

Maryville City Schools Board of Education

Monitoring: Review: Biennially in November	Descriptor Term: Behavior and Discipline	Descriptor Code: 10.4 Rescinds:	Review Date: 06/11/18 Last Revision:
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10.4

The principal or designee of each school shall be responsible for implementation and administration of behavior and discipline in the school. The principal or designee shall apply policies uniformly and fairly to each student at the school without partiality and discrimination. General policies and procedures will be included in the handbooks and distributed to all students.

Any professional employee shall have the authority to use reasonable measures to control any student's conduct while under the supervision of the school district. This authority to control student conduct shall extend to all activities of the school, including all games and public performances of athletic teams and other school groups, trips, excursions, and all other activities under school sponsorship and direction.

The principal or designee shall be responsible for reporting all suspensions to the Director of Schools and for reporting violations of the law to the Maryville Police Department.

10.4.1 Procedural Due Process/Disciplinary Hearing Authority

10.4.1.1 All students shall be treated with fairness.

Before school authorities administer disciplinary measures, inquiry shall be made to determine the truth of what happened. The nature of this inquiry will vary with the seriousness of the consequence.

The principal shall provide the student with the following due process:

- Advise student of the charges;
- If student denies charges, submit evidence supporting the charges;
- Allow the student an opportunity to present his/her side of the story.

10.4.1.2 Disciplinary Hearing Authority - A Disciplinary Hearing Authority (DHA) will conduct hearings for students who have been suspended/expelled/remanded for more than ten (10) school days. The Board shall appoint members to the DHA, which shall consist of five (5) licensed employees of the Board. Board members shall not serve on the DHA.

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The director of schools shall appoint a chairman of the DHA from the members appointed by the Board. The chairman shall perform the following duties:

1. Identify the members of the DHA assigned to hear each individual case;
2. Prepare and disseminate the minutes of each meeting; and
3. Set the time, place and date for each hearing.

At the conclusion of each hearing, the chairman shall sign and maintain a copy of the minutes of the meeting.

The DHA shall notify the parent or guardian of the student, the student, and any other appropriate person of the time, place and date of the hearing within forty-eight (48) hours of receiving notification of the suspension/expulsion.

Each hearing shall be conducted by at least three (3) members of the DHA. The hearing must be held, a decision must be rendered, and notification of the decision must be provided to the parents and/or student and the principal no later than ten (10) days after the beginning of the suspension/expulsion. Notification of the decision shall include a statement of the right of either party within five (5) days after receiving the decision to request a review by the Board.

The DHA may take the following disciplinary actions:

1. Affirm the decision of the school principal;
2. Order removal of the suspension unconditionally;
3. Order removal of the suspension upon such terms and conditions as it deems reasonable;
4. Remand the student to alternative placement; or
5. Suspend/Expel/Remand the student for a specified period of time.*

*Note: Zero-tolerance offenses set forth in statute (firearms, drug possession and battery upon a school employee) require mandatory calendar year expulsion or assignment to alternative placement for a calendar year unless modified by the director of schools.

10.4.2 Interrogations and Searches

10.4.2.1 Interrogations - Students may be questioned by teachers or administrators about any matter pertaining to the operation of the school and/or the enforcement of its rules. Questioning must be conducted discreetly, privately, and with respect for student's rights.

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School officials shall cooperate with law enforcement personnel who request permission to search or question a student. School officials shall at the same time, make reasonable efforts to ensure that these students' rights are not violated, the search or questioning is done in private and that the student's parents or guardians are notified in a timely manner. The principal or designee shall be present during the interrogation.

10.4.2.2 Searches - Any principal, or designee, having reasonable suspicion for a search 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. All such searches shall comply with criteria established in Tennessee Code Annotated Title 49 Chapter 6.

10.4.3 Disciplinary Actions

The principal(s) will implement disciplinary action for violation of rules and inappropriate behavior. Consideration will be made for the situation and degree of infraction. Disciplinary options may include but not be limited to a talk with the student, a letter or telephone call to parents, parent conferences, referral to the school guidance counselor or outside agency, detention, isolation and suspension.

A confidential disciplinary record shall be maintained and shall contain the name of the student, the type of misconduct, the type of disciplinary action administered.

10.4.3.1 Prohibition of Corporal Punishment – Corporal punishment will not be used as a disciplinary measure in any school.

The use of reasonable physical force will not be considered corporal punishment in the following situations:

1. For the purpose of self-defense;
2. To protect other persons from physical injury;
3. To protect property of the school or others; or
4. To remove a student if the student refuses to comply with requests to refrain from disruptive behavior.

10.4.3.2 Detention - Students may be required to come to school one hour before school and to remain as long as one hour beyond the school day as a disciplinary measure. Such detention shall be supervised by the teacher who assigned this action or by the school administrator or designee. Students will be expected to notify their parents that they are remaining after school.

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10.4.3.3 Alternative School Programs - Students who are involved in serious or reoccurring disciplinary problems may be considered for the Alternative School Programs. These programs may be considered when it appears to be in the best interest of the student and the school district.

In determining best interests, the principal will consider such things as the severity of the offense, the number of prior offenses, the risk of harm to the students and to others, and the risk of disruption to the program.

Such change in the student's program shall be recommended by the principal. When the student is eligible for special education services, the principal's recommendation will be considered through the IEP-Team process in compliance with IDEA.

10.4.3.4 Student Suspensions - Any principal is authorized to suspend a student from attendance at school in accordance with TCA 49-6-3401 and with Board of Education policies. Upon the suspension of the student, an immediate attempt shall be made by the principal to notify the parent or guardian. No student shall be sent home before the end of the school day unless the parent or guardian has been notified.

Suspensions of more than ten days may be appealed to the Disciplinary Hearing Authority (DHA) appointed by the Board in accordance with TCA 49-6-3401. Appeals must be filed within five days after receipt of the suspension notice. The appeal hearing shall be held no later than 10 days after the beginning of the suspension. The DHA may 1) affirm the decision of the principal, 2) order removal of the suspension unconditionally or 3) upon terms and conditions it deems reasonable, assign the student to an alternative program, or suspend the student for a specified period of time. (TCA 49-6-3401)

The parent, guardian or principal may within five business days make a written appeal of the decision of the Disciplinary Hearing Authority to the Board. The Board, based upon a review of the record, may grant or deny a request for a Board hearing and may affirm or overturn the decision of the Disciplinary Hearing Authority with or without a hearing before the Board; provided the Board may not impose a more severe penalty than that imposed by the Disciplinary Hearing Authority without first providing an opportunity for a hearing before the Board. The action of the Board of Education shall be final.

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10.4.3.5 Zero-Tolerance Behavior - In order to ensure a safe and secure learning environment free of drugs, violence and dangerous weapons, any student who engages in the following behaviors will be subject to suspension for a period of not less than one (1) calendar year. The Director of Schools shall have the authority to modify this suspension requirement on a case-by-case basis. Zero-tolerance acts are as follows:

- The student possesses a firearm at school, on a school bus, or at a school function under the jurisdiction of the state or local educational agency;
- The student unlawfully possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school, on a school bus, or a school function under the jurisdiction of the state or local educational agency;
- The student assaults or threatens to assault a teacher, administrator, any other school employee, or school resource officer;
- The student transmit by an electronic device a credible threat to cause bodily injury or death to another student or school employee.

Students with Disabilities - Students with disabilities will be disciplined in accordance with the Individuals with Disabilities Education Act (IDEA) and in compliance with the state law or state board policies regarding services for children with disabilities.

10.4.4 Student Conduct

The Board of Education believes that acceptable behavior is an essential ingredient of effective education programs. It expects all students to conduct themselves in such a manner as to reflect favorably upon themselves, their families, their community, and their school.

10.4.4.1 Disruption of and Interference With School Activities - A student shall not participate in the use of violence, force, noise, coercion, bullying, hazing, threat, intimidation, fear, passive resistance, or any other conduct which will cause the disruption, interference, or obstruction of any school function while on school property, or in school vehicles, or buses, or at any school-sponsored activity, function or event, whether on or off campus.

Neither shall any student urge other students to engage in such conduct that causes disruption, interference with or obstruction of any school purpose.

10.4.4.2 Bus Conduct - Students shall comply with established rules of conduct when

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being transported to and from school. A student may be denied the privilege of riding the bus if it is determined by the principal that the student's behavior is such as to cause disruption on the bus.

10.4.4.3 Tobacco - Students of any age are prohibited from using or possessing tobacco products, electronic cigarettes, or any tobacco-like substitute, in any form, while at school or while participating in any school-sponsored activity, at school or away. Disciplinary consequences for violations include detention, in-school suspension and out of school suspension. Multiple violations of the policy may result in alternative placement or expulsion from school. Violations will be reported as required by TCA 39-17-1505.

10.4.4.4 Alcohol and Drug Abuse – Any of the following activities by a student will result in a suspension from regular school for a minimum of 90 days except that the Director of Schools may modify the suspension on a case-by-case basis: 1) being under the influence of, 2) using, 3) possessing, 4) furnishing to another student, or 5) showing clear indication of recent use of alcohol, drugs, or drug paraphernalia while at any school related activity, whether on or off campus. It will be the responsibility of the principal to notify the Maryville Police Department or other authorities as applicable as soon as possible when evidence is found that there has been a violation of this policy.

If a student receives any remuneration whatsoever, whether monetary or otherwise, for furnishing alcohol, drugs, drug paraphernalia, or substances represented to be unlawful drugs to another student (of any school jurisdiction) at any school related activity whether on or off campus, or on any school property, said student will be expelled from school attendance and not be eligible for enrollment in the alternative school.

For the purpose of this policy, the following definitions shall apply: “Drug” means any controlled substance, marijuana, alcohol (any liquid containing alcohol), legend drug or any other substance whose possession or use is regulated in any manner by governmental authority, including the school system.

Without limiting the above definition, "drugs" shall specifically include the possession of any glue, paint, gasoline, aerosol, chlorofluorocarbon gas or other substance containing or having the property of releasing fumes which can cause a condition of intoxication, inebriation, elation, dizziness, excitement, stupefaction, paralysis, or the dulling of the brain or nervous system or disturbing or distorting of the audio or visual processes. Such definition shall further include, but not be limited to, over the counter

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or prescription medications such as cough syrup where such medications are ingested in excess of the recommended dosage absent the orders of a physician.

"Drug paraphernalia" means all equipment products and materials of any kind which are used, intended for use, or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling or otherwise introducing into the human body, a drug as defined in this policy. An electronic pager or cell phone in possession of a student shall be included in this definition if used or intended for use as defined in this policy.

Exceptions for PreK-8 Students - If a student in grades PreK-8 violates this policy, the principal shall provide the Director of Schools with a complete report and a recommendation for appropriate disciplinary action based on the law and the age and maturity of the student. The Director of Schools may approve or modify the recommendation.

10.4.4.5 Weapons and Dangerous Instruments - Students shall not possess, handle, transmit, or attempt to use any dangerous weapon when at any school related activity on or off campus. Students are further forbidden to use any other instrument or substances in a manner, which renders the item dangerous, or with the intent to do harm to another person or property.

Violators of this policy will be suspended from regular school attendance for a minimum of 90 days, except that the Director of Schools may modify this suspension on a case-by-case basis. It will be the responsibility of the principal to notify the Maryville Police Department as soon as possible when evidence is found that there has been a violation of this policy.

10.4.4.6 Battery on Staff - A student committing battery upon any teacher, administrator, any other employee of the school system, or school resource officer shall be suspended for a period of not less than one (1) calendar year, except that the Director of Schools may modify this suspension on a case-by-case basis. It will be the responsibility of the principal to notify the Maryville Police Department as soon as possible when evidence is found that there has been a violation of this policy.

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10.4.4.7 Dress Code - Students shall dress and groom in a clean, neat and modest manner so as not to distract or interfere with the operation of the school.

Each school will develop more specific guidelines. Principals, faculty members and students shall be involved in the development of each appropriate set of guidelines.

When a student, in the principal's judgment, is attired in a manner, which is likely to cause disruption or interference with the operation of the school, the principal shall administer appropriate discipline, which may include suspension.

10.4.4.8 Care of School Property - Students are expected to help maintain the school environment, preserve school property and exercise care while using school facilities.

Students who destroy, damage, or lose school property shall be responsible for the cost of replacing or repairing such materials or equipment.

10.4.5 Damage to School Property and Vandalism

In cases of willful or malicious damage to school property or theft of school property, the policy of the Maryville City Schools shall be to seek full restitution from those persons responsible for such acts. Where necessary, the Board of Education will pursue charges against anyone who damages property. Any current student of Maryville City Schools involved in such acts will be subject to disciplinary action including suspension.