

TENNESSEE PUBLIC CHARTER SCHOOL COMMISSION		
ZERO TOLERANCE		6309
ADOPTED: April 9, 2021	REVISED: July 28, 2023	MONITORING: Review: Annually

Zero Tolerance. Each authorized charter school shall adopt a zero-tolerance policy in accordance with state law to ensure the safety and security of all students and a learning environment that is free of drugs, violence, and firearms. “Zero tolerance policy” means that violations of the policy will not be tolerated, and that violators will receive certain, swift, and reasoned punishment. Reasoned punishment may include a spectrum of disciplinary measures designed to correct student misbehavior and promote student respect and compliance with codes of conduct and policies. The school’s policy shall specify the offenses which qualify as zero tolerance offenses and the corresponding punishment. A zero tolerance offense shall result in a one (1) calendar year expulsion, unless modified on a case-by-case basis by the head of the charter school.¹ State mandated zero-tolerance offenses include:

- 1) Bringing to school or being in unauthorized possession on school property of a firearm;^{2,3}
- 2) Commission of aggravated assault⁴ upon any teacher, principal, administrator, any other employee of an LEA, or school resource officer;~~or~~
- 3) Unlawfully possessing any drug including any controlled substance,⁵ controlled substance analogue,⁶ or legend drug;⁷ or
- 4) Threatening mass violence on school property or at a school-related activity, pursuant to T.C.A. § 39-16-517.⁸

Modification and Appeals. The head of the charter school shall have the ability to modify zero tolerance disciplinary actions on a case-by-case basis. Commission LEA Policy 6317 outlines requirements for modification of zero tolerance expulsions and appeal procedures. If a student threatens mass violence on school property or at a school-related activity, the school leader shall require the student to submit to a threat assessment to determine whether the threat of mass violence made by the student was a valid threat. The student may be suspended from school or school-related activities until threat assessment is complete. If the school leader determines that the threat of mass violence made by the student was not a valid threat, the student shall not be expelled for committing a zero tolerance offense, but may be suspended.⁹

The use of a threat assessment is not intended to override the rights available to students with disabilities under the Individuals with Disabilities Education Act or Section 504 of the Rehabilitation Act, including the right to a free appropriate public education and the right to a manifestation determination review. See 34 C.F.R. § 104.35; 34 C.F.R. § 300.530.

Schools should continue to provide students with disabilities with access to the general education curriculum and services listed in the student’s Section 504 plan or individualized education program (IEP) during the pendency of a threat assessment to the extent possible. If schools are unable to provide students with disabilities with access to the general education curriculum and the services

listed in the student’s section 504 plan or IEP during the pendency of a threat assessment, the school must consider the removal from services in determining whether a manifestation determination review should be conducted.

Notice of Policy. The school shall annually report their zero-tolerance policy and procedures to the Commission. The Commission will annually file each charter school’s zero tolerance policy and procedures with the Commissioner of Education. At the beginning of school each year, the school shall provide students and parents with written notification of the school’s policies and procedures and post a summary within each school.

Legal References

- ¹ T.C.A. § 49-6-3401(g)
- ² 18 U.S.C. § 921
- ³ 20 U.S.C. § 7961
- ⁴ T.C.A. § 39-13-102
- ⁵ T.C.A. §§ 39-17-403 – 415
- ⁶ T.C.A. § 39-17-454
- ⁷ T.C.A. § 53-10-101
- ⁸ T.C.A. § 49-6-3401(g)(2).
- ⁹ T.C.A. § 49-6-3401(g)(5)

Cross References

- Student Disciplinary Hearing Authority
- LEA Policy 6313 Student Discipline
- Disciplinary Hearing Authority Procedures
- LEA Policy 1801 Special Education
- LEA Policy 1802 ADA and Section 504