Hickman County Board of Education

	Descriptor Term:	Descriptor Code:	Issued Date:
	Code of Behavior and Discipline Procedures	**6.313**	**05/01/23**
		Rescinds: **6.313**	Issued: **03/07/22**

Students are expected to conform to the rules and regulations of the school system and apply themselves to the learning process.

The Board delegates to the Director of Schools the responsibility of developing specific codes of conduct which are appropriate for each level of school.[1] Codes of conduct for students in pre-kindergarten or kindergarten shall utilize alternative disciplinary practices such as RTI[2] (Response to Instruction and Intervention) and PBIS (Positive Behavior Interventions and Supports) framework. Exclusionary discipline shall only be used as a measure of last resort.[2] The development of each code shall involve principals and staff members of each level and shall be consistent with the relevant policies as adopted by the Board.[3]

The following levels of misbehavior and disciplinary procedures and options are standards designed to protect all members of the educational community in the exercise of their rights and duties and to maintain a safe learning environment where orderly learning is possible and encouraged.[4] These misbehaviors apply to student conduct on school buses, on school property, and while students are on school-sponsored outings. Staff members shall ensure that disciplinary measures are implemented in a manner that: [5]

1. Balances accountability with an understanding of traumatic behavior;
2. Teaches school and classroom rules while reinforcing that violent or abusive behavior is not allowed at school;
3. Minimizes disruptions to education with an emphasis on positive behavioral supports and behavioral intervention plans;
4. Creates consistent rules and consequences; and
5. Models respectful, non-violent relationships.

In order to ensure that these goals are accomplished, the school district shall utilize the following trauma-informed discipline practices: restorative practices, RTI^{2}B (Response to Instruction and Intervention for Behavior), multi-tiered system of supports, behavior intervention plans, ACEs (Adverse Childhood Experiences) .

MISBEHAVIORS: Level I

Minor misbehavior on the part of the student which impedes orderly classroom procedures or interferes with the orderly operation of the school, but which can usually be handled by an individual staff member.

***Examples* (not an exclusive listing):**

Classroom disturbances
Classroom tardiness
School Bus disturbances
Cheating and lying
Littering
Gambling
Disrespect to teachers/staff
Abusive language
Nondefiant failure to do assignments or carry out directions
Dress Code Violations wearing while on the grounds of a public school during the regular school day, clothing that exposes underwear or body parts in an indecent manner that disrupts the learning environment[6] or any violation of school board policy 6.310
Harassment/Intimidation/Bullying/Discrimination (Sexual, Racial, Ethnic, Religious)

Disciplinary Procedures:

Immediate intervention by the staff member.
Determine what offense was committed and its severity.
Determine the offender and that he/she understands the nature of the offense.
Employ appropriate disciplinary options.
Record of the offense and disciplinary action maintained by staff members.
Communicate with the parent or guardian of the student if the disciplinary action is referred outside of the classroom.

Disciplinary Options:

Verbal reprimand
Special Assignment
Restricting activities
Assigning work details
Counseling
Withdrawal of privileges
Issuance of demerits which might affect citizenship or deportment grades
Strict supervised study
Detention
Corporal punishment
In-school suspension
Out-of-school suspension

Trauma-informed discipline practices: restorative practices, RTI2B (Response to Instruction and Intervention for behavior), multi-tiered system of supports, behavior intervention plans, ACEs (Adverse Childhood Experiences).

MISBEHAVIORS: Level II

Misbehavior whose *frequency* or *seriousness* tends to disrupt the learning climate of the school. Included in this level are misbehaviors which do not represent a direct threat to the health and safety of others but whose educational consequences are serious enough to require corrective action on the part of administrative personnel.

***Examples* (not an exclusive listing):**

Continuation of unmodified Level I behaviors
School or class tardiness
Use of tobacco, vaping, or e-cigarettes
Using forged notes or excuses
Disruptive classroom behavior
Disruptive school bus behavior
Harassment/Intimidation/Bullying/Discrimination (Sexual, Racial, Ethnic, Religious)
Violations to the AUP (Acceptable Use Policy) in regards to the internet and devices

Disciplinary Procedures:

Students are referred to the principal for appropriate disciplinary action.
Principal meets with the student and teacher.
Principal or teacher attempts to notify and communicate with the parent/guardian of the student.
Principal hears accusations made by the teacher, permits the student the opportunity of explaining his/her conduct, denying it or explaining any mitigating circumstances.
Principal takes appropriate disciplinary action and notifies the teacher of action.
Record of offense and disciplinary action maintained by principal.

Disciplinary Options:

Teacher/schedule change
Modified probation
Behavior modification
Social probation
Peer counseling
Referral to outside agency
In-school suspension
Transfer
Detention
Suspension from school-sponsored activities or from riding school bus

Corporal punishment
Restricting school related honors student is otherwise due
Out-of-school suspension not to exceed ten (10) days.
Referral to law enforcement.
Trauma-informed discipline practices: restorative practices, RTI2B (Response to Instruction and Intervention for behavior), multi-tiered system of supports, behavior intervention plans, ACEs (Adverse Childhood Experiences).

For use of tobacco, vaping or e-cigarettes- 1st offense 2 days ISS(in-school suspension), 2nd offense-3 days ISS (in-school suspension), 3rd offense- 5 days ISS (in-school suspension), 4th or more offenses: Suspension in addition to the foregoing, when a student is found to be in possession of tobacco or nicotine. For each offense a court petition must be filed.

MISBEHAVIORS: Level III

Acts directly against persons or property but whose consequences *do not seriously endanger* the health or safety of others in the school.

***Examples* (not an exclusive listing)**:

Continuation of unmodified Level I and II behaviors
Fighting
Vandalism (minor) Less than $500.00
Use, possession, sale, and/or distribution of tobacco, vaping, or e-cigarettes
Alcohol-possessing, acquiring, attempting to acquire, consuming, being under the influence of, selling or attempting to see, distributing or transmitting alcoholic beverages.
Stealing
Threats to others-A threat communicated verbally or demonstratively to inflict physical or other harm on any school employee, any other person acting in an official capacity on behalf of the school, or any other student. To be a violation of this rule, the threat must be one which would cause a person to reasonably fear imminent bodily injury or well-being.
Harassment/Intimidation/Bullying/Discrimination (Sexual, Racial, Ethnic, Religious)
Victimization of any student (Harassment (Sexual, Racial, Ethnic, Religious), Bullying, Cyber-Bullying, and/or Hazing- hazing is any intentional or reckless act, on or off school property, by a student, that endangers the mental or physical health or safety of that student, or that induces or coerces a student to endanger such student's mental or physical health or safety.

Disciplinary Procedures:

Students are referred to the principal for appropriate disciplinary action.
Principal meets with the student and teacher.
Notify the parent or guardian of the student.

Principal hears the accusation by the accusing party and permits the offender the opportunity of explaining conduct.
Principal takes appropriate disciplinary action.
Principal may refer the incident to the director of schools and make recommendations for consequences.
If a student's program is to be changed, adequate notice shall be given to the student and his/her parents of the charges against him, his/her right to appear at a hearing and to be represented by a person of his/her choosing.
Disciplinary action can be appealed to the SDHA (Student Discipline Hearing Authority) under board policy guidelines.
Record of offense and disciplinary action maintained by principal or director of schools.

Disciplinary Options:

In-school suspension

Alternative School
Detention
Corporal punishment
Restitution from loss, damage or stolen property
Out-of-school suspension not to exceed ten (10) days
Social adjustment classes
Transfer
Referral to law enforcement
Expulsion
Trauma-informed discipline practices: restorative practices, RTI2B (Response to Instruction and Intervention for behavior), multi-tiered system of supports, behavior intervention plans, ACEs (Adverse Childhood Experiences).
Alcohol- 30 day suspension or alternative school placement

MISBEHAVIORS: Level IV

Acts which result in violence to another's person or property or which *pose a threat* to the safety of others in the school. These acts are so serious that they usually require administrative actions which result in the immediate removal of the student from the school, the intervention of law enforcement authorities and action by the Board.

If a student's action poses a threat to the safety of others in the school, a teacher, principal, school employee, or school bus driver may use reasonable force when necessary to prevent bodily harm or death to another person.[7]

***Examples* (not an exclusive listing):**[8]

Unmodified Level I, II and III behaviors
Death threat (hit list)
Bomb threat
Extortion
Possession/use/transfer of dangerous weapons (as defined below)*

Bringing a firearm to school or being in possession of a firearm at school or knowingly possessing, handling, transmitting, or using a weapon, or knowingly possessing an object with the intent of going armed, or use of any object in a threatening or assaultive manner. Weapons include, but are not limited to, firearms, BB guns, pellet guns, ammunition, explosives, knives with blades of 2 1/2 inches or more in length, switchblades, razorblades, box cutters, bowie knife, hawk bill knife, or other like instruments utilizing a razor blade and ice picks, daggers, slingshots, leaded canes, blackjacks and knuckles.

Other Weapon Offenses: A student shall not knowingly possess, handle, or transmit oleoresin capsicum (pepper spray), a knife with blade less than 2 ½ inches in length or a weapon replica. An exception applies to weapon replicas when school authorities specifically authorize the use of weapon replicas in instances such as the color guard, a prop in a school play, and the like.

Threat of mass violence on school property or at a school-related activity*
Assault that results in bodily injury upon any teacher, principal, administrator, any other employee of the school, or a school resource officer*
Aggravated assault*
Electronic Threats as defined in 6.309*
Vandalism (excess of $500)
Theft/possession/sale of stolen property (excess of $200)
Arson
Use/transfer of unauthorized substances
Possession of unauthorized substances(as defined below)*

Drugs- unlawfully possessing, acquiring, attempting to acquire, using, being under the influence of, selling or attempting to sell, distributing or transmitting any narcotic, stimulant drug, prescription drug, barbital or legend drug, inhalants, or any other controlled substance.

Drug Paraphernalia-Drug look-alikes or paraphernalia shall include pills, powder or any substance which gives the appearance of prohibited drugs. Drug paraphernalia shall include roach clips, rolling papers, pot pipes, dab pens, pagers or any other device or materials used with illegal substances

Representation of any Substance as an Illegal Drug or Controlled Substance Possessing, Acquiring, attempting to acquire, using (whether by inhalation, ingestion or injection), being under the influence of, selling or attempting to sell, distributing or transmitting any designer, synthetic or counterfeit drug, any illegal performance enhancing drug, any substance that causes impairment, any substance which is inappropriately used to alter the mind, mood or behavior, or any other substance used as a drug. This Disciplinary Offense covers anything used as a drug not covered in the Drugs section of the Zero-Tolerance Offenses.

Harassment /Intimidation/Bullying/Discrimination (Sexual, Racial, Ethnic, Religious)

Disciplinary Procedures:

Principal confers with appropriate staff members and with the student.
Principal hears the accusation by the accusing party and permits the offender an opportunity of explaining conduct.
Parents are notified.
Law enforcement officials are contacted.
Incidents are reported and recommendations made to the director of schools.
Complete and accurate reports are submitted to the director of schools.
Students can appeal the disciplinary action to the SDHA (Student Discipline Hearing Authority) under the board policy guidelines.

Disciplinary Options

Expulsion
Alternative schools
Other hearing authority or Board action which results in appropriate placement
* Expulsion/Remand for a period of not less than one (1) calendar year subject to modification by the director of schools on a case-by-case basis.
Trauma-informed discipline practices: restorative practices, RTI2B (Response to Instruction and Intervention for Behavior), multi-tiered system of supports, behavior intervention plans, ACEs (Adverse Childhood Experiences).

ADDITIONAL GUIDELINES:

1. A student shall not be suspended solely because charges are pending against him/her in juvenile or other court.

2. An administrator that suspects a student of behavior that is unlawful in nature shall report the suspicion to the school resource officer for investigation and possible referral to juvenile court.

3. A principal shall not impose successive short term suspensions that cumulatively exceed ten (10) days for the same offense.2

4. A teacher or other school official shall not reduce or authorize the reduction of a student's academic grade because of discipline problems except in deportment or citizenship. Only deportment or citizenship grades may be reduced because of discipline actions.

5. A student shall not be denied the passing of a course or grade promotion solely on the basis of failure to:
    a. pay any activity fee;

    b. pay a library or other school fine; or

    c. make restitution for lost or damaged school property.

* Zero tolerance offenses

Special Education Procedure: The discipline of special education students is governed by federal and state laws. If an offense is committed by a special education student, the federal laws may or may not permit punishment as set forth above. In addition, special and different procedures must be followed when an offense is committed by a special education student.

Director's Right to Modify: The director of schools has the right to modify disciplinary sanctions. Such modification may only be done on a case-by-case basis considering the specific circumstances surrounding the disciplinary sanction.

Safe Harbor Provision:

1. A student may approach a school official and voluntarily surrender an object, the possession of which is prohibited by these rules, provided the object is one that the student could lawfully possess off school grounds and is not a firearm. This safe harbor provision does not apply if a search is ongoing in the school. If a student approaches as school official and voluntarily surrenders such an object, then the student will not be subject to discipline under these rules. The principal will make arrangements to return the object to the student's parents or legal guardian.

2. If a student discovers an illegal item such as drugs, a weapon or other contraband (e.g. tobacco, alcohol) on school property, including on a school bus, the student may approach a school official and report the discovery. A student shall not be in violation of the rules solely by making such a

report. School officials shall use discretion in determining whether the circumstances surrounding the report warrant further investigation of the reporting student.

Legal References

1. TCA 49-6-4005
2. TCA 49-6-3024
3. Public Acts of 2021, Chapter No. 77
4. TCA 49-6-4002
5. TCA 49-6-4109
6. TCA 49-6-4009
7. TCA 49-6-4008
8. TCA 39-16-517; TCA 49-6-3401(g); Public Acts of 2023, Chapter No. 299

Cross References

Traffic and Parking Controls 3.403
Procedural Due Process 6.302
Student Discrimination, Harassment, Bullying, Cyber-bullying, and Intimidation 6.304
Title IX & Sexual Harassment 6.3041
Interference/Disruption of School Activities 6.306
Bus Safety and Conduct 6.308
Zero Tolerance Offenses 6.309
Dress Code 6.310
Corporal Punishment 6.314
Detention 6.315
Suspension 6.316
Safe Relocation of Students 6.4081