

TENNESSEE PUBLIC CHARTER SCHOOL COMMISSION		
STUDENT DISCIPLINE		6313
ADOPTED: April 9, 2021	REVISED:	MONITORING: Review: Annually

**Discipline.** Each authorized charter school shall adopt a student discipline policy/code of conduct that includes, but is not limited to:

- (1) Disciplinary measures implemented in a manner that:<sup>1</sup>
  - a. Balances accountability with an understanding of trauma-induced behavior;
  - b. Teaches school and classroom rules while reinforcing that violent or abusive behavior is not allowed at school;
  - c. Minimizes disruptions to education with an emphasis on positive behavioral supports and behavioral intervention plans;
  - d. Creates consistent rules and consequences; and
  - e. Models respectful, non-violent relationships.
  - f. In order to ensure that these goals are accomplished, the school shall utilize trauma-informed discipline practices, such as:
    - i. Restorative practices;
    - ii. RTI<sup>2</sup>B;
    - iii. Multi-tiered systems of supports; and
    - iv. Behavior intervention plans.
- (2) The type of behavior expected from each student, the consequences of failure to obey the policy, and the importance of the policy to the maintenance of a safe learning environment. The school's policy shall, at minimum, address: <sup>2</sup>
  - a. Language used by students;
  - b. Respect for school employees;
  - c. Fighting, threats, bullying, cyberbullying, and hazing by students;
  - d. Damage to the property or person of others;
  - e. Misuse or destruction of school property;
  - f. Sale, distribution, use, or being under the influence of drugs, alcohol, or drug paraphernalia;
  - g. Student conduct on school property, conduct in classes, and conduct on school buses;
  - h. And other subjects that the school may choose to include, including those permissible reasons for suspension set forth in state law as:<sup>3</sup>
  - i. Willful and persistent violation of the rules of the school;
  - j. Immoral or disreputable conduct or vulgar or profane language;
  - k. Violence or threatened violence against the person of any personnel attending or assigned to any school;
  - l. Willful or malicious damage to real or personal property of the school, or the property of any person attending or assigned to the school;
  - m. Inciting, advising, or counseling of others to engage in any of these acts;
  - n. Marking, defacing, or destroying school property;
  - o. Possession of a pistol, gun, or firearm on school property;
  - p. Possession of a knife or other weapons as defined in T.C.A. § 39-17-1301 on school

- property;
  - q. Assaulting a school leader, teacher, school bus driver, or other school personnel with vulgar, obscene, or threatening language;
  - r. Unlawful use or possession of barbitol or legend drugs as defined in T.C.A. § 53-10-101;
  - s. One (1) or more students initiating a physical attack on an individual student on school property or at a school-related activity, including travel to and from school or a school-related activity;
  - t. Making a threat, including a false report, to use a bomb, dynamite, or any other deadly explosive or destructive device, including chemical weapons, on school property or at a school sponsored event;
  - u. Any other conduct prejudicial to good order or discipline in any public school; and
  - v. 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.
- (3) Such policy shall ensure safe and secure learning environments free of drugs, drug paraphernalia, violence, and dangerous weapons, and impose swift, certain, and severe disciplinary sanctions on any student:
- a. Who brings a drug, drug paraphernalia, or a dangerous weapon onto a school bus, onto school property, or to any school related event or activity;
  - b. Who, while on a school bus, on school property, or while attending any school related event or activity is under the influence of a drug, possesses a drug, drug paraphernalia, or dangerous weapon, or assaults or threatens to assault a teacher, student, or other person; or
  - c. Who transmits by an electronic device any communication containing a credible threat to cause bodily injury or death to another student or school employee and the transmission of such threat creates actual disruptive activity at the school that requires administrative intervention.<sup>4</sup>
- (4) A list of the offenses designated as zero tolerance offenses (consistent with Commission LEA Policy 6309);
- (5) Procedures for due process when a student is suspended or expelled as a result of a student discipline policy/code of conduct violation, including a description of the appeal process that the school will employ for students facing expulsion (in compliance with Commission LEA Policies 6316 and 6317);
- (6) A statement that a teacher, principal, school employee, or school bus driver may use reasonable force in compliance with state law;<sup>5</sup>
- (7) A statement that, if, as a result of an investigation, a school leader or his/her designee finds that a student acted in self-defense under a reasonable belief that the student or another to whom the student was coming to the defense may have been facing the threat of imminent danger of death or serious bodily injury, then the student may not face any disciplinary action;

- (8) An explanation of how the school will protect the rights of students with disabilities in disciplinary actions and proceedings; and
- (9) A statement that the discipline policy/code of conduct will be posted on the school’s website, and that a copy will be supplied to all school counselors, teachers, administrative staff, students, and parents on an annual basis.<sup>6</sup>
- ~~(9)~~(10) An explanation of the implementation of any holistic programs of positive behavior reinforcement and reward-based behavior modification systems.<sup>7</sup>

**Students with Disabilities.** Authorized charter schools shall ensure that all requirements of state and federal laws (including, but not limited to the Individuals with Disabilities Education Act and Section 504 of the Rehabilitation Act of 1973), rules and policies are followed when disciplining students with disabilities.

**Corporal Punishment.** Corporal punishment shall not be used as a disciplinary measure in any school.<sup>787</sup>

**Safe Relocation of Students.** The school shall adopt a policy regarding the safe relocation of students. The policy shall comply with the minimum requirements set forth in state law.<sup>998</sup>

**Teacher’s Discipline Act.**<sup>109</sup> The school shall adopt a policy establishing a teacher’s authority related to management of the classroom, including discipline and removal of students from classrooms. The policy shall include an appeal process for teachers whose requests are denied.

**Confiscation of Cell Phones.**<sup>11</sup> Authorized charter schools may establish a policy permitting a teacher to withhold a student’s phone from the student for the duration of instructional time if the student’s phone is a distraction to the class or student. An authorized charter school that establishes a policy under this subpart shall provide notice to the Commission.

**Alternative Schools.**<sup>129</sup> Placement in an alternative program shall be determined on a case-by-case basis, be reserved for students who significantly disrupt the educational process, and shall consider the impact of exclusionary discipline practices on students. Alternative school programs shall comply with all applicable state and federal laws, rules, and regulations, including all state and federal laws relating to special education if a student has an active Individualized Education Program (IEP), 504 plan, or if the student is suspected of having a disability. Instruction shall proceed as nearly as practicable in accordance with the instructional programs at the student’s home school. Prior to the assignment of the student to an alternative school program, the school leader shall provide written notice to the student’s parent/guardian stating the reason for the student’s placement.

Attendance for a student remanded to alternative school shall be mandatory for the duration of the remand. The school shall report attendance for all students remanded to alternative school. All course work and credits earned in an alternative school shall be transferred to and recorded in the student’s home school, and students enrolled in alternative schools shall participate in all required state assessments.

The academic progress of each student enrolled in an alternative education program shall be monitored and regularly evaluated by the charter school. Furthermore, the school leader of each authorized charter school or his/her designee shall work with the supervisor of the alternative school at which a student attends to develop and implement formal transition plans for the integration of a student from the middle or high school to the alternative school and from the alternative school back to the middle or high school. Transition plans shall be targeted to improve communication between the authorized charter school and alternative school staff and should address any barriers that would prohibit students from successfully transitioning. Transition plans should include aligning of curricula, educational and behavioral supports, follow-up for students returning to traditional school, and the development of graduation and postsecondary goals.

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Legal References:

<sup>1</sup> T.C.A. § 49-6-4109

<sup>2</sup> T.C.A. § 49-6-4002

<sup>3</sup> T.C.A. § 49-6-3401(a)-(b)

<sup>4</sup> T.C.A. § 49-6-4216(a)

<sup>5</sup> T.C.A. § 49-6-4007

<sup>6</sup> T.C.A. § 49-6-4007

<sup>7</sup> T.C.A. § ~~49-6-4002~~

<sup>8</sup> ~~T.C.A. §~~ 49-6-4103

<sup>9</sup> T.C.A. § 49-6-4008

<sup>10</sup> T.C.A. § 49-6-3701, et. seq.

<sup>11</sup> ~~T.C.A. § 49-6-4002~~

<sup>12</sup> T.C.A. § 49-6-3402; State Board Policy 2.302;

TRR/MS 0520-01-02-.09

Cross References:

LEA Policy 1801 Special Education

LEA Policy 1802 ADA and Section 504

LEA Policy 6317 Required Remands and Student  
Disciplinary Authority

LEA Policy 6316 Suspension/Expulsion/Remand

LEA Policy 6309 Zero Tolerance