

<b>Students</b>	<b>Section J:</b>		
	<b>Knox County Board of Education</b>		
	Descriptor Term:	Descriptor Code:	Issued:
	<b>Misbehaviors and Disciplinary Options</b>	<b>J-191</b>	<b>7/95</b>
	Reviewed:	Revised:	
	<b>5/18</b>	<b>6/18</b>	

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2 The behavior code addresses the language used by students, respect for all school employees, fighting,  
3 threats, weapons on school property or at school functions, damage to the property of person or others,  
4 misuse or destruction of school property, drug or alcohol abuse, the sale or distribution of drugs or  
5 alcohol, student conduct on school property, conduct in classes and on school buses. A teacher, principal,  
6 school employee or school bus driver may use reasonable force in in compliance with Tennessee law to  
7 enforce discipline and protect students.<sup>1, 2</sup>  
8

9 In accordance with T.C.A. § 49-10-1305, a teacher, principal, school employee may: use a physical  
10 holding restraint for a brief holding of a student in order to calm or comfort; the minimum contact  
11 necessary to physically escort a student from one area to another; assist student in completing a task or  
12 response if the student does not resist, or resistance is minimal in intensity or duration; or may hold a  
13 student for a brief time in order to prevent any impulsive behavior that threatens the student’s immediate  
14 safety or to prevent bodily harm or death to another person.  
15

16 When students are disruptive or act inappropriately, school staff and principals are expected to respond  
17 logically, appropriately, and consistently to ensure a safe orderly school environment for all students. The  
18 Knox County Schools Discipline Guidelines describe five levels of behavior, increasing in seriousness  
19 from a Level 1 Behavior to a Level 5 Behavior (see chart below). The KCS Student Support Guidelines  
20 will be utilized in addressing discipline consequences. The use of Restorative Practices shall be used to  
21 the greatest extent practicable in schools where the training has been completed.  
22

23 The KCS Discipline Guidelines also include levels of possible responses to inappropriate behavior  
24 (Response A through E). Each behavior is assigned to one or more of these levels of response. Principals  
25 and school staff should use the levels suggested for each behavior. If a behavior is assigned to two or  
26 more levels of response, the lowest level of intervention should generally be used first. Behaviors are  
27 defined in the KCS Behavior Definitions Table attached to this policy.  
28

29 When choosing a higher-level response within the range of possible responses, an administrator should  
30 consider:

- 31     ▪ the student’s age, health, disability, decision-making ability and prior discipline history
- 32     ▪ the student’s willingness to repair the harm
- 33     ▪ the seriousness of the act
- 34     ▪ the potential to cause harm or the harm caused, including any injuries caused
- 35     ▪ the extent of actual disruption to the learning environment
- 36     ▪ whether the act was intentional

37

38 The administration will document in the discipline referral the reasons for using the selected response. In  
39 each case, KCS administrators and staff will ensure consequences applied will minimize the amount of  
40 instructional time lost and ensure a safe and orderly learning environment. It is the duty of school  
41 principals to administer and implement the school behavior and discipline code.<sup>3</sup> Principals and school  
42

1 faculty shall use these guidelines for responses to behavior. Responses and interventions are at the  
 2 discretion of the school principals. Suspension is required if the behavior is a Level 5, Zero Tolerance  
 3 Offense.

4 Administrators may consider an extended suspension (suspension over 45 days) when a student's  
 5 behavior or culmination of behaviors pose an on-going safety concern to the school, staff, and/or students.  
 6 Administrators must notify a KCS Grade Level Director (GLD) prior to an extended suspension  
 7 assignment.  
 8

Behaviors	Intervention Response	Suspension Out of School (under 10 days)	Extended Suspension Out of School (over 10 days)
<b>Level 1 Behaviors</b>			
Dress Code Violation	A	No	No
Vehicle Violation	A	No	No
Tardy to School	A	No	No
Tardy to Class	A	No	No
Public Display of Affection (PDA)	A	No	No
<b>Level 2 Behaviors</b>			
Repeated violations of a pattern of Level 1, with evidence of implemented intervention (See mandatory interventions)	A,B	No	No
Class Cut	A,B	No	No
Profanity/Abusive Language in School	A,B	No	No
Unauthorized Area	A,B	No	No
Failure to Serve Detention	A,B	No	No
Inappropriate Physical Contact/Horseplay	A,B	No	No
<b>Level 3 Behaviors</b>			
Repeated violations of a pattern of Level 2 Behaviors, with evidence of implemented intervention (See mandatory interventions)	B,C,D	Yes	No
Cheating	A,B,C	Yes	No
Obscene Material	A,B,C	Yes	No
Possession of Prescription or Non-Prescription Medication	A,B,C	Yes	No
Trespassing on School Grounds	A,B,C	Yes	No
Falsify/Forgery of Records	A,B,C	Yes	No
Disruption of Class or School Environment	B,C	Yes	No
Non-Compliance with Staff Request	B,C	Yes	No
Profanity/Abusive Language to Staff	B,C	Yes	No
Theft of Property (Under \$1,000)	B,C	Yes	No
Bus Misconduct	B,C	Yes	No
Possession or Use of Tobacco Products (including electronic cigarettes)	B,C	Yes	No
Leaving School Grounds without permission	B,C	Yes	No
Inappropriate Use of Electronic Device	B,C	Yes	No

Behaviors	Intervention Response	Suspension Out of School (under 10 days)	Extended Suspension Out of School (over 10 days)
<b>Level 3 Behaviors (continued)</b>			
Tamper-Fire Alarm	B,C,D	Yes	No
Possession or Use of Fireworks	B,C,D	Yes	No
Vandalism/Damage of Property	B,C,D	Yes	No
Threat Class 1	B,C,D	Yes	No
Fighting	C,D,E	Yes	Yes
Bullying	C,D,E	Yes	Yes
Cyberbullying	C,D,E	Yes	Yes
Harassment	C,D,E	Yes	Yes
Sexual Harassment	C,D,E	Yes	Yes
Possession of Drug Paraphernalia	C,D,E	Yes	Yes
<b>Level 4 Behaviors</b>			
Repeated violations of a pattern of Level 3 Behaviors, with evidence of implemented intervention (See mandatory interventions)	D,E	Yes	Yes
Theft of Property (over \$1,000)	D,E	Yes	Yes
Breaking/Entering	D,E	Yes	Yes
Gang Activity	D,E	Yes	Yes
Threat Class 2	D,E	Yes	Yes
Under the Influence	D,E	Yes	Yes
Possession, Use or Distribution of Alcohol	D,E	Yes	Yes
Sexual Misconduct	D,E	Yes	Yes
<b>Level 5 Behaviors</b>			
Repeated violations of a pattern of Level 4 Behaviors, with evidence of implemented intervention (See mandatory interventions)	D,E	Yes	Yes
Assault of Staff	D,E	Yes	Yes
Assault of Student	D,E	Yes	Yes
Aggravated Assault of Student	D,E	Yes	Yes
Sexual Battery (Assault)	D,E	Yes	Yes
Possession of Weapon other than Firearm (A lesser disciplinary response may be used following school-based investigation)	E	Yes	Yes
Bomb Threat	E	Yes	Yes
Felony Behavior	E	Yes	Yes
Possession, Use or Distribution of Illegal Drugs	E	No	(ZT) Yes*
Aggravated Assault and Battery of Teachers or Staff	E	No	(ZT) Yes *
Possession of Explosive or Incendiary Device	E	No	(ZT) Yes*
Possession of Handgun, Rifle or Shotgun	E	No	(ZT) Yes*
*Mandatory 180 School Days)			

## Intervention Response Guidelines

When choosing a higher-level response within the range of possible responses, an administrator should consider the student's age, health, disability, decision-making ability, prior discipline history, willingness to repair the harm, serious of the act, potential to cause harm or the harm caused, the extent of actual disruption to the learning environment, and whether the act was intentional.

### Intervention Response A

- Student tells his/her side of the story and parent/guardian notified.
- Teacher or designated staff has restorative conversation with student.
- Teacher or designated staff determines whether to involve additional school support staff.
- One or more classroom management strategies or intervention supports are initiated. Student's individual needs and abilities should be considered when choosing interventions.

### Intervention Response B

- Student tells his/her side of the story and has opportunity to write a statement.
- Administrator communicates with parent/guardian and determines whether to involve additional school staff.
- Documentation of prior interventions is reviewed with the parent/guardian.
- One or more additional interventions are initiated or revised as appropriate. New interventions should be considered if previous interventions have been unsuccessful.
- If necessary, administrator may assign an alternate learning location within the school for up to two (2) days.
- If response has been escalated as a result of a repeated pattern of Level 1 Behaviors, administrators could refer student to PIT as an intervention in Response B.

### Intervention Response C

- Student tells his/her side of the story and has opportunity to write a statement.
- Administrator communicates with parent/guardian and determines whether to involve additional school staff.
- Documentation of prior interventions is reviewed with the parent/guardian.
- One or more additional interventions are initiated or revised as appropriate. New interventions should be considered if previous interventions have been unsuccessful.
- If necessary, administrator may assign an alternate learning location within the school for up to three (3) days OR one (1) to four (4) days of out of school suspension.
- Restorative conference should be considered upon re-entry depending on the nature and level of harm caused by the behavior.
- If response has been escalated as a result of a repeated pattern of Level 2 Behaviors, administrators could refer student to PIT as an intervention in Response C.

### Intervention Response D

- Student tells his/her side of the story and has opportunity to write a statement.
- Administrator communicates with parent/guardian and determines whether to involve additional school staff.
- Documentation of prior interventions is reviewed with the parent/guardian.
- One or more additional interventions are initiated or revised as appropriate. New interventions should be considered if previous interventions have been unsuccessful.
- If necessary, administrator may assign five (5) to ten (10) days of out of school suspension.
- Restorative conference required upon re-entry to school.
- Any out of school suspension over four (4) days requires a disciplinary hearing.

Intervention Response E

- Student tells his/her side of the story and has opportunity to write a statement.
- Administrator communicates with parent/guardian and determines whether to involve additional school staff.
- Documentation of prior interventions is reviewed with the parent/guardian.
- One or more additional interventions are initiated or revised as appropriate. New interventions should be considered if previous interventions have been unsuccessful.
- If necessary, administrator may assign eleven (11) to forty-five (45) days of out of school suspension.
- Restorative conference required upon re-entry to school.
- Any out of school suspension over four (4) days requires a disciplinary hearing.

**NOTE:**

- All interventions are to be documented.
- All out of school suspensions over five (5) days must be referred to School Support Teams prior to a disciplinary hearing.
- Students with patterns of suspension could be referred to the School Support Teams as well.

**ADDITIONAL GUIDELINES**

1. A student shall not be suspended solely because charges are pending against him/her in juvenile or other court;
2. A student may be suspended for off campus criminal behavior that results in a student being legally charged with an offense that would be classified as a felony if the student was charged as an adult or if adjudicated delinquent for an offense that would be classified as a felony if the student was an adult, or if the student was convicted of a felony, and the student’s continued presence in school poses a danger to persons or property or disrupts the education process;<sup>4</sup>
3. A principal shall not impose successive short term suspensions that cumulatively exceed ten (10) days for the same offense;
4. A teacher or other school official shall not reduce or authorize the reduction of a student’s grade solely on the basis of discipline problems except in deportment or citizenship;<sup>4,5</sup>
5. A student shall not be denied the passing of a course or grade promotion solely on the basis of absences except as provided by Board policy;
6. A student shall not be denied the passing of a course or grade promotion solely on the basis of failure to:
  - a. pay any activity fee;
  - b. pay a library or other school fine;
  - c. make restitution for lost or damaged school property
7. Any student who is expelled may request modification pursuant to J-191 from the Director of Schools.<sup>4</sup>

Legal References:

1. T.C.A. § 49-6-4107.
2. T.C.A. § 49-6-4001 through 49-6-4105.
3. T.C.A. § 49-2-303
4. T.C.A. § 49-6-3401.
5. T.C.A. § 49-6-3402.

KCS Behavior Definitions Table is attached and included in this policy.

Approved as to Legal Form 6/5/2018  
 By Knox County Law Director  
 /Gary T. Dupler/Deputy Law Director

<b>KNOX COUNTY SCHOOLS BEHAVIOR DEFINITIONS</b>		
<b>Code</b>	<b>Behavior</b>	<b>Definition</b>
35	Aggravated Assault and Battery of Teacher or Staff	Intentionally or knowingly causing serious bodily injury or the use of weapon to any KCS employee and/or SRO.
36	Aggravated Assault of Student	Intentionally, knowingly, or recklessly committing an unprovoked physical attack on another student that causes injuries requiring medical attention beyond general first aid. Could also include two or more students intentionally causing or attempting to cause physical injury to another. Also includes the use of any weapon.
32	Assault of Staff	An intentional or reckless act that causes or has the potential to cause physical harm to a teacher or school staff on school grounds or at a school-sponsored activity.
33	Assault of Student	Intentionally, knowingly, or recklessly committing an unprovoked physical attack on another student. Minor physical contact, such as pushing or shoving, does not constitute assault. A child may not receive the same disciplinary consequence for their involvement in an altercation, if the school administrator determines that they acted in self-defense to protect themselves from physical harm. (TCA 49-6-3401) Response E may only be used if the attack was premeditated and if the student committing the act presents an ongoing safety risk to others. When Response E is used, evidence of premeditation and safety risk must be listed in the discipline referral.
27	Bomb Threat	Intentionally making a false report of potential harm from a bomb, dynamite, explosive or arson-causing device.
74	Breaking/Entering	Breaking in or onto any district property that includes any unauthorized entry into school property with or without destruction to the property. Includes breaking into student or staff property.
29	Bullying	Bullying is defined as unwanted, aggressive behavior that involves power imbalance. The behavior is repeated over time. The imbalance of power involves the use of physical strength, access to embarrassing information, or popularity to control or harm others. If bullying is repeated over time and persists after documented administrative intervention, expulsion may result.
51	Bus Misconduct	Engaging in conduct or behavior, which interferes with the orderly, safe, and timely transportation of students.

Code	Behavior	Definition
72	Cheating	Copying from another's test paper; using material during a test which is not authorized by the person giving the test; collaborating with another student during the test without authorization; knowingly using, buying, selling, stealing, transporting, or soliciting, in whole or part, the contents of an unadministered test; substituting for another student or permitting another student to substitute for one's self to take a test; bribing another person to obtain a test that is to be administered; or securing copies of the test or answers to the test in advance of the test. Cheating includes: Plagiarizing (appropriating another's work and using it as one's own for credit without the required citation and attribution, e.g., copying written work from the Internet, or any other source). Student may still be assigned classroom disciplinary action in addition to typical behavior intervention.
59	Class Cut	Failing to attend a scheduled class or activity without authorization.
97	Cyberbullying	Cyberbullying is bullying that takes place using electronic technology. Electronic technology includes devices and equipment such as cell phones, computers, and tablets, as well as communication tools including social media sites, text messages, chat, and websites. Examples may include mean text messages or emails, rumor sent by email or posted on social network sites, and embarrassing pictures, videos, websites, or fake profiles.
60	Disruption of Class or School Environment	Intentionally disrupting the school environment to the extent the learning of other students or the normal functioning of the school is impaired. The discipline referral should include evidence demonstrating learning or the normal functioning of the school was significantly impaired.
68	Dress Code Violation	Wearing clothing that does not comply with the school's standard school attire policy or requirements for appropriate dress.
80	Failure to Serve Detention	Failure to follow through with an agreed upon detention.
71	Falsify/Forgery of Records	Falsifying or altering school records, including, but not limited to, written, electronic or digital school records. Writing and using the signature or initials of another person for an unauthorized purpose.

Code	Behavior	Definition
87	Felony Behavior	Off campus criminal behavior that results in the student being legally charged with an offense that would be classified as a felony if the student was charged as an adult or if adjudicated delinquent for an offense that would be classified as a felony if the student was an adult, or if the student was convicted of a felony, and the student's continued presence in school poses a danger to persons or property or disrupts the educational process. - See more at: <a href="http://codes.findlaw.com/tn/title-49-education/tn-code-sect-49-6-3401.html#sthash.PRRGW8uY.dpuf">http://codes.findlaw.com/tn/title-49-education/tn-code-sect-49-6-3401.html#sthash.PRRGW8uY.dpuf</a>
30	Fighting	Mutual participation in an incident involving physical violence
86	Gang Activity	Possessing or displaying symbols or paraphernalia of a gang or of a violent and disruptive group. Participating in the recruitment or initiation of students into a gang or a violent and disruptive group.
65	Harassment	Harassment is any unwelcome conduct that is severe, pervasive or persistent and creates a hostile environment that interferes with or limits a student's ability to participate in or benefit from services, activities, or opportunities offered by a school. Harassment meets one or more of the following criteria: is an act directed at one or more students that is received as harmful or embarrassing; is directed at one or more students; substantially interferes with educational opportunities, benefits, or programs of one or more students; substantially affects the ability of a student to participate in or benefit from the school district's educational programs or activities by placing the student in reasonable fear of physical harm or by causing emotional distress; is based on a student's actual or perceived distinguishing characteristic, or is based on an association with another person who has or is perceived to have any distinguishing characteristics; is repeated over time – is severe, persistent, and pervasive; causes mental duress, or psychological trauma to the victim.
83	Improper Use of Electronic Device	Improper use of cell phone, Internet, or other electronic devices – Using personal technology, electronic devices, or the internet, except when used for educational purposes with the permission of the classroom teacher or school administrator, or in violation of school rules.
93	Inappropriate Physical Contact/Horseplay	Engaging in minor physical contact with another student, such as pushing, bumping or horseplay.
85	Leaving School Grounds without Permission	Leaving school grounds without the permission of school officials.



Code	Behavior	Definition
61	Non-Compliance with Staff Request	Refusing to follow staff directives or comply with assigned disciplinary responses.
77	Obscene Material	Any material found that depraves or disrupts the educational process of the school. (on paper or electronically).
96	Possession of Drug Paraphernalia	Possessing any material used to produce or consume illegal drugs. Drug paraphernalia includes, but is not limited to bongs, roach clips, miniature spoons and pipes used to consume illegal drugs.
20	Possession of Explosive or Incendiary Device	Possession of any destructive device, which includes any explosive, incendiary device, or poison gas, including bombs, grenades, rockets, missiles, mines, and similar devices. Fireworks are not considered an explosive.
18	Possession of Handgun, Rifle or Shotgun	Possession of a firearm or bringing a firearm to school. This includes, but is not limited to, handguns, rifles and shotguns. As required by state and federal law, any student who brings a weapon to school will be referred to law enforcement.
21	Possession of Non-Lethal Firearm	Possessing a non-lethal firearm, weapon replica, BB gun, airgun, air soft gun, pellet gun, cap gun, or toy gun. Response E may only be utilized if possession of the non-lethal firearm or replica causes actual risk of harm to students. The specific nature of the risk must be documented in the discipline referral.
16	Possession of Prescription or Non-Prescription Medication	Possession of prescription or non-prescription medication which has not been registered with school. Includes medications that can be purchased over the counter. Includes possession of prescription medication that is registered to the student.
22	Possession of Weapon other than Firearm	<p>Possessing, transmitting, or using a weapon, including:</p> <ul style="list-style-type: none"> <li>A knife, razor blade, box cutter, or other similar instrument utilizing a razor blade</li> <li>Ammunition, chains, nun-chucks, brass knuckles, or Billy clubs</li> <li>An electric weapon or device, such as a Taser</li> <li>Capsicum (Pepper spray)</li> <li>Weapons similar to those listed above capable of causing serious bodily injury</li> </ul> <p>Any weapons found on school grounds or at school functions will be confiscated and turned over to the appropriate authorities.</p>
70	Possession or Use of Fireworks	Possessing or use of fireworks (firecrackers, bottle rockets, smoke bombs or other similar devices)

Code	Behavior	Definition
50	Possession or Use of Tobacco Products (including Electronic Cigarettes)	Possessing or using any tobacco products, including but not limited to, cigarettes, cigars, vapor or e-cigarettes, or chewing tobacco.
17	Possession, Use or Distribution of Illegal or Prescription Drugs	Unlawful possession, use, or distribution of drugs, including any controlled substance, controlled substance analog, or legend drug (prescription drug). Prohibited drugs include, but are not limited to, ketamine, bath salts, and salvia. Distribution of drugs is defined as the intentional exchange of any prohibited drug with or without monetary exchange. A referral to the school social worker will be made for any student found in violation of this code.
23	Possession, Use, or Distribution of Alcohol	Possessing, using, or being under the influence of alcoholic beverages or substances that have the potential to intoxicate. A referral to the school social worker will be made for any student found in violation of this code.
64	Profanity/Abusive Language	Using profane, inappropriate, or indecent language, such as cursing on school grounds or at school-sponsored activities.
63	Profanity/Abusive Language to Staff	Directing profane or indecent language toward a teacher, staff member or administrator.
82	Public Display of Affection	PDA includes, but is not limited to, physical or verbal conduct or communication of a sexual nature and sexual behavior between parties on school grounds or school-sponsored events.
	Repeated Violations of a pattern of Level 1 Behaviors, with evidence of implemented intervention (See mandatory interventions)	A repeated pattern of Type 1 behavior that continues after documentation of prior interventions. Two or more incidents of a Type 1 behavior may constitute a pattern. The discipline referral must include documentation of interventions implemented.
	Repeated Violations of a pattern of Level 2 Behaviors, with evidence of implemented intervention	A repeated pattern of Type 2 behaviors that continues after documentation of prior interventions. Two or more incidents of a Type 2 behavior may constitute a pattern. The discipline referral must include documentation of interventions implemented
	Repeated Violations of a pattern of Level 3 Behaviors, with evidence of implemented intervention	A repeated pattern of Type 3 behaviors that continues after documentation of prior interventions. Two or more incidents of a Type 3 behavior may constitute a pattern. The discipline referral must include documentation of interventions implemented.
	Repeated Violations of a pattern of Level 4 Behaviors, with evidence of implemented intervention	A repeated pattern of Type 4 behaviors that continues after documentation of prior interventions. Two or more incidents of a Type 4 behavior may constitute a pattern. The discipline referral must include documentation of interventions implemented.

Code	Behavior	Definition
34	Sexual Battery (Assault)	Unwanted sexual contact 1) with the use of force or coercion 2) against a person's will or 3) when the victim is unable to give consent.
31	Sexual Harassment	Engaging in unwelcome sexual advances, requests for sexual favors, or other physical or verbal conduct or communication of a sexual nature. Sexual harassment includes gender-based harassment that creates an intimidating, hostile or offensive educational or work environment.
94	Sexual Misconduct	Sexual Misconduct is a consensual sexual act on school grounds or at school related activities.
73	Tamper-Fire Alarm	The deployment of the school fire alarm system in the absence of an emergency.
55	Tardy to Class	Arriving late to class.
54	Tardy to School	Arriving late to school.
89	Theft of Property (Over \$1000)	Taking the property of another individual or of the school without permission, with the intent of depriving the owner of the property. The value of the property is over \$1000.
88	Theft of Property (Under \$1000)	Taking the property of another individual or of the school without permission, with the intent of depriving the owner of the property. The value of the property taken is under \$1000.
91	Threat: Class 1	A verbal, written, electronic, or gestured threat to cause harm to students or school staff. The threat must be one that would cause a person to reasonably fear bodily injury.
92	Threat: Class 2	A verbal, written, or electronic threat to cause harm to students or staff in which evidence exists that a student has a specific, credible plan to cause harm to staff or students. The threat must be one that would cause a person to reasonably fear bodily injury.
67	Trespassing on School Grounds	Entering or remaining on school property without authorization or when suspended.
57	Unauthorized Area	Being present in areas of the school without authorization.
15	Under the Influence	A student is under the influence when they have participated in taking a substance known to prohibit one's performance or behavior, prior to being either on campus or any school function or activity.
26	Vandalism/Damage of Property	Willfully destroying or defacing school or personal property.
66	Vehicle Violation	Operating any motorized or self-propelled vehicle on school grounds in a manner that is a threat to health and/or safety, or a disruption to the educational process. Failure to display required school parking pass or parking in an unauthorized area.