

Cut along dotted line and return signed portion to student's school.

STATEMENT

TCA 10-7-504 provides that the records of students in public educational institutions are treated as confidential. Information in such records relating to academic performance may not be released without the consent of the student involved or the parent/ guardian of a minor student. The undersigned student, or parent/ guardian of a minor student, hereby grants permission to the Clarksville-Montgomery County School System to publish the student's name on honor rolls, class or club projects, and any and all other academic achievements and/or awards.

My child and I have received a copy of the School Handbook and the Clarksville-Montgomery County School's **Student Conduct** Handbook, which includes Rights, Responsibilities, Rules, Due Process Procedures, and a Statement of Rights for Disabled Children. We understand that our child is expected to read and become familiar with all of this Code and has brought it home for us to read. We understand that our child is subject to the rules and punishments which it provides.

Signature of Parent / Date

Signature of Student / Date

Signature of Teacher

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It is the policy of the Clarksville-Montgomery County School System (CMCSS) not to discriminate against any student, employee, or applicant on the basis of sex, marital status, race, color, creed, national origin, sexual preference, or handicapping condition.

CMCSS will ensure that no student will be excluded from participating in or having access to any course offerings, student athletics, counseling services, employment assistance, extracurricular activities, or other school resources based on unlawful discrimination.

CMCSS will take all necessary steps to ensure that each employee's work environment is free of unlawful discrimination. No office, administrator, or employee of CMCSS, including any persons representing CMCSS, shall intimidate, threaten, harass, coerce, discriminate against, or commit or seek reprisal against anyone who participates in any aspect of the discrimination complaint process associated with this policy.

Introduction:

The student handbook is intended to inform students of some of the Clarksville-Montgomery County School System's policies that pertain directly to students. This is not an exclusive list of student policies.

STUDENT CONDUCT

TO STUDENTS:

You forfeit your chance for life at its fullest when you withhold your best effort in learning. When you give only the minimum to learning you receive only the minimum in return. Even with your parents' best example and your teachers' best efforts, in the end it is your work that determines how much and how well you learn. When you work to your full capacity, you can hope to attain the knowledge and skills that will enable you to create your future and control your destiny. If you do not, you will have your future thrust upon you by others. Take hold of your life, apply your gifts and talents, work with dedication and self-discipline. Have high expectations for yourself and convert every challenge into an opportunity. In this document, we are attempting to communicate clearly to all concerned what the policies on conduct are and to stipulate due process procedures which may be used by the students and/or parent or guardian to appeal administrative decisions or express grievances.

STUDENT EXPECTATIONS

- ◆ Students will respect their fellow students, teachers, rules and regulations as they respect themselves.
- ◆ Students will communicate with others to help unite their school.
- ◆ Students will help eliminate the use of violence as an answer to problems and become a good citizen of the school.
- ◆ Students will demonstrate respect for their school campus.
- ◆ Students will support their school's activities and organizations.
- ◆ Students will display good sportsmanship and school spirit at all times.
- ◆ Students will have reverence for their own beliefs and respect those of others.
- ◆ Students will work to improve their school.

LEGAL AUTHORITY (TCA 49-6-4011)

The Board of Education of the Clarksville-Montgomery County School System is required by State Statute to make and adopt rules setting forth standards of conduct and behavior that must be met by all pupils as a condition to the right of such pupils to attend schools in this District. The rules shall take into account the necessity for scholastic progress in order that the welfare of the greatest number of pupils shall be promoted, even though such rules may result in the ineligibility of pupils who fail to observe the required standards and may require the suspension and/or expulsion of such pupils.

APPLICATION OF CODE

The following regulations concerning standards of conduct and behavior will apply to every student in Clarksville-Montgomery County Schools. **THIS POLICY APPLIES TO ANY STUDENT WHO IS ON SCHOOL PROPERTY, WHO IS ON A SCHOOL BUS, WHO IS IN ATTENDANCE AT SCHOOL OR AT ANY SCHOOL-SPONSORED ACTIVITY, OR WHOSE CONDUCT AT ANY TIME OR PLACE (I.E., OFF-CAMPUS CONDUCT) HAS A DIRECT AND IMMEDIATE EFFECT ON MAINTAINING ORDER AND DISCIPLINE IN THE SCHOOLS.**

DISCIPLINE-GENERAL

NO DISCIPLINARY MEASURE OF ANY NATURE SHALL BE IMPOSED AGAINST THE STUDENT UNTIL THE STUDENT HAS BEEN ADVISED OF THE NATURE OF THE STUDENT'S MISCONDUCT, QUESTIONED ABOUT IT AND ALLOWED TO GIVE AN EXPLANATION.

When it has been determined by the principal that a student has been guilty of a violation of the provisions of this policy, the principal shall impose appropriate disciplinary measures. It is the intention of the Board of Education that this policy be viewed as cumulative so that repeat or persistent violations of the policy should result in enhanced punishment. A discipline record will be maintained on each student. Disciplinary offenses have been assigned various point ratings in this policy. Whenever a child is found guilty of a violation of the policy, the principal will, in addition to issuing appropriate discipline, assign points for the offense. A principal may recommend for expulsion any student who has accumulated seventy-five (75) or more discipline points within a school year. A principal may recommend for expulsion any student who has accumulated over one hundred forty-nine (149) disciplinary points at any point within the school year.

Discipline-Students with Disabilities under I.D.E.A., 504, and ADA.

If a student is subject to the provisions of IDEA, 504, and/or ADA, discipline not involving a change of placement for a period longer than ten (10) days may be imposed without regard to whether the behavior requiring discipline is a manifestation of the handicapping condition. Thus, in such cases the principal may impose appropriate discipline not to exceed a ten (10) day suspension. It is recommended that appropriate disciplinary measures for such students be agreed upon and included in the student's individual education program or educational plan so that all concerned parties will be aware of what discipline will be imposed and that the most effective means of discipline can be chosen.

A proposed exclusion of a handicapped student for more than ten (10) consecutive school days constitutes a change of placement. A series of suspensions that are each ten (10) days or fewer in duration may constitute a “change in placement”. The determination of whether a series of suspensions constitutes a change of placement must be made on a case by case basis. To implement a change in placement based on discipline, it must be determined if the behavior is a manifestation of a handicap or not. If the behavior is a manifestation of a handicap the school must address the behaviors through the IEP or Individual Educational Plan. If the behaviors are not related to the handicap then the student may be disciplined in the same manner as non-handicapped students. When the placement of a handicapped child is changed for disciplinary reasons, the procedural protection of IDEA, 504, and ADA are required. When disciplining handicapped students please refer to Special Education Administrative Policies and Procedures and Section 504 Policies and Procedures.

**Parent/Student Rights in Identification, Evaluation, and
Placement of Students with Disabilities.**

(Please Keep this Explanation for Future Reference)

The following is a description of the rights granted by federal law to students with disabilities. The intent of the law is to keep you fully informed concerning decisions about your child and to inform you of your rights if you disagree with any of these decisions. You have the right to:

1. Have the School District advise you of your rights under federal law.
2. Have your child receive accommodations, special education, and/or related services if he/she is found to be eligible under the Individuals with Disabilities Education Act, Americans with Disabilities Act, or Section 504 of the Rehabilitation Act.
3. Have your child receive a free appropriate public education. This includes the right to be educated with non-disabled students to the maximum extent appropriate. It also includes the right to have the School District make reasonable accommodations to allow your child an equal opportunity to participate in school and school-related activities.
4. Have evaluation, educational, and placement decisions made based upon a variety of information sources, and by persons who know the student, the evaluation data, and placement options. If you feel the school’s evaluation is unfair or inaccurate, you may request an independent evaluation by an outside agency or professional.
5. Examine all relevant records relating to decisions regarding your child’s identification, evaluation, educational program, and placement. Obtain copies of educational records at a reasonable cost unless the fee would effectively deny you access to the records.
6. Receive written notice within a reasonable time prior to any action requiring your consent, such as when the School System either proposes or refuses to change identification, assessment, or educational placement.
7. Receive a response from the School District to a reasonable request for explanation and interpretations of your child’s records.
8. Request mediation or an impartial due process hearing related to decisions or actions regarding your child’s identification, evaluation, educational program or placement. You and the student may take part in the hearing and have an attorney represent you. Hearing requests must be made in writing to TED HAUSAUER, Clarksville-Montgomery County Schools, 621 Gracey Avenue, Clarksville, TN 37040, phone: (931) 648-5600.

Further explanation of students rights and child advocacy group contact information may be obtained by contacting the Clarksville-Montgomery County School System or the Tennessee Department of Education, 8th Floor, Gateway Plaza, Nashville, TN 37243-0380, phone: (615) 741-2851.

A. DETENTION

A student may be detained before or after school for disciplinary reasons provided the parents of such student have been given advance notice. Saturday detention may also be assigned, if available. Parents shall be responsible for arranging the student’s transportation to comply with the detention schedule.

While in detention, the student will be required to engage in some constructive activity related to the school. Such activity shall be in compliance with School and State rules and regulations relative to the student’s safety and welfare. Supervised study of class assignments or additional assignments for discipline may be used. A student shall not be assigned detention and any other punishment for a single offense.

Failure to attend detention will result in additional discipline/punishment.

B. CORPORAL PUNISHMENT

Corporal punishment may be used but shall not be administered for an act or misconduct based on hearsay. When corporal punishment is administered, it shall be done in a humane manner by the teacher, principal, assistant principal, or member of the faculty designated to act in behalf of the principal. When corporal punishment is administered by the principal, it shall be witnessed by a member of the faculty. When administered by a teacher, it shall be witnessed by the principal, assistant principal, or a member of the faculty designated to act in behalf of the principal. Under no condition shall a student be slapped or struck during the administration of corporal punishment. Corporal punishment is appropriate only when confined to the buttocks and the instrument used must be approved by the principal of the school.

Before administering corporal punishment, the person administering the punishment shall, in the presence of the student and the witnesses, inform the student and the witnesses of the reason for administering corporal punishment and the child's parents shall be given, upon request, a written explanation of the reasons for the punishment and the names of the persons witnessing the same. Parents who do not want their child to receive corporal punishment will notify the school in writing, and this statement shall become a part of the child's file. Students who do not receive corporal punishment, at parents' request, will be given an alternative punishment.

C. IN-SCHOOL SUSPENSION (WHERE AVAILABLE)

Rationale

The maintenance of discipline is viewed by many as the single greatest problem in the classroom. Traditionally one of the standard penalties for students who violate the discipline policy has been suspension from school. By using this form of punishment, students who may already be experiencing learning difficulties are denied the opportunity for badly needed instruction. We believe that a program of in-school suspension that entails the suspension of the offender from regular classes while still keeping the student in school is a more positive approach. There are several reasons for using this approach:

1. It does not deprive the student of valuable instruction time.
2. The "holiday" attitude often associated with suspension by some students is eliminated.
3. It eliminates the possibility of students getting into further mischief while out of school.

Objectives

To provide a program of:

- ◆ Strict Discipline
- ◆ Intensive Instruction
- ◆ Values Examination
- ◆ Rehabilitation

An in-school suspension teacher will be assigned to each middle school or high school where the program is available. Teachers may be utilized by the principal as either substitute or supplementary teachers when no students are assigned to the I.S.S. classroom.

Facilities

The principal of each middle or secondary school will identify an isolated area where students assigned to I.S.S. have no contact with other students.

IN-SCHOOL SUSPENSION PROCEDURE

1. Students shall be assigned to the I.S.S. program by the principal or his/her designee. Students assigned shall be given due process.
2. An immediate attempt will be made to contact the parents or guardian of the offending student to inform them of the assignment of their child to the I.S.S. program. If it is impossible to contact the parents or guardian by telephone, the attempt to contact them will be documented in writing and the student will have the responsibility of taking the appropriate paperwork home to his parents.
3. The regular teachers of students assigned to the I.S.S. program will supply classwork for each day the student is assigned.
4. The I.S.S. teacher will check the work assigned and return to the regular teacher for evaluation.
5. At the discretion of the principal, early exit from the I.S.S. program may be granted for first offenders.
6. The early exit opportunity may not be allowed in the case of a repeat offender.
7. Students may be assigned I.S.S. on a repeated basis in any given school year.

IN-SCHOOL SUSPENSION OPERATION

1. The student will be required to sign a contingency contract with the I.S.S. teacher that must be completed prior to return to regular classes. The I.S.S. teacher will determine if the contract is fulfilled.
2. Students will be required to do specific work that has been assigned by regular teachers and additional work assigned by the I.S.S. teacher designed to foster a more positive attitude. When work assigned by regular teachers has been completed to the satisfaction of the I.S.S. teacher, it will be returned to the regular teachers for evaluation.
3. Students will eat lunch in the I.S.S. classroom.
4. Students will have two five-minute designated restroom breaks, one during the morning session and one during the afternoon session. Restroom breaks will not be scheduled so as to coincide with regular classroom changes.
5. Students will be totally restricted while assigned to the I.S.S. program. This includes all assemblies and school-sponsored activities both during and after school.
6. Students assigned to I.S.S. will lose all privileges normally enjoyed by regular students.
7. The I.S.S. teacher will maintain a file of each student's assignment. This information will not become a part of the student's permanent record.

8. At the option of the principal, a conference may be required with the student, the principal, or his designee, the parents, or guardian, and the I.S.S. teacher upon assignment to the I.S.S. program and before returning to the regular program. The failure of parents or guardian to attend a conference may result in recommendation for suspension.
9. The I.S.S. teacher may assign up to five (5) additional days of in-school suspension for misconduct or lack of cooperation by the student. Continued or severe misconduct or lack of cooperation will result in further disciplinary action to include possible expulsion.
10. Misconduct in the I.S.S. classroom or lack of cooperation with the teacher may result in a recommendation for suspension.

D. SUSPENSIONS AND REMANDMENT/EXPULSIONS

1. Suspensions and Remandment/Expulsions-General

(A) Suspension is defined as exclusion from school and school-sponsored activities for a definite period not to exceed ten (10) days. Remandment/Expulsion is defined as exclusion from school and any activity sponsored by any Clarksville-Montgomery County School and a minimum of thirty (30) school days at the Alternative School, if available.

(B) Any principal, principal-teacher or assistant principal is authorized to suspend a pupil from attendance at school, including its sponsored activities, or from riding a school bus, for good and sufficient reasons. Good and sufficient reasons for such suspension include, but are not limited to:

1. Willful and persistent violation of the rules of the school or truancy;
2. Immoral or disreputable conduct or vulgar or profane language;
3. Violence or threatened violence against the person of any personnel attending or assigned to any public 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 before enumerated;
6. Marking, defacing or destroying school property;
7. Possession of a pistol, gun or firearm on school property;
8. Possession of a knife, etc., as defined in § 39-17-1301 on school property;
9. Assaulting a principal or teacher with vulgar, obscene or threatening language;
10. Unlawful use or possession of barbitol or legend drugs, as defined in § 53-10-101;
11. Any other conduct prejudicial to good order or discipline, including, but not limited to, any other offenses defined in this policy; and
12. Off-campus criminal behavior which results in the student being legally charged with a felony and the student's continued presence in school poses a danger to persons or property or disrupts the educational process.

(C) Except in an emergency, no principal shall suspend any student until that student has been advised of the nature of the student's misconduct, questioned about it, and allowed to give an explanation.

(D) Upon suspension of any student other than for in-school suspension of one (1) day or less, the principal shall, within twenty-four (24) hours, notify the parent or guardian and the Director or the Director's designee of:

1. The suspension, which shall be for a period of no more than ten (10) days;
2. The cause for the suspension; and
3. The conditions for readmission, which may include, at the request of either party, a meeting of the parent or guardian, student and principal.

(E) If the suspension is for more than five (5) days, the principal shall develop and implement a plan for improving the behavior which shall be made available for review by the Director upon request.

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

1. The principal shall immediately give written or actual notice to the parent or guardian and the student of the right to appeal the decision to suspend for more than ten (10) days. All appeals must be filed, orally or in writing, within five (5) days after receipt of the notice and may be filed by the parent or guardian, the student or any person holding a teaching license who is employed by the school system if requested by the student. Such appeals shall be filed with the office of the Director of Student Services.

2. The appeal from this decision shall be to the Board of Education or to the Disciplinary Hearing Authority appointed by the Board. The Disciplinary Hearing Authority shall consist of the Director of Student Services or his/her designee.

3. The hearing shall be held no later than ten (10) days after the beginning of the suspension. The Hearing Authority shall give written notice of the time and place of the hearing to the parent or guardian, the student, and the school official designated above who ordered the suspension. Notice shall also be given to any local education agency employee referenced in subdivision (F)1 who requests a hearing on behalf of a suspended student.

(G) After the hearing, the Disciplinary Hearing Authority 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 night school, or suspend the student for a specified period of time.

(H) A written record of the proceedings, including a summary of the facts and the reasons supporting the decision, shall be made by the Disciplinary Hearing Authority. The student or principal may, within five (5) days of the decision, request review by the Director of Schools. Absent a timely appeal, the decision shall be final. Such request will be made, in writing, addressed to the Director. The Director may review the matter solely upon the record before the Disciplinary Hearing Authority or may conduct a hearing, or meet with the administration and/or persons appealing the Disciplinary Authority's decision in order to resolve the issues. Within ten (10) days from the receipt of the request for review, the Director shall give written notice to the student and principal by mail of the Director's decision. The Director may designate a staff member, other than the Hearing Officer who heard the matter, to consider the appeal. Absent a timely appeal, the determination of the Director or Director's designee shall be final.

(I) The student or principal may appeal the decision of the Director of Schools to the Board of Education provided such appeal is made within five (5) days from receipt of the decision. Such appeal shall be made in writing, and directed to the Director of Schools on behalf of the Board of Education. The Board of Education, 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 Hearing Authority with or without a hearing before the Board, provided that the Board may not impose a more severe penalty than that imposed by the Hearing Authority without first providing an opportunity for a hearing before the Board. After reviewing the record, and when the matter is presented to the Board of Education for determination, if no motion is made to grant a hearing, to affirm or overturn the decision of the Hearing Authority, or to modify the discipline imposed, the decision of the Director shall be considered affirmed. In all respects, once the matter has been determined by the Board of Education, the action of the Board shall be final.

(J) In the event the suspension occurs during the last ten (10) days of any term or semester, the pupil may be permitted to take such final examinations or submit such required work as is necessary to complete the course of instruction for that semester, subject to the action of the principal, or the final action of the Board of Education upon any appeal from an order of a principal continuing a suspension.

(K) ZERO TOLERANCE. Notwithstanding the foregoing or any other law to the contrary, a pupil determined to have brought to school or to be in unauthorized, knowing and intentional possession on school property of a "firearm", as defined in 18 U.S.C. § 921, shall be expelled for a period of not less than one (1) calendar year, except that the director or superintendent may modify this expulsion on a case-by-case basis. In addition to the other provisions of this part, a student committing battery upon any teacher, principal, administrator, any other employee of a local education agency, or school resource officer, or unlawfully possessing any drug including any "controlled substance" as defined in §§ 39-17-403 through 39-17-415, or "legend drug" as defined by § 53-10-101, shall be expelled for a period of not less than one (1) calendar year, except that the director or superintendent may modify this expulsion on a case-by-case basis. Nothing in this section shall be construed to require or prohibit the assignment of such students to an alternative school.

2. Administrative Procedures.

(A) When a student is to be suspended for a period longer than ten (10) days or expelled, the principal shall make every effort to secure written statements regarding the incident and shall maintain documents and relevant information relating to the incident. Copies of written statements and documents shall be available at the school for review by the student's parents, guardians or representatives; however, names of student witnesses shall be deleted from such statements and documents before they are made available to non-school personnel.

(B) With the exception of attendance at the Alternative School, when a student is suspended, the student will not receive credit for any work missed except as herein provided for six-week tests, unit tests, or semester examinations. It will be the student's responsibility to see the teacher about missed six-week tests, unit tests, or semester examinations upon the day of the student's return to school. These tests must be completed at the convenience of the teacher within an equal number of days commensurate with the number of consecutive days of the suspension.

(C) Whenever a student is suspended and the number of school days remaining in the school year is less than the number of days of the suspension imposed, the student shall serve the balance of the suspension at the beginning of the following school year.

(D) Upon imposing any suspension/expulsion, the principal shall notify the parent or guardian and the Director of Student Services of the suspension, the cause of the suspension, and any conditions for readmission. The principal shall attempt to give such notice by telephone and, in any event, shall mail such notice to the parent or guardian with a copy to the Director of Student Services within 24 (twenty-four) hours from the imposition of the suspension. The principal's decision regarding a request for re-admission prior to the expiration of the term of suspension shall be final.

(E) Students who have been expelled for the first time during a school calendar year may be considered for re-admission after a minimum of thirty (30) school days. Any student expelled for a second time during a school year will not be considered for re-admission during that school year. Applications for re-admission shall be signed by the student and the student's parents or guardians and submitted to the school principal. Upon receipt of such application, the principal shall promptly refer the request for re-admission to the Director of Schools, together with the principal's recommendation in the matter. The Director of Schools will review the matter, render a decision regarding re-admission, and notify the parents or guardians of the decision. The Director's decision shall be final.

In considering the request for re-admission, the following factors shall be considered:

1. The student's prior discipline record and progress in school.
2. Whether the student shows genuine remorse for the actions which prompted the expulsion.
3. Whether the student's activities during the period of expulsion demonstrate genuine change in the student's attitude and genuine interest in pursuing the educational goals of the Clarksville-Montgomery County School System.
4. The student's relationship with his peers and the faculty and staff of the school.
5. In considering re-admission, the Director of Schools, the Director of Student Services, and the referring principal may impose such conditions upon re-admission as they, in their sole discretion, see fit. Conditions of re-admission shall be reduced to writing, signed by the student and parent or legal guardian, and must contain a provision that additional discipline problems may result in a second expulsion.

E. DISCIPLINARY HEARING AUTHORITY

The Hearing Authority will consider appeals of a principal's decision to suspend or expel students for longer than ten (10) days and perform other duties set forth in this policy.

1. Composition of the Hearing Authority

The Hearing Authority shall be comprised of the Director of Student Services or his/her designee, who shall serve as the Hearing Officer. The Hearing Officer shall be the presiding officer at any hearing and shall:

- (a) Schedule a hearing at a specified date, time and place. The Hearing Officer may re-schedule at a date and time or place for good cause.
- (b) Be available before the hearing to answer any questions that the student, his parents, guardians, or representative may have about the nature and conduct of the hearing.
- (c) Have full charge of the hearing and have the authority to direct its proceedings and to control the conduct of all persons present, subject to the general directions of this policy.
- (d) Make a written record of the proceedings to include a summary of the facts and reasons supporting the decision.
- (e) Transmit written findings and recommendations to the Director of Schools, the principal, the student, and the student's parents, guardians or representatives.

2. Conduct of the Hearing

(a) Closed Hearing

Unless an open hearing is requested on behalf of the student, the hearing may be attended only by the Hearing Officer, the principal or his designee, the student, the parents, the student's representative, the Board Attorney, if requested by the Director of Student Services, the recording secretary, and school officials who may observe but not participate in the hearing. Witnesses should be present only when giving information to the Hearing Authority. The student may be excluded at the discretion of the Hearing Officer, with the concurrence of the student's parents (or the representative when the representative acts in the place of the parents) at times when the student's psychological or emotional problems are being discussed.

(b) Student Testimony

Students are obligated to cooperate with administrators investigating suspected violations of Student Conduct, and should truthfully respond to inquiries put to them about their conduct or the conduct of other students. Students may testify on their own behalf or may be called to testify by the Principal or Hearing Officer. Students may be questioned about their testimony. Any statements made by the student may be considered by the Hearing Authority in reaching its determination.

(c) Record of the Hearing

A written record of the proceedings, including a summary of the facts and the reasons supporting the decision, shall be made by the Hearing Authority.

(d) Principal's Presentation of Evidence and Witnesses

It shall be the principal's duty to produce witnesses having knowledge of the relevant facts or such other evidence as is necessary to establish by a preponderance of evidence the student's guilt. Hearsay evidence is admissible but shall not be used as the only basis for a finding of guilt.

Further, upon request of the Hearing Authority, the student, the parents (or the student's representative), the principal shall submit to the Hearing Authority the student's record of previous behavior and his academic record. If the principal or the Hearing Authority deems it necessary, the information contained in such records shall be explained and interpreted by a person trained in its use and interpretation.

(e) Use of Witnesses

At any time it appears necessary to do so, the Hearing Authority may recess or adjourn for the purpose of securing additional evidence or testimony to aid it in reaching a decision. Scheduled hearings may be adjourned or postponed for any reasonable cause such as the illness or absence of witnesses and the decision of such matters rests within the sound discretion of the Hearing Officer.

(f) Examination of Witnesses

The Hearing Officer, the principal, the student, or the student's parents or representative may question witnesses about any matters logically relevant to the charges against the student and the proper disposition of the matter. The Hearing Officer has the responsibility and authority to limit repetitious, unproductive, unduly long, or irrelevant questioning.

(g) Role of the Parents

The parents should be present at the hearing and should have an opportunity to make a statement to the Hearing Authority of their opinions about the proper disposition of the case and to answer questions relating thereto.

(h) Adult Representation in Addition to Parents

If the parents cannot be present or if the student or the parents think the student's interest can be better protected at the hearing by the presence of another adult in addition to the parents or guardian, the student may bring another adult to the hearing. The non-parent adult may act as a representative on behalf of the student, with the right to present witnesses, question any and all witnesses, make a statement on the nature of the evidence and the proper disposition of the case, and otherwise assist the student. The non-parent may be an attorney.

3. Disposition of the Case

The decision must be based solely on the evidence presented at the hearing. If no misconduct is found, the matter is terminated and no further action may be taken against the student, and records of the disciplinary action shall be removed from the student's permanent records. When some misconduct is found, the Hearing Officer shall determine what action, if any, should be taken based the Student Conduct policy. A copy of the Hearing Officer's decision shall be mailed to the student's parents or representative within three (3) school days from the date of the hearing. If Alternative School attendance is required as part of the decision, and the student fails to enroll in the Alternative School within seven (7) days from the time the decision is mailed to the student and his/her parents, a truancy petition will be filed by Student Services. If continued misbehavior occurs while in the Alternative School, the student will not be allowed to continue and an appropriate petition will be filed by Student Services.

F. ALTERNATIVE SCHOOL

As a means of furthering its program of progressive discipline and assisting students who may require a more structured academic environment, the School System provides an alternative school setting for middle and high school students. Students who are suspended or expelled may be required to attend the Alternative School as a condition of readmittance to their assigned school. Such attendance shall be limited to a maximum of one semester in a school year. The length of assignment to Alternative School is to be determined by the Alternative School principal, the principal who imposed the suspension/expulsion and the Director of Student Services. Their decision may be altered only by the Director of Schools. Students expelled under the zero tolerance provisions of this policy and who are expelled for a period of not less than one year, will be allowed to attend the Alternative School only as allowed by the Director of Schools after consideration of the modification of such expulsion on a case by case basis, and only upon a space available basis.

OFFENSES

IN GRADES K THROUGH 5, ALL DISCIPLINARY ACTION IS AT THE DISCRETION OF THE SCHOOL PRINCIPAL, WITH MAXIMUM PUNISHMENT FOR ANY OFFENSE NOT TO EXCEED THAT PROVIDED FOR MIDDLE SCHOOL STUDENTS.

REPETITION OF ANY OF THE OFFENSES SET FORTH HEREIN SHALL REQUIRE ASSIGNMENT OF ADDITIONAL POINTS IN A MINIMUM OF FIVE-POINT INCREMENTS IN ADDITION TO ANY DISCIPLINE IMPOSED.

ALL REFERENCE TO DAYS SUSPENDED SHALL MEAN "SCHOOL DAYS" RATHER THAN "CALENDAR DAYS".

OFFENSE	DISCIPLINARY ACTION	
	HIGH SCHOOL	MIDDLE SCHOOL
<p>Tardiness: Failing to attend classes promptly within the time limits set by the school. Teachers may impose classroom penalties for any unexcused tardiness. After being tardy three (3) unexcused times to any class, on the fourth and subsequent unexcused tardy the student will be referred to the principal for discipline.</p>	<p><u>First Offense:</u> For all tardy offenses, assign 5 pts. At discretion of the principal, not to exceed in-school suspension. 5 pts. <u>Second & Third Offenses:</u> At discretion of the principal, not to exceed in-school suspension, if available, or five days short-term suspension, if not available. 5 pts. <u>Fourth & Subsequent Offenses:</u> Short-term suspension or remandment. 5 pts.</p>	<p><u>First Offense:</u> At discretion of the principal not to exceed in-school suspension. 5 pts. <u>Second & Third Offenses:</u> At discretion of the principal, not to exceed five days short-term suspension. 5 pts. <u>Fourth & Subsequent Offenses:</u> At discretion of the principal, not to exceed five days short-term suspension. 5 pts.</p>
<p>Skipping Class: Willfully refusing to attend and participate in assigned classroom and/or leaving a classroom without permission from the person in charge. Tobacco:** Possessing any type of tobacco or smoking paraphernalia on school premises or at any school-sponsored activity as set forth in TCA, Section 39-17-1505. (Smoking paraphernalia includes cigarette lighters and matches.)</p>	<p><u>First Offense:</u> At discretion of the principal, not to exceed in-school suspension, if available. 10 pts. <u>Second Offense:</u> At discretion of the principal, not to exceed in-school suspension, if available, or short-term suspension. 15 pts. <u>Third Offense:</u> Short-term suspension. 20 pts. <u>Fourth & Subsequent Offenses:</u> Remandment. 25 pts.</p>	<p><u>First Offense:</u> At discretion of the principal not to exceed in-school suspension, if available 10 pts. <u>Second Offense:</u> At discretion of the principal, in-school suspension, if available, or short-term suspension. 15 pts. <u>Third Offense:</u> Short-term suspension. 20 pts. <u>Fourth Offense:</u> Remandment. 25 pts.</p>
<p>Disobedience: Willfully disobeying the authority of a person duly authorized to exercise such authority at school or at a school-sponsored activity. Disruptive or Boisterous Conduct: Engaging in conduct which is boisterous or disruptive to the educational process. Teachers charging students with boisterous or disruptive conduct shall specify in detail in what way the conduct was disruptive or boisterous. Mere non-participation in classroom assignments shall not be deemed disruptive.</p>	<p><u>First Offense:</u> At discretion of the principal, not to exceed five (5) days short-term suspension. 10 pts. <u>Second Offense:</u> At discretion of the principal, not to exceed short-term suspension. 15 pts. <u>Third Offense:</u> Short-term suspension or remandment. 20 pts. <u>Fourth Offense:</u> Remandment. 25 pts.</p>	<p><u>First Offense:</u> At discretion of the principal, not to exceed five (5) days short-term suspension. 10 pts. <u>Second Offense:</u> At discretion of the principal, not to exceed short-term suspension. 15 pts. <u>Third Offense:</u> Short-term suspension or remandment. 20 pts. <u>Fourth Offense:</u> Remandment. 25 pts.</p>
<p>Beepers, Pagers, Laser Pointers, Transportable Cellular Telephones and Any Other Inappropriate Electronic Devices:** Because of the disruption these devices cause, students are prohibited from having them in their possession within school buildings. Use or display of electronic devices other than those required for instructional purposes, is prohibited. (Examples of such devices include: electronic games, portable radios, CD players, tape players, walkmans, or any similar electronic device.)</p>	<p><u>First Offense:</u> At discretion of the principal, not to exceed in-school suspension, if available. 10 pts. <u>Second Offense:</u> At discretion of the principal, not to exceed short-term suspension. 15 pts. <u>Third Offense:</u> Short-term suspension or remandment. 20 pts. <u>Fourth Offense:</u> Remandment. 25 pts.</p>	<p><u>First Offense:</u> At discretion of the principal, not to exceed in-school suspension, if available. 10 pts. <u>Second Offense:</u> At discretion of the principal, not to exceed short-term suspension. 15 pts. <u>Third Offense:</u> Short-term suspension or remandment. 20 pts. <u>Fourth Offense:</u> Expulsion. 25 pts.</p>
<p>Gambling: Wagering money or personal property. Possession of Gambling Devices: Being in unauthorized possession of playing cards, dice or other gaming devices. (Devices shall be confiscated.) Leaving School without Permission. Vulgar and Profane Language: Using profane, vulgar, or obscene language or gestures. For purposes of determining punishment hereunder, use of such language or gestures toward any School System employee shall be viewed as requiring short-term suspension or greater punishment.</p>	<p><u>First Offense:</u> At discretion of the principal, not to exceed five (5) days short-term suspension. 10 pts. <u>Second Offense:</u> At discretion of the principal, not to exceed five (5) days short-term suspension. 15 pts. <u>Third Offense:</u> Short-term suspension or remandment. 20 pts. <u>Fourth Offense:</u> Remandment. 25 pts.</p>	<p><u>First Offense:</u> At discretion of the principal, not to exceed five (5) days short-term suspension. 10 pts. <u>Second Offense:</u> At discretion of the principal, not to exceed five (5) days short-term suspension. 15 pts. <u>Third Offense:</u> Short-term suspension or remandment. 20 pts. <u>Fourth Offense:</u> Remandment. 25 pts.</p>

DISCIPLINARY ACTION

OFFENSE

HIGH SCHOOL

MIDDLE SCHOOL

Theft:* Theft of property of the school or property or services of any person on school premises. Possession of stolen property with the intent to deprive the true owner thereof shall be considered theft. IN ALL CASES, the student shall be required to pay for the damage if the student has any independent income. If the student has no independent source of income, the parents of the student shall be required to pay for the theft. Report to law enforcement officials if theft exceeds \$25 or if there is suspicion of chronic theft.

First Offense: At discretion of the principal, not to exceed five (5) days short-term suspension. 10 pts.
Second Offense: Short-term suspension. 15 pts.
Third Offense: Short-term suspension or remandment. 20 pts.
Fourth Offense: Remandment. 25 pts.

First Offense: At discretion of the principal, not to exceed five (5) days short-term suspension. 10 pts.
Second Offense: Short-term suspension. 15 pts.
Third Offense: Short-term suspension or remandment. 20 pts.
Fourth Offense: Remandment. 25 pts.

Lewd or Lascivious Conduct: Any obscene exposure of the body or lustful advances toward other students, school employees, or the general public.
Disrespect Towards a Teacher or Any School System Employee.
Assault, Battery and Fighting:* Physically assaulting another student, except in self defense. (Assault may be any threat of harm reasonably believed; battery may be any unwelcome touching.) Report to proper law enforcement officials if bodily harm is inflicted.
Hazing: Any intentional or reckless act on or off school system property by a student acting alone or in concert with others which is directed against any other student which endangers the mental or physical health or safety of that student or which induces or coerces a student to endanger such student's mental or physical health or safety. "Hazing" does not include customary athletic events or similar contests or competitions, and is limited to those actions taken and situations created in connection with initiation into or affiliation with any organization.
Threats: Threatening physical violence against any other student.

First Offense: At discretion of the principal. 10-75 pts.

First Offense: At discretion of the principal. 10-75 pts.

Vandalism and Defacing School Property:* Willfully damaging or destroying property of any other person. IN ALL CASES the student shall be required to pay for the damage if the student has any independent source of income. If the student has no independent source of income, the parents shall be required to pay for the damage. Report to proper law enforcement officials if damage exceeds \$25.00.

First Offense: At discretion of the principal. 10-75 pts.

First Offense: At discretion of the principal. 10-75 pts.

Possession of a Folding-Blade Pocket Knife With Blade Not Exceeding 3" In Length.
Extortion:* Obtaining anything of value or forcing anyone to do something against his will or attempting to do so by threat or violence or retribution. Report to proper law enforcement officials upon second offense.

First Offense: At discretion of the principal. 10-75 pts.

First Offense: At discretion of the principal. 10-75 pts.

Alcohol and Drugs:*
 a. Possession of or being under the influence of or having consumed alcohol, marijuana, any controlled substance, or drug paraphernalia as defined under Tennessee or Federal Law OR
 b. Selling, buying or trying to sell/buy, alcohol, marijuana, or any controlled substance as defined under Tennessee or Federal law or any item sold or dispensed under the pretense of a controlled substance, or any sale or dispensation of any prescription drugs, or the possession of any prescription drugs not prescribed for the individual.

Remandment/Expulsion. (In case of controlled substance, the student shall be allowed to remain in school unless the substance is admitted to be a controlled substance or until the substance has been declared an illegal, controlled substance by law enforcement authorities, at which time the student shall be suspended pending Hearing Authority action on recommended remandment/expulsion.) 75 pts.

Remandment/Expulsion. (In case of controlled substance, the student shall be allowed to remain in school unless the substance is admitted to be a controlled substance or until the substance has been declared an illegal, controlled substance by law enforcement authorities, at which time the student shall be suspended pending Hearing Authority action on recommended remandment/expulsion.) 75 pts.

Notification of Rights under FERPA for Elementary and Secondary Institutions

The Family Education Rights and Privacy Act (FERPA) affords parents and students over 18 years of age ("eligible students") certain rights with respect to the student's 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 records that the parent or eligible student believes are inaccurate or misleading.

Parents or eligible students may ask the Clarksville-Montgomery County School System 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 right 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 an 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, or therapist); or a parent or student serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing his or her tasks.

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

Upon request, the District discloses educational records, without consent, to officials of another School District in which a student seeks or intends to enroll.

(4) 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 name and address of the Office that administers FERPA is:

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

DIRECTORY INFORMATION PUBLIC NOTICE: The Clarksville-Montgomery County School System may disclose certain information, known as directory information, in its discretion without consent. Parents or eligible students may refuse to permit the School System release any or all of this information. If you do not want this information released, you must send written notice to your child's school on or before September 1 of each year. The following information regarding students is considered directory information:

1. Name
2. Address
3. Telephone number
4. Date and place of birth
5. Participation in officially recognized activities and sports
6. Weight and height of members of athletic teams
7. Dates of attendance
8. Recognitions and awards received
9. Other similar information that would not generally be considered harmful or an invasion of privacy if disclosed, such as a photograph

SEXUAL HARASSMENT and SEXUAL ABUSE (EMPLOYEES, ADULTS and STUDENTS)

Introduction:

Sexual harassment is a form of sex discrimination which violates Section 703 of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000e, et seq. Sexual abuse is a crime prosecutable under the criminal laws of the State of Tennessee.

It is the policy of the Clarksville-Montgomery County School System to maintain a learning and working environment that is free from sexual harassment. The School System prohibits any form of sexual harassment.

It shall be a violation of this policy for any student or employee of the School System to harass a student or an employee through conduct or communication of a sexual nature as defined by this policy.

The School System will act to investigate all complaints, either formal or informal, verbal or written, of sexual harassment and to discipline any student or employee who sexually harasses a student or employee of the School System.

Sexual abuse must be reported immediately to the Department of Children's Services TCA 37-1-605.

Sexual Harassment Defined:

1. Sexual harassment consists of unwelcome sexual advances, requests for sexual favors, sexually motivated physical conduct or other verbal or physical conduct or communication of a sexual nature when:

- a. Submission to that conduct or communication is made a term or condition, either explicitly or implicitly, of obtaining or retaining employment, or of obtaining an education; or
- b. Submission to or rejection of that conduct or communication by an individual is used as a factor in decisions affecting that individual's employment or education; or
- c. That conduct or communication has the purpose or effect of substantially or unreasonably interfering with an individual's employment or education, or creating an intimidating, hostile or offensive employment or education environment. Any sexual harassment as defined when perpetrated on any student or employee by any student or employee will be treated as sexual harassment under this policy.

2. Sexual harassment may include, but is not limited to:

- a. Verbal harassment or abuse;
- b. Subtle pressure for sexual activity;
- c. Intentional brushing against a student's or an employee's body;
- d. Demanding sexual favors accompanied by implied or overt threats concerning an individual's employment or educational status;
- e. Demanding sexual favors accompanied by implied or overt promises of preferential treatment with regard to an individual's employment or educational status; or
- f. Unwelcome touching.

Sexual Abuse Defined:

1. Sexual abuse may include, but is not limited to:

- a. Inappropriate patting or pinching;
- b. Any sexually motivated unwelcome touching, especially if one person is under the age of 13;
- c. Any penetration of the vagina, anus, or mouth of a person with the sex organ of another, a finger or an object, by force, coercion or where either person is under the age of 13;

Reporting Procedures for Sexual Harassment Only:

Any person who believes he or she has been the victim of sexual harassment by a student or an employee of the School System, or any third person with knowledge or belief of conduct which may constitute sexual harassment should report the alleged acts immediately to an appropriate School System official as designated by this policy. The School System encourages the reporting party or complainant to use the report form available from the principal of each building or available from the School System Central Office.

1. In Each School Building. The building principal is the person responsible for receiving oral or written reports of sexual harassment at the building level. Upon receipt of a report, the principal must notify the District Human Rights Officer immediately without screening or investigating the report. A written report will be forwarded simultaneously to the Human Rights Officer. If the report was given verbally, the principal shall reduce it to written form within 24 hours and forward it to the Human Rights Officer. Failure to forward any sexual harassment report or complaint as provided herein will result in disciplinary action. If the complaint involves the building principal, the complaint shall be filed directly with the Human Rights Officer.

2. District-Wide. The School Board hereby designates the Director of Human Resources as the School System Human Rights Officer to receive reports or complaints of sexual harassment from any individual, employee or victim of sexual harassment and also from the building principals as outlined above. If the complaint involves the Human Rights Officer, the complaint shall be filed directly with the Director of Schools.

The Human Rights Officer may be reached at:

Director of Human Resources
Clarksville-Montgomery County School System
621 Gracey Avenue
Clarksville, TN 37040
Main Switchboard: (931) 648-5600
Direct Number: (931) 920-7914

The Director of Schools may be reached at:

Director of Schools
Clarksville-Montgomery County School System
621 Gracey Avenue
Clarksville, TN 37040
Main Switchboard: (931) 648-5600
Direct Number: (931) 920-7808 / 920-7809

3. Submission of a good faith complaint or report of sexual harassment will not affect the individual's future employment, grades or work assignments.

4. Use of formal reporting forms is not mandatory.

The School System will respect the confidentiality of the complainant and the individual(s) against whom the complaint is filed as much as possible, consistent with the School System's legal obligations and the necessity to investigate allegations of harassment and take disciplinary action when the conduct has occurred.

Reporting Procedures for Sexual Abuse Only:

Any person who knows or has reasonable ground to believe sexual abuse has occurred, either on or off campus, shall report it immediately to the Tennessee Department of Children's Services at (931) 503-9200. Failure to report Sexual Abuse is a crime, but the identity of the person reporting is kept confidential by law. In every case there will be no investigation by Clarksville-Montgomery County School System until after the Department of Children's Services is notified and until after their investigation is complete.

Investigation and Recommendation for Sexual Harassment:

By authority of the School System, the Human Rights Officer, upon receipt of a report or complaint alleging sexual harassment, shall immediately authorize an investigation. This investigation may be conducted by School System officials or by a third party designated by the Director or Human Rights Officer. The investigating party shall provide a written report of the status of the investigation within 10 working days to the Director of Schools and the Human Rights Officer. Such report will not be made to the Director or Human Rights Officer if he or she is the subject of the investigation.

In determining whether alleged conduct constitutes sexual harassment, the School System should consider the surrounding circumstances, the nature of the sexual advances, relationships between the parties involved and the context in which the alleged incidents occurred.

The investigation should consist of personal interviews with the complainant, the individual(s) against whom the complaint is filed, and others who may have knowledge of the alleged incident(s) or circumstances giving rise to the complaint. The investigation may also consist of any other methods and documents deemed pertinent by the investigator.

In addition, the School System may take immediate steps, at its discretion, to protect the complainant, students, and employees pending completion of an investigation of alleged sexual harassment.

The Human Rights Officer shall make a report to the Director or School Board as appropriate, upon completion of the investigation.

Investigation and Recommendation for Sexual Abuse:

School System Action:

1. Upon receipt of a recommendation that the complaint is valid, the School System will take such action as appropriate based on the results of the investigation.

2. The result of the investigation of each complaint filed under these procedures will be reported in writing to the complainant by the School System. The report will document any disciplinary action taken as a result of the complaint.

Reprisal:

The School System will discipline any individual who retaliates against any person who reports alleged sexual harassment or who retaliates against any person who testifies, assists or participates in an investigation, proceeding, or hearing relating to a sexual harassment complaint. Retaliation includes, but is not limited to, any form of intimidation, reprisal or harassment. However, the School System will also take disciplinary action against any student or employee who, in bad faith or with motive, makes a complaint of sexual harassment which is found to be false.

Non-Harassment:

The School System recognizes that not every advance or consent of a sexual nature constitutes harassment. Whether a particular action or incident is a personal, social relationship without a discriminatory effect requires a determination based on all the facts and surrounding circumstances. Accusations of sexual harassment can have a serious detrimental effect on innocent parties and will

result in appropriate disciplinary action if found to have been made in bad faith.

Right to Alternative Complaint Procedures:

These procedures do not deny the right of any individual to pursue other avenues of recourse which may include filing charges with other appropriate agencies, initiating civil action, or seeking redress under state criminal statutes and/or federal law.

Discipline:

Any action taken pursuant to this policy will be consistent with requirements of applicable collective bargaining agreements, Tennessee statutes, and School System policies. The School System will take such disciplinary action it deems necessary and appropriate to end sexual harassment and prevent its recurrence.

Last Policy Revision/Adoption: July 23, 2004

GRIEVANCES AND THE AMERICANS WITH DISABILITIES ACT

Definition

A grievance shall mean a complaint by an individual that he/she has been discriminated against because of some real or perceived disability.

Coordinator

The Director of Human Resources has been designated by the School System as the person responsible for coordinating the System's efforts to comply with the Americans with Disabilities Act. Complaints may be filed with the Director of Human Resources by addressing the same to:

Director of Human Resources

Clarksville-Montgomery County School System
621 Gracey Avenue
Clarksville, TN 37040
Main Switchboard: (931) 648-5600 / Direct Number: (931) 920-7914

Procedures

All grievances must be presented to the ADA Coordinator. If satisfactory resolution of the problem cannot be reached after ample opportunity for consideration of the matter, the grievant may discuss the matter with the Director of Schools. After review of the case, the Director of Schools shall take action as he deems appropriate and shall notify all parties concerned of his decision. The grievant may appeal the Director of Schools' decision to the Board.

The Board will hear only those complaints which have been carried through the proper procedure from the point of origin.

Legal Reference:

1. Public Law 101-36; U.S.C. 12101.

Last Policy Revision/Adoption: February 27, 2001

NON-DISCRIMINATION (GENDER, EMPLOYEES AND ADULTS)

Title IX of the Educational Amendments of 1972, 20 U.S.C., §1861 et seq.,(1) prohibits gender discrimination in educational programs or activities that receive Federal Financial Assistance. It is the policy of the School Board that discrimination on the basis of sex will not be permitted. The School System has designated the Director of Human Resources as its Human Rights Officer and as the Title IX Coordinator to receive and investigate any complaints involving gender discrimination. Any person having a complaint involving alleged gender discrimination on the part of any student, employee, or official of the Clarksville-Montgomery County School System should contact the School System Title IX Coordinator as follows:

Director of Human Resources
Clarksville-Montgomery County School System
621 Gracey Avenue
Clarksville, TN 37040
Main Switchboard: (931) 648-5600
Direct Number: (931) 920-7914

(1) Title IX of the Educational Amendments of 1972, 20 U.S.C., §1861 et seq.

Last Policy Revision/Adoption: February 27, 2001

DANGEROUS WEAPONS ON SCHOOL PROPERTY

It is in violation of school policy and State law for anyone to be in unauthorized possession of a weapon upon school premises or to bring unauthorized weapons upon school premises. Any unauthorized weapons found upon a person, within an automobile, or any other manner upon school property will be confiscated and reported to law enforcement authorities. Possession of a weapon upon school premises will be considered "authorized" if such possession is in furtherance of the academic program of the school system and occurs with the express permission of school authorities. As an example, authorization may be given for possession and use of such weapons in the ROTC program, for marksmanship or hunter safety courses, or as part of an academic presentation in history or other classes. Other persons, such as commissioned law enforcement officers, who are authorized to carry weapons, shall be considered authorized to carry their weapons upon school premises. However, the mere possession of a permit to carry a concealed weapon does not authorize the permit holder to possess or bring a weapon upon school grounds.

In addition, school officials who find any other contraband materials upon the school premises will immediately report same to appropriate law enforcement authorities. Persons who bring such material upon school premises, whether students or not, will be prosecuted in accordance with State law.

As used herein, "contraband" includes all substances or materials, the presence of which is prohibited by school policy or State law, including, but not limited to, controlled substances, drugs, alcoholic beverages, legal products which are misused or possessed for illegal purposes (i.e. glue or petroleum products misused for inhalation, abused or misused prescription medications, etc.) and stolen property. As used herein, a "weapon" is a gun, shotgun, rifle, pistol, dynamite cartridge, bomb, grenade, mine, explosive device, shell or bullet, Bowie knife, dirk, dagger, slingshot, leaded cane, switchblade knife, locked blade knife, blackjack, metallic Knuckles, mace, a knife with a blade in excess of three inches in length or any other item of similar description.

The School System retains authority to conduct routine patrols of parking lots and inspection of interiors of automobiles on school property. Searches of such automobiles may be conducted in accordance with State law. Dogs, metal detectors, and/or other devices may be used in conducting such searches.

Last Policy Revision/Adoption: March 14, 2000

STUDENT CONDUCT ON SCHOOL BUSES

PART I. STUDENT CONDUCT ON BUSES

A. The bus driver shall be competent and fair in dealing with students, and shall be responsible to the principal for the conduct of students on the bus. The driver shall so plan and arrange to provide all pupils the safest, most comfortable, and least troublesome journey to and from school.

The following procedure shall be followed for misconduct:

Grades K - 12 Verbal warning: Students must be warned by driver of misconduct and given the opportunity to correct the misconduct.

Written Warnings By Driver

Grades K - 12: First warning issued by driver with copies given to student, parent, and principal. Driver keeps a copy.

Grades K - 5 (only): Second Warning issued by driver with copies given to student, parent, and principal. The driver must advise student and parent that the next offense may warrant time off school bus if corrective action is not taken by the student.

NOTE: Profanity, smoking, chewing or dipping tobacco products, threatening driver or fellow students, alcohol, controlled substances (drugs), drug paraphernalia, or damaging property are prohibited. A written report will be given to the student's principal without any prior warnings. Disciplinary action will be taken by student's principal based upon principal's discretion and/or School Board policy.

B. After a bus driver has verbally warned a student for behavior problems and has issued a written warning, the bus driver shall report offenses, in writing, to the principal. The pupil guilty of said misconduct will be called into the office and such disciplinary action as deemed necessary shall be taken, and future acceptable conduct required. A report to the student's parents or guardian or a conference with parents or guardian is the recommended procedure in all cases.

Punishment

Grades K - 12: A first offense will warrant a 1 to 3 day bus suspension, depending upon the seriousness of the offense. 5 pts.

Grades K - 12: A second offense will warrant a 2 to 10 day bus suspension. A parent conference is urged, if at all possible. 10 pts.

Grades K - 12: A third offense will warrant a 3-15 day suspension depending upon the seriousness of the offense. 15 pts.

Grades K - 8: A fourth offense will warrant a long term suspension. ("Long Term" meaning not less than 15 days and may be as long as the remainder of the school year.) At principal's discretion. 25 pts.

Grades 9 - 12: A fourth offense will warrant a long term suspension ("Long Term" defined as not less than 30 days and may be as long as remainder of school year.) At principal's discretion. 25 pts.

C. Pupils shall become ineligible for transportation when their behavior is such as to cause dissension on a school bus, or when they disobey state or local rules and regulations pertaining to pupil transportation and/or his/her behavior poses a threat to the health and safety of the other occupants and passengers.

STUDENT - PARENT INFORMATION

Any student or parent who makes a request for reinstatement for students with a long term bus suspension, must do the following:

1. Parents must request a meeting with the principal, bus driver, Transportation Director or Designee, parent and student. If an agreement is reached for reinstatement, the agreement must be put in writing with all parties' signatures. School officials will determine the requirements of the reinstatement.

2. At the principal's discretion, he or she may know of circumstances that may warrant a student's reinstatement. If an agreement is reached, a conference call must be made to the Transportation Director informing him of the reason for reinstatement. The student will be reinstated and parents given special conditions in writing. The Transportation Director will inform the driver of the student's reinstatement.

Note: Video surveillance on buses will be used as a tool to monitor student conduct. In order to preserve the reasonable expectation of privacy, video tapes shall be treated as confidential records.

Last Policy Revision/Adoption: July 9, 2002

VANDALISM OF SCHOOL BUSES

Care of the bus and prevention of needless abuse shall be the responsibility of the driver. Unnecessary and wanton abuse of a school bus by a pupil shall result in that student being made ineligible for transportation in addition to any other disciplinary measures. Said pupil shall become eligible again only when payment is made for damage and assurance is given that the abuse will not reoccur.

The following procedure shall be followed when damage is done to a bus by a student.

First Offense: Any student caught cutting, tearing, or defacing a bus seat in any manner will be suspended from riding any bus in the Clarksville-Montgomery County School System until restitution is made, either by the student, parent, or guardian. 10 pts.

Second Offense: Any student caught cutting a seat the second time must pay for the restitution of the seat and will be suspended from riding the bus for the remainder of the school year. If the offense occurs during the second semester of the school year, the student shall be suspended for the first semester of the following year also. 25 pts.

Third Offense: Any student caught cutting or defacing a seat the third time must pay for the restitution of the seat and will be suspended from riding a school bus for the remainder of his/her school career. 50 pts.

Last Policy Revision/Adoption: July 25, 1989

STUDENT ABSENCES AND EXCUSES

In order to meet the requirements for promotion, students in elementary school grades must attend school 85% of the days school is in session. Attendance for promotion will be determined at the end of each school year.

In order to meet the requirements for promotion, students in middle school grades must attend each class 85% of the days school is in session. Attendance for promotion will be determined at the end of each school year.

In order to meet the requirements for receiving course credits, and/or graduation, students in high school must attend each class 90% of the school days per semester. Attendance for credits earned in each class will be determined at the end of each semester (school-sponsored events do not constitute absences for this purpose).

Exclusive of suspension/expulsion as defined by the Student Code of Conduct (page 7 (B)) it will be the student's responsibility to see the teacher about allowable make-up work upon the day of the student's return to school. During the school year, this work must be completed at the convenience of the teacher within an equal number of days commensurate with the number of consecutive days of the absences.

PLEASE NOTE: This policy is intended to encourage full-time school attendance. It recognizes that students may be ill, have doctor's appointments that cannot be scheduled outside of school hours or may have other legitimate reasons for missing school. Thus, the policy provides that students may miss a certain percentage of school days for these purposes; however, students should understand that this policy is not intended to allow a certain number of days or classes to be missed without good cause. If a student exceeds the number of allowable absences, the student will be required to provide documentation sufficient to explain all prior absences, not just the absences which got them over the limit. Therefore, students should not miss class without good cause.

SCHOOL-SPONSORED ACTIVITIES:

School-sponsored activities is defined as participating in activities or contests representing the school.

Last Policy Revision/Adoption: July 28, 1992

STUDENT DRESS CODE

The Board believes that proper etiquette, social customs, and good grooming are part of the educational process. While parents should exercise the primary authority in determining what is appropriate dress and grooming for their children in accordance with their age and grade, it is the responsibility of the School System to work with parents in encouraging students to assume this responsibility and to execute it sensibly as they mature. It is also the responsibility of the School System to provide an educational atmosphere conducive to learning.

The Dress Code is designed to ensure the health and safety of students and to avoid distractions to the educational process, while preserving the basic rights of individuals. The following guidelines must be followed:

1. Attire must not be destructive to school property.
2. Dress must comply with the health and safety codes of the State of Tennessee.
 - a. For health reasons, shoes must be worn.
3. Dress or appearance must not interfere with the educational process or the rights of others.
 - a. Only tops designed to be worn outside of pants or skirts may be worn in that manner.
 - b. Headwear or hair rollers are prohibited inside buildings.
 - c. Sunglasses are prohibited inside buildings unless prescribed.
 - d. Bare midriffs, see-through garments, white undergarment type T-shirts, bare backs, halter tops, low-cut blouses and pants, mini-skirts, tank tops, and cut-offs are prohibited.
 - e. Shorts, in appropriate lengths and materials, are permitted in grades K-12. No spandex or bicycle-type shorts are permitted. Shorts must be longer than mid-thigh/approximately knee length. Brief type shorts, or shorts of any length which are tight fitting are not permitted.
 - f. Skirts and dresses must be longer than mid-thigh/approximately knee length.
 - g. Obscene, profane, provocative, or inflammatory words or pictures on body/skin, clothing or jewelry, or clothing advertising alcoholic beverages, drugs, drug paraphernalia, or tobacco products are prohibited.
 - h. Students in grades 6-12 are prohibited from wearing, while on school property or at any school-sponsored activity, any type of clothing, apparel, or accessory, which denotes such students' membership in or affiliation with any gang. (1)
 - i. Extremely low-riding pants are not allowed because they are a safety hazard. "Sagging" is not permitted.
 - j. Body piercing jewelry, with the exception of earrings, is prohibited in school or at school-sponsored activities.

Additionally, existing laws and/or school regulations require the wearing of protective clothing, eye shields or other dress for the health or safety of students participating in certain activities. Each school will notify students of these rules.

Individual schools will assume responsibility for determining compliance with the Dress Code and for ruling on specific items of clothing and general appearance for reasons of safety and health, or for the order, well-being, and general welfare of students. Students failing to comply with the Dress Code shall be required to make immediate arrangements for appropriate clothing. Refusal to make such arrangements shall result in suspension for one school day for the first offense and up to 10 days for repeated violation.

(1) TCA 49-6-4215

Last Policy Revision/Adoption: May 27, 1997

GANGS

The Clarksville-Montgomery County Board of Education is dedicated to preventing the influence and activities of gangs in the schools. This policy is designed to eliminate or prevent such influence and activities and should be interpreted in the broadest form permissible to effectuate these purposes.

DEFINITIONS:

For the purposes of this policy, a "gang" is defined as any group or association, whether formal or informal, which encourages, solicits, promotes, urges, counsels, furthers, advocates, condones, assists, causes, advises, procures, or abets any illegal or disruptive activity, whether on or off school campuses.

PROHIBITED ACTIVITY:

No student shall:

1. Display or wear gang articles, paraphernalia, clothing, or symbols.
2. Threaten to commit, or actually commit, any crime of violence or burn or damage property with the purpose of terrorizing another or, of causing the evacuation of a building, place of assembly, school bus, or other school facility or otherwise causing disruption to the orderly operation of any activity on any school campus or school property, or reckless disregard of the risk of causing such terror or disruption.
3. Shoot at or throw an object at a school bus or other school owned or operated vehicle.
4. Recruit or solicit membership in any gang or gang related organization.
5. Hold himself or herself out as a member of a gang.

Any student who urges, encourages, counsels, furthers, promotes, assists, causes, advises, procures, or abets any other student or students to violate any section or paragraph of this policy shall be deemed to have violated that section or paragraph.

Min. Punishment (25-75 pts. Alt. Sch) Max. Punishment-Permanent Exp.

Last Policy Revision/Adoption: May 27, 1997

INTERROGATIONS AND SEARCHES

I. INTERROGATIONS

A. Interrogations by School Personnel:

School officials may question students at any time regarding suspected violations of school policies or State laws by the student or others. A student's failure to answer and otherwise cooperate may be grounds for further disciplinary action.

B. Interrogations by Law Enforcement Personnel:

Interrogations of pupils by law enforcement officers, who show proper identification, will be permitted during the school day only when non-school hours are impossible, impractical, or would unduly interfere with law enforcement. Efforts should be made to notify the parent, guardian, or other adult person having the care and custody of the child. In the event that an interrogation is conducted on the school premises, the principal or his representative must be present.

II. SEARCHES AND SEIZURES

A. Introduction:

To maintain order and discipline in the schools and to protect the safety and welfare of students and school personnel, students are subject to reasonable searches and seizures. School officials are empowered to conduct reasonable searches of students and school property when there is reasonable suspicion to believe that students may be in possession of drugs, drug paraphernalia, weapons, alcohol, stolen property and other material (contraband) in violation of school policy or State law. School property shall remain under the control of school officials, and shall be subject to search. School authorities may seize any illegal, unauthorized, or contraband materials discovered in the search.

As used in this policy, the term "unauthorized" means any item dangerous to the health or safety of students or school personnel, or disruptive of any lawful function, mission or process of the school, or any item described as unauthorized in school rules available beforehand to the student.

"Contraband" is all substances or materials, the presence of which is prohibited by school policy or State law, including but not limited to, controlled substances, drugs, alcohol or alcoholic beverages, abusable glue or aerosol paint, guns, knives, weapons, incendiary devices, and stolen property.

A student's failure to permit searches and seizures as provided in this policy will be considered grounds for disciplinary action.

B. Personal Searches:

The person of a student or visitor and his/her personal effects (e.g. purse, book bag, etc.) may be searched whenever a school authority has reasonable suspicion to believe that the person is in possession of illegal, unauthorized, or contraband materials. "Reasonable Suspicion" is the standard for a search on school property or at school related events. It is based on the school official's specific reasonable inferences which he or she is entitled to, drawn from the facts in light of the school official's experience. Specific reasonable inferences may be drawn from instances including, but not limited to: a tip from a reliable student, suspicious behavior which suggests that contraband is present, a smell indicating the presence of contraband, or a bulge in a pocket, etc. Reasonable suspicion should not be based on mere hunch but rather should take into consideration the child's age, history and school record, the prevalence and seriousness of the problem in the school to which the search is directed, the exigencies in making a search without delay and further investigation, the probative value and reliability of the information used as a justification for the search, the particular teacher or school official's experience with the student, and the experience of the involved school officials with the type of problem to which the search was directed.

If a "pat down" search of a student's person is conducted, it will be conducted in private by a school official of the same sex and with an adult witness present, when feasible.

If the school official has reasonable suspicion to believe that the student has on his or her person an item imminently dangerous to the student or to others, such as a weapon or unauthorized drugs, a more intrusive search of the student's person may be conducted. Such a search may only be conducted in private by a school official of the same sex, with an adult witness of the same sex present, and only upon the prior approval of the Director of Schools or his designee, unless the health or safety of students will be endangered by the delay which might be caused by following these procedures.

The following procedures are suggested for a search but are not mandated because the circumstances attendant to the need for each search may vary. Ordinarily the student should be required to be present and asked to consent to the search. If, after being informed of the basis for the school official's reason to search, the student does not consent and the circumstances permit, the student's parent or guardian should be called and informed of the circumstances. If the parent or guardian will not consent to the search, the school official may proceed with the search, impose other appropriate disciplinary measures, or call law enforcement authorities. Ordinarily, and if circumstances permit, the search of a person or his or her effects should be conducted out of the presence of other students.

C. Locker Searches:

Student lockers are school property and remain at all times under the control of the school; however, students are expected to assume full responsibility for the security of their lockers. When individual circumstances, as defined by TCA 49-6-4204(b) indicate, searches of lockers may be conducted by school authorities at any time without notice, without student consent, and without a search warrant.

D. Automobile Searches:

Students and other visitors are permitted to park on school premises as a matter of privilege, not of right. The school retains authority to conduct routine patrols of parking lots and any vehicle on school property may be searched whenever individual circumstances dictate. Students are responsible for the contents of the vehicle they drive to school. Such patrols and searches may be conducted without notice, without student consent, and without a search warrant. Searches of such automobiles may be conducted in accordance with State law. Dogs, metal detectors, and/or other devices may be used in conducting such searches.

E. Use of Dogs, Metal Detectors, or Other Devices:

Dogs, metal detectors or other devices may be used in conducting searches. Dogs shall not be used to search individuals unless school officials have established independently that there is a reasonable cause to believe that a particular student or visitor possesses illegal, unauthorized, or contraband materials on his or her person. In such cases, every precaution shall be taken to insure safety while such searches are being conducted. An indication by the dog, metal detector, or other device that illegal, unauthorized, or contraband material is present shall be reasonable cause for a further search by school officials.

In view of the escalating presence of weapons in our schools, the Board of Education authorizes the use of hand-held or walkthrough metal detectors to check a student's person or personal effects as follows:

School official or law enforcement officers may conduct metal detector checks of groups of individuals if the checks are done in a manner (e.g., on all students in a randomly selected class; on every third individual entering an athletic event). Metal detector checks of groups of individuals may not be used to single out a particular individual or category of individuals.

If a school official or a law enforcement officer has reasonable suspicion to believe that a particular student is in possession of an illegal or unauthorized metal-containing object or weapon, he or she may conduct a metal detector check of the student's person and personal effects.

A student's failure to permit a metal detector check as provided in this policy will be considered grounds for disciplinary action including possible suspension.

F. Notification of Law Enforcement Authorities:

If a properly conducted search yields illegal or contraband materials, such findings shall be turned over to proper legal authorities for ultimate disposition.

G. Mass Searches:

Mass searches shall not be permitted except in the most unusual and exigent circumstances indicating that the delay required in narrowing suspicion to a particular student is likely to result in serious danger to life or property. In all such cases, effort shall be made to contact the Director of Schools and the School Board's attorney before conducting such mass searches.

H. Arrest:

Custody and/or arrest may be effected by a police officer after he has shown proper identification and credentials.

I. Training:

Training regarding the provision of this policy and student due process rights in general shall be included in annual in-service.

Last Policy Revision/Adoption: November 22, 1994

NON-DISCRIMINATION (GENDER, STUDENTS)

Title IX of the Educational Amendments of 1972, 20 U.S.C., §1861 et seq., (1)prohibits gender discrimination in educational programs or activities that receive Federal Financial Assistance. It is the policy of the School Board that discrimination on the basis of sex will not be permitted. The School System has designated the Director of Human Resources as its Human Rights Officer and as the Title IX Coordinator to receive and investigate any complaints involving gender discrimination. Any person having a complaint involving alleged gender discrimination on the part of any student, employee or official of the Clarksville-Montgomery County School System should contact the School System Title IX Coordinator as follows:

Director of Human Resources

Clarksville-Montgomery County School System
621 Gracey Avenue
Clarksville, TN 37040
Main Switchboard: (931) 648-5600
Direct Number: (931) 920-7914

(1) Title IX of the Educational Amendments of 1972, 20 U.S.C., §1861 et seq.

Last Policy Revision/Adoption: February 27, 2001

GLOSSARY OF TERMS

For the purpose of this Code, the following terms shall apply:

- ♦ **“School property”** means in or within any building, structure, athletic playing field, playground, parking lot or land contained within the real property boundary line of a public elementary or secondary school, at school bus stops or in or on a school bus.
- ♦ **“School function”** means any school-sponsored extra-curricular event or activity.
- ♦ **“Weapon”** - Being in unauthorized possession of any of the following: any gun, shotgun, rifle, pistol, dynamite cartridge, bomb, grenade, mine, explosive device, shell or bullet, Bowie knife, dirk, dagger, slingshot, leaded can, blackjack, metallic knuckles, mace, or any item of similar description or possession of any knife with a blade in excess of 3 inches in length.
- ♦ **“ZERO TOLERANCE”** violations:
 - (1) Possession of firearm
 - (2) Battery on school employee/School Resource Officer
 - (3) Possession of illegal drugs

NOTE: Zero tolerance offenses require mandatory calendar year expulsion unless modified by the director of schools.

- ♦ **Detention**
A student may be detained before or after school for disciplinary reasons.
- ♦ **In-School Suspension**
The principal reassigns the student to a separate, supervised area, isolated from usual activities in the school. Student is accounted and present.
- ♦ **Out-of-School-Suspension** - shall be defined as dismissed from attendance at school for any reason for not more than ten (10) consecutive days. The student is excluded from school and all curricular and extra curricular activities. Student is counted absent.
- * **Alternative School Program**
A structured learning environment where students are assigned for behavior infractions. Instruction shall proceed as nearly as practicable in accordance with the instructional program at the student’s home school. Attendance is mandatory.
- * **Legend Drug** - as defined in TCA 53-10-101, is any item which federal law prohibits dispensing without a prescription from a licensed doctor, dentist, optometrist or veterinarian.
- * **Remandment** - shall be defined as assignment to an alternative school.
- * **Expulsion** - shall be defined as removal from attendance for more than ten (10) consecutive days or more than fifteen (15) days in a month of school attendance.