devices,  Suspension more than 10 days SDHA</p>	<p>Suspension more than 10 days SDHA,  Alternative School Placement</p>
<p>Recording inappropriate video/images</p>	<p>C, ISS 1-2 Days, Loss of Privileges,  Loss of electronic devices</p>	<p>C, ISS 2-4 Days,</p>	<p>OSS 1-2 Days, Behavior Contract</p>	<p>Suspension more than 10 days SDHA,  Alternative School Placement</p>
<p>Distribution of inappropriate video/images</p>	<p>C, ISS 2-4 Days,  Loss of electronic devices</p>	<p>2 Days OSS</p>	<p>4 Days OSS, Behavior Contract</p>	<p>Suspension more than 10 days SDHA, Alternative School Placement</p>

Hazing	C, LP, ISS 2-3 Days, 1-2 Days OSS,  Admin parent conference,  Loss of electronic devices	C, SW, LP, ISS 3-5 Days, 3-5 OSS,  Loss of electronic devices,  Suspension more than 10 days SDHA	C, RSW, LP, 6-10 OSS, Behavior Contract, Loss of electronic devices,  Suspension more than 10 days SDHA	Suspension more than 10 days SDHA, Alternative School Placement
Profanity/ Obscene gestures	VW, LP	C, LP, 1-2 ISS	C, LP, 3-5 ISS,	Behavior Contract
Fighting-Major/ Premeditated	3-5 Days OSS  Behavior Contract  Severity could result in OSS more than 10 days with SDHA	OSS more than 10 days SDHA Alternative School Semester	OSS more than 10 days SDHA Alternative School Placement	OSS more than 10 days SDHA Alternative School Placement
Fighting-Minor	3-5 Days ISS	3-5 Days OSS  Behavior Contract  Severity could result in OSS more than 10 days with SDHA	OSS more than 10 days SDHA Alternative School Semester	OSS more than 10 days SDHA Alternative School Placement

<b>Attendance</b>	<b>1st Offense</b>	<b>2nd Offense</b>	<b>3rd Offense</b>	<b>4th Offense</b>
Being in undesignated/ unsupervised area/skipping class	C, LP, D,	C, LP, D, 1-2 Days ISS	C, LP, D, 3 Days ISS  Behavior Contract  Referral to Truancy Board	OSS more than 10 days SDHA Alternative School Placement

Leaving class without permission	C, LP, D, 1-2 ISS	C, LP, D, 2-3 ISS	C, 2 OSS, Behavior Contract	OSS more than 10 Alternative School Placement SDHA
Leaving Campus w/o permission	2 Days ISS Behavior Contract  Severity could result in OSS more than 10 days with SDHA	OSS more than 10 days SDHA Alternative School Semester	OSS more than 10 days SDHA Alternative School Entire School Year	OSS more than 10 days SDHA Alternative School Entire School Year
Tardiness, Habitual	D, LP	D, LP, RSW	LD, LP, RSW  Referral to Truancy Board	See Board Policy
Truancy/Absentee	See Board Policy			

<b>Inappropriate Item on Campus</b>	<b>1st Offense</b>	<b>2nd Offense</b>	<b>3rd Offense</b>	<b>4th Offense</b>
Tobacco possession or use	See Board Policy 6.3071	See Board Policy 6.3071	See Board Policy 6.3071	See Board Policy 6.3071
Possession or Use of Vape, E-Cig etc.	See Board Policy 6.3071	See Board Policy 6.3071	See Board Policy 6.3071	See Board Policy 6.3071
Alcohol/THC Vape - use or possession	OSS more than 10 days SDHA, Alternative School Semester	OSS more than 10 days SDHA, Alternative School Entire School Year	OSS more than 10 days SDHA, Alternative School Entire School Year	OSS more than 10 days SDHA, Alternative School Entire School Year
Illegal Drugs-Possession, use, under the influence	See Zero Tolerance Board Policy	See Zero Tolerance Board Policy	See Zero Tolerance Board Policy	See Zero Tolerance Board Policy

Drug Paraphernalia-Possession	OSS more than 10 days SDHA, Alternative School Semester	OSS more than 10 days SDHA, Alternative School Entire School Year	OSS more than 10 days SDHA, Alternative School Entire School Year	OSS more than 10 days SDHA/ Alternative School Entire School Year
Possession of own Rx	OSS more than 10 days SDHA, Alternative School Placement	OSS more than 10 days SDHA, Alternative School Placement	OSS more than 10 days SDHA Alternative School Placement	OSS more than 10 days SDHA, Alternative School Placement

<b>Other Criminal Incidents</b>	<b>1st Offense</b>	<b>2nd Offense</b>	<b>3rd Offense</b>	<b>4th Offense</b>
Weapons	Zero Tolerance Offense (See Board Policy)	Zero Tolerance Offense (See Board Policy)	Zero Tolerance Offense (See Board Policy)	Zero Tolerance Offense (See Board Policy)
Other Serious Delinquent Act	OSS more than 10 days SDHA, Alternative School Placement	OSS more than 10 days SDHA, Alternative School Entire School Placement	OSS more than 10 days SDHA, Alternative School Placement	OSS more than 10 days SDHA, Alternative School Placement
<b>Disruptive Incidents</b>	<b>1st Offense</b>	<b>2nd Offense</b>	<b>3rd Offense</b>	<b>4th Offense</b>
Horseplay	VW, D	1 Day ISS	2 Days ISS	PD
Willful Disruption	1-2 Days ISS,	3-4 Days ISS	3-4 Days OSS, Behavior Contract	OSS more than 10 days SDHA, Alternative School Placement



Falsification documents	1 Day ISS, PC	2 Days ISS, PC	4 Days ISS, PC,	Principal's Discretion
Indecent Exposure	2 Days ISS	FHR, 2 Days OSS	5 days OSS, Behavior Contract	OSS more than 10 days SDHA, Alternative School Placement
Inciting a disturbance	2 Days ISS	4 Days ISS	3 days OSS, Behavior Contract	OSS more than 10 days SDHA, Alternative School Placement
False Bomb/Shooter Threat	Threat Assessment Process, 5 Days OSS	Threat Assessment Process, 7 Days OSS, Behavior Contract	OSS more than 10 days SDHA Alternative School Semester	

<b>Property Incidents</b>	<b>1st Offense</b>	<b>2nd Offense</b>	<b>3rd Offense</b>	<b>4th Offense</b>
Destruction of school property	Restitution, 1 days ISS	Restitution, Principals Discretion	Restitution, Principals Discretion	Restitution, Principals Discretion
Theft- Minor less than \$100	1 Day ISS, Restitution,	Restitution, 2-3 ISS	3 Days OSS, Behavior Contract	OSS more than 10 days SDHA, Alternative School Semester
Theft-Major over \$100	Principal's Discretion	Principal's Discretion	Principal's Discretion	Principal's Discretion

**Parent Notification: Required for each offense**

**Principal discretion or alternate plans may be implemented for specific students.**

**Any behavior deemed inappropriate for a school environment will be dealt with at the principal's discretion.**

**There is a 15-day maximum for ISS; after that the student may be placed on a behavior contract for "continual and willful violation of school rules" violation of behavior contract will result in long term suspension and SDHA appointment.**

**\* Excludes Harassment that is defined under Title IX Federal Law**

<b><u>Code Legend</u></b>	<b>VW: Verbal Warning C: Conference LP: Loss of Privilege D: Detention ISS: In-School Suspension RSW: Referral to Social Worker  RFH: Referral to Frontier Health</b>
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# Student Disciplinary Procedures

Any administrator may suspend any student from school, from any school-related activity on or off campus, from a specific class or classes (i.e., in-school suspension), or from riding a school bus for any misconduct prejudicial to good order and discipline, including, but not limited to, any misconduct described more particularly in the Board's Code of Conduct or Zero Tolerance policies, or any misconduct that violates the law. *School Board Policies 6.300 and 6.309.*

## Procedures for suspensions

Unless the student's continued presence in the school, class or school-related activity presents an immediate danger to the student or other persons or property, no principal shall suspend any student until that student has been advised of the nature of his/her misconduct, questioned about it and allowed to give an explanation.

Upon suspension of any student, including an in-school suspension, the principal shall make an immediate attempt to contact the parent or guardian to inform him or her of the suspension, the reason for the suspension, and any conditions on readmission to the school. Within twenty-four (24) hours, the principal shall provide this same information in writing to the Chief Student Supports Officer.

The student shall not be sent home before the end of the school day unless the parent or guardian has been contacted.

## Suspensions in excess of five (5) days

For any suspension in excess of five (5) days, whether in-school or out-of-school, the principal shall develop a behavioral intervention plan. If the student has a disability, the principal shall notify the case manager and collaborate with the student's IEP team or Section 504 committee.

## Suspensions in excess of ten (10) days

If at the time of the suspension the principal determines that an offense has been committed which, in the judgment of the principal, would justify a suspension for more than ten (10) days, he/she may suspend the student unconditionally for a specified period of time or upon such terms and conditions as are deemed reasonable.

The principal shall immediately give written or actual notice to the parent or guardian and the student of the right to appeal the decision to suspend for more than ten (10) days. All appeals must be filed, orally or in writing, within five (5) days after receipt of the notice and may be filed by the parent or guardian, the student, or any person holding a teaching license who is employed by the school system if requested by the student. The appeal from this decision shall be to the disciplinary hearing authority per Board Policy No. 6.317.

If the suspension occurs during the last ten (10) days of any term or semester, the student shall be permitted to take final examinations or submit required work as necessary to complete the course of instruction for that semester, subject to conditions prescribed by the principal.

Students found to be eligible for special education shall only be suspended in accordance with Board Policy No. 6.3161 governing such suspensions.

#### In-school suspensions

For purposes of this Code, in-school suspensions include any removal of a student from a regular class or classes and assigning that student to a restricted class, night school, or some other program at the same school.

Students given an in-school suspension shall attend either special classes designated only for students being disciplined for misconduct or be placed in an isolated area appropriate for study.

Personnel responsible for in-school suspension will see that each student is always supervised and has textbooks and classwork assignments from his/her regular teachers. Students given in-school suspension shall be required to complete academic assignments and shall receive credit for work completed.

## **Disciplinary Hearing Authority**

A disciplinary hearing authority (DHA) will conduct hearings for students who have been suspended for more than ten (10) school days. The DHA will have the authority to determine guilt or innocence of any disciplinary case and, subject to the provisions of T.C.A. § 49-6-3401 and Board Policy Nos. 6.316 and 6.317, appropriate consequences.

#### Constitution of the DHA

The DHA will operate under the office of the Chief Student Supports Officer. Each year in July, the Board will appoint up to nine (9) licensed employees to serve on the DHA. Three members of the DHA will constitute a quorum for the hearing of any case.

The chair shall schedule a hearing within forty-eight (48) hours of the timely request of a student, parent, guardian, or teacher acting on the student's behalf. In no event will the hearing be scheduled more than ten (10) days after the commencement of the suspension. The chair shall assign members of the DHA to sit as the panel hearing each case. The chair is responsible for having the hearing recorded or transcribed.

## Conduct of the hearing

During the hearing, the chair will announce on the record the purpose of the hearing, including the nature of the offense, the date the offense occurred, and the date the appeal was lodged. The chair will ask each member of the DHA to introduce himself/herself on the record and will then ask the administrators and the student to introduce themselves as well. The chair will then describe the process the DHA will observe during the course of the hearing.

The administration will set forth the basis for its belief that the student engaged in misconduct warranting a suspension in excess of ten (10) days. This explanation may consist of a summary of any investigation presented by the charging administrator, or it may consist of one or more witnesses as the administration deems appropriate. The DHA may ask such questions as it deems necessary to ensure a clear understanding of the case. Neither the student nor his parents/guardians may cross-examine the administration or the administration's witnesses.

After the administration has presented the violations of the Code of Conduct and the DHA has questioned the administrators and their witnesses to their satisfaction, the student may respond. The student may speak on his/her behalf and may call such witnesses as are willing to speak for the student. The DHA may question the student and anyone speaking on the student's behalf. The administration may not cross-examine the student, parents, and/or any witnesses speaking on behalf of the student.

While the student may have counsel present during the hearing, counsel may not examine or cross-examine any witnesses, nor may counsel advocate on behalf of the student.

After the administration and the student have both explained their respective positions, the DHA shall retire to deliberate off the record and to make a decision. The first issue for the DHA to decide is whether the student engaged in the alleged misconduct. If the DHA confirms the violation, then, except in the case of a zero-tolerance offense set forth in Board Policy No. 6.309, the DHA has the authority to decide the appropriate consequence within the scope set forth in Board Policy No. 6.317.

Upon reaching a decision, the DHA shall reconvene on the record and shall announce one of the following decisions

- To affirm the decision of the school principal;
- To order removal of the suspension unconditionally;
- To order removal of the suspension upon such terms and conditions as it deems reasonable;
- To remand the student to an alternative placement; or
- To suspend the student for a specified period of time.

The DHA shall provide the student, parent/guardian, and administration of its written decision no later than five (5) days of the hearing. As part of this notice, the DHA shall explain the right of the parties to appeal to the Superintendent of Schools, and the Board. In the case of a zero-

tolerance offense, the notice shall indicate that the Superintendent of Schools or designee, has the sole discretion whether to modify the statutory 365-day suspension.

#### APPEAL TO THE DIRECTOR OF SCHOOLS

Any student, parent/guardian, or administrator who is dissatisfied with the decision of the DHA has the right to lodge an appeal with the Director of Schools. He/She shall have broad discretion to decide a student's accountability and appropriate consequences. He/She shall have sole discretion to modify 365-day suspensions established by state law and Board policy.

#### APPEAL TO THE BOARD OF EDUCATION

If the student, parent/guardian, or administrator is dissatisfied with the decision of the Director of Schools, he/she may request the Board to review the decision. As part of any such review, the Director of Schools and the Chair of the DHA shall prepare the record, a summary of the proceedings, explanation of any decisions, and a summary of the position of the administration and the student or parent/guardian and submit these to the Board under seal.

The Board, at its next regular meeting, shall vote whether to sustain the decision on the record, to reverse or modify the decision on the record, or to grant a new hearing. The Board does not have the jurisdiction to modify the consequences for a zero-tolerance offense.

If the Board votes to grant a new hearing, any such hearing shall be closed to the public unless the student or parent/guardian, within five (5) days, requests that the hearing be open. Any such hearing shall operate as would any DHA hearing except that, in the event of an open hearing, the Board shall not retire or deliberate. At the conclusion, the Board may affirm the decision of the Director of Schools or modify the decision of the Director of Schools, to include the imposition of a more severe consequence.

#### Oversight of the student disciplinary process

The Director of Schools shall establish procedures pursuant to which all cases of discipline are overseen by his/her office. These procedures will include means whereby principals report any suspension, including in-school suspensions in excess of one day, to his/her office; forms whereby parents/guardians are aware of their students' suspension and their rights to appeal; and a process whereby the panels of the DHA are aware of similar cases within the district that might serve as a precedent to ensure consistent application of the Board's Student Code of Conduct and other Board policies.

\* Note: Zero-tolerance offenses as set forth in statute require mandatory calendar year expulsion unless modified by the Director of Schools or Designee.

# Discipline for Students Receiving Special Education Services

The purpose of board policy is to inform students, parents/guardians, and educators in general terms of the procedures governing the discipline of students with disabilities under the Individuals with Disabilities Education Act (IDEA) or Section 504 of the Rehabilitation Act (Section 504). In the event of an apparent conflict between board policy and the provisions of federal law, federal law shall control.

## Limits on suspensions

Administrators may suspend students with disabilities for misconduct just as they would non-disabled students for up to ten (10) days during any given school year.<sup>1</sup>

At any time an administrator determines that a student with disabilities should be suspended for five (5) days, or if any given suspension, when added to previously imposed suspensions, exceeds the total of five (5) days, the principal shall have the student's case manager convene an IEP team or Section 504 committee meeting as soon as practicable for the purpose of developing a behavioral intervention plan (BIP) and, if necessary, revising the IEP or Section 504 plan.<sup>2</sup>

The team must consider whether the IEP or Section 504 is appropriate to the student's needs and, if so, whether it is being implemented appropriately. It is the Board's intention that the school administration and the IEP team or Section 504 committee will collaborate to develop appropriate interventions aimed to reduce the need for further disciplinary measures.

For any given suspension that would exceed ten (10) days, or for any suspension that, when combined with previous suspensions, would exceed a total of ten (10) days for any given school year, the school principal shall immediately ask the Office of Exceptional Education (in the case of a student receiving services under the IDEA) or Student Supports (in the case of a student receiving services under Section 504) to convene a manifestation determination review (MDR) to determine whether the student conduct was a manifestation of his/her disability such that the student cannot be held responsible for his/her actions. The MDR shall operate in accordance with this policy and the requirements of federal law.<sup>3</sup>

## Manifestation determination review (MDR)

The MDR will consist of the parents/guardians of the student, the principal or his/her designee, someone from the Office of Exceptional Education or Student Supports, and such other members of the IEP team or Section 504 committee as may be appropriate.

The MDR shall meet within ten (10) days of the decision to suspend the student to determine whether the behavior was a manifestation of the student's disability. The MDR shall consider all relevant information, including the IEP, teacher observations, and the most current evaluations

of the student. The MDR shall also consider any functional behavioral assessment (FBA) and any behavioral intervention plan (BIP). The MDR shall also consider whether the student's behavior might be a manifestation of any suspected disability voiced by any parent/guardian or considered by any member of the IEP team or Section 504 committee.

For behavior that is a manifestation

If the MDR is unable to rule out a known or suspected disability as a cause of or a direct and substantial factor in the student's misconduct, then it shall take appropriate steps to address the educational needs of the student, including conducting an FBA (unless the MDR determines that any recent FBA is adequate), the developments or the refining of a BIP, and the revision of any IEP or 504 plan.

Except as set forth below, the student may not be suspended or removed from the existing educational placement but must "stay put" in that placement unless the IEP team or Section 504 committee, including the parents/guardians, agree that a more restrictive placement is appropriate for the implementation of the BIP so that the student may receive a free appropriate public education.

For behavior that is not a manifestation

If the MDR can rule out a known or suspected disability as a cause or direct and substantial factor in the student's misconduct, then the MDR shall adjourn. The student may be disciplined as would any student without disabilities per Board Policy Nos. 6.300 and 6.302.

In the case of a student receiving services under the IDEA, the case manager will coordinate with the Chief Student Supports Officer to ensure that the student will continue to receive any services required by the IEP during the time of his/her suspension. The case manager shall convene an IEP team meeting to discuss the change of placement if such a meeting is necessary to provide a free appropriate public education.

In the case of a student receiving services under Section 504, services will cease during the period of any out-of-school suspension. If the student is remanded to an alternative educational setting and services are required to enable the student to participate in the program, the case manager will coordinate these services with the Chief Student Supports Officer.

Exceptions to "stay-put"

Irrespective of whether a student's conduct may be a manifestation of his/her disability, a student may be suspended to an interim alternative educational placement for up to forty-five (45) days for:

- Carrying or possessing a dangerous weapon as defined in 18 U.S.C. § 930 on school property or at a school function;



- Knowingly using or possessing or selling or soliciting the sale of illegal drugs on school property or at a school function; or
- Inflicting serious bodily injury, meaning an injury with a substantial risk of death, extreme physical pain, protracted and obvious disfigurement, or protracted loss or impairment of the function of a bodily member, organ or mental faculty, while on school property or at a school function.

An interim alternative educational placement shall not automatically be forty-five (45) days but shall be in conformity with consequences imposed on students without disabilities. The case manager shall coordinate with the Chief Student Supports Officer on how to provide services to any students assigned to an interim alternative educational placement.

Appeal rights for students with disabilities

Any student or parent/guardian who disputes that the student violated the Code of Acceptable Behavior, Board policy, or state law; or who disagrees with the decision of the MDR that the student's behavior was not a manifestation of a known or suspected disability; or who objects to the consequences imposed by the administrator may request a hearing before the Disciplinary Hearing Authority (DHA).

Alternatively, a student or parent/guardian may request a due process hearing before an administrative law judge.

School Board Policy 6.3161

## Alternative Education Setting

The Board shall operate an alternative school and/or program for students in grades seven through twelve (7-12) who have been suspended or expelled from the regular school program.

An alternative school is a short-term intervention program designed to provide educational services outside the regular school program for students who have been suspended or expelled. The alternative school is located in a separate facility from the regular school program. Students attending an alternative school shall provide their own transportation.

An alternative program is a short-term intervention program designed to provide educational services outside the regular school program for students who have been suspended or expelled. Alternative programs may be located within the regular school or be a self-contained program within a school. Alternative programs shall include, but are not ***limited to, the following: in-school suspension and detention.***

The alternative school and/or program shall be operated in accordance with state laws and the rules of the State Board of Education, and instruction shall proceed as nearly as practicable in accordance with the instructional program at the student's regular school. All coursework

completed, and credits earned in the alternative school shall be transferred to and recorded in the student's home school. Credit earned, and progress made shall be granted as if the work were performed in the home school. No student may graduate based solely on attendance in alternative schools.

The Director of Schools shall develop procedures that provide appropriate educational opportunities for all students assigned to the alternative school or program. These educational opportunities shall adhere to Tennessee's academic standards.

Sufficient textbooks, equipment, and supplies for the alternative school/program shall be provided by the home school.

## ASSIGNMENT

Students who have been suspended for more than ten (10) days or expelled shall be assigned to the alternative school or program if there is staff and space available. Availability of staff and space shall be determined at the time the disciplinary decision is rendered. The Director of Schools/designee shall make this determination by evaluating factors including, but not limited to, the following:

1. Level of supervision available;
2. Safety considerations; and
3. Type of infraction.

The Director of Schools/designee is not required to assign a student to the alternative school or program if the student committed one of the following:

1. A zero tolerance offense; or
2. An offense of violence or threatened violence, or an offense that threatened the safety of other students at the school, if the location of the alternative school or program is on the same grounds as the school from which the student was disciplined.

Consideration to assign these students to the alternative school or program will be determined by the Director of Schools/designee on a case-by-case basis.

Prior to the assignment of the student to the alternative school or program, the Director of Schools/designee shall provide written notice to the student's parent/guardian stating the reason for the student's placement.

Placement in an alternative education setting shall be reserved for students who significantly disrupt the educational process. If a student has an active Individualized Education Plan, a 504 plan, or is suspected of having a disability, all state and federal laws and rules and regulations related to special education shall be followed. The Director of Schools/designee shall develop

procedures regarding placement of students in the program, taking into consideration the impact of exclusionary discipline practices.

The Director of Schools/designee shall monitor and regularly evaluate the academic progress of each student enrolled in the alternative school.

#### REMOVAL

The Director of Schools/designee may remove a student from the alternative school or program if:

1. He/she violates the rules of the alternative school or program; or
2. He/she is not benefitting from the assignment and all interventions have been exhausted unsuccessfully.

#### ADDITIONAL OFFENSES

Any new disciplinary offense committed during a student's original suspension or expulsion period shall be treated as a new and separate offense. These offenses shall not constitute an extension of the original suspension or expulsion.

#### TRANSITION PLAN

The Director of Schools/designee shall develop procedures regarding the implementation of transition plans for the integration of students assigned

School Board Policy 6.319

## **Administration Guidance**

Documentation in PowerSchool and parent contact is required for all violations requiring administrative action. Discipline for IEP/504 students shall be in accordance with state and federal laws and school board policies.

NOTE: The discipline matrix sets forth the guidelines for assessing consequences for violations of School Board policies. School principals have the discretion to deviate from these guidelines by assessing an appropriate consequence other than stated in the matrix if he or she determines in his or her sole discretion that there are mitigating or aggravating circumstances. The Chief Student Supports Officer must be consulted when this deviation occurs, prior to finalizing parental notification.

Each individual school, depending on the availability of resources and programs, can implement additional/alternative fair and reasonable consequences.

# Code of Conduct Acknowledgement

## *Parent and Student Acknowledgement required in Grades 6-12*

Signatures below acknowledge review of the Washington County Schools' Student Code of Acceptable Behavior and Discipline. The document can be viewed at [www.wcde.org](http://www.wcde.org) under the Parents and Students tab under General Information.

If parents/guardians have questions regarding the content of this document, please contact the school that your student(s) attends.

Each school administration shall ensure that the contents are understood by students attending their school.

Students in grades six (6) through twelve (12) shall sign this form. A signature acknowledges that the student understands the content on the code.

Parents/guardians are requested to sign and date this form. Students shall return this notification to their school.

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**Date**

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**Signature of Parent or Guardian**

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**Print Name of Parent or Guardian**