

CODE OF ACCEPTABLE BEHAVIOR AND DISCIPLINE

Rights, Responsibilities, Rules, Procedures

Carroll County Schools

Carroll County Board of Education

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Distributed to Students, Employees, Parents/Guardians

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Carroll County Board Of Education Employees and Students

CODE OF CONDUCT RIGHTS, RESPONSIBILITIES, RULES DUE PROCESS PROCEDURES

Purpose

The purpose of this handbook is to provide a concise outline of rights and responsibilities of students in the Carroll County Schools and of those people, including parents/guardians and the school personnel directly involved in the education process. The handbook does not address every possible offense, nor does it address every possible disciplinary action that could be taken by school personnel; instead, offenses and disciplinary actions are addressed in general categories. The handbook offers the administrator, teacher, parent, and student a guide to enable them to act in good faith and make just decisions about students' educational needs.

PHILOSOPHY OF RIGHTS AND RESPONSIBILITIES

Responsibility is inherent in all rights. No student or other person involved in the public schools can realize his rights unless he also exercises the self-discipline and care to afford all others the same rights. No person should allow his own actions to infringe upon the rights of others. All participants in the Carroll County Schools System, students, parents/guardians, teachers, administrators and others in the education process have the right and responsibility to know the basic standard of conduct and behavior, which are expected.

Rights and Responsibilities

The Board expects all school staff, students, and parents to assume the responsibility for appropriate behaviors in the school.

Each student has the right to:

1. Have the opportunity for a free education in the most appropriate learning environment.
2. Be secure in his/her person, papers and effects against unreasonable searches and seizure;
3. Expect that the school will be a safe place;
4. Have an appropriate environment conducive to learning;
5. Not be discriminated against based on sex, race, color, creed, religion, national origin or disabilities; and
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; and
11. Possess on school grounds only those materials, which are acceptable under the law and accept the consequences for articles stored in one's locker.

Legal References:

1. TCA 49-6-3401

Teachers have the right to:

1. The support and respect of co-workers and administrators.
2. Work in a friendly and educational environment with a minimum of disruptions.
3. Expecting all assignments, including homework, to be completed and turned in as assigned.
4. Remove from a class period to a designated area any student whose behavior significantly disrupts a positive learning environment.
5. Safety from physical harm and freedom from verbal abuse.
6. Provide input to aid in the formulation of policies that relate to their relationship with students and school personnel.
7. Take action necessary in emergencies to protect their own person or property or the persons or property of those in their care.
8. Confidential communications with the administrator.

Teachers have the responsibility to:

1. To present approved materials and give experiences to students and to inform students and parents/guardians of achievements and progress.
2. To assist in planning a curriculum which meets the needs of all students and which maintains high standard of academic achievement.
3. To administer board approved discipline without discrimination as is necessary to maintain order and decorum.
4. To evaluate students assignments and return them as soon as possible.
5. To exhibit exemplary behavior in actions, dress, and speech.
6. To inform parents/guardians of children's success, problems or failures promptly.
7. To reward exemplary behavior or work of students.
8. To maintain an atmosphere conducive to good behavior and to exhibit an attitude of respect for students.
9. To recommend for retention in a class any child who fails to meet the basic standards of such class.
10. To maintain necessary records of student progress and attendance as accurately as humanly possible.
11. To exemplify respect for co-workers and the system at large.
12. To follow rules and regulations by the board of education and/or school administration.

Parents/Guardians have the right to:

1. To send their child to a school with an environment where learning is prized.
2. To expect classroom disruptions to be dealt with fairly, firmly and quickly.
3. To expect students in Carroll County Schools to attend classes regularly and promptly with minimal interruptions.
4. To expect the school to maintain high academic standards.
5. To review the child's academic progress and other pertinent information which may be contained in the student's personal records.
6. To address grievances concerning their children to the teacher and /or principal and to receive a prompt reply for an alleged grievance.
7. To confer with the teacher on their child's progress.

Parents/guardians have the responsibility to:

1. To instill in their children the values of education.
2. To instill in their children a sense of responsibility.
3. To help children understand that disruptions in the school are detrimental to the educational program for all students.
4. To become familiar with the educational program and the procedures.
5. To inform children about the disciplinary procedures of the school and emphasize the importance of following rules.
6. To see that children attend school regularly and promptly.
7. To determine the facts of any situation before passing judgment.
8. To support the efforts of the school personnel.
9. To demonstrate respect for the teachers, administrations, and school personnel at school and at school related activities.
10. To see that children exhibit neatness and cleanliness in personal attire and hygiene.
11. To request an appointment for a conference with teachers by going through the principal's office.

Principals have the right to:

1. To expect staff members to comply with policy and to comply with directions from the principal.
2. To suspend any students whose conduct disrupts the educational process.
3. To expect respect from students, parents/guardians, and staff members.

Principals have the responsibility to:

1. To help create and foster an atmosphere of mutual respect and consideration among students, staff members, and administration.
2. To administer discipline fairly and equally following the guidelines set forth herein.
3. To exhibit consistent exemplary behavior in action, dress, speech, mood, and maintain staff morale.
4. To communicate to teachers and staff all information pertinent to school processes and operation.

Code of Behavior and Discipline

The director of schools shall be responsible for the overall implementation and supervision of the Board's Code of Behavior and Discipline and shall ensure that students at all schools are subject to a uniform and fair application of the Code.

The principal of each school shall be responsible for implementation and administration in his/her school and shall apply the Code uniformly and fairly to each school without partiality and discrimination.

The Board delegates to the superintendent of schools the responsibility of developing more specific codes of behavior and discipline appropriate for each school. The development of each code shall involve principals and faculty members and shall be consistent with the content of the Board's Code.

A copy of the Code shall be posted at each school and guidance counselors shall be supplied copies for discussion with students. The code shall be referenced in all school handbooks. All teachers, administrative staff and parents shall be provided copies of the Code.

Legal Reference:

1. Student and Employee Safe Environment Act of 1996; TCA 49-6-4011, et. al.

Interference/Disruption of School Activities

The staff is authorized to take reasonable measures to establish appropriate school behavior. Any professional employee shall have the authority to control the conduct of any students while under the supervision of the school system. This authority shall extend to all activities of the school, including all school transportation, school trips, excursions and all other activities under school sponsorship and directions.

Such measures may include the use of reasonable force to retrain or correct students and maintain order.

A student shall not use violence, force, coercion, threat, intimidation, fear, passive resistance or any other conduct which causes the disruption, interference or obstruction of any school purpose while on school property, in school vehicles or buses, or at any school-sponsored activity, function or event, whether on or off campus. Neither shall she/h urge other students to engage in such conduct.

A student found guilty of misbehavior may receive punishment ranging from verbal reprimand to suspension and/or expulsion dependent upon the severity of the offense and the offender's prior record.

The Carroll County Board of Education strictly prohibits any form of hazing.

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.

Principals may develop more specific guidelines appropriate for each school.

When a student is attired in a manner, which is likely to cause disruption or interference with the operation of the school, the principal shall take appropriate action, which may include suspension.

Care of School Property

Students shall help maintain the school environment, preserve school property and exercise care while using school facilities.

All school system employees shall report all damage or loss of school property to the principal, principal designee, or supervisor immediately after such damage or loss is discovered. The principal or designee shall make a full and complete investigation of any instance of damage or loss of school property. The investigation shall be carried out in cooperation with law enforcement officials when appropriate.

School property is defined as buildings, buses, books, equipment, records, instructional materials or any other item under the jurisdiction of the Board.

When the person causing damage or loss has been identified and the costs of repair or replacement have been determined, the director of schools shall take steps to recover these costs. This may include recommending the filing of a civil complaint in court to recover damages. If the responsible person is a minor, recovery will be sought from the minor's parent or guardian.

In addition, the district may withhold the grades, diploma, and/or transcript of the student responsible for vandalism or theft or otherwise, incurring any debt to a school until the student or the student's parent/guardian has paid for the damages. When the minor and parent are unable to pay for the damages, the district shall provide a program of voluntary work for the minor. Upon completion of the work, the student's grades, diploma and/or transcripts shall be released. Such sanctions shall not be imposed if the student is not at fault.

Legal Reference:

1. TCA 37-10-101 through 103.

Attendance

The progress of students at school depends greatly on the punctuality and regularity of attendance. It is desirable that every student should be in the designated area five minutes prior to the beginning of school. Also, each student should be in each class on time.

We firmly believe that attendance is a student-parent responsibility. The intent of this attendance procedure for Carroll County schools is to provide a structure within which students can gain maximum benefit from the instruction program. Regular attendance in class is necessary if students are to receive adequate benefit. All students are expected to attend class every day that school is in session.

When a student must be absent from school for illness, death in family, communicable disease, injury, quarantine or other unforeseeable emergency, it is the responsibility of the parent/guardian to call the school where the child is enrolled to inform the principal of the reason for the absence. This information should be given to the principal or designee as soon as possible.

If a lengthy illness (more than five (5) days) develops, the parent must notify the school. A doctor's statement shall also be required. At the discretion of the principal, students having excessive, yet not successive, absences may be required to present a doctor's statement.

Authorized Absences

Absences shall be classified as either excused or unexcused as determined by the principal or his/her designee. Excused absences shall include:

1. Personal illness;
2. Illness of immediate family member;
3. Death in the family;
4. Extreme weather conditions;
5. Religious observances; or
6. Circumstances, which in the judgment of the principal create emergencies over which the student has no control.

Homebound students shall follow the Tennessee State Law.

Written notice is required within five (5) school days of the missed day.

All other absences other than those outlined above shall be considered unexcused unless the building principal grants prior approval.

Each individual principal at each school will deal with tardiness. Requests for dismissals before the close of school must be presented in writing, in person, or by phone by the parents or guardians either to the principal or to some other designated person.

Tardy Detention: A student who is not in his homeroom or other assigned areas, when the tardy bell rings is considered tardy.

Make-up: Students having excused absences shall be allowed to make up work. It is the student's and/or parent's responsibility to contact teachers concerning make-up work.

Policy pertaining to make-up work shall state that: A student has two (2) days to make up work for each day of excused absence except in cases of extended illness of more than five (5) days, then it is left up to the discretion of teachers and principals.

49-1708 Ages of compulsory attendance: Every parent, guardian, or other persons residing within the State of Tennessee, having control or charge of any child or children between the ages of six (6) and seventeen (17) years (both inclusive) shall cause such child or children to attend public or private day school, and in event of failure to do so, shall be subject to the penalties.

Provided, however, that for any good and substantial reason as determined by a parent or other person having legal custody of a child and agreed to by the respective local board of education, such parent or person may withdraw his child from a public school, provided within thirty (30) days the parent of person having legal custody of the child places the child in a public school designated by the local board of education, or in a private school.

49-1709 Annual term of compulsory attendance: The minimum session of attendance required under this chapter is one hundred eighty (180) days per year, or for the full annual session of the public school, which the child would normally attend. Each public school system shall maintain a term of not less than one hundred eighty (180) days for classroom instruction and/or staff development; not less than ten (10) days vacation with pay for teachers under policies recommended by the local superintendent of schools and adopted by the local board of education; ten (10) days in-service (including parent-teacher conference), according to a plan recommended by the local superintendent of schools and adopted by the local board of education, a copy of which plan indicates all individuals or agencies contributing to the in-service training of school personnel shall be filed with the state commission of education.

49-6-3017 Denial of motor vehicle license or permit: A student must be enrolled, complying with compulsory school attendance, and passing 2 to 4 high school subjects or 3 junior high subjects at the end of the semester in order to hold a valid motor vehicle license.

Use of the Internet

The use of the Internet will follow the Rules and Regulations for Access to Telecommunication Networks/Acceptable Use Policy. This policy will be available at each school.

Legal Reference:

1. TCA 10-7-512

Cross References:

Use of Electronic Mail (e-mail) 1.805
Web Pages 4.407

Bus Conduct

Each school will distribute the bus rules and discipline consequences provided by the Carroll County Board of Education.

DISCIPLINE PROCEDURES

The principal may determine levels of misbehavior and disciplinary procedures and options to protect all members of the educational community in the exercise of their rights and duties.

ADDITIONAL GUIDELINES:

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

2. A principal shall not impose successive short-term suspensions that cumulatively exceed ten (10) days for the same offense.
3. A teacher or other school official shall not reduce or authorize the reduction of a student's grade because of discipline problems except in deportment or citizenship.
4. A student shall not be denied the passing of a course or grade promotion solely on the basis of absences except as provided by board policy.
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.

Discipline of students with disabilities will follow the requirements of the Individuals With Disabilities Education Act.

Legal Reference:

4. TCA 49-6-4001 through 49-6-41-5
5. TCA 49-6-3007 (1)

Detention

Students may be detained before or after the school day as a means of disciplinary action.

The following guidelines shall be followed:

1. The students will be given at least one (1) day of notice before detention;
2. Students in detention will be under the supervision of certified staff members;
3. Detention will not exceed one (1) hour after the official closing of the school day but may be administered several days in succession; and
4. Teachers must have the approval of the principal before detaining a student.
5. If a student, with his parents' (or guardians') support, fails to meet the detention measures, the principal may at his discretion suspend said student from school. If the student, after being suspended, will not be subjected to detention, the procedure for handling grievances shall be initiated.

Corporal Punishment

Any principal, assistant principal or teacher may use corporal punishment in a reasonable manner against any student for good cause in order to maintain discipline and order within the public schools in accordance with the following guidelines;

1. Corporal punishment shall be administered only after other less stringent measures have failed. Documentation of less stringent methods is required.
2. The instrument to be used in administering corporal punishment shall be approved by the principal;
3. Corporal punishment shall be reasonable;
4. Corporal punishment shall be administered in the presence of another professional employee;
5. In determining the use and degree of corporal punishment, consideration will be given to the age, sex, size, physical and emotional condition of the child.

A disciplinary record shall be maintained and shall contain the name of the student, the type of misconduct, the type of corporal punishment administered, the name of the person administering the punishment, the name of the witness present and the date and time of punishment.

Disciplinary records shall be filed in the school office.

Legal References:

1. TCA 49-6-4103.
2. TCA 49-6-41-4.
3. TCA 10-7-504(b).

Alternative School Program

The Board shall operate an alternative school program for students in grades 7-12 who have been suspended or expelled from regular school programs. Attendance in alternative school programs shall be mandatory and students attending an alternative school located other than at their home school shall provide their own transportation.

Teachers in alternative schools shall be certified by the state.

Student-teacher ratios shall be small enough to allow for adequate instruction but shall be determined by the age, behavior and academic achievement of students in the program.

Sufficient textbooks, equipment and supplies shall be provided by the home school.

Alternative school programs shall be operated in accordance with the rules of the State Board of Education and instruction shall proceed as nearly as practicable in accordance with the instructional programs at the student's home school. All course work 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 school.

Parents shall be notified of any student's assignment to the alternative school.

The student shall be subject to all rules of the school and violations of such rules may result in the student's removal from the school for the duration of the original intended suspension or expulsion. Violation of school rules shall not constitute grounds for extension of time spent in the alternative school. The chief administrator of the alternative school shall make the final decision on such removal.

Students found to be eligible for special education in related circumstances shall be placed and served in accordance with the law and rules relating to special education.

Legal Reference:
TCA 49-6-3402.

Suspension/Expulsion/Remand

DEFINITIONS:

Suspension: dismissed from attendance at school for any reason not to exceed more than ten (10) consecutive days. Multiple suspensions shall not run consecutively nor shall multiple suspensions be applied to avoid expulsion from school.

Expulsion: removal from attendance for more than ten (10) consecutive days or more than fifteen (15) days in a month of school attendance. Multiple suspensions that occur consecutively shall constitute expulsion.

Remand: assignment to an alternative school.

REASONS FOR SUSPENSION/EXPULSION:

Any principal, principal-teacher or assistant principal (herein called principal) may suspend/expel any student from attendance at school or any school-related activity on or off campus or from attendance at a specific class or classes, or from riding a school bus, without suspending such student from attendance at school (in-school suspension), for good and sufficient reasons including, but not limited to:

1. Willful and persistent violation of the rules of the school or truancy;

2. Immoral or disreputable conduct, including vulgar or profane language;
3. Violence or threatened violence against the person of any personnel attending or assigned to any school;
4. Willful or malicious damage to real or personal property of the school, or the property of any person attending or assigned to the school;
5. Inciting, advising or counseling of others to engage in any of the acts herein enumerated;
6. Possession of a pistol, gun or firearm on school property;
7. Possession of a knife, etc., as defined in TCA 39-6-1701, on school property;
8. Assaulting a principal or teacher with vulgar, obscene or threatening language;
9. Unlawful use or possession of barbitol or legend drugs, as defined in TCA 53-10-101;
10. Engaging in behavior which disrupts a class or school-sponsored activity;
11. Off-campus criminal behavior resulting in felony charges; when behavior poses a danger to persons or property or disrupts the educational process; and
12. Any other conduct prejudicial to good order or discipline in any school

IN-SCHOOL SUSPENSION

1. Students given an in-school suspension in excess of one (1) day from classes shall attend either special classes attended only by students guilty of misconduct or be placed in an isolated area appropriate for study; and
2. Personnel responsible for in-school suspension will see that each student is supervised at all times and has text books and classworks 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.

PROCEDURES FOR IN-SCHOOL SUSPENSION AND EXPULSION:

1. Unless the student's continued presence in the school, class or school-related activity presents any immediate danger to the student or other persons or property, no principal shall suspend/expel any student until that student has been advised of the nature of his/her misconduct, questioned about it, and allowed to give an explanation.
2. Upon suspension/expulsion of any student (in-school suspension in excess of one (1) day), the principal shall make an immediate attempt to contact the parent or guardian to inform them of the suspension/expulsion. The student shall not be sent home before the end of the school day unless the parent or guardian has been contacted.
3. The principal shall notify the parent or guardian and the director of schools or designee in writing:
 - a. Of the suspension/expulsion and the cause for it; and
 - b. A request for a meeting with the parent or guardian, student and principal, to be held as soon as possible, but no later than five (5) days following the suspension/expulsion.
4. Immediately following the scheduled meeting, whether or not attended by the parent or guardian or student, the principal shall determine the length of the suspension/expulsion and set conditions for readmission. If the principal determines the length of the suspension to be between six (6) and the maximum of ten (10) days, the principal shall develop and implement a plan for correcting the behavior when the student returns to school.
5. 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/expulsion for more than ten (10) days, he/she may suspend/expel/remand the student unconditionally for a specified period of time or upon such terms and conditions as are deemed reasonable.
6. 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/expel/remand 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.

7. The appeal from this decision shall be to the Superintendent of Schools. A failure to reach agreement at this level may result in an appeal to the Board.
8. If the suspension/expulsion occurs during the last ten (10) days of any term or semester, the student shall be permitted to take such final examinations or submit such required work as necessary to complete the course of instruction for that semester, subject to conditions prescribed by the principal.

Legal References:

1. TCA 49-6-3007(g)
2. TCA 49-2-203(a)(8); TCA 49-6-3401(a)
3. TCA 49-2-4216; TCA 39-17-1309; TCA 39-17-417
4. TCA 49-6-3401(b)(1)
5. TCA 49-6-3401(4)-(6); Gross v. Lopez, 419 U.S. 565 (Ohio, 1975):
Individuals with Disabilities Act Amendments of 1997 § 615

Cross References:

Procedural Due Process 6.302
Interference/Disruption of School Act. 6.306
Bus Conduct 6.308
Zero Tolerance Offenses 6.309
Dress Codes 6.310
Discipline Procedures 6.313
Discipline Hearing Authority 6.317

Admission of Suspended or Expelled Students

The Board may deny admission of any student (except those in state custody) who has been expelled or suspended from another school system in Tennessee or another state even though the student has established residency in the system in which she/he seeks enrollment.

After a request for enrollment is made, the director of schools shall investigate the facts surrounding the suspension/expulsion from the former school system and make it a recommendation to the Board to approve or deny the request.

The Board shall not deny enrollment beyond the length of imposed suspension/expulsion.

If the action of the Board is to deny admission, the Superintendent of Schools shall, on behalf of the Board of Education, notify the Commissioner of Education of the decision.

Any school system that accepts enrollment of a student from another school system may dismiss the student if it is determined subsequent to the enrollment that the student has been suspended or expelled from the former school system.

Legal Reference:

TCA 49-6-3401 (f) ; 20 U.S.C.A. § 1232(b) (4) (h)

Procedural Due Process

Before school authorities administer disciplinary measures, reasonable inquiry shall be made to determine the truth of what happened. The nature of this inquiry will vary in degree with the seriousness of the offense and the consequences attached thereto.

For minor offenses where corrective measures are taken by the classroom teacher, no formal procedure is required. An inquiry into the incident to ensure that the offender is accurately identified, that he understands the nature of the offense, and that he/she knew the consequences of the offense for which he/she is accused.

In cases of severe offenses where there is a possibility of suspension, the student shall be advised of the nature of his/her misconduct, questioned about it, and allowed to give an explanation.

If the principal determines that the offense is of such nature that the student's continued presence would be detrimental to the school or persons within the school, he/she shall refer the case to the Superintendent of Schools.

Legal References:

1. Ingraham v Wright, 430 U.S. 651 (1977)
2. Goss v. Lopez 410 U.S. 565, (1975)
3. TCA 49-6-3401.

Suspension/Expulsion/Remand 6.316

ZERO TOLERANCE OFFENSES

***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 Superintendent of Schools.**

In order to ensure a safe and secure learning environment, the following offenses will not be tolerated.

WEAPONS & DANGEROUS INSTRUMENTS

Students shall not possess, handle, transmit, use or attempt to use any dangerous weapons in school buildings or on school grounds at any time, or in school vehicles and /or buses or off the school grounds at a school-sponsored activity, function or event.

Dangerous weapons for the purpose of this policy shall include, but are not limited to "... any firearm, explosive, explosive weapon, bowie knife, ice pick, dagger, slingshot, switchblade knife, blackjack, knuckles..."

Violators of this section shall be subject to suspension and/or expulsion from school.

Firearms (as defined in 18 U.S.C. § 921)

In accordance with state law, any student who brings or possesses a firearm on school property shall be expelled for a period of not less than one (1) calendar year. The director of schools shall have the authority to modify this expulsion requirement on a case-by-case basis.

DRUGS

In accordance with state law, any student who unlawfully possesses any drug including any controlled substance or legend drug shall be expelled for a period of not less than one (1) calendar year. The Superintendent of Schools shall have the authority to modify this expulsion requirement on a case-by-case basis.

BATTERY

In accordance with state law, any student who commits battery upon any teacher, principal, administrator, or any other employee of the school or school resource officer shall be expelled for a period of not less than one (1) calendar year. The Superintendent of Schools shall have the authority to modify this expulsion requirement on a case-by-case basis.

NOTIFICATION

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

Legal References:

1. TCA 39-17-1309
2. 18 U.S.C. 921
- 3.20 U.S.C. § 8921; TCA 49-6-4216(b); TCA 49-6-3401(g)
- 4.TCA 49-6-3401(g); TCA 49-6-421(b)
5. TCA 49-6-4209; TCA 39-17-1312

Cross References:

Discipline Procedures 6.313
Suspension/Expulsion/Remand 6.316

Interrogations and Searches

INTERROGATION BY SCHOOL PERSONNEL

Students may be questioned by teachers or principals about any matter pertaining to the operation of a school and/or the enforcement of its rules. Questioning must be conducted discreetly and under circumstances, which will avoid unnecessary embarrassment to the student being questioned. Any student answering falsely, evasively or refusing to answer a proper question may be subject to disciplinary action, including suspension.

If a student is suspected or accused of misconduct or infraction of the student rules of conduct, the principal may interrogate the student, without the presence of parent(s)/guardian(s) or legal custodians and without giving the student constitutional warnings.

INTERROGATIONS BY POLICE (AT ADMINISTRATOR'S REQUEST)

If the principal has requested assistance by the police department to investigate a crime involving his/her school, the police shall have permission to interrogate a student suspect in school during school hours. The principal shall first attempt to notify the parent(s)/guardian(s) or legal custodians of the student of the intended interrogation, but the interrogation may proceed without attendance of the parent(s)/guardian(s) or legal custodians. The principal or his/her designee shall be present during the interrogation. The use of policewomen or female staff members is desirable in the interrogation of female students.

POLICE-INITIATED INTERROGATIONS

If the police deem circumstances of sufficient urgency to interrogate students at school for unrelated crimes committed outside of school hours, the police department shall first contact the principal regarding the planned interrogation; inform him/her of the probable cause to investigate within the school. The principal shall make reasonable effort to notify the parent(s)/guardian(s) or legal custodians of the interrogation, but the interrogation may proceed without attendance of the parent(s)/guardian(s) or legal custodians. The principal or his/her designee shall be present during the interrogation.

SEARCHES BY SCHOOL PERSONNEL

Any principal, or his/her designee, 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 on or 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 visitor are subject to search for drugs, drug paraphernalia or dangerous weapons), and containers or packages of 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, it 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 particular 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 infractions 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.

SEARCHES BY POLICE

If public health or safety is involved, upon request of the principal who shall be present, police officers may make a general search of students' lockers and desks, or students' or nonstudents' automobiles for drugs, weapons, or items of an illegal or prohibited nature.

If the principal has received reliable information which he/she believes to be true that evidence of a crime or of stolen good, not involving school property of members of the school staff or student body, is located on school property and that any search for such evidence or goods would be unrelated to school discipline or to the health and safety of a student or the student body, he/she shall request police assistance; and procedures to obtain and execute a search warrant shall thereafter be followed.

Anything found in the course of the search conducted in accordance with this policy which is evidence of a violation of the law or a violation of student conduct standards may be:

1. Seized and admitted as evidence in any hearing, trial, suspension or dismissal proceeding. It should be tagged for identification at the time it is seized and kept in a secure place by the principal or the principal's designee until it is presented at the hearing. At the discretion of the principal, the items may be returned to the parent or guardian of a student or, if it has no significant value, the item may be destroyed, but only with the express written permission of the director of schools.
2. Any seized item may be turned over to any law enforcement officer. Any dangerous weapon or drug as defined in TCA 49-6-4202 shall be turned over to an appropriate law enforcement official after completion of an administrative proceeding at which its presence is reasonably required.

Whenever the possibility of uncovering evidence of a criminal nature exists, the principal or his/her designee may request the assistance of a law enforcement officer to:

1. Search any area of the school premises, any student or any motor vehicle on the school premises; or
2. Identify or dispose of anything found in the course of a search conducted in accordance with this policy.

The involvement of law enforcement officials is encouraged when there is reasonable cause to suspect that criminal evidence is about to be uncovered.

Legal Reference:

1. TCA 49-6-4202 through TCA 49-4-4212

Drug-Free Schools

In order to protect the rights of students, to safeguard the learning environment, and to contribute to a "Drug Free" community, the Board's plan for dealing with alcohol and drugs shall include the following:

1. Appropriate ways for handling alcohol/drug-related medical emergencies;
2. Guidelines for reporting alcohol/drug incidents and illegal activities;

3. Guidelines for referral of students who may have an alcohol/drug problem and/or are considered “high risk” to agencies and other sources of appropriate help;
4. Effective working relationships with appropriate community agencies, such as alcohol/drug service providers, law enforcement agencies and judicial officials.

Through the use of state guidelines the Superintendent of Schools shall be responsible for the following:

1. Developing and implementing an appropriate curriculum on alcohol and drug education for students;
2. Providing adequate information and training for all staff personnel as appropriate to their responsibilities;
3. Implementing the relevant portions of the Drug-Free Youth Act;
4. Developing administrative rules and guidelines for the school system to effectively respond to alcohol and drug situations that may occur at school or school-sponsored events; and
5. Providing notification to parents and students that compliance with this policy is mandatory.

Students will not consume, possess, distribute or be under the influence of illegal drugs or alcoholic beverages in school buildings or on school grounds, in school vehicles or buses, or at any school-sponsored activity at any time, whether on or off school grounds.

Disciplinary sanctions will be imposed on students who violate standards of conduct required by this policy. Such sanctions will be consistent with local, state and federal laws, up to and including suspension/expulsion as well as referral for prosecution. Completion of an appropriate rehabilitation program may also be recommended.

Information about drug and alcohol counseling and rehabilitation programs will be made available through the school office.

Legal References:

1. TRR/MS 0520-1-3-.08(2)(d)
2. 20 USCA § 71161 34 CFR § 86.200
3. TCA 39-17-417; TCA 39-17-715
4. TCA 49-6-4209; TCA 49-6-3401

Cross References:

Drug-Free Workplace 1.804
Zero Tolerance Offenses 6.309
Suspension/Expulsion/Remand 6.316

Tobacco-Free School

All uses of tobacco and tobacco products, including smokeless tobacco, are prohibited in all of the school district's buildings. Smoking shall be prohibited in any public seating areas, including but not limited to, bleachers used for sporting events, or public restrooms.

The use of tobacco products, including smokeless tobacco, will be prohibited in all vehicles, owned, leased and operated by the district.

District employees and students enrolled in the district's schools will not be permitted to use tobacco or tobacco products, including smokeless tobacco, while they are participants in any class or activity in which they represent the school district.

Any student who possesses tobacco products shall be issued a citation by the school principal/resource officer. The director of schools, in cooperation with the juvenile court and local (police/sheriff's department), is responsible for developing procedures for issuance of the citations which shall include the form and content of citations and methods of handling completed citations.

Parents and students shall be notified of this citation requirement at the beginning of each school year.

Signs will be posted throughout the district's facilities to notify students, employees and all other persons visiting the school that the use of tobacco and tobacco products is forbidden.

Legal References:

1. Section 1042 of the Environment Tobacco Smoke/Pro-Children Act of 1994
2. TCA 39-17-16-4 (6) (10); TCA 39-17-1605; TCA 39-17-1606
3. TCA 39-17-1505

Discrimination/Harassment of Students (Sexual, Racial, Ethnic, Religious)

Students shall be provided a learning environment free from sexual, racial, ethnic and religious discrimination/harassment. It shall be a violation of this policy for any student to discriminate against or harass a student through disparaging conduct or communication that is sexual, racial, ethnic or religious in nature. The following guidelines are set forth to protect students from discrimination/harassment.

Student discrimination/harassment will not be tolerated. Discrimination/harassment is defined as conduct, advances, gestures or words either written or spoken of a sexual, racial, ethnic or religious nature which:

1. Unreasonably interfere with the student's work or educational opportunities; or
2. Create an intimidating, hostile or offensive learning environment; or
3. Imply that submission to such conduct is made an explicit or implicit term of receiving grades or credits; or
4. Imply that submission to or rejection of such conduct will be used as a basis for determining the student's grades and/or participation in a student activity.

Alleged victims of sexual, racial, ethnic and religious discrimination/harassment shall report these incidents immediately to a teacher, counselor or building administrator. Allegations of discrimination/harassment shall be fully investigated.

The privacy and anonymity of all parties and witnesses to complaints will be respected. However, an individual's need for confidentiality must be balanced with obligations to cooperate with police investigations or legal proceedings. Due process to the accused or a thorough investigation or to take necessary action to resolve a complaint may disclose the identity of parties and witnesses in appropriate circumstances to individuals with a need to know.

A substantial charge against an employee shall result in disciplinary action up to and including termination. A substantial charge against a student may result in corrective or disciplinary action up to and including suspension.

There will be no retaliation against any person who reports harassment or participates in an investigation. However, any employee who refuses to cooperate or gives false information during the course of any investigation may be subject to disciplinary action. The willful filing of a false report will itself be considered harassment and will be treated as such.

An employee disciplined for violation of this policy may appeal the decision by contacting the Federal Rights Coordinator (Margaret Bumpus) or the Superintendent of Schools. Any student disciplined for violation of this policy may appeal the decision in accordance with disciplinary policies and procedures.

This policy shall be published in the parent/student handbook distributed annually to every student. Building administrators are responsible for educating and training their respective staff and students as to the definition and recognition of discrimination/harassment.

Legal References:

1. Title VII; 29 CFR § 1604.11
2. Title IX (20 U.S.C. §§ 1681-1686)

NONDISCRIMINATION POLICY

The Carroll County Board of Education does not discriminate in employment, program participants, activity, or benefits of such on the basis of gender, ethnicity, national origin, language, religious beliefs, homelessness, or disabling conditions. If you have a complaint contact: Margaret Bumpus (731-986-4482) or Charlotte Tucker (731-986-4482)

NOTIFICATION OF RIGHTS UNDER FERPA FOR ELEMENTARY AND SECONDARY INSTITUTIONS

The Family Educational Rights and Privacy Act (FERPA) affords parents and students over 18 years of age ("eligible students") certain rights with respect to the students' education records. They are:

1. The right to inspect and review the student's education records within 45 days of the day the District receives a request for access.

Parents or eligible students should submit to the school principal (or appropriate school official) a written request that identifies the record(s) they wish to inspect. The principal will make arrangements for access and notify the parent or eligible student of the time and place where the records may be inspected.

2. The right to request the amendment of the student's education record that the parent or eligible student believes are inaccurate or misleading.

Parents or eligible students may ask the Carroll County Board of Education to amend a record that they believe is inaccurate or misleading. They should write the school principal, clearly identify the part of the record they want changed, and specify why it is inaccurate or misleading.

If the District decides not to amend the record as requested by the parent or eligible student, the District will notify the parent or eligible student of the decision and advise them of their rights to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the parent or eligible student when notified of the right to a hearing.

3. The right to consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that FERPA authorizes disclosure without consent.

One exception which permits disclosure without consent is disclosure to school officials with legitimate educational interests. A school official is a person employed by the District as administrator, supervisor, instructor, or support staff member (including health or medical staff and law enforcement unit personnel); a person serving on the School Board; a person or company with whom the District has contracted to perform a special task, such as an attorney, auditor, medical consultant, a therapist.

A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his/her professional responsibility.

Upon request, the District discloses education records without consent to officials of another school district in which a person seeks on intends to enroll.

4. Records such as video tapes with other students clearly identifiable may not be viewed by parents without a court order or other similar legal document.
5. The right to file a complaint with the U.S. Department of Education concerning alleged failures by the District to comply with the requirements of FERPA. The office that administer FERPA is:

Family Policy Compliance Office
U.S. Department of Education
600 Independence Avenue SW
Washington, D.C. 20202-4605

FERPA Notice of Designation of Directory Information

Carroll County schools have designated certain information contained in the education records of its students as directory information for the purposes of the Family Educational Right and Privacy Act (FERPA). Directory information means information contained in an education record of a student which would not generally be considered harmful or an invasion of privacy if disclosed.

Directory information includes, but is not limited to the student's name, address, telephone listing, electronic mail address, photograph, date and place of birth, major field of study, dates of attendance, grade level, enrolling status, participation in officially recognized activities and sports, weight and height of members of athletic teams, degrees, honors and awards received, and the most recent educational agency or institution.

Directory information may be disclosed by this institution for any purpose in its discretion, without the consent of a parent, of a student, or an eligible student. Parents of students and eligible students have the right, however, to refuse to permit the designation of any or all of the above information as directory information. In that case, this information will not be disclosed except with consent of a parent or student, or as otherwise allowed by FERPA.

Any parent or student refusing to have any or all of the designated directory information disclosed must file written notification to this effect in the central office located at 14155 Paris Street, Huntingdon, TN 38344 on or before the last day of August.

In the event a refusal is not filed, this institution assumes that neither a parent of a student or eligible student objects to the release of the directory information designated.

Annual Notice to Parents

In compliance with state and federal law, Carroll County schools will provide to each protected student with a disability without discrimination or cost to the student or family, those related aids, services or accommodations which are needed to provide equal opportunity to participate in and obtain the benefits of the school program and extracurricular activities to the maximum extent appropriate to the student's abilities. In order to qualify as a protected student with a disability, the child must be of school age with physical or mental disability, which substantially limits or prohibits participation in or access to an aspect of the school program.

These services and protection for "protected students who are disabled" are distinct from those applicable to all eligible or exceptional students enrolled (or seeking enrollment) in special education programs.

For further information on the evaluation procedures and provision of services to protected handicapped students, contact Margaret Bumpus at 731-986-4482 or Charlotte Tucker at 731-986-4482.