

# DISCIPLINE TABLE

| BEHAVIOR  | CODE | RESPONSE | SUSPENSION OUT OF SCHOOL | EXPULSION |
|---|------|----------|--------------------------|-----------|
| <b>TYPE 1 BEHAVIORS</b>   |      |          |                          |           |
| Tardy to School or Class  | 100  | A        | NO                       | NO        |
| Noncompliance With a Reasonable Request   | 102  | A        | NO                       | NO        |
| Agitating Other Students  | 103  | A        | NO                       | NO        |
| Profane or Indecent Language  | 104  | A        | NO                       | NO        |
| Unauthorized Possession of Medication   | 105  | A        | NO                       | NO        |
| Possession of Fireworks   | 106  | A        | NO                       | NO        |
| Dress Code Violation  | 107  | A        | NO                       | NO        |
| Cheating  | 108  | A        | NO                       | NO        |
| <b>TYPE 2 BEHAVIORS</b>   |      |          |                          |           |
| Repeated Violations of a Pattern of Type 1 Behaviors, With Evidence of Implemented Interventions. | 200  | A, B     | NO                       | NO        |
| Possession or Use of Tobacco Products   | 202  | A, B     | NO                       | NO        |
| Electronic Devices: Improper Use of Cell Phone, Internet or Electronic Devices                    | 203  | A, B     | NO                       | NO        |
| Disruption of the School Environment  | 204  | A, B     | NO                       | NO        |
| Inappropriate Sexual Contact  | 206  | A, B     | NO                       | NO        |
| Gambling  | 208  | A, B     | NO                       | NO        |
| Drug Paraphernalia  | 210  | A, B     | NO                       | NO        |
| Cutting Class   | 211  | A, B     | NO                       | NO        |
| Inappropriate Physical Contact With Other Students  | 212  | A, B     | NO                       | NO        |
| <b>TYPE 3 BEHAVIORS</b>   |      |          |                          |           |
| Repeated Violations of a Pattern of Type 2 Behaviors, With Evidence of Implemented Interventions. | 300  | A, B, C  | YES                      | NO        |
| Profane or Indecent Language Toward Authority Figure  | 301  | A, B, C  | YES                      | NO        |
| Leaving School Grounds  | 302  | B, C     | YES                      | NO        |
| Noncompliance With an Administrative Directive  | 303  | B, C     | YES                      | NO        |
| Vandalism Under \$500   | 304  | B, C     | YES                      | NO        |
| Theft Under \$500   | 305  | B, C     | YES                      | NO        |
| Falsifying School Records   | 306  | B, C     | YES                      | NO        |
| Inappropriate Sexual Behavior   | 307  | B, C     | YES                      | NO        |
| Fighting  | 311  | C, D     | YES                      | NO        |

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|---|------|----------|--------------------------|-----------|
| Alcohol or Drug-Like Substance: Use or Possession, Under the Influence  | 312  | B, C     | YES                      | NO        |
| Threats – Class 1   | 313  | B, C     | YES                      | NO        |
| Possession of a Non-Lethal Firearm or Replica of Lethal Firearm   | 314  | B, C     | YES                      | NO        |
| Possession of Other Weapons   | 317  | B, C, D  | YES                      | NO        |
| Trespassing on School Grounds   | 318  | B, C     | YES                      | NO        |
| Inappropriate Physical Contact Toward School Staff  | 319  | B, C     | YES                      | NO        |
| Gang Activity: Recruitment, Display or Possession of Symbols or Paraphernalia                                       | 320  | B, C     | YES                      | NO        |
| <b>TYPE 4 BEHAVIORS</b>   |      |          |                          |           |
| Repeated Violations of a Pattern of Type 3 Behaviors, With Evidence of Implemented Interventions                    | 400  | C, D, E  | YES                      | YES       |
| Assault of a Student<br><i>Expellable if assault or resulting injuries are severe</i>                               | 401  | D, E     | YES                      | YES       |
| Under the Influence of Illegal Drugs  | 402  | C, D, E  | YES                      | YES       |
| Threats – Class 2   | 403  | C, D, E  | YES                      | YES       |
| Bullying<br><i>Expellable if bullying is repeated over time and persists after administrative intervention</i>      | 405  | C, D, E  | YES                      | YES       |
| Cyberbullying<br><i>Expellable if bullying is repeated over time and persists after administrative intervention</i> | 406  | C, D, E  | YES                      | YES       |
| Harassment Based on Race, Color, or National Origin   | 407  | C, D, E  | YES                      | YES       |
| Harassment Based on Religion or Creed   | 408  | C, D, E  | YES                      | YES       |
| Harassment Based on Gender, Gender-Identity or Sexual Orientation   | 409  | C, D, E  | YES                      | YES       |
| Harassment Based on Disability  | 410  | C, D, E  | YES                      | YES       |
| Sexual Harassment   | 411  | C, D, E  | YES                      | YES       |
| Assault of Teacher or Staff   | 412  | D, E     | YES                      | YES       |
| Extreme Disruption of the School Environment<br><i>Expellable ONLY if actual risk of harm to other students</i>     | 413  | C, D, E  | YES                      | YES       |
| Group Fighting  | 414  | D, E     | YES                      | YES       |
| Gang Intimidation   | 416  | C, D, E  | YES                      | YES       |

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| BEHAVIOR  | CODE | RESPONSE | SUSPENSION OUT OF SCHOOL | EXPULSION   |
|---|------|----------|--------------------------|---|
| Off Campus Behavior:<br><ul style="list-style-type: none"> <li>For a felony charge under T.C.A. §49-6-3051(b)(1) OR</li> <li>An act committed against a member of the student's school community that poses a threat to the safety of the school</li> </ul> | 417  | C, D, E  | YES                      | YES   |
| Sexual Assault  | 418  | D, E     | YES                      | YES   |
| Robbery   | 419  | D, E     | YES                      | YES   |
| Reckless Endangerment   | 420  | D, E     | YES                      | YES   |
| Fighting - Repeated   | 421  | D, E     | YES                      | YES   |
| Vandalism Over \$500  | 423  | C, D, E  | YES                      | YES   |
| Theft Over \$500  | 424  | C, D, E  | YES                      | YES   |
| Refusing or Fleeing Drug or Weapon Search<br><i>Expellable ONLY with evidence of drugs or firearm</i>   | 425  | C, D, E  | YES                      | YES   |
| <b>TYPE 5 BEHAVIORS</b>   |      |          |                          |   |
| Rape  | 501  | E        | YES                      | YES   |
| Attempted Homicide  | 502  | E        | YES                      | YES   |
| Homicide  | 503  | E        | YES                      | YES   |
| (ZT) Threat by Electronic Transmission  | 504  | E        | NO                       | Expulsion mandatory, but not required to be one calendar year |
| (ZT) Drugs – Use, Possession, or Distribution of Drugs As Defined in T.C.A. §§39-17-403 Through 39-17-415, T.C.A. § 39-17-454, and T.C.A. § 53-10-101   | 505  | E        | NO                       | Mandatory expulsion of one calendar year                      |
| (ZT) Aggravated Assault of Teacher or Staff   | 506  | E        | NO                       | Mandatory expulsion of one calendar year                      |
| (ZT) Explosives   | 507  | E        | NO                       | Mandatory expulsion of one calendar year                      |
| (ZT) Firearm - Handgun/Rifle/Shotgun  | 508  | E        | NO                       | Mandatory expulsion of one calendar year                      |

## INTERVENTIONS AND RESPONSES TO STUDENT BEHAVIOR<sup>1</sup>

By utilizing the natural consequences that result from student behavior and implementing interventions, Scottsboro Public Schools (SPS) will help improve student behavior and keep our schools safe. Below are possible responses to student behavior.

## LEVEL A RESPONSE – TEACHER/STUDENT/PARENT/SCHOOL STAFF

1. Student tells his/her side of the story and parent/guardian is notified.
2. Teacher or designated staff counsels with student.
3. Teacher or designated staff determines whether to involve a school social worker, nurse, school guidance

counselor, psychologist, behavioral analyst, S-Team, 504 Team, IEP team or Cluster Support Team.

4. One or more interventions are initiated. All interventions and interactions are documented in the Student Information System (SIS).

### **LEVEL B RESPONSE – ADMINISTRATIVE LEVEL REFERRAL**

1. Student tells his/her side of the story and has an opportunity to write a statement.
2. Administrator conferences with parent/guardian and determines if further consultation with school staff or teams is necessary.
3. Documentation of prior interventions is provided to the parent.
4. One or more additional interventions are initiated as appropriate. All interventions and interactions are documented in the Student Information System (SIS).
5. If necessary, in-school suspension (ISS) of up to three (3) days or comparable services may be utilized.

### **LEVEL C RESPONSE – SUSPENSION OPTION**

1. Steps “1” through “4” are repeated from Level B.
2. If necessary, administrator may give ISS or comparable services for 1 – 3 days OR 1 – 3 days of out-of-school suspension (OSS), not to exceed a total of 3 days.

### **LEVEL D RESPONSE – SUSPENSION OPTION**

1. Same as Level C, except that administrator may give ISS or comparable services for 1 – 3 days and/or OSS for 1 – 5 days if necessary, not to exceed a total of 5 days. Note: If the suspension is for 5 or more days, the principal will develop and implement a plan for improving the student’s behavior.

### **LEVEL E RESPONSE – EXPULSION OPTION**

*(Suspensions Of 10 Days Or More)*

1. Same as Level D, except that administrator may expel a student if necessary.
2. Expulsion is a measure of last resort. Prior to expulsion, all of the following factors must be considered: the seriousness of the act; the harm caused, including any injuries; the student’s willingness to repair the harm; the extent of the actual disruption to the learning environment; whether the act was intentional; the student’s age, health, disability, decision-making ability and the student’s prior discipline history.
3. Expulsion Documentation: All interventions utilized prior to expulsion must be clearly documented in the Student Information System (SIS). All reasons for expelling a child rather than using a lower level of response must be clearly detailed.

4. Zero tolerance offenses as defined by state law require a level E response. All zero tolerance offenses except “Threat by Electronic Transmission” require a mandatory expulsion of 180 school days. See the SPS Discipline Matrix.

## **CODES AND DEFINITIONS OF BEHAVIORS**

Below are definitions of behaviors that may be subject to disciplinary responses and interventions. Please note that school rules are different from Tennessee state criminal law.

### **TYPE 1 BEHAVIORS**

#### **Code 100: Tardy to School or Class**

Arriving late to school, class, or activity.

#### **Code 102: Noncompliance With a Reasonable Request**

Not following the reasonable request of a teacher, administrator, or staff member.

#### **Code 103: Agitating Other Students**

Unwanted and unreciprocated picking on or bothering of other students.

#### **Code 104: Profane or Indecent Language**

Using profane or indecent language, such as cursing on school grounds or at school-sponsored activities.

#### **Code 105: Unauthorized Possession of Medication**

Possession of prescription or non-prescription medication which has not been registered in the school’s office.

For more information, see SPS policy SP 6.129, available at [www.SPS.org](http://www.SPS.org).

#### **Code 106: Fireworks: Possession**

Knowingly possessing fireworks on school grounds, on SPS sponsored transportation, or at school-sponsored activities.

#### **Code 107: Dress Code Violation**

Wearing clothing that does not comply with the school’s Standard School Attire policy or requirements for appropriate dress.

#### **Code 108: Cheating**

The act of gaining an unfair advantage on graded academic activities.

### **TYPE 2 BEHAVIORS**

#### **Code 200: Repeated Violations of Type 1 Behaviors**

A repeated pattern of Type 1 behaviors that continues after documentation of prior interventions. Three or more incidents of a Type 1 behavior may constitute a pattern. The discipline referral must include documentation of interventions implemented.

Repeated violations for attendance or dress code: SPS, in agreement with the U.S. Department of Justice’s recommendations on Disciplinary Practices, believes that the use of exclusionary practices for attendance violations harm student achievement. However, SPS recognizes

that flagrant disruption of the learning environment is counterproductive to the learning environment.

#### **Code 202: Tobacco: Possession or Use**

Possessing or using any tobacco products, including but not limited to, cigarettes, cigars, vapor or e-cigarettes or chewing tobacco.

*Note: Tennessee law requires principals or law enforcement officials to issue citations to students under 18 who violate The Prevention of Youth Access to Tobacco Act. Violations include using, possessing, purchasing, or receiving a tobacco product.*

#### **Code 203: Electronic Devices**

Improper Use of Cell Phone, Internet, or Other Electronic Devices – Using personal technology, electronic devices, or the internet, except when used for educational purposes with the permission of the classroom teacher or school administrator, or in violation of school rules.

#### **Code 204: Disruption of the School Environment**

Continuously and intentionally disrupting the school environment to the extent the learning of other students or the normal functioning of the school is significantly impaired. The discipline referral must include evidence demonstrating learning or the normal functioning of the school was significantly impaired.

#### **Code 206: Inappropriate Sexual Contact**

Minor contact of a sexual nature, such as touching over clothing.

#### **Code 208: Gambling**

Betting on games or activities for money or things of value.

#### **Code 210: Drug Paraphernalia**

Possessing any material used to produce or consume illegal drugs. Drug paraphernalia includes, but is not limited to bongs, roach clips, miniature spoons and pipes used to consume illegal drugs.

#### **Code 211: Cutting Class**

Failing to attend a scheduled class or activity without authorization.

#### **Code 212: Inappropriate Physical Contact With Other Students**

Engaging in minor physical contact with another student such as pushing, bumping or horseplay.

### **TYPE 3 BEHAVIORS**

#### **Code 300: Repeated Violations of Type 2 Behaviors**

A repeated pattern of Type 2 behaviors that continues after documentation of prior interventions. Three or more incidents of a Type 2 behavior may constitute a pattern. The discipline referral must include documentation of interventions implemented.

#### **Code 301: Profane or Indecent Language Directed Toward an Authority Figure**

Directing profane or indecent language toward a teacher, staff member or administrator.

#### **Code 302: Leaving School Grounds Without Authorization**

Leaving school grounds without the permission of school officials.

#### **Code 303: Noncompliance With An Administrative Directive**

Refusing to follow administrative directives to comply with assigned disciplinary responses.

#### **Code 304: Vandalism Under \$500**

Willfully destroying or defacing school or personal property. The damage caused is less than \$500. A child's willingness to repair property damaged or to make restitution will be taken into account in determining the appropriate level of response.

#### **Code 305: Theft From An Individual or of School Property Under \$500**

Taking the property of another individual or of the school without permission, with the intent of depriving the owner of the property. The value of the property taken is under \$500. A child's willingness to return or replace an item taken or make restitution will be taken into account in determining the appropriate level of response.

#### **Code 306: Falsifying Records**

Falsifying or altering school records, including, but not limited to, written, electronic or digital school records. This does not include cheating. Cheating will be dealt with at the instructional level.

#### **Code 307: Inappropriate Sexual Behavior**

Behavior of a sexual nature that is not recurring and does not rise to the level of sexual harassment or sexual assault. Inappropriate sexual behavior includes, but is not limited to, physical or verbal conduct, exposure of a sexual nature or communication of a sexual nature and sexual behavior between consenting parties on school grounds or at school-sponsored events.

#### **Code 311: Fighting**

Mutual participation in an incident involving physical violence.

#### **Code 312: Alcohol or Drug-like Substance: Use, Possession, or Under the Influence**

Possessing, using, or being under the influence of alcoholic beverages or substances that have the potential to intoxicate. A referral to the school social worker will be made for any student found in violation of this code.

#### **Code 313: Threats – Class 1**

A written, verbal or electronic threat to cause harm to students, staff, or school in which no plan exists to carry out the threat. The threat must be one that would cause a person to reasonably fear bodily injury.

#### **Code 314: Possession of a Non-Lethal Firearm or Replica of a Firearm**

Possessing a non-lethal firearm, weapon replica, stun gun, BB gun, air gun, air soft gun, pellet gun, cap gun, or toy gun. A student found in possession of a water gun will not receive out-of-school suspension. Response D may only be utilized if possession of the non-lethal firearm or replica

causes actual risk of harm to students. The specific nature of the risk must be documented in the discipline referral.

#### **Code 317: Possession of Other Weapons**

Possessing or transmitting:

- A knife, switchblade, razor blade, box cutter, or other similar instrument utilizing a razor blade
- Ammunition, chains, nun-chucks, brass knuckles, or Billy clubs
- An electric weapon or device, such as a Taser
- Capsicum (Pepper spray)
- Weapons similar to those listed above capable of causing serious bodily injury

Any weapons found on school grounds or at school functions will be confiscated and turned over to the appropriate authorities.

#### **Code 318: Trespassing on School Grounds**

Entering or remaining on school property without authorization. Being present in restricted areas of the school without authorization.

#### **Code 319: Inappropriate Physical Contact Toward School Staff**

Engaging in minor physical contact with staff such as intentional or reckless pushing or bumping.

#### **Code 320: Gang Activity**

Participating in the display of symbols or paraphernalia or the recruitment/initiation of a student into a gang (violent or disruptive group).

### **TYPE 4 BEHAVIORS**

#### **Code 400: Repeated Violations of a Pattern of Type 3 Behaviors**

A repeated pattern of Type 3 behaviors that continues after documentation of prior interventions. Three or more incidents of a Type 3 behavior may constitute a pattern. The discipline referral must include documentation of interventions implemented. In determining whether an E response should be used, consideration should be given to whether the behaviors pose a threat to the safety or security of the school.

#### **Code 401: Assault of Student**

Intentionally, knowingly, or recklessly committing an unprovoked physical attack on another student. Minor physical contact, such as pushing or shoving, does not constitute assault. A child may not receive the same disciplinary consequence for their involvement in an altercation, if the school administrator determines that they acted in self-defense to protect themselves from physical harm. (TCA 49-6-3401) Response E may be used if the assault or the resulting injuries are severe. When response E is used, evidence documenting the fight's severity and any resulting injuries must be listed in the discipline referral.

#### **Code 402: Under the Influence of Illegal Drugs**

Being under the influence of illegal drugs while on school grounds or at school-sponsored activities. A referral to the

school social worker will be made for any student found in violation of this code.

#### **Code 403: Threat, Class 2**

A written, verbal or electronic threat to cause harm to students, staff or school in which evidence exists that a student has a specific, credible plan to cause harm to students, staff or school.

#### **Code 405: Bullying**

Bullying is any intentional act that is severe, persistent or pervasive and substantially interferes with a student's educational benefits, opportunities or performance, and has the effect of:

1. Physically harming a student or damaging a student's property
2. Knowingly placing the student or students in reasonable fear of physical harm or damage to the student's property
3. Causing emotional distress to a student or students
4. Creating a hostile educational environment

Bullying may involve, but is not limited to, the following: unwanted teasing, threatening, intimidating behavior, cyberbullying, physical bullying, theft, sexual, religious, or racial harassment and public humiliation. Bullying that involves a protected class must be reviewed for potential civil rights violations. If bullying is repeated over time and persists after documented administrative intervention, expulsion may result.

Hazing is defined as: An intentional or reckless act on or off SPS property, by one (1) student acting alone or with others, directed against any other student; that endangers the mental or physical health or safety of that student or that induces or coerces a student to endanger that student's mental or physical health or safety.

"Hazing" does not include physical contact associated with athletic events, training or with competition conducted under coach's or sponsor's supervision.

#### **Code 406: Cyberbullying**

Using information and communication technologies, including, but not limited to email, cell phones, pagers, voicemails, texts, still photograph or video messages, instant messaging, defamatory websites, social networking sites and online personal polling sites or journals to bully another student. See the definition of bullying above.

#### **Harassment**

Misconduct that may be perceived or described as bullying, cyberbullying, discrimination, intimidation, or hazing may constitute prohibited harassment under this policy when the conduct (1) is based on a student's real or perceived race, color, religion, national origin, handicap/disability, sexual orientation, ancestry, or sex, including gender identity, gender expression, and appearance; and (2) creates a hostile environment.



Harassment may take many forms and is not limited to conduct that constitutes bullying. Harassing conduct may include verbal acts and name-calling; graphic and written statements, which may include use of cell phones or the internet; or other conduct that may be physically threatening, harmful, or humiliating if such conduct is based on a student's real or perceived race, color, religion, national origin, handicap/disability, sexual orientation, ancestry, or sex, gender identity, gender expression, and appearance. Harassment does not have to include intent to harm, be directed at a specific target, or involve repeated incidents. Harassment creates a hostile environment when the conduct is sufficiently severe, pervasive, or persistent so as to interfere with or limit a student's ability to participate in or benefit from the services, activities, or opportunities offered by a school.

**Code 407: Harassment Based on Race, Color, Ancestry or National Origin**

**Code 408: Harassment Based on Religion or Creed**

**Code 409: Harassment Based on Gender, Gender Identity, Gender Expression or Sexual Orientation**

**Code 410: Harassment Based on Disability**

Sexual harassment is harassment based on sex. Behaviors that constitute sexual harassment may include, but are not limited to sexually suggestive or offensive remarks; sexually suggestive pictures, sexually suggestive gesturing, verbal harassment or abuse of a sexual nature, harassing, abusive or sexually suggestive or offensive messages sent by e-mail or other electronic medium, subtle or direct propositions for sexual favors, and touching, patting, or pinching. Sexual harassment may be directed against a particular person or persons, or a group, whether of the opposite sex or the same sex.

**Code 411: Sexual Harassment**

Engaging in unwelcome sexual advances, requests for sexual favors, or other physical or verbal conduct or communication of a sexual nature. Sexual harassment includes gender-based harassment that creates an intimidating, hostile or offensive educational or work environment.

**Code 412: Assault of Teacher or Staff**

An intentional or reckless act that causes or has the potential to cause physical injury to a teacher or school staff on school grounds or at a school-sponsored activity.

**Code 413: Extreme Disruption of the School Environment**

Intentionally disrupting the school environment to the extent that the safety of other students is at risk. Response E may only be used if there is documented evidence of actual risk of harm to students provided in the discipline referral. However, Response E may be used whenever a threat requires an SPS incident response, regardless of actual risk of harm to students.

**Code 414: Group Fighting**

Two or more students intentionally causing or attempting to cause physical injury to another student. A student acting in self-defense after another student or students initiated the fight may not be disciplined for group fighting.

**Code 416: Gang Intimidation**

A gang-involved student behaving in a way that would reasonably be expected to cause physical injury to any person.

**Code 417: Off Campus Behavior<sup>2</sup> Leading to Felony Charge Under T.C.A 49-6-3051(b) or Off Campus Acts Committed Against a Member of the School Community**

Students may be subject to disciplinary action for off-campus behavior when:

1. The student's behavior results in a felony charge under T.C.A. 49-6-3051(b) and the student's continued presence poses a danger to person/persons or disrupts the educational process.
2. When a student commits an act against a member of the student's school community that poses a threat to the safety of other students or school staff in the student's school. The discipline referral must include a specific description of the safety threat posed to students or staff.

**Code 418: Sexual Assault**

Unwanted sexual contact 1) with the use of force 2) against a person's will or 3) when the victim is unable to give consent.

**Code 419: Robbery**

Intentionally or knowingly taking the property of another person by use of violence or with the use of a weapon.

**Code 420: Reckless Endangerment**

Creating a substantial risk of serious bodily injury to another person.

**Code 421: Fighting - Repeated**

A student who participates in 2 or more fights in a school year may receive a minimum of 5 days of out-of-school suspension up to a calendar year expulsion.

The disciplinary response should be based on:

- 1) the severity 2) the extent of actual disruption to the learning environment.

**Code 423: Vandalism (Over \$500)**

Willfully destroying or defacing school or personal property. The damage caused is over \$500. A child's willingness to repair the damage or make restitution will be considered in determining the appropriate level of response.

**Code 424: Theft From An Individual or of School Property (Over \$500)**

Taking the property of another individual or of the school without permission, with the intent of depriving the owner of the property. The value of the property is over \$500. A child's willingness to return or replace an

<sup>2</sup> TCA 49-6-3401 (a) Section (12)

item taken or make restitution will be taken into account in determining the appropriate level of response.

### **Code 425: Refusing or Fleeing From a Drug or Weapon Search**

A student who refuses to submit to a drug or weapon search or flees when requested is in violation of this code. Evidence of drugs or firearms must exist for expulsion.

## **TYPE 5 BEHAVIORS**

### **Code 501: Rape**

Committing oral, anal, or vaginal penetration 1) with use of force or 2) against a person's will or 3) when the victim is unable to give consent.

### **Code 502: Attempted Homicide**

Attempting to kill another person.

### **Code 503: Homicide**

Killing another person.

## **TYPE 5 BEHAVIORS – ZERO TOLERANCE (ZT) OFFENSE – EXPULSION REQUIRED, BUT NOT MANDATORY FOR ONE YEAR**

### **Code 504 (ZT): Threat by Electronic Transmission**

A student who transmits by an electronic device a credible threat to cause bodily injury or death to another student or school employee and creates actual disruptive activity at the school that requires administrative intervention.

## **TYPE 5 BEHAVIORS – ZERO TOLERANCE (ZT) OFFENSES – MANDATORY EXPULSION FOR ONE YEAR**

A Zero Tolerance (ZT) Offense requires an expulsion of not less than one calendar year (180 school days) under Tennessee State Law. However, the Director of Schools or his designee may modify the length of the expulsion on a case by case basis through the appeals process or through a request for modification. See pages 36 to 37 for more details. The following are Zero Tolerance offenses under Tennessee law:

### **Code 505 (ZT): Drugs<sup>3</sup>**

Unlawful possession, use, or distribution of drugs on school grounds, including any controlled substance, controlled substance analog, or legend drug (prescription drug). Prohibited drugs include, but are not limited to, ketamine, bath salts, and salvia. Distribution of drugs is defined as the intentional exchange of any prohibited drug for money or other benefit. A referral to the school social worker will be made for any student found in violation of this code.

First Offenders Drug Diversion Program – Student is in possession or under the influence of marijuana or unauthorized prescription drugs for the first time. Although possession of drugs is a zero tolerance offense, first time offenders are eligible

for a modification of expulsion under the Diversion Program. A student who is found to have intent to distribute any drug with or without monetary exchange is not eligible for the Diversion Program. Eligibility requirements will include students attending an 8 hour drug education class and parents will be required to attend a 2 hour parent drug education class. Failure to complete all requirements of the program will nullify the student's eligibility. A referral to the school social worker will be made for any student participating in the Drug Diversion Program.

When a student participates in the first Offenders Program, he or she waives the right to an appeal. If a student misses a required drug education class or drug screening, they may be expelled. Upon expulsion, they will not have a right to appeal.

For information on the First Offenders Drug Diversion Program, call (615) 259-8683 or (615) 259-8757.

### **Code 506 (ZT): Aggravated Assault of Teacher, School Staff, or a School Resource Officer (SRO)<sup>4</sup>**

Intentionally or knowingly causing serious bodily injury to a teacher, school staff member, or SRO.

### **Code 507 (ZT): Explosives**

Possession of any destructive device, which includes any explosive, incendiary device, or poison gas, including bombs, grenades, rockets, missiles, mines, and similar devices. Possession of fireworks altered or modified to constitute an explosive may be considered a zero tolerance offense only if the altered fireworks are identified as an explosive by law enforcement officials. Fireworks are not considered an explosive.

### **Code 508 (ZT): Firearms**

Possession of a firearm or bringing a firearm to school. This includes, but is not limited to, handguns, rifles and shotguns. As required by state and federal law, any student who brings a weapon to school will be referred to law enforcement.

## **DISCIPLINARY PROCESS & PROCEDURES**

### **Disciplinary Due Process Suspensions and Expulsions<sup>5</sup> (A suspension of more than 10 days)**

Disciplinary action will be initiated at the school level. The principal/ designee will investigate a student's alleged misconduct and determine whether disciplinary action is necessary. The principal/designee will provide due process by explaining the school's view of the offense, the information gathered during the investigation, and the length of the suspension/expulsion or other behavioral intervention as determined by the principal. The principal/designee will allow the student to explain his/her side or view of the offense.

If the principal/designee has knowledge of any serious student misconduct, the principal/designee may immediately remove the student to restore order, to further investigate the misconduct,



or to protect persons on the school grounds. The principal/designee may suspend the student immediately for a maximum of two (2) days (summary suspension). If it is determined that disciplinary action is not warranted, the incident will be deleted and the suspension days will be changed to excused absences.

Upon suspension of any student other than for in-school suspension of one (1) day or less, the principal/designee will, within twenty-four (24) hours, notify the parent or guardian. If the parents are unable to come for their child, the student must remain on school property until the close of the school day. Parents should be provided written notice of the suspension or expulsion.

If a suspension is for five (5) or more days, the principal will develop and implement a plan for improving the behavior which will be made available for review by the Director of Schools upon request. The student will be provided the opportunity to make up missed work at the discretion of the principal/designee.

An expulsion is defined as a suspension of more than 10 days. On the same date the principal/designee makes the decision to expel a student, the principal/designee must immediately give written or actual notice to the student, the student's parents, and the Discipline Office of Support Services of the expulsion and the parent/guardian of their right to appeal the expulsion. In the event actual notice is given a written notice of the alleged misconduct will be provided in a timely manner and will include the rule allegedly violated and a brief description of the misconduct. Parents and students must also receive the information related to their right to appeal an expulsion. A written notice will also include the name and contact information for the Discipline Director as well as the requirement to contact the Discipline Director within five (5) days of actual or written notice of expulsion to request an appeal of the expulsion.

If a student has received an expulsion (suspension of more than 10 days), the parent or legal guardian may contact the Discipline Director for further questions. Please call the District Family Information Center number at (615) 259-INFO (4636) or call the Discipline Office at (615) 259-8757.

Prior to any appeal hearing, but at no time later than fifteen (15) minutes before the appeal hearing begins, the parent/guardian will provide copies to the discipline director of all written evidence that the parent/guardian will introduce at the hearing. Requests on behalf of students for copies of evidence prior to the date of the appeal hearing must be made to the Discipline Office and will be granted if practical. Any records provided prior to the date of the hearing may be supplemented on the day of the appeal hearing. Evidence that is protected by FERPA, such as the identity of third party student witnesses, cannot be released by SPS.

Suspended or expelled students are not allowed to be on any SPS school property or participate in any Metro

school-sponsored activity/ event (for example, graduations, athletic events, etc.). If a student is suspended on an instructional day that is cancelled because of inclement weather, any scheduled suspension days must be made up on the days following the inclement weather days.

### **Process for Expulsions (A suspension of more than 10 days) & Appeals of the Expulsion<sup>6</sup>**

There are three levels of appeals: Level 1 is to the Hearing Authority, Level 2 is to the Chief Support Services Officer/designee, and Level 3 is to the Board of Education.

Upon making a decision to expel a student the principal/assistant principal or dean will immediately give written or actual notice to the parent/guardian and the student of the right to appeal the decision to expel (suspend for more than 10 days). The decision from the Level 1 or Level 2 appeals may affirm the decision of the principal, order removal of the suspension unconditionally or upon such terms and conditions as it deems reasonable, assign the student to an alternative program, or suspend/expel the student for a specified period of time. Expulsions for Zero Tolerance (ZT ) offenses may only be modified by the Director of Schools on a case by case basis.

All appeals of disciplinary decisions associated with expulsion (suspension of more than 10 days) must be filed, orally or in writing within five (5) days of written or actual notice of the decision to expel. If the appeal is not filed within the five (5) days, the right to appeal is waived. Notice of the parent/guardian's intent to have legal representation must be given to the Discipline Office at the time the appeal is requested, to allow for the district to also have legal representation. Each appeal hearing is recorded.

#### **LEVEL 1 - Appeal to the Discipline Hearing Authority**

The appeal from this decision will be to a disciplinary hearing authority and the Director of Discipline appointed by the board. The hearing will be held no later than ten (10) days after the beginning of the expulsion (suspension of more than 10 days)<sup>7</sup>. The disciplinary hearing authority will give written notice to the time and place of the hearing to the person requesting the appeal and the principal or assistant principal who ordered the expulsion. During deliberations, all parties will be excused, excluding the hearing authority and the director of discipline. Failure to attend this appeal may constitute a waiver of the student's/parent's right to appeal. Extenuating circumstances will be considered by the discipline coordinator.

A written record of the proceedings, including a summary of the facts and the reasons supporting the decision, will be made by the disciplinary hearing authority.

## LEVEL 2 - Appeal to the Chief Support Services Officer/Designee

A Level 2 appeal may be requested based on the following reasons:

- Parent/student believes due process rights have been violated.
- New evidence will be presented that was not presented at the Level 1 appeal hearing.
- A plea for leniency.

At this level, the expelling school is represented by either the principal or assistant principal. This representative explains the incident to the Chief Support Services Officer/designee, including the facts discovered and the terms of the expulsion. Attendance, cumulative records (grades and transcripts), discipline records, and any special information will be brought to the appeal to address questions that may be asked by the Chief Support Services Officer/designee.

In the case of a Zero Tolerance (ZT) offense, the Chief Support Services Officer/designee will make a recommendation to the Director of Schools who will then make the final decision.

## LEVEL 3 - Appeal to the Board of Education

The Board of Education may grant or deny a request for a board hearing and may affirm or overturn the decision with or without a hearing before the board.

## ALTERNATIVE LEARNING CENTERS FOR EXPELLED STUDENTS

Alternative Learning Centers (ALC) are available for elementary, middle and high school students who have been expelled (suspension of more than 10 days). Attendance for expelled elementary and middle school students is mandatory. All expelled high school students have the opportunity to attend an Alternative Learning Center when space is available. Please contact the Discipline Office at (615) 259-8757 for placement.

Students in grades K-4 are subject to suspension and/or expulsion of up to one calendar year for violation of the Student - Parent Handbook. Students in grades K-4

who are in violation of a Zero Tolerance infraction or are recommended for expulsion are required to have an expedited review of their disciplinary record. The executive officer of Elementary Schools or designee, will conduct an Expedited Review of the case and make a recommendation for further action. Any student recommended for expulsion following the expedited review process will be referred to the Department of Support Services Discipline for a Level 1 disciplinary appeal hearing if requested by parent or guardian. Students in grades K-4 who have been expelled for up to one calendar year will be assigned to an Alternative Learning Center specified for elementary age children.

## PROBATION CONTRACTS

Principals/designees have the right to place a student on a school-based probation without notification to the Department of Support Services Discipline Office. The time and conditions of the probation will be clearly stated. School-based probation is separate and apart from probation issued by the Department of Support Services Discipline Office. Probation contracts will not exceed one (1) calendar year.

## MODIFICATION OF EXPULSION REQUEST

A request for modification of an expulsion is a request for the Director of Schools/designee to change the terms of the expulsion, including but not limited to the length of the expulsion or the school assignment. At any time after the conclusion or waiver of the appeals process, a parent/guardian and/or student may submit to the Director of Schools a written request for modification of the student's expulsion. The Director of Schools has the power to modify any expulsion on a case-by-case basis at any time after the completion of the appeal process or waiver. The written request should include a statement of reasons supporting the modification. The Director of Schools/designee will respond to the request with his/her decision within a reasonable time, which will not exceed 21 calendar days from receipt of the request. The Director of Schools/designee is not required to provide an explanation of the decision. Please contact the Discipline Office at (615) 259-8757 for address information.