



Tennessee Compilation of School Discipline Laws and Regulations

Prepared: March 31, 2021

Introduction

This compilation presents school discipline-related laws and regulations for U.S. states, U.S. territories, and the District of Columbia, and, where available, links to education agency websites or resources related to school discipline and student conduct. The discipline laws and regulations presented in this compilation have been categorized by type of specific discipline issue covered, according to an organizational framework developed by the National Center for Safe and Supportive Learning Environments (NCSSE). For example, one major category encompasses all laws or regulations governing states or territories that mandate specific disciplinary sanctions (such as suspension) for specific offenses (such as drug possession on school grounds). The school discipline laws and regulations were compiled through exhaustive searches of legislative websites that identified all laws and regulations relevant to each specific category. Compiled materials were subsequently reviewed by state education agency (SEA) representatives in the 50 states, Washington D.C., and the U.S. territories.

Discipline categories were not mutually exclusive. Laws and regulations often appeared across multiple categories. For jurisdictions with more extensive laws covering a breadth of topical areas, relevant sections were excerpted from the larger legislative text for inclusion in the appropriate discipline category. Laws, ordered by chapter and section number, appear first within each category followed by regulations. All laws and regulations listed within categories in the compilation also appear in the sources cited section of the document, which lists laws by chapter and section number and title, and where available, includes active hyperlinks to source websites supported or maintained by state legislatures. Additional links to government websites or resources are provided at the end of this document.

Notes & Disclaimers

To the best of the preparer's knowledge, this Compilation of School Discipline Laws and Regulations is complete and current as of March 2021. Readers should also note that the information in this document was compiled from individual sources that are created by each jurisdiction and which are maintained and updated with varying frequencies. Readers should consult the source information provided directly in order to check for updates to laws and regulations reported in this document or to conduct further research.

For further information, including definitions of the different policy categories, please refer to the [Discipline Laws and Regulations Compendium](#) posted on the Center's website.

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Tennessee State Codes Cited

Tennessee Revised Laws

The State of Tennessee contracts with LexisNexis to provide free public access to the Tennessee Code (<http://www.lexisnexis.com/hottopics/tncode/>). Users must agree to terms and conditions prior to use of the site. All listed laws are searchable by title and chapter number or by using key search terms.

Title 39. Criminal Offenses

Chapter 8. Employment and Training of Police Officers

Part 1. General Provisions

38-8-120. School policing

Chapter 17. Offenses Against Public Health, Safety and Welfare

Part 3. Disorderly Conduct and Riots

39-17-308. Harassment

Title 49. Education

Chapter 1. State Administration

Part 2. Department of Education

49-1-211. Annual report by commissioner
49-1-213. Technical assistance
49-1-214. Safe schools - Advisory guidelines
49-1-230. Development of training programs for adverse childhood experiences

Chapter 2. Local Administration

Part 1. General Provisions

49-2-115. Family resource centers
49-2-118. Conflict resolution intervention programs
49-2-120. Prohibition against hazing
49-2-124. Universal mental health or socioemotional screening

Part 2. Boards of Education

49-2-203. Duties and powers

Part 3. County Administration

49-2-305. Development and adoption of program to promote involvement of parents and guardians

Chapter 6. Elementary and Secondary Education

Part 3. Elementary, Middle and Secondary Schools Generally

49-6-303. School counselors

Part 8. Schools Against Violence in Education (SAVE) Act

- 49-6-805. Template minimum requirements
- 49-6-809. Policy authorizing off-duty law enforcement officers to serve as armed school security officers -Memorandum of understanding - List of qualified officers - Funding - Report
- 49-6-812. Consistency with harassment and bullying policies
- 49-6-815. People permitted to possess and carry a firearm on school grounds

Part 10. Curriculum Generally

- 49-6-1007. Character education
- 49-6-1017. Sexual violence awareness curriculum
- 49-6-1028. Legislative findings - Public school courses and content to educate children in the United States and Tennessee governments
- 49-6-1035. Domestic violence awareness education programs

Part 12. Junior and Senior High Schools - Curriculum

- 49-6-1201. General provisions

Part 24. Tennessee Community Schools Act

- 49-6-2403. Part definitions
- 49-6-2404. Authority to form community consortiums to establish community schools - Centers of communities - Designation of individual to lead implementation of programming - Eligibility for community school grant

Part 27. Threat Assessment

- 49-6-2701. Threat assessment team
- 49-6-2702. Request for law enforcement or court records upon determination that individual poses threat or exhibits significantly disruptive behavior or need for assistance - Use of information - Disclosure of student's education record
- 49-6-2703. Immunity of threat assessment team

Part 30. Attendance

- 49-6-3002. State attendance guidelines - No penalty for period of hospital or homebound instruction
- 49-6-3006. Attendance supervisor
- 49-6-3004. School term
- 49-6-3007. List of students - Reports of attendance - Enforcement of compulsory attendance - List of truant students
- 49-6-3009. Educational neglect - Progressive truancy intervention plans - Referral to juvenile court
- 49-6-3012. Truancy schools
- 49-6-3024. Review of laws and policies related to exclusionary discipline of students in pre-kindergarten through kindergarten

Part 34. Suspension of Students

- 49-6-3401. Suspension of students - Expulsion of students - Exception for self-defense
- 49-6-3402. Alternative schools for suspended or expelled students - Mandated attendance
- 49-6-3404. Advisory council for alternative education
- 49-6-3405. Alternative school success

Part 40. Student and Employee Safe Environment Act of 1996

- 49-6-4001. Short title
- 49-6-4002. Discipline policy - Code of conduct
- 49-6-4004. Uniform and fair application of code of conduct
- 49-6-4005. Adoption of different but consistent discipline policies or codes of conduct applicable to different classes of schools
- 49-6-4006. Civil liability
- 49-6-4007. Posting and distribution of discipline policy or code of conduct
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Part 41. School Discipline Act

- 49-6-4101. Short title
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- 49-6-4215. Activities of criminal gangs on school property - Promulgation of rules and regulations
- 49-6-4217. Employment standards for school resource officers
- 49-6-4219. Policy regulating use of electronic control devices

Part 43. Reporting Student Offenses

- 49-6-4301. School officials to report student offenses
- 49-6-4302. Tennessee school safety center

Part 44. School Discipline in Special School Districts

- 49-6-4402. Corporal punishment
- 49-6-4403. Rules and regulations
- 49-6-4404. Physical examination of student - Student's remedies

Part 45. Harassment, Intimidation, Bullying and Cyber-Bullying

- 49-6-4501. Legislative findings - Safety and civility
- 49-6-4502. Part definitions

- 49-6-4503. Adoption of policy prohibiting harassment, intimidation, bullying or cyber-bullying by the school district
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Part 70. Parent Educational Participation Act

- 49-6-7005. Improving parental involvement in children's education

Chapter 10. Special Education

Part 13. Special Education Behavioral Supports Act

- 49-10-1301. Short title
- 49-10-1302. Purpose of part
- 49-10-1303. Part definitions
- 49-10-1304. Isolation or restraint of student - Reports and record
- 49-10-1305. Restrictions on administration of, or use of, isolation or restraint
- 49-10-1306. Records of isolation and restraint - Reports - Promulgation of rules and regulations
- 49-10-1307. Training and reporting on the use of restraint and isolation

Tennessee Regulations

Chapter 0520. Education

Chapter 01. State Board of Education Rules, Regulations and Minimum Standards for the Operation of the Public School System

Chapter 0520-01-02. Administrative rules and regulations

- 0520-01-02-.09. Alternative Schools
- 0520-01-02-.17. State attendance guidelines

Chapter 0520-01-09. Special Education Programs and Services

- 0520-01-09-.23. Isolation and restraint for students receiving special education services

Chapter 12. Department of Education Office of the Commissioner

Chapter 0520-12-01. Standards for School Administered Child Care Programs

- 0520-12-01-.14. Care of children with special needs

Codes of Conduct

Authority to Develop and Establish Codes of Conduct

LAWS

49-6-4001. Short title.

This part shall be known and may be cited as the "Student and Employee Safe Environment Act of 1996."

49-6-4002. Discipline policy - Code of conduct.

- (a) Each local board of education and charter school governing body shall adopt a discipline policy to apply to the students in each school operated by the LEA or charter school governing body.
- (b) The director of schools or head of the charter school is responsible for overall implementation and supervision, and each school principal is responsible for administration and implementation of a code of conduct within the principal's school.
- (c) In developing a discipline policy, the local board of education or charter school governing body shall seek recommendations from parents, employees of the LEA or charter school, law enforcement personnel, and youth-related agencies in the community.
- (d) Each discipline policy or code of conduct must contain the type of behavior expected from each student, the consequences of failure to obey the standards, and the importance of the standards to the maintenance of a safe learning environment where orderly learning is possible and encouraged. Each policy must address:
- (1) Language used by students;
 - (2) Respect for all school employees;
 - (3) Fighting, threats, bullying, cyberbullying, and hazing by students;
 - (4) Possession of weapons on school property or at school functions;
 - (5) Transmission by electronic device of any communication containing a credible threat to cause bodily injury or death to another student or school employee;
 - (6) Damage to the property or person of others;
 - (7) Misuse or destruction of school property;
 - (8) Sale, distribution, use, or being under the influence of drugs, alcohol, or drug paraphernalia;
 - (9) Student conduct on school property, conduct in classes, and conduct on school buses; and
 - (10) Other subjects that a local board of education or a charter school governing body chooses to include.
- (e) Each local discipline policy must indicate that the following offenses are zero tolerance offenses:
- (1) Unauthorized possession on school property of a firearm, as defined in 18 U.S.C. § 921;
 - (2) Aggravated assault as defined in § 39-13-102 upon any teacher, principal, administrator, any other employee of an LEA, or a school resource officer;
 - (3) Assault that results in bodily injury as defined in § 39-13-101(a)(1) upon any teacher, principal, administrator, any other employee of an LEA, or a school resource officer; and
 - (4) Unlawful possession of any drug, including any controlled substance, as defined in §§ 39-17-402 - 39-17-415, controlled substance analogue, as defined by § 39-17-454, or legend drug, as defined by § 53-10-101 on school grounds or at a school-sponsored event.

(f) Each local board of education and charter school governing body may adopt a discipline policy that promotes positive behavior and includes evidence-based practices to respond effectively to misbehavior and minimize a student's time away from school.

(g) Each discipline policy or code of conduct must state that a teacher, principal, school employee, or school bus driver may use reasonable force in compliance with § 49-6-4107.

49-6-4004. Uniform and fair application of code of conduct.

The principal of each school shall apply the code of conduct uniformly and fairly to each student at the school without partiality or discrimination.

49-6-4005. Adoption of different but consistent discipline policies or codes of conduct applicable to different classes of schools.

Each local board of education or charter school governing body may choose to adopt different but consistent discipline policies or codes of conduct to apply to different classes of schools, such as elementary, middle, junior high, and senior high schools, under its jurisdiction. The policies and codes of conduct must be uniform to the extent of maximum consideration for the safety and well-being of students and employees.

49-6-4009. Student discipline code to include provision prohibiting indecent clothing.

(a) An LEA shall include in its student discipline code a provision prohibiting students from wearing, while on the grounds of a public school during the regular school day, clothing that exposes underwear or body parts in an indecent manner that disrupts the learning environment.

(b) An LEA shall specify in its student discipline code the disciplinary actions that shall be taken against a student for a violation of subsection (a).

(c) Subsection (a) shall not be enforced in a manner that discriminates against a student on the basis of race, color, religion, sex, disability, or national origin.

49-6-4101. Short title.

This part shall be known and may be cited as the "School Discipline Act."

49-6-4102. Students accountable for conduct.

(a) Every teacher is authorized to hold every pupil strictly accountable for any disorderly conduct in school or on the playground of the school, during intermission or recess period or on any school bus going to or returning from school.

(b) Every school bus driver is authorized to hold every pupil strictly accountable for any disorderly conduct on any school bus going to or returning from school or a school activity.

49-6-4109. Trauma-informed discipline policy.

(a) As a strategy to address adverse childhood experiences, as defined in § 49-1-230, each LEA and public charter school shall adopt a trauma-informed discipline policy. Each trauma-informed discipline policy must:

- (1) Balance accountability with an understanding of traumatic behavior;
- (2) Teach school and classroom rules while reinforcing that violent or abusive behavior is not allowed at school;
- (3) Minimize disruptions to education with an emphasis on positive behavioral supports and behavioral intervention plans;
- (4) Create consistent rules and consequences; and

- (5) Model respectful, nonviolent relationships.
- (b) The department of education shall develop guidance on trauma-informed discipline practices that LEAs must use to develop the policy required under subsection (a).

49-6-4503. Adoption of policy prohibiting harassment, intimidation, bullying or cyber-bullying by the school district.

(a) Each school district shall adopt a policy prohibiting harassment, intimidation, bullying or cyber-bullying. School districts are encouraged to develop the policy after consultation with parents and guardians, school employees, volunteers, students, administrators and community representatives.

49-6-4504. Adoption of policy prohibiting harassment, intimidation, bullying or cyber-bullying by LEA.

(a) Each LEA shall adopt a policy prohibiting harassment, intimidation, bullying or cyber-bullying and transmit a copy of the policy to the commissioner of education by January 1, 2006.

(b) Each LEA is encouraged to review the policy prohibiting harassment, intimidation, bullying, or cyber-bullying at least once every three (3) years. Each LEA shall transmit a copy of any changes in the policy to the commissioner in a timely manner.

REGULATIONS

No relevant regulations found.

Scope

LAWS

49-6-3401. Suspension of students - Expulsion of students - Exception for self-defense.

(a) Any principal, principal-teacher or assistant principal of any public school in this state is authorized to suspend a pupil from attendance at the school, including its sponsored activities, or from riding a school bus, for good and sufficient reasons. [...]

(b)(1) Any principal, principal-teacher or assistant principal may suspend any pupil from attendance at a specific class, classes or school-sponsored activity without suspending the pupil from attendance at school pursuant to an in-school suspension policy adopted by the local board of education.

49-6-4002. Discipline policy - Code of conduct.

(d) Each discipline policy or code of conduct must contain the type of behavior expected from each student, the consequences of failure to obey the standards, and the importance of the standards to the maintenance of a safe learning environment where orderly learning is possible and encouraged. Each policy must address:

- (9) Student conduct on school property, conduct in classes, and conduct on school buses.

49-6-4008. Policy regarding teacher's ability to relocate student for safety reasons.

(b) This policy shall be in effect on school property, as well as at official school functions, including, but not limited to, sporting events and approved field trips, taking place away from the local school property. Those covered by this policy shall include LEA employees who are directly responsible for the student's education or who otherwise interact with the student on a professional basis while acting within the scope of their assigned duties, including, but not limited to, administrators, teachers, school support staff, bus drivers, cafeteria workers, and school resource officers.

49-6-4102. Students accountable for conduct.

(a) Every teacher is authorized to hold every pupil strictly accountable for any disorderly conduct in school or on the playground of the school, during intermission or recess period or on any school bus going to or returning from school.

(b) Every school bus driver is authorized to hold every pupil strictly accountable for any disorderly conduct on any school bus going to or returning from school or a school activity.

49-6-4215. Activities of criminal gangs on school property - Promulgation of rules and regulations.

(a) The LEAs of this state are authorized to promulgate and adopt rules and regulations to prohibit the activities of criminal gangs on school property. The rules and regulations may prohibit students in grades six through twelve (6-12) from:

(1) Wearing, while on school property, any type of clothing, apparel or accessory that denotes the students' membership in or affiliation with any criminal gang.

49-6-4502. Part definitions.

As used in this part:

(1) "Cyber-bullying" means bullying undertaken through the use of electronic devices;

(2) "Electronic devices" include, but are not limited to, telephones, cellular phones or other wireless telecommunication devices, personal digital assistants (PDAs), computers, electronic mail, instant messaging, text messaging, and websites;

(3) "Harassment, intimidation or bullying" means any act that substantially interferes with a student's educational benefits, opportunities or performance; and:

(A) If the act takes place on school grounds, at any school-sponsored activity, on school-provided equipment or transportation or at any official school bus stop, the act has the effect of:

(i) Physically harming a student or damaging a student's property;

(ii) Knowingly placing a student or students in reasonable fear of physical harm to the student or damage to the student's property;

(iii) Causing emotional distress to a student or students; or

(iv) Creating a hostile educational environment; or

(B) If the act takes place off school property or outside of a school-sponsored activity, it is directed specifically at a student or students and has the effect of creating a hostile educational environment or otherwise creating a substantial disruption to the education environment or learning process.

REGULATIONS

No relevant regulations found.

Communication of Policy

LAWS

49-6-4007. Posting and distribution of discipline policy or code of conduct.

When a discipline policy or code of conduct has been adopted by a local board of education or charter school governing body, a copy must be posted on the LEA or school website. A copy must also be supplied to all school counselors, teachers, administrative staff, students, and parents.

49-6-4503. Adoption of policy prohibiting harassment, intimidation, bullying or cyber-bullying by the school district.

(a) Each school district shall adopt a policy prohibiting harassment, intimidation, bullying or cyber-bullying. School districts are encouraged to develop the policy after consultation with parents and guardians, school employees, volunteers, students, administrators and community representatives.

(b) School districts shall include in the policies:

(11) A statement of how the policy is to be publicized within the district, including a notice that the policy applies to behavior at school-sponsored activities. [...]

(c)(2) Each LEA shall also:

(A) At the beginning of the school year, make available to students and parents information relative to bullying prevention programs to promote awareness of the harmful effects of bullying and to permit discussion with respect to prevention policies and strategies.

49-6-7005. Improving parental involvement in children's education.

(d) Parenting classes in these parent involvement programs should provide parents with information and skills related to improving student performance. For example, these classes may address:

(7) The importance of school attendance and the consequences of truancy.

REGULATIONS

0520-01-02-.17. State attendance guidelines.

(5) Each local board of education shall adopt an attendance policy in accordance with the State Board's School Attendance Policy 4.100 that is firm, but fair; includes effective accounting and reporting procedures; accounts for extenuating circumstances; includes appeal procedures; and establishes and maintains alternative programs for students who fail to meet minimum attendance requirements.

(e) The attendance policy adopted by the local board of education shall be posted at each school, and school counselors shall be supplied copies for discussion with students. The policy shall be referenced in all school handbooks. All teachers, administrative staff, and parents/guardians shall be provided copies of the policy.

In-School Discipline

Discipline Frameworks

LAWS

49-6-4002. Discipline policy - Code of conduct.

- (a) Each local board of education and charter school governing body shall adopt a discipline policy to apply to the students in each school operated by the LEA or charter school governing body.
- (b) The director of schools or head of the charter school is responsible for overall implementation and supervision, and each school principal is responsible for administration and implementation of a code of conduct within the principal's school.
- (c) In developing a discipline policy, the local board of education or charter school governing body shall seek recommendations from parents, employees of the LEA or charter school, law enforcement personnel, and youth-related agencies in the community.
- (d) Each discipline policy or code of conduct must contain the type of behavior expected from each student, the consequences of failure to obey the standards, and the importance of the standards to the maintenance of a safe learning environment where orderly learning is possible and encouraged. Each policy must address:
- (1) Language used by students;
 - (2) Respect for all school employees;
 - (3) Fighting, threats, bullying, cyberbullying, and hazing by students;
 - (4) Possession of weapons on school property or at school functions;
 - (5) Transmission by electronic device of any communication containing a credible threat to cause bodily injury or death to another student or school employee;
 - (6) Damage to the property or person of others;
 - (7) Misuse or destruction of school property;
 - (8) Sale, distribution, use, or being under the influence of drugs, alcohol, or drug paraphernalia;
 - (9) Student conduct on school property, conduct in classes, and conduct on school buses; and
 - (10) Other subjects that a local board of education or a charter school governing body chooses to include.
- (e) Each local discipline policy must indicate that the following offenses are zero tolerance offenses:
- (1) Unauthorized possession on school property of a firearm, as defined in 18 U.S.C. § 921;
 - (2) Aggravated assault as defined in § 39-13-102 upon any teacher, principal, administrator, any other employee of an LEA, or a school resource officer;
 - (3) Assault that results in bodily injury as defined in § 39-13-101(a)(1) upon any teacher, principal, administrator, any other employee of an LEA, or a school resource officer; and
 - (4) Unlawful possession of any drug, including any controlled substance, as defined in §§ 39-17-402 - 39-17-415, controlled substance analogue, as defined by § 39-17-454, or legend drug, as defined by § 53-10-101 on school grounds or at a school-sponsored event.
- (f) Each local board of education and charter school governing body may adopt a discipline policy that promotes positive behavior and includes evidence-based practices to respond effectively to misbehavior and minimize a student's time away from school.

(g) Each discipline policy or code of conduct must state that a teacher, principal, school employee, or school bus driver may use reasonable force in compliance with § 49-6-4107.

REGULATIONS

No relevant regulations found.

Teacher Authority to Remove Students From Classrooms

LAWS

49-6-4008. Policy regarding teacher's ability to relocate student for safety reasons.

(a) Each local board of education shall adopt a complete policy regarding a teacher's ability to relocate a student from the student's present location to another location for the student's safety or the safety of others. The use of reasonable or justifiable force, as defined in §§ 39-11-603, 39-11-609, 39-11-610, 39-11-612, 39-11-613, 39-11-614, 39-11-621, and 39-11-622, if required to accomplish this task due to the unwillingness of the student to cooperate, is allowed. If steps beyond the use of reasonable or justifiable force are required, the student shall be allowed to remain in place until such a time as local law enforcement officers or school resource officers can be summoned to relocate the student or take the student into custody until such a time as a parent or guardian can retrieve the student. This policy shall also cover teachers' authorization to intervene in a physical altercation between two (2) or more students, or between a student and LEA employees using reasonable or justifiable force upon a student, if necessary to end the altercation by relocating the student to another location.

(b) This policy shall be in effect on school property, as well as at official school functions, including, but not limited to, sporting events and approved field trips, taking place away from the local school property. Those covered by this policy shall include LEA employees who are directly responsible for the student's education or who otherwise interact with the student on a professional basis while acting within the scope of their assigned duties, including, but not limited to, administrators, teachers, school support staff, bus drivers, cafeteria workers, and school resource officers.

(c) The policy shall require a teacher to file a brief report with the principal detailing the situation that required the relocation of the student. Either the report shall be kept in a student discipline file and shall not become a part of the student's permanent record or it shall be filed in the student's permanent record, if the student's behavior violated the LEA's zero tolerance policy. The student is then subject to additional disciplinary action that may include suspension or expulsion from the school. The principal or the principal's designee shall notify the teacher involved of the actions taken to address the behavior of the relocated student.

(d) Each principal shall fully support the authority of every teacher in the principal's school to relocate a student under this section. Each school principal shall implement the policies and procedures of the local board of education relating to the authority of every teacher to relocate a student and shall disseminate such policies and procedures to the students, faculty, staff, and parents or guardian of students. The policy shall comply with state and federal laws regarding the placements of students.

REGULATIONS

No relevant regulations found.

Alternatives to Suspension

LAWS

49-6-3009. Educational neglect - Progressive truancy intervention plans - Referral to juvenile court.

(d) Progressive truancy intervention plans adopted by local boards of education pursuant to subsection (c) must be applied prior to referral to juvenile court as described in § 49-6-3007(e)(1). Progressive truancy intervention plans must meet the following requirements:

(3) Tier three must be implemented if the truancy interventions under tier two are unsuccessful. Tier three may consist of one (1) or more of the following:

(B) Participation in a school-based restorative justice program [...]

(e) In-school suspension or out-of-school suspension must not be used as part of the progressive truancy intervention plans adopted by schools for unexcused absence from class or school.

49-6-3024. Review of laws and policies related to exclusionary discipline of students in pre-kindergarten through kindergarten.

(a) The department of education, in consultation with juvenile court officials, shall review all current laws and policies related to exclusionary discipline practices in public schools for students in pre-kindergarten through kindergarten (pre-K-K). For purposes of this section, "exclusionary discipline" means any type of school disciplinary action that removes or excludes a student from the student's traditional educational setting.

(b) The review shall:

(1) Examine the number of exclusionary discipline actions issued by an LEA and the length of each respective disciplinary action;

(2) Detail the type of offenses committed by the students that led to the exclusionary discipline action;

(3) Review the impact exclusionary discipline has on students;

(4) Examine recommendations from lawmakers, juvenile court officials, judges, district attorneys, the Tennessee commission on children and youth, and representatives from LEAs on alternatives to exclusionary discipline;

(5) Identify free resources to support teachers and parents in addressing children's social, emotional, and behavioral health, strengthening family relationships, and increasing developmental and behavioral screening; and

(6) Research the possibility of:

(A) Eliminating exclusionary discipline for non-violent offenses; and

(B) Encouraging schools to adopt restorative justice discipline practices.

(c) The department shall develop guidelines and standards for alternatives to exclusionary discipline practices based on the findings of the review required under subsection (b).

(d) The department shall present its findings and a written report to the education committee of the senate, the education administration and planning committee of the house of representatives, and the education instruction and programs committee of the house of representatives no later than May 1, 2018.

(e) After submission of the report required in subsection (d), the department shall develop a model policy for alternatives to exclusionary discipline practices that districts may adopt for students in pre-kindergarten through kindergarten (pre-K-K). If a district does not adopt the model policy developed by the department, the district shall develop and implement a policy that meets the guidelines and standards

developed under subsection (c). Each LEA shall adopt the model policy or develop their own policy prior to the 2018-2019 school year.

49-6-3401. Suspension of students - Expulsion of students - Exception for self-defense.

(b)(1) Any principal, principal-teacher or assistant principal may suspend any pupil from attendance at a specific class, classes or school-sponsored activity without suspending the pupil from attendance at school pursuant to an in-school suspension policy adopted by the local board of education. Good and sufficient reasons for in-school suspension include, but are not limited to, behavior:

- (A) That adversely affects the safety and well-being of other pupils;
- (B) That disrupts a class or school sponsored activity; or
- (C) Prejudicial to good order and discipline occurring in class, during school-sponsored activities or on the school campus.

(2) In-school suspension policies shall provide that pupils given an in-school suspension in excess of one (1) day from classes shall attend either special classes attended only by students guilty of misconduct or be placed in an isolated area appropriate for study. Students given in-school suspension shall be required to complete academic requirements.

(c)(1) Except in an emergency, no principal, principal-teacher or assistant 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.

(2) 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 of schools or the director of schools' designee of:

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

49-6-4302. Tennessee school safety center.

(c)(1) The Tennessee school safety center, within the limit of appropriations for the center, shall establish school safety grants to assist LEAs in funding programs that address school safety, including, but not limited to, innovative violence prevention programs, conflict resolution, disruptive or assaultive behavior management, improved school security, school resource officers, school safety officers, peer mediation, and training for employees on the identification of possible perpetrators of school-related violence.

REGULATIONS

No relevant regulations found.

Conditions on Use of Certain Forms of Discipline

Corporal Punishment

LAWS

49-6-4002. Discipline policy - Code of conduct.

(g) Each discipline policy or code of conduct must state that a teacher, principal, school employee, or school bus driver may use reasonable force in compliance with § 49-6-4107.

49-6-4103. Corporal punishment.

(a) Any teacher or school principal may use corporal punishment in a reasonable manner against any pupil for good cause in order to maintain discipline and order within the public schools.

(b)(1) Notwithstanding subsection (a), teachers, school principals, or other school personnel are prohibited from using corporal punishment against any student who has a disability, unless an LEA's discipline policy permits the use of corporal punishment and a parent of a child who has a disability permits, in writing, the use of corporal punishment against the parent's child. The written permission must state the type of corporal punishment that may be used and the circumstances in which the use of corporal punishment is permitted. The school's principal must keep the written permission on file at the school. The school's principal must notify the parent any time corporal punishment is used. The school's principal must inform the parent, when the written permission for the use of corporal punishment is submitted, that the parent may revoke the permission to use corporal punishment at any time by giving written notice to the school's principal that corporal punishment may no longer be used against the parent's child who has a disability.

(2) As used in this subsection (b):

(A) "School personnel" includes all individuals employed on a full-time or part-time basis by a public school; and

(B) "Student who has a disability" means a student who has an individualized education program (IEP) under the Individuals with Disabilities Education Act (20 U.S.C. § 1400 et seq.), or a Section 504 plan under the Rehabilitation Act (29 U.S.C. § 701 et seq.).

(3) This subsection (b) does not authorize the use of corporal punishment by a person who is not permitted to administer corporal punishment under subsection (a).

49-6-4104. Rules and regulations.

Each local board of education shall adopt rules and regulations it deems necessary to implement and control any form of corporal punishment in the schools in its district.

49-6-4107. Use of reasonable force.

(a) A teacher, principal, school employee or school bus driver, in exercising the person's lawful authority, may use reasonable force when necessary under the circumstances to correct or restrain a student or prevent bodily harm or death to another person.

(b) Subsection (a) does not authorize use of corporal punishment by a person not permitted to administer corporal punishment under § 49-6-4103 or chapter 6, part 44 of this title.

49-6-4108. Report detailing use of corporal punishment required.

(a) Beginning with the 2018-2019 school year, each LEA shall submit, at least annually, a report to the department of education detailing the LEA's use of corporal punishment. The report shall include, at a minimum:

- (1) The school at which each instance of corporal punishment occurred;
- (2) Information regarding the reason for each instance of corporal punishment;
- (3) Whether an instance of corporal punishment involved a student with an active individualized education program, and if so, the primary disability category for which the student has an individualized education program; and
- (4) Whether an instance of corporal punishment involved a student with an active 504 plan under Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. § 794), and if so, the reason for which the student has a 504 plan.

(b) The report submitted pursuant to this section shall exclude any personally identifiable information and shall be created in accordance with the Family Education Rights and Privacy Act (FERPA)(20 U.S.C. § 1232g), § 10-7-504, and any other relevant state or federal privacy law.

(c) The department shall report on its website the number of instances of corporal punishment in each LEA and the number of instances involving a student with an active individualized education program or an active 504 plan under Section 504 of the Rehabilitation Act of 1973.

49-6-4402. Corporal punishment.

(a) The chief administrative officer, or the chief administrative officer's designee, of any institution in which the schools are located, may use corporal punishment in a reasonable manner and in accordance with this part against any pupil for good cause in order to maintain discipline and order within such schools.

(b) Corporal punishment may be administered only in a classroom situation and only in the presence of the director of schools or chief administrative officer of the school and one (1) other faculty witness.

(c)(1) Notwithstanding subsection (a), the chief administrative officer, or the chief administrative officer's designee, is prohibited from using corporal punishment against any student who has a disability, unless an LEA's discipline policy permits the use of corporal punishment and a parent of a child who has a disability permits, in writing, the use of corporal punishment against the parent's child. The written permission must state the type of corporal punishment that may be used and the circumstances in which the use of corporal punishment is permitted. The school's chief administrative officer must keep the written permission on file at the school. The school's chief administrative officer must notify the parent any time corporal punishment is used. The school's chief administrative officer must inform the parent, when the written permission for the use of corporal punishment is submitted, that the parent may revoke the permission to use corporal punishment at any time by giving written notice to the school's chief administrative officer that corporal punishment may no longer be used against the parent's child who has a disability.

- (2) As used in this subsection (c), "student who has a disability" means a student who has an individualized education program (IEP) under the Individuals with Disabilities Education Act (20 U.S.C. § 1400 et seq.), or a Section 504 plan under the Rehabilitation Act (29 U.S.C. § 701 et seq.).

49-6-4403. Rules and regulations.

(a) The department of children's services shall adopt rules and regulations that specifically designate the method of imposing corporal punishment and the circumstances that warrant corporal punishment in the schools within its special school district. The rules and regulations shall provide for only corporal punishment that is reasonably necessary for the proper education of the pupil.

(b) No corporal punishment shall be imposed until the rules and regulations have been promulgated in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

(c) The rules and regulations shall provide for a written record to be kept of all use of corporal punishment, including the name of the person requesting the punishment and a brief description of the circumstances warranting its use.

49-6-4404. Physical examination of student - Student's remedies.

(a) Within forty-eight (48) hours of the imposition of corporal punishment within the special school district, the pupil shall have the right to be examined by a physician to determine if the punishment was excessive.

(b) In any case in which the punishment is excessive, the pupil shall have the same civil and criminal remedies as any other pupil in the public schools.

REGULATIONS

No relevant regulations found.

Search and Seizure

LAWS

49-6-4204. Search of lockers, vehicles, and other property.

(a) When individual circumstances in a school dictate, a principal may order that vehicles parked on school property by students or visitors, containers, packages, lockers or other enclosures used for storage by students or visitors, and other areas accessible to students or visitors be searched in the principal's presence or in the presence of other members of the principal's staff.

(b) Individual circumstances requiring a search may include incidents on school property, including school buses, involving, but not limited to, the use of dangerous weapons, drugs or drug paraphernalia by students that are known to the principal or other staff members, information received from law enforcement, juvenile or other authorities indicating a pattern of drug dealing or drug use by students of that school, any assault or attempted assault on school property with dangerous weapons or any other actions or incidents known by the principal that give rise to reasonable suspicion that dangerous weapons, drugs or drug paraphernalia are held on school property by one (1) or more students.

(c) A notice shall be posted in the school that lockers and other storage areas, containers, and packages brought into the school by students or visitors are subject to search for drugs, drug paraphernalia, dangerous weapons or any property that is not properly in the possession of the student.

(d) A notice shall be posted where it is visible from the school parking lot that vehicles parked on school property by students or visitors are subject to search for drugs, drug paraphernalia or dangerous weapons.

49-6-4205. Search of students.

(a) A student may be subject to physical search because of the results of a locker search, or because of information received from a teacher, staff member, student or other person if such action is reasonable to the principal.

(b) All of the following standards of reasonableness shall be met:

(1) A particular student has violated school policy;

(2) The search will yield evidence of the violation of school policy or will lead to disclosure of a dangerous weapon, drug paraphernalia or drug;

- (3) The search is in pursuit of legitimate interests of the school in maintaining order, discipline, safety, supervision and education of students;
- (4) The search is not conducted for the sole purpose of discovering evidence to be used in a criminal prosecution; and
- (5) The search shall be reasonably related to the objectives of the search and not excessively intrusive in light of the age and sex of the student, as well as the nature of the infraction alleged to have been committed.

49-6-4207. Use of metal detectors.

To facilitate a search that is found to be necessary of students, school visitors, containers or packages, metal detectors and other devices designed to indicate the presence of dangerous weapons, drug paraphernalia or drugs may be used in searches, including hand-held models that are passed over or around a student's or visitor's body, and students, visitors, containers and packages may be required to pass through a stationary detector.

49-6-4208. Use of animals.

To facilitate a search that is found to be necessary, dogs or other animals trained to detect drugs or dangerous weapons by odor or otherwise may be used in conducting searches, but the animals shall be used only to pinpoint areas needed to be searched and shall not be used to search the persons of students or visitors.

49-6-4209. Report of reasonable suspicion by principal to law enforcement officer.

(a) It is the duty of a school principal who has reasonable suspicion to believe, either as a result of a search or otherwise, that any student is committing or has committed any violation of title 39, chapter 17, part 4, § 39-17-1307, or § 39-17-1309 upon the school grounds or within any school building or structure under the principal's supervision, to report the reasonable suspicion to the appropriate law enforcement officer.

(b) School personnel have the duty to report any reasonable suspicion that a student is committing or has committed any violation of title 39, chapter 17, part 4 or § 39-17-1307 to the principal, or, if the principal is not available, to the principal's designee. If neither the principal nor the designee is available, school personnel may report violations of title 39, chapter 17, part 4 or § 39-17-1307 committed on school property to the appropriate authorities.

49-6-4210. Disposal of contraband.

Any dangerous weapon or drug located by the principal or other staff member in the course of a search shall be turned over to the appropriate law enforcement officer for proper disposal.

49-6-4213. Testing of students for drugs - Referral information and assistance for students testing positive.

(a)(1) A student may be subject to testing for the presence of drugs in the student's body in accordance with this section and the policy of the LEA if there are reasonable indications to the principal that such student may have used or be under the influence of drugs. The need for testing may be brought to the attention of the principal through a search authorized by § 49-6-4204 or § 49-6-4205, observed or reported use of drugs by the student on school property, or other reasonable information received from a teacher, staff member or other student.

REGULATIONS

No relevant regulations found.

Restraint and Seclusion

LAWS

49-6-4006. Civil liability.

(b) It is a defense against a civil action for damages under this section that a teacher, principal, school employee or school bus driver in the exercise of the person's lawful authority used reasonable force under § 49-6-4107 that was necessary to restrain the student or to prevent bodily harm or death to another person.

49-6-4107. Use of reasonable force.

(a) A teacher, principal, school employee or school bus driver, in exercising the person's lawful authority, may use reasonable force when necessary under the circumstances to correct or restrain a student or prevent bodily harm or death to another person.

(b) Subsection (a) does not authorize use of corporal punishment by a person not permitted to administer corporal punishment under § 49-6-4103 or chapter 6, part 44 of this title.

(c) Subsection (a) does not authorize restraint or isolation of students for whom restraint or isolation is prohibited under chapter 10, part 13 of this title.

49-10-1301. Short title.

This part shall be known and may be cited as the "Special Education Behavioral Supports Act."

49-10-1302. Purpose of part.

The purposes of this part are:

- (1) To ensure that every student receiving special education services is free from the unreasonable, unsafe and unwarranted uses of isolation and restraint practices;
- (2) To encourage the use of positive behavioral interventions and support methods in schools;
- (3) To develop properly trained staff in order to promote positive behavioral supports that reduce dependence on isolation and restraint practices; and
- (4) To ensure that teachers of students receiving special education services are properly trained to protect the student, teacher and others from physical harm, if isolation or restraint is necessary.

49-10-1303. Part definitions.

For the purposes of this part, unless the context otherwise requires:

- (1) "Behavior intervention training program" means a training program in positive behavioral supports, crisis intervention and the safe use of restraint and isolation;
- (2) "Chemical restraint" means a medication that is prescribed to restrict a student's freedom of movement for the control of extreme violent physical behavior. Chemical restraints are medications used in addition to, or in replacement of, a student's regular drug regimen to control extreme violent physical behavior. The medications that comprise the student's regular medical regimen, including PRN medications, are not considered chemical restraints, even if their purpose is to treat ongoing behavioral symptoms;
- (3) "Emergency situation" means that a child's behavior poses a threat to the physical safety of the student or others nearby;
- (4) "Isolation" or "seclusion":

- (A) Means the confinement of a student alone in a room with or without a door, or other enclosed area or structure pursuant to § 49-10-1305(g) where the student is physically prevented from leaving; and
- (B) Does not include time-out, a behavior management procedure in which the opportunity for positive reinforcement is withheld, contingent upon the demonstration of undesired behavior; provided, that time-out may involve the voluntary separation of an individual student from others;
- (5) "Isolation room" means any space, structure, or area pursuant to § 49-10-1305(g) used to isolate a student;
- (6) "Mechanical restraint" means the application of a mechanical device, material or equipment attached or adjacent to the student's body, including ambulatory restraints, which the student cannot easily remove and that restrict freedom of movement or normal access to the student's body. Mechanical restraint does not include the use of restraints for medical immobilization, adaptive support, or medical protection;
- (7) "Noxious substance" means the use of any defense spray or substance as defined by departmental rule;
- (8) "Physical holding restraint" means the use of body contact by school personnel with a student to restrict freedom of movement or normal access to the student's body;
- (9) "Positive behavioral supports" means a systematic approach using evidence-based practices to improve school environments, and to prevent and respond to problem behavior that:
 - (A) Is proactive and instructional, rather than reactive and punitive;
 - (B) Operates on the following three (3) levels:
 - (i) Individual;
 - (ii) Group or classroom; and
 - (iii) The whole school;
 - (C) Includes a system of continual data collection;
 - (D) Utilizes data-based decision-making;
 - (E) Applies research-validated positive behavioral interventions; and
 - (F) Improves academic and social outcomes for all students, including those with the most complex and intensive behavioral needs; and
- (10) "School personnel" means an individual employed on a full-time or part-time basis by a public school.

49-10-1304. Isolation or restraint of student - Reports and record.

- (a) A student receiving special education services, as defined by § 49-10-102, may be restrained or isolated only in emergency situations.
- (b) Individualized education programs that provide for the use of restraint or isolation in emergency situations shall also contain a data driven functional behavior assessment and a plan for modification of the behavior developed and implemented by a qualified team of professionals.
- (c) In the event that restraint or isolation is imposed on a student, it shall be imposed by:
 - (1) School personnel who have been certified for completing a behavior intervention training program; or
 - (2) Other school personnel when trained personnel are not immediately available.
- (d)(1) If school personnel impose restraints or isolation in an emergency situation, the school shall immediately contact appropriate school personnel who are designated under department rules to authorize the isolation or restraint. Such school personnel authorized by department rules shall see and

evaluate the student's condition within a reasonable time after the intervention and the student's parent or guardian shall be notified, orally or by written or printed communication, the same day the isolation or restraint was used. School personnel shall be held harmless for failure to notify if reasonable effort has been made to notify the student's parent or guardian in compliance with this subdivision (d)(1).

(2) If the student's individualized education program does not provide for the use of isolation or restraint for the behavior precipitating such action or if school personnel are required to use isolation or restraint over an extended period of time as determined by department rules, then an individual education program meeting shall be convened within ten (10) days following the use of the isolation or restraint. If the behavior precipitating such action also warrants a change of placement, the child will have all rights provided under applicable state and federal law.

(3)(A) School personnel may report a suspected crime by calling a law enforcement official;

(B) School personnel may file a juvenile petition against a student receiving special education, only after conducting a manifestation determination that results in a determination that the behavior that resulted in the act requiring disciplinary action was not caused by the student's disability; or

(C) A school resource officer (SRO), as defined by § 49-6-4202, may, upon witnessing an offense, take the student into custody.

(e)(1) School personnel who must isolate or restrain a student receiving special education services, as defined by § 49-10-102, shall report the incident to the school principal or the principal's designee who shall record the use of the isolation or restraint and the facts surrounding such use. The state board of education shall promulgate rules that mandate a standard reporting format to be used by LEAs.

(2) Whenever possible, an additional school staff member should serve as an observer to any act of physical restraint performed on a student to monitor the health and safety of all involved. School personnel shall maintain a continuous direct line of sight to a student who is in isolation to monitor the health and well-being of the student.

(f) To the extent possible within the local education agency's funds, the local board of education should address § 49-6-3004(c)(1) by incorporating the following components into its behavior intervention training program:

(1) Training in evidence-based techniques shown to be effective in the prevention of isolation and physical restraint;

(2) Training in evidence-based techniques shown to be effective in keeping both school personnel and students safe when imposing physical restraint or isolation;

(3) Evidence-based skills training on positive behavioral interventions and supports, conflict prevention, functional behavior assessments, de-escalation, and conflict management;

(4) Information describing state statutes, policies, rules, and procedures on restraint and isolation;

(5) Training in the identification and reporting of abuse and neglect in the school setting; and

(6) Certification for school personnel who have completed a behavior intervention training program which should be renewed on a periodic basis.

49-10-1305. Restrictions on administration of, or use of, isolation or restraint.

(a) Administering a chemical restraint to a student receiving special education services, as defined by § 49-10-102, is prohibited; provided, that nothing in this subsection (a) shall prohibit the administration of a chemical restraint when administered for therapeutic purposes under the direction of a physician and with the child's parent or guardian's consent to administer such chemical restraint.

(b) Administering a noxious substance to a student receiving special education services, as defined by § 49-10-102, is prohibited.

(c) The use of any mechanical restraint on any student receiving special education services, as defined by § 49-10-102, is prohibited.

(d) Any form of life threatening restraint, including restraint that restricts the flow of air into a person's lungs, whether by chest compression or any other means, to a student receiving special education services, as defined by § 49-10-102, is prohibited.

(e)(1) The use of isolation or physical holding restraint as a means of coercion, punishment, convenience or retaliation on any student receiving special education services, as defined by § 49-10-102, is prohibited.

(2) Removing or disabling any equipment or device that a student requires, including, but not limited to, a power wheelchair, brace, augmentative communication device, or walker, as a means of coercion, punishment, convenience, or retaliation on any student receiving special education services, as defined by § 49-10-102, is prohibited.

(3)(A) The use of physical holding restraint in the following circumstances is not prohibited:

- (i) The brief holding by an adult in order to calm or comfort;
- (ii) The minimum contact necessary to physically escort a student from one area to another;
- (iii) Assisting a student in completing a task or response if the student does not resist, or resistance is minimal in intensity or duration; or
- (iv) Holding a student for a brief time in order to prevent any impulsive behavior that threatens the student's immediate safety.

(B) The school is not required to notify the student's parent or guardian pursuant to § 49-10-1304 in any of the circumstances listed in subdivision (e)(3)(A).

(f) The use of a locked door, or any physical structure, mechanism, or device that substantially accomplishes the function of locking a student in a room, structure, or area, is prohibited.

(g) Any space used as an isolation room shall be:

- (1) Unlocked and incapable of being locked;
- (2) Free of any condition that could be a danger to the student;
- (3) Well ventilated and temperature controlled;
- (4) Sufficiently lighted for the comfort and well-being of the student;
- (5) Where school personnel are in continuous direct visual contact with the student at all times;
- (6) At least forty square feet (40 sq. ft.); and
- (7) In compliance with all applicable state and local fire, health, and safety codes.

(h) Notwithstanding this section, actions undertaken by school personnel to break up a fight or to take a weapon from a student are not prohibited; however, these acts shall be reported.

49-10-1306. Records of isolation and restraint - Reports - Promulgation of rules and regulations.

(a) Each school shall maintain all records of isolation and restraint.

(b) On a semiannual basis, using existing student-level data collection systems to the extent feasible, each school shall submit a report to the local education agency that includes:

- (1) The number of incidents involving the use of isolation and restraint since the previous semiannual report;
- (2) The number of instances in which the school personnel imposing physical restraint or isolation were not trained and certified;
- (3) Any injuries, deaths, or property damage that occurred;

- (4) The timeliness of parental notification; and
 - (5) Demographic information to determine whether disproportionate use of these interventions exists.
- (c) The local education agency shall use the information obtained from records of isolation and restraint in developing its behavior intervention training program.
- (d) The local education agency shall submit information to the department of education each year on the use of isolation and restraint in the school district.
- (e) Annually, this information shall be reported to the state advisory council for the education of students with disabilities established pursuant to § 49-10-105. This information must also be made readily available to the public. The council shall use this information to report annually to the state board of education with recommendations to reduce the use of isolation and restraint in public education programs. The state board of education shall use these recommendations as well as data, documentation and reports to establish policy or strategies or both to reduce or eliminate the use of isolation and restraint in schools.
- (f) The state board of education, in consultation with the departments of education, mental health and substance abuse services, intellectual and developmental disabilities, and children's services, shall promulgate rules and regulations concerning the use of isolation or restraint with students who receive special education services so that isolation or restraint is not used when such procedures are unsafe, unreasonable or unwarranted. The rules and regulations shall be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

49-10-1307. Training and reporting on the use of restraint and isolation.

If a private school or agency contracts with an LEA to provide services for students with disabilities, then such private school or agency shall, in the contract for services, certify that the staff of the facility or program has received training in the appropriate use of restraint and isolation. Further, the contracting agency shall report to a designated LEA representative each instance of the use of restraint and isolation to accomplish the parental notification provided in this part.

REGULATIONS

0520-01-09-.23. Isolation and restraint for students receiving special education services.

- (1) Definitions:
- (a) "Extended isolation" means isolation which lasts longer than one (1) minute per year of the student's age or isolation which lasts longer than the time provided in the child's individualized education program (IEP).
 - (b) "Extended restraint" means a physical holding restraint lasting longer than five (5) minutes or a physical holding a restraint which lasts longer than the time provided in the child's IEP.
 - (c) "Noxious substance" means a substance released in proximity to the student's face or sensitive area of the body for the purpose of limiting a student's freedom of movement or action, including but not limited to Mace and other defense sprays.
- (2) Local education agencies are authorized to develop and implement training programs that include:
- (a) Use of positive behavioral interventions and supports;
 - (b) Nonviolent crisis prevention and de-escalation;
 - (c) Safe administration of isolation and restraint; and
 - (d) Documentation and reporting requirements.
- (3) Local education agencies are authorized to determine an appropriate level of training commensurate with the job descriptions and responsibilities of school personnel.

- (4) Local education agencies shall develop policies and procedures governing:
- (a) Personnel authorized to use isolation and restraint;
 - (b) Training requirements; and
 - (c) Incident reporting procedures.
- (5) Only the principal, or the principal's designee, may authorize the use of isolation or restraint in the case of emergency or by IEP signature.
- (6) When the use of restraint or isolation is proposed at an IEP meeting, parents/guardians shall be advised of the provisions of T.C.A. §§ 49-10-1301., et seq., this rule and the IDEA procedural safeguards.
- (7) An IEP meeting convened pursuant to T.C.A. § 49-10-1304. may be conducted on at least twenty-four (24) hours' notice to the parents/guardian/surrogate/parent.
- (8) State agencies providing educational services within a residential therapeutic setting to children in their legal and physical custody shall develop and adhere to isolation and restraint policies in such educational settings which conform to the TDMHDD (Tennessee Department of Mental Health and Developmental Disabilities) state standards as applicable and at least one (1) of the following national standards: ACA (American Correctional Association), COA (Council on Accreditation), CMS (Centers for Medicare & Medicaid Services), JCAHO (Joint Commission for Accreditation of Healthcare Organizations), CARF (Commission on Accreditation of Rehabilitation Facilities), as they apply in the educational environment. Development of, and adherence to, such policies shall be overseen by a licensed qualified physician or licensed doctoral level psychologist.

(9) Reports.

School personnel who must isolate or restrain a student shall report the incident to the school principal or the principal's designee. The Department of Education shall develop a report form, which shall be used by school personnel when reporting isolation or restraint to the school principal or the principal's designee.

- (a) The report form must include the following information:
1. Student's name, age and disability;
 2. Student's school and grade level;
 3. Date, time and location of the isolation or restraint;
 4. Length of time student was isolated or restrained;
 5. Names, job titles and signatures of the personnel who administered the isolation or restraint;
 6. Whether the personnel who administered the isolation or restraint were certified for completing a behavior intervention training program;
 7. Names and job titles of other personnel who observed or witnessed the isolation or restraint;
 8. Name of the principal or designee who was notified following the isolation or restraint and time of notification;
 9. Description of the antecedents that immediately preceded the use of isolation or restraint and the specific behavior being addressed;
 10. A certification that any space used for isolation is at least forty (40) square feet;
 11. A certification that school personnel are in continuous direct visual contact at all times with a student who is isolated;
 12. How the isolation or restraint ended, including the student's demeanor at the cessation of the isolation or restraint;
 13. Physical injury or death to the student, school personnel or both during the isolation or restraint;
 14. Medical care provided to the student, school personnel or both during the isolation or restraint;

15. Description of property damage, if relevant; and

16. Date, time and method of parent notification.

(b) A copy of the report form must be provided to the LEA's director of special education who shall determine whether an Individualized Education Program (IEP) Team meeting must be convened pursuant to T.C.A. § 49-10-1304.

0520-12-01-.14. Care of children with special needs.

(10) Isolation and physical restraint shall be in accordance with T.C.A. §§ 49-10-1301-1305:

(a) A student receiving special education services, as defined by T.C.A. § 49-10-102(4), may be isolated or restrained only in emergency situations and only if such isolation or restraint is provided in the student's IEP in emergency situations.

(b) If school personnel impose restraints or isolation in an emergency situation, the school shall immediately contact the appropriate school personnel designated to authorize isolation or restraint. The student's parent or guardian shall be notified, orally or by written communication, the same day the isolation or restraint was used.

(c) If the student's individualized education program does not provide for the use of isolation or restraint for the behavior precipitating such action or if school personnel are required to use isolation or restraint longer than five (5) minutes, then an individual education program meeting shall be convened within ten (10) days following the use of such isolation or restraint. If the behavior precipitating such action also warrants a change of placement, the child will have all rights provided under applicable state and federal law.

(d) School personnel who must isolate or restrain a student receiving special education services, as defined by T.C.A. § 49-10-102(4), whether or not such isolation or restraint was in an emergency situation or provided for in the student's individual education program, shall report the incident to the appropriate school personnel designated to authorize isolation or restraint who shall record the use of such isolation or restraint and the facts surrounding such use. A copy of such record shall be made available at individual education program meetings and upon the request of the student's parent or legal guardian.

(e) If the appropriate school personnel designated to authorize isolation or any person having knowledge of the isolation or restraint, have reason to believe that such isolation or restraint was unreasonable, unsafe, or unwarranted, and such isolation or restraint caused injury to the student, the incident shall be reported pursuant to T.C.A. § 37-1-403.

(f) School personnel shall remain in the physical presence of any restrained student and shall continuously observe a student who is in isolation or being restrained to monitor the health and well-being of such student.

(g) Administering a chemical restraint to a student receiving special education services, as defined by T.C.A. § 49-10-102(4), is prohibited, provided that nothing in this subsection shall prohibit the administration of a chemical restraint when administered for therapeutic purposes under the direction of a physician and with the child's parent or guardian's consent to administer such chemical restraint.

(h) Administering a noxious substance to a student receiving special education services, as defined by T.C.A. § 49-10-102(4), is prohibited.

(i) Use of any mechanical restraint on any student receiving special education services, as defined by T.C.A. § 49-10-102(4), is prohibited.

(j) Any form of life threatening restraint, including restraint that restricts the flow of air into a person's lungs, whether by chest compression or any other means, to a student receiving special education services, as defined by § 49-10-102(4), is prohibited.

(k) The use of isolation or physical holding restraint as a means of coercion, punishment, convenience or retaliation on any student receiving special education services, as defined by T.C.A. § 49-10-102(4), is prohibited.

(l) The use of physical holding restraint in the following circumstances is not prohibited:

1. The brief holding by an adult in order to calm or comfort;
2. The minimum contact necessary to physically escort a student from one area to another;
3. Assisting a student in completing a task or response if the student does not resist, or resistance is minimal in intensity or duration; or
4. Holding a student for a brief time in order to prevent any impulsive behavior that threatens the student's immediate safety.
5. The program is not required to notify the student's parent or guardian pursuant to this Chapter in any of the circumstances listed in this subdivision (l).

(m) The use of a locked door, or use of any physical structure that substantially accomplishes the intent of locking a student in a room or structure, to isolate or seclude a student, is prohibited.

Exclusionary Discipline: Suspension, Expulsion, and Alternative Placement

Grounds for Suspension or Expulsion

LAWS

49-2-203. Duties and powers.

(a) It is the duty of the local board of education to:

(7) Suspend, dismiss or alternatively place pupils, when the progress, safety or efficiency of the school makes it necessary or when disruptive, threatening or violent students endanger the safety of other students or school system employees.

49-6-3401. Suspension of students - Expulsion of students - Exception for self-defense.

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

- (1) Willful and persistent violation of the rules of the school;
- (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 enumerated in subdivisions (a)(1)-(4);
- (6) Marking, defacing or destroying school property;
- (7) Possession of a pistol, gun or firearm on school property;
- (8) Possession of a knife and other weapons, as defined in § 39-17-1301 on school property;
- (9) Assaulting a principal, teacher, school bus driver or other school personnel with vulgar, obscene or threatening language;
- (10) Unlawful use or possession of barbitol or legend drugs, as defined in § 53-10-101;
- (11) One (1) or more students initiating a physical attack on an individual student on school property or at a school activity, including travel to and from school or a school activity;
- (12) Making a threat, including a false report, to use a bomb, dynamite, any other deadly explosive or destructive device, including chemical weapons, on school property or at a school sponsored event;
- (13) Any other conduct prejudicial to good order or discipline in any public school; and
- (14) 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. Notwithstanding § 37-1-131 or any other law to the contrary, the principal of the school in which the student is enrolled and the director of schools shall determine the appropriate educational assignment for the student released for readmission.

(b)(1) Any principal, principal-teacher or assistant principal may suspend any pupil from attendance at a specific class, classes or school-sponsored activity without suspending the pupil from attendance at school pursuant to an in-school suspension policy adopted by the local board of education. Good and sufficient reasons for in-school suspension include, but are not limited to, behavior:

- (A) That adversely affects the safety and well-being of other pupils;
- (B) That disrupts a class or school sponsored activity; or
- (C) Prejudicial to good order and discipline occurring in class, during school-sponsored activities or on the school campus.

(2) In-school suspension policies shall provide that pupils given an in-school suspension in excess of one (1) day from classes shall attend either special classes attended only by students guilty of misconduct or be placed in an isolated area appropriate for study. Students given in-school suspension shall be required to complete academic requirements.

(c)(1) Except in an emergency, no principal, principal-teacher or assistant 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.

(2) 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 of schools or the director of schools' designee of:

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

REGULATIONS

No relevant regulations found.

Limitations or Conditions on Exclusionary Discipline

LAWS

49-6-3401. Suspension of students - Expulsion of students - Exception for self-defense.

(b)(1) Any principal, principal-teacher or assistant principal may suspend any pupil from attendance at a specific class, classes or school-sponsored activity without suspending the pupil from attendance at school pursuant to an in-school suspension policy adopted by the local board of education. Good and sufficient reasons for in-school suspension include, but are not limited to, behavior:

- (A) That adversely affects the safety and well-being of other pupils;
- (B) That disrupts a class or school sponsored activity; or
- (C) Prejudicial to good order and discipline occurring in class, during school-sponsored activities or on the school campus.

(2) In-school suspension policies shall provide that pupils given an in-school suspension in excess of one (1) day from classes shall attend either special classes attended only by students guilty of misconduct or be placed in an isolated area appropriate for study. Students given in-school suspension shall be required to complete academic requirements.

(c)(1) Except in an emergency, no principal, principal-teacher or assistant 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.

(2) 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 of schools or the director of schools' designee of:

(A) The suspension, which shall be for a period of no more than ten (10) days;

(B) The cause for the suspension; and

(C) The conditions for readmission, which may include, at the request of either party, a meeting of the parent or guardian, student and principal.

(3) 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 of schools upon request. [...]

(i) Notwithstanding subsection (a) or (b) or any other law to the contrary, if a pupil is determined, via a fair and thorough investigation made by the principal or the principal's appointed representative, to have acted in self-defense under a reasonable belief that the student, or another to whom the student was coming to the defense of, may have been facing the threat of imminent danger of death or serious bodily injury, which the student honestly believed to be real at that time, then, at the principal's recommendation, the student may not face any disciplinary action.

REGULATIONS

No relevant regulations found.

Due Process

LAWS

49-6-3002. State attendance guidelines - No penalty for period of hospital or homebound instruction.

(a) The state board of education shall promulgate rules, in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5, that prescribe guidelines for use by local boards of education in establishing standards and policies governing student attendance, subject to availability of funds. The guidelines shall include, but not be limited to, the following stipulations:

(4) Appeal procedures shall be included to assure the student's right of due process.

49-6-3401. Suspension of students - Expulsion of students - Exception for self-defense.

(c)(4)(A) If, at the time of the suspension, the principal, principal-teacher or assistant principal determines that an offense has been committed that would justify a suspension for more than ten (10) days, the person may suspend a student unconditionally for a specified period of time or upon such terms and conditions as are deemed reasonable.

(B) The principal, principal-teacher or assistant 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.

(C) The appeal from this decision shall be to the board of education or to a disciplinary hearing authority appointed by the board. The disciplinary hearing authority, if appointed, shall consist of at least one (1) licensed employee of the LEA, but no more than the number of members of the local board.

(D) The hearing shall be held no later than ten (10) days after the beginning of the suspension. The local board of education or the disciplinary 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 in subdivision (c)(4)(A) who ordered the suspension. Notice shall also be given to the LEA employee referred to in subdivision (c)(4)(B) who requests a hearing on behalf of a suspended student.

(5) After the hearing, the board of education or 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.

(6) If the decision is determined by a disciplinary hearing authority, 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, principal, principal-teacher or assistant principal may, within five (5) days of the decision, request review by the board of education; provided, that local school board policy may require an appeal to the director of schools prior to a request for review to the board. Absent a timely appeal, the decision shall be final. 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. If the board conducts a hearing as a result of a request for review by a student, principal, principal-teacher or assistant principal, then, notwithstanding any provision of the open meetings laws compiled in title 8, chapter 44, or other law to the contrary, the hearing shall be closed to the public, unless the student or student's parent or guardian requests in writing within five (5) days after receipt of written notice of the hearing that the hearing be conducted as an open meeting. If the board conducts a hearing as a result of a request for review by a student, principal, principal-teacher, or assistant principal that is closed to the public, then the board shall not conduct any business, discuss any subject or take a vote on any matter other than the appeal to be heard. Nothing in this subdivision (c)(6) shall act to exclude the department of children's services from the disciplinary hearings when the department is exercising its obligations under § 37-1-140. The action of the board of education shall be final.

REGULATIONS

0520-01-02-.17. State attendance guidelines.

(5) Each local board of education shall adopt an attendance policy in accordance with the State Board's School Attendance Policy 4.100 that is firm, but fair; includes effective accounting and reporting procedures; accounts for extenuating circumstances; includes appeal procedures; and establishes and maintains alternative programs for students who fail to meet minimum attendance requirements. [...]

(7) Whenever possible, attendance issues should be resolved at the school level. To ensure due process, Local boards of education must adopt a policy that affords students with excessive (more than 5) unexcused absences the opportunity to appeal. Such policy must, at minimum, include written or actual notice to the student or their parent/guardian and the opportunity to be heard. The burden of proof rests on the student or their parent/guardian. The appeal process for determining unexcused absences is ancillary to a truancy decision rendered by a juvenile court judge as described in T.C.A. § 49-6-3010.

Return to School Following Removal

LAWS

49-6-3401. Suspension of students - Expulsion of students - Exception for self-defense.

(c)(1) Except in an emergency, no principal, principal-teacher or assistant 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.

(2) 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 of schools or the director of schools' designee of:

(A) The suspension, which shall be for a period of no more than ten (10) days;

(B) The cause for the suspension; and

(C) The conditions for readmission, which may include, at the request of either party, a meeting of the parent or guardian, student and principal.

49-6-3402. Alternative schools for suspended or expelled students - Mandated attendance.

(h)(1) LEAs establishing alternative schools or contracting for the operation of alternative schools shall develop and implement formal transition plans for the integration of students from regular schools to alternative schools and from alternative schools to regular schools. The plans shall be targeted to improve communication between regular and alternative school staff, provide professional development opportunities shared by regular school staff and alternative school staff, align curricula between regular schools and alternative schools, develop quality in-take procedures for students returning to regular school and provide student follow-up upon return to regular school.

(2) The state board of education shall adopt policies or guidelines to assist LEAs in developing transition plans.

REGULATIONS

0520-01-02-.09. Alternative schools.

(9) Requirements for alternative education:

(m) Each LEA shall develop and implement formal transition plans for the integration of students from a traditional school to an alternative school or from an alternative school back to a traditional school.

Transition plans shall be targeted to improve communication between a traditional school and an alternative school staff and should address any barriers that would prohibit students from successfully transitioning. Transition plans shall include aligning of curricula, in-take procedures for students returning to traditional school, professional development opportunities for traditional and alternative school staff, educational and behavioral supports, follow-up for students returning to traditional school, and the development of graduation and postsecondary goals.

Alternative Placements

LAWS

49-6-3002. State attendance guidelines - No penalty for period of hospital or homebound instruction.

(a) The state board of education shall promulgate rules, in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5, that prescribe guidelines for use by local boards of education in establishing standards and policies governing student attendance, subject to availability of funds. The guidelines shall include, but not be limited to, the following stipulations:

(5) Alternative programs shall be established to provide educational options for any student who severely fails to meet minimum attendance requirements. [...]

(c)(1) Notwithstanding any law to the contrary, if a student is unable to attend regular classes pursuant to a summons, subpoena, court order, statute or rule, then the student's absence shall be an excused absence and the student shall be afforded the opportunity to complete all assignments missed for this purpose.

49-6-3012. Truancy schools.

(a) The board of education having charge of the public schools of any local school system having a population of ten thousand (10,000) or more, according to the federal census of 1950 or any subsequent federal census, may establish a truancy school, either within or without the city limits, for children who are between seven (7) and sixteen (16) years of age, both inclusive, and who are habitual truants, or while in attendance at school are incorrigible, vicious, immoral or who habitually wander or loiter about without lawful employment.

(b) Such children shall be deemed disorderly juvenile persons, and may be compelled by the board to attend the truancy school or any department of the public school as the board may direct.

(c) Any board of education having charge of schools affected by this part shall have authority to exclude any delinquent pupil whose influence is deemed by the board to be demoralizing or injurious to other pupils attending the schools.

49-6-3401. Suspension of students - Expulsion of students - Exception for self-defense.

(c)(5) After the hearing, the board of education or 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. [...]

(g)(3) Nothing in this section prohibits the assignment of students who are subject to expulsion from school to an alternative school.

49-6-3402. Alternative schools for suspended or expelled students - Mandated attendance.

(a) Local boards of education may establish alternative schools for students in grades one through six (1-6) who have been suspended or expelled from the regular school program. At least one (1) alternative school or alternative program shall be established and available for students in grades seven through twelve (7-12) who have been suspended or expelled as provided in this part. In providing alternative schools, any two (2) or more boards may join together and establish a school attended by students of any such school system; furthermore, any board may, by mutually acceptable agreement with another board, send its suspended or expelled students to any alternative school already in operation.

(b) Alternative schools and alternative programs shall be operated pursuant to rules of the state board of education pertaining to them, and instruction shall proceed as nearly as practicable in accordance with the instructional programs at the student's home school. All course work completed and credits earned in alternative schools or alternative programs shall be transferred to and recorded in the student's home school, which shall grant credit earned and progress thereon as if earned in the home school.

(c)(1)(A) Attendance in an alternative school or alternative program is mandatory for students in grades seven through twelve (7-12) who have been suspended for more than ten (10) days or expelled from the regular school program if there is space and staff available.

(B)(i) Notwithstanding subdivision (c)(1)(A), attendance in an alternative school or alternative program is not mandatory for students in grades seven through twelve (7-12) who have been expelled from the regular school program for committing a zero tolerance offense.

(ii) This subdivision (c)(1)(B) does not prohibit a director of schools, or a director's designee, from assigning a student who has been expelled from the regular school program for committing a zero tolerance offense to an alternative school or alternative program.

(iii) The director of schools, or the director's designee, shall determine whether to assign a student who has been expelled from the regular school program for committing a zero tolerance offense to an alternative school or alternative program on a case-by-case basis.

(C) Attendance in an alternative school or alternative program is voluntary for students in grades one through six (1-6) who have been suspended or expelled from the regular school program unless the local board of education adopts a policy mandating attendance in either instance.

(2)(A) A student who is assigned to an alternative school or alternative program is subject to all rules pertaining to the alternative school or alternative program.

(B) The director of schools, or the director's designee, may remove a student from the alternative school or alternative program if the director, or the director's designee, determines that:

(i) The student has violated the rules of the alternative school or alternative program; or

(ii) The student is not benefiting from the student's assignment to the alternative school or alternative program, and all interventions available to help the student to succeed in the alternative school or alternative program have been exhausted unsuccessfully.

(C) The director of schools, or the director's designee, may remove a student from the alternative school or alternative program under subdivision (c)(2)(B) for the duration of the student's original suspension or expulsion. The student's removal under subdivision (c)(2)(B) does not constitute grounds for any extension of the student's original suspension or expulsion.

(D) The director of schools, or the director's designee, shall make the final decision on removal.

(3) If a student is under suspension or expulsion and transfers to another LEA during the student's suspension or expulsion period, then the director of schools, or the director's designee, of the LEA to which the student transfers may review the grounds of the student's suspension or expulsion, but is not required to enforce the suspension or expulsion. If the director of schools, or the director's designee, elects to enforce the student's suspension or expulsion, then, notwithstanding subdivision (c)(1), the LEA to which the student transferred is not required to assign the student to an alternative school or alternative program for the remainder of the suspension or expulsion period. This subdivision (c)(3) does not limit or impair an LEA's ability to deny enrollment to a student who is under suspension or expulsion in another LEA or state pursuant to § 49-6-3401(f).

(d) Any student attending an alternative school shall continue to earn state education funds in the student's home school system and shall be counted for all school purposes by that system as if still in attendance there.

(e) A pupil who has been properly found to be eligible for special education and related services shall be placed and served in accordance with the laws and rules relating to special education.

(f)(1) The state board of education, in its rules and regulations for the operation of alternative schools, shall require documentation of the reasons for a student attending an alternative school and provide safeguards to assure that no child with disabilities or other special student is arbitrarily placed in an alternative school. The state board of education, in its rules and regulations, shall require that all alternative school classrooms have working two-way communication systems making it possible for teachers or other employees to notify a principal, supervisor or other administrator that there is an emergency. Teachers and other employees shall be notified of emergency procedures prior to the beginning of classes for any school year.

(2) The state board of education shall provide a curriculum for alternative schools to ensure students receive specialized attention needed to maximize student success. Alternative schools shall offer alternative learning environments in which students are offered a variety of educational opportunities, such as learning at different rates of time or utilizing different, but successful, learning strategies, techniques and tools.

(g) Notwithstanding this section or other law to the contrary, local boards of education may establish evening alternative schools for students in grades six through twelve (6-12).

(h)(1) LEAs establishing alternative schools or contracting for the operation of alternative schools shall develop and implement formal transition plans for the integration of students from regular schools to alternative schools and from alternative schools to regular schools. The plans shall be targeted to improve communication between regular and alternative school staff, provide professional development opportunities shared by regular school staff and alternative school staff, align curricula between regular schools and alternative schools, develop quality in-take procedures for students returning to regular school and provide student follow-up upon return to regular school.

(2) The state board of education shall adopt policies or guidelines to assist LEAs in developing transition plans.

49-6-3404. Advisory council for alternative education.

(a) There is established an advisory council for alternative education that shall advise, assist and consult with the governor, the commissioner of education and the state board of education.

(b)(1) The advisory council shall be composed of a maximum of ten (10) members, including parents of children attending alternative schools or who have attended alternative schools, teachers or principals serving in alternative schools, members of local boards of education, at least one (1) community representative concerned with alternative education and at least one (1) representative of an educators' association concerned with alternative education.

(2) The governor shall appoint the members of the advisory council for three-year terms, except for the appointment of the initial members. In appointing the initial members to the advisory council, each member shall be designated as filling an odd-numbered seat or an even-numbered seat. The members appointed to the odd-numbered seats shall serve three-year terms and the members appointed to the even-numbered seats shall serve two-year terms.

(3) Vacancies shall be filled for an unexpired term in the same manner as original appointments.

(c)(1) The advisory council shall elect its own chair and vice chair annually.

(2) A representative of the commissioner of education shall meet with and act as secretary to the advisory council. The commissioner, within available personnel and appropriations, shall furnish meeting facilities and staff services for the advisory council.

(d) All members of the advisory council shall serve without compensation, but shall be eligible for reimbursement for travel expenses in accordance with the comprehensive travel regulations as promulgated by the department of finance and administration and approved by the attorney general and reporter.

(e) The advisory council shall:

- (1) Consider any issue, problem or matter related to alternative education presented to it by the governor, the commissioner or the state board of education, and give advice on any issue, problem or matter;
- (2) Study proposed plans for alternative education programs or curricula to determine if the plans or curricula should be adopted;
- (3) Study alternative education programs or curricula implemented in Tennessee school systems to determine the effectiveness of the programs or curricula, and alternative education programs or curricula implemented in other states to determine if the programs or curricula should be adopted in Tennessee schools;
- (4) Consider rules of governance of alternative schools and make recommendations concerning rules of governance; and
- (5) Make an annual report to the governor, the education committee of the senate, the education committee of the house of representatives, the commissioner of education and the state board of education on the state of alternative education in this state. The report shall be submitted prior to February 1 each year.

49-6-3405. Alternative school success.

(a)(1) Each LEA shall track the operation and performance of alternative school programs operated by the LEA or contractually operated for the LEA. LEAs shall measure and report to the department of education alternative school success through academic indicators and behavior indicators.

(2) Academic indicators shall include, but not be limited to, grade point averages or other student academic performance measures, performance on the Tennessee comprehensive assessment program (TCAP), performance on the end-of-course assessments, attendance, dropout rates and graduation rates, for students in alternative schools or who have been in alternative schools.

(3) Behavioral indicators shall include, but not be limited to, disciplinary reports and subsequent remands to alternative schools.

(4) The department of education shall provide guidance in the reporting of the required data.

(b) The state board of education shall seek to improve performance of alternative school programs by promulgating or revising rules and regulations requiring greater accountability by the department of education and LEAs for outcomes of students served by alternative schools.

REGULATIONS

0520-01-02-.09. Alternative schools.

(1) Alternative education is a non-traditional, short-term academic program or school designed to meet the student's educational, behavioral, and social needs. Alternative education includes alternative schools and alternative programs.

(2) Alternative school means a short-term intervention program designed to provide educational services outside of the regular school program for students who have been suspended or expelled. Alternative schools are located in a separate facility from the regular school program.

(3) Alternative program means a short-term intervention program designed to provide educational services outside of the regular school program for students who have been suspended or expelled. Alternative programs may be located within the regular school or be a self-contained program within a school. Alternative programs include, but are not limited to, night schools or in-school suspension.

(4) Pursuant to T.C.A. § 49-6-3402., local boards of education may establish alternative schools for students in grades one (1) through six (6) who have been suspended or expelled from the regular school program.

(5) Attendance in an alternative school or alternative program shall be voluntary for students in grades one through six (1-6) who have been suspended or expelled from the regular school program, unless the local board of education adopts a policy mandating attendance in either instance.

(6) A local board of education shall establish at least one (1) alternative school for students in grades seven (7) through twelve (12) who have been suspended or expelled. Attendance in an alternative school or program is mandatory for students in grades seven through twelve (7-12) who have been suspended for more than ten (10) days or expelled from the regular school program if space and staff are available. Space and staff availability shall be determined by the LEA at the time the disciplinary decision is rendered.

(a) Attendance in an alternative school or alternative program is not mandatory for students in grades seven through twelve (7-12) who have been expelled from the regular school program for committing a zero-tolerance offense. However, this does not prohibit a director of schools, or a director's designee, from assigning a student who has been expelled from the regular school program for committing a zero-tolerance offense to an alternative school or alternative program.

(7) Students in pre-Kindergarten or Kindergarten shall not be assigned to an alternative school or program.

(8) Each local board of education shall adopt a policy regarding alternative education that is aligned to this rule and the State Board's Alternative Education Policy 2.302.

(9) Requirements for alternative education:

(a) The instruction shall proceed as nearly as practicable in accordance with the instructional program in the student's regular school. Instruction shall be based on the academic standards adopted by the State Board.

(b) All course work and credits earned shall be transferred and recorded in the student's home school, which shall grant credit earned and progress thereon as if earned in the home school.

(c) Students shall participate in all required state assessments at sites determined by school officials and in accordance with established guidelines regarding student grade levels and eligibility. State assessment results shall be reported in the LEA where the student was enrolled prior to his or her placement in the alternative school.

(d) Each alternative school or program shall comply with class size requirements established in T.C.A. § 49-1-104. and instructional and planning time requirements established by the State Board. Nothing shall prohibit an LEA from establishing a lower class size ratio in an alternative school or program.

(e) The minimum length of the school day for alternative schools and programs shall be six and one-half (6 1/2) hours.

(f) LEAs shall monitor and regularly evaluate the academic progress of each student enrolled in an alternative school.

(g) Students are subject to all rules pertaining to the alternative school or alternative program.

1. The director of schools, or the director's designee, may remove a student from the alternative school or alternative program if the director, or the director's designee, determines that:

- (i) The student has violated the rules of the alternative school or alternative program; or
 - (ii) The student is not benefiting from the student's assignment to the alternative school or alternative program, and all interventions available to help the student to succeed in the alternative school or alternative program have been exhausted unsuccessfully.
2. A student's removal from the alternative school or alternative program shall not constitute grounds for extending the length of original suspension or expulsion.
3. The director of schools, or the director's designee, shall make the final decision on removal.
- (h) If a student has an active Individualized Education Program (IEP), a 504 plan, or is suspected of having a disability, all state and federal laws and rules relating to students with disabilities and special education shall be followed.
- (i) Prior to the assignment of a student to an alternative school or program, the LEA shall provide written notice, which includes the reason for the student's placement, to the student's parent or guardian. Reasons for placement in an alternative school must be documented. End of year reports must be made to the regular school for each student.
- (j) Each teacher providing instruction to students in an alternative education school or program shall be licensed to teach in Tennessee and shall meet the qualifications to teach in compliance with the rules and regulations of the State Board.
- (k) Alternative schools shall have an appropriately licensed administrator assigned to supervise the school.
- (l) Support services such as counseling and psychological services must be accessible.
- (m) Each LEA shall develop and implement formal transition plans for the integration of students from a traditional school to an alternative school or from an alternative school back to a traditional school. Transition plans shall be targeted to improve communication between a traditional school and an alternative school staff and should address any barriers that would prohibit students from successfully transitioning. Transition plans shall include aligning of curricula, in-take procedures for students returning to traditional school, professional development opportunities for traditional and alternative school staff, educational and behavioral supports, follow-up for students returning to traditional school, and the development of graduation and postsecondary goals.
- (n) All alternative school classrooms shall have working two-way communication systems that make it possible for teachers or other employees to notify a principal, supervisor, or other administrator that there is an emergency.
- (o) It is the responsibility of the superintendent to ensure that all alternative school teachers and other employees have been trained to use the two-way communication system and are notified of emergency procedures prior to the beginning of classes for any school year and when changes are made in the emergency procedures and/or personnel. Such emergency procedures shall be linked to the school and school system emergency preparedness plan.
- (p) LEAs shall submit an annual alternative education survey to the Department that provides the following information:
- 1. Alternative schools or programs currently in operation in the LEA;
 - 2. Number and grade level of students served;
 - 3. Primary reason for student assignment;
 - 4. Number of faculty and staff; and
 - 5. Information required by T.C.A. § 49-6-3405.
- (10) Funding:

(a) Students attending an alternative school shall continue to earn Basic Education Program (BEP) funding for the LEA in which the student is enrolled.

(11) Facilities:

(a) A local board of education may not contract or otherwise affiliate with an alternative school program which requires an order of a court as a precondition of placement in such alternative school.

(b) A local board of education may contract with independent contractors to provide alternative school facilities and other appropriate services consistent with T.C.A. § 49-2-203.

(c) A local board of education may establish its own facility.

(d) Two or more boards may join together and establish an alternative school attended by students from any such LEA.

(e) Through a mutually accepted agreement with another local board of education, a board may send its suspended or expelled students to an alternative school already existing in another LEA.

0520-01-02-.17. State attendance guidelines.

(5) Each local board of education shall adopt an attendance policy in accordance with the State Board's School Attendance Policy 4.100 that is firm, but fair; includes effective accounting and reporting procedures; accounts for extenuating circumstances; includes appeal procedures; and establishes and maintains alternative programs for students who fail to meet minimum attendance requirements. [...]

(8) LEAs are encouraged to develop truancy boards, youth courts, or other alternative programs to serve as an intervention for students with excessive absences. These may be in addition to, or a part of, the progressive truancy intervention plan required by T.C.A. § 49-6-3009.

Discipline Addressing Specific Code of Conduct Violations

Firearms and Other Weapons Violations

LAWS

49-6-3401. Suspension of students - Expulsion of students - Exception for self-defense.

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

(7) Possession of a pistol, gun or firearm on school property;

(8) Possession of a knife and other weapons, as defined in § 39-17-1301 on school property [...]

(g)(1) It is the legislative intent that if a rule or policy is designated as a zero tolerance policy, then violations of that rule or policy must not be tolerated and violators shall receive certain, swift, and proportionate punishment.

(2) Notwithstanding other provisions of this section or any other law, a student shall be considered in violation of a zero tolerance offense and shall be expelled for a period of not less than one (1) calendar year, except that the director of schools may modify this expulsion on a case-by-case basis for the following:

(A) A student brings to school or is in unauthorized possession on school property of a firearm, as defined in 18 U.S.C. § 921;

(B) A student commits aggravated assault as defined in § 39-13-102 or commits an assault that results in bodily injury as defined in § 39-13-101(a)(1) upon any teacher, principal, administrator, any other employee of an LEA, or a school resource officer; or

(C) A student is in unlawful possession of any drug, including any controlled substance, as defined in §§ 39-17-402 - 39-17-415, controlled substance analogue, as defined by § 39-17-454, or legend drug, as defined by § 53-10-101, on school grounds or at a school-sponsored event.

(3) Nothing in this section prohibits the assignment of students who are subject to expulsion from school to an alternative school.

(4) Disciplinary policies and procedures for all other student offenses, including terms of suspensions and expulsions, must be determined by local board of education policy.

(5) For purposes of this subsection (g):

(A) "Expelled" means removal from the student's regular school program at the location where the violation occurred or removal from school attendance altogether, as determined by the school official; and

(B) "Zero tolerance offense" means an offense committed by a student requiring the student to be expelled from school for at least one (1) calendar year that can only be modified on a case-by-case basis by the director of schools or the head of a charter school.

49-6-4002. Discipline policy - Code of conduct.

(d) Each discipline policy or code of conduct must contain the type of behavior expected from each student, the consequences of failure to obey the standards, and the importance of the standards to the maintenance of a safe learning environment where orderly learning is possible and encouraged. Each policy must address:

- (4) Possession of weapons on school property or at school functions [...]
- (e) Each local discipline policy must indicate that the following offenses are zero tolerance offenses:
 - (1) Unauthorized possession on school property of a firearm, as defined in 18 U.S.C. § 921.

49-6-4202. Part definitions.

As used in this part, unless the context otherwise requires:

- (1) "Dangerous weapon" or "weapon" means any dangerous instrument or substance that is capable of inflicting any injury on any person.

49-6-4203. Legislative intent.

(e) The general assembly further finds that:

- (1) The removal of dangerous weapons, drug paraphernalia and drugs from school property is necessary to lessen hazards to students and that removal can only be accomplished by searches of areas of the school buildings or grounds where those materials may be stored;
- (2) On occasions when the use of dangerous weapons or drugs has reached a life or health threatening level, searches of students themselves may be necessary to protect the larger student body, and that often the searches must be conducted in emergency situations;
- (3) Individual circumstances and local particularities require that individual principals must be relied on to exercise their professionally trained judgments in determining what action is appropriate within this part; and
- (4) The presence on school property of students with drugs in their bodies may pose a threat to the safety and well-being of that student and other students, may be disruptive of school classes and other programs and may interfere with the educational opportunities and progress of all students.

49-6-4204. Search of lockers, vehicles, and other property.

- (a) When individual circumstances in a school dictate, a principal may order that vehicles parked on school property by students or visitors, containers, packages, lockers or other enclosures used for storage by students or visitors, and other areas accessible to students or visitors be searched in the principal's presence or in the presence of other members of the principal's staff.
- (b) Individual circumstances requiring a search may include incidents on school property, including school buses, involving, but not limited to, the use of dangerous weapons, drugs or drug paraphernalia by students that are known to the principal or other staff members, information received from law enforcement, juvenile or other authorities indicating a pattern of drug dealing or drug use by students of that school, any assault or attempted assault on school property with dangerous weapons or any other actions or incidents known by the principal that give rise to reasonable suspicion that dangerous weapons, drugs or drug paraphernalia are held on school property by one (1) or more students.
- (c) A notice shall be posted in the school that lockers and other storage areas, containers, and packages brought into the school by students or visitors are subject to search for drugs, drug paraphernalia, dangerous weapons or any property that is not properly in the possession of the student.
- (d) A notice shall be posted where it is visible from the school parking lot that vehicles parked on school property by students or visitors are subject to search for drugs, drug paraphernalia or dangerous weapons.

49-6-4205. Search of students.

(a) A student may be subject to physical search because of the results of a locker search, or because of information received from a teacher, staff member, student or other person if such action is reasonable to the principal.

(b) All of the following standards of reasonableness shall be met:

(2) The search will yield evidence of the violation of school policy or will lead to disclosure of a dangerous weapon, drug paraphernalia or drug.

49-6-4207. Use of metal detectors.

To facilitate a search that is found to be necessary of students, school visitors, containers or packages, metal detectors and other devices designed to indicate the presence of dangerous weapons, drug paraphernalia or drugs may be used in searches, including hand-held models that are passed over or around a student's or visitor's body, and students, visitors, containers and packages may be required to pass through a stationary detector.

49-6-4208. Use of animals.

To facilitate a search that is found to be necessary, dogs or other animals trained to detect drugs or dangerous weapons by odor or otherwise may be used in conducting searches, but the animals shall be used only to pinpoint areas needed to be searched and shall not be used to search the persons of students or visitors.

49-6-4210. Disposal of contraband.

Any dangerous weapon or drug located by the principal or other staff member in the course of a search shall be turned over to the appropriate law enforcement officer for proper disposal.

49-6-4301. School officials to report student offenses.

(c) The commissioner of education, in conjunction with the commissioner of safety, shall establish a statewide uniform violent incident reporting system that all LEAs shall follow. The uniform violent incident reporting system shall require all LEAs to report annually to the commissioner in a form and by a date prescribed by the commissioner, the following information concerning violent and disruptive incidents, as defined by the commissioner, that occurred in the prior school year:

(6) Where the incident involved a weapon, whether the weapon was a firearm, knife or other weapon.

REGULATIONS

No relevant regulations found.

Students with Chronic Disciplinary Issues

LAWS

49-2-118. Conflict resolution intervention programs.

Each LEA shall implement for grades one through six (1-6) an intervention program that utilizes conflict resolution and decision-making strategies aimed at preventing occurrences of disruptive acts by students within the school and on school property.

REGULATIONS

No relevant regulations found.

Chronic Absenteeism and Truancy

LAWS

49-6-303. School counselors.

(b) School counselors shall provide preventive and developmental counseling to school students in order to prepare them for their school responsibilities and their social and physical development. In providing these services, school counselors shall:

- (6) Aid in improving school attendance and retention by implementing an early identification and prevention program for potential attendance and retention problems.

49-6-3002. State attendance guidelines - No penalty for period of hospital or homebound instruction.

(a) The state board of education shall promulgate rules, in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5, that prescribe guidelines for use by local boards of education in establishing standards and policies governing student attendance, subject to availability of funds. The guidelines shall include, but not be limited to, the following stipulations:

- (1) Attendance policies shall be firm but fair so that each student has a reasonable opportunity to meet the minimum requirements;
- (2) Effective accounting and reporting procedures shall be developed to keep parents or guardians informed of a student's absence from class;
- (3) Policies shall accommodate extenuating circumstances created by emergencies over which the student has no control;
- (4) Appeal procedures shall be included to assure the student's right of due process; and
- (5) Alternative programs shall be established to provide educational options for any student who severely fails to meet minimum attendance requirements.

49-6-3006. Attendance supervisor.

(a) The sole responsibility and authority for the enforcement of the compulsory attendance laws, compiled in this part, are placed in the local board of education and its designated employees and officers.

(b) To facilitate the enforcement of the compulsory attendance laws, the director of schools shall designate at least one (1) qualified employee who shall be identified as the LEA attendance supervisor. The duties of an attendance supervisor include, but are not limited to, assisting the local board, under the direction of the director of schools, with the enforcement of the compulsory attendance laws of the state and to discharge other duties that are necessary to effectuate enforcement of laws and local policies related to absenteeism and truancy. The attendance supervisor may also be directed to devise and recommend to the director of schools, for board approval, a progressive truancy intervention plan consistent with § 49-6-3009.

(c) The state board of education is authorized to promulgate rules regarding training, licensure, and employment qualifications of attendance supervisors.

49-6-3007. List of students - Reports of attendance - Enforcement of compulsory attendance - List of truant students.

(e)(1) By the beginning of each school year, the principal or head of school of a public, nonpublic, or church-related school shall give written notice to the parent, guardian, or person having control of a student subject to compulsory attendance that the parent, guardian, or other person having control of the student must monitor the student's school attendance and require the student to attend school. The

written notice must inform the parent, guardian, or other person having control of a student that a student who accumulates five (5) days of unexcused absences during the school year is subject to the LEA's progressive truancy interventions and that continued unexcused absences may result in a referral to juvenile court. The five (5) days of unexcused absences need not be five (5) consecutive days of unexcused absences.

(2) The principal of a public school must report promptly to the director of schools, or to the attendance supervisor, the names of all students who have withdrawn from school or who have accumulated three (3) days of unexcused absences. Upon a student's accumulation of three (3) days of unexcused absences, the director of schools or the attendance supervisor may serve, or cause to be served, upon the parent, guardian, or other person having control of a child subject to compulsory attendance who is unlawfully absent from school, written notice that the child's attendance at school is required by law.

(3) Additionally, the principal of a public school must report promptly to the director of schools, or to the attendance supervisor, the names of all students who have withdrawn from school or who have accumulated five (5) days of unexcused absences. Each successive accumulation of five (5) days of unexcused absences by a student must also be reported.

(4)(A) When a student accumulates five (5) days of unexcused absences, the director of schools or attendance supervisor shall serve, or cause to be served, upon the parent, guardian, or other person having control of a child subject to compulsory attendance who is unlawfully absent from school written notice that the child's attendance at school is required by law. The director of schools or attendance supervisor shall send a new notice after each successive accumulation of five (5) unexcused absences.

(B) After the child has accumulated five (5) unexcused absences, and after given adequate time, as determined by director of schools or attendance supervisor, the child's parent, guardian, or other person having control of the child has failed to turn in documentation to excuse those absences, the director of schools or attendance supervisor shall implement the first tier of the progressive truancy intervention requirements as described in § 49-6-3009.

(C) Nothing in this section shall prohibit a local board of education from adopting a truancy intervention plan that includes intervention actions to be taken before those required by this subsection (e).

(f) Except as otherwise provided by § 49-6-3001 or § 49-6-3005, this section is applicable to a child less than six (6) years of age and the child's parent, guardian, or other person having control of a child, when such person has enrolled the child in a public school; provided, that a child may be withdrawn within six (6) weeks of initial enrollment without penalty.

(g) For the purposes of this part, for recording and coding student absences from school because of disciplinary actions, the following definitions apply:

(1) "Expulsion" means removal from attendance for more than ten (10) consecutive days or more than fifteen (15) days in a month of school attendance. Multiple suspensions that occur consecutively constitute expulsion. The LEA is not eligible to receive funding for an expelled student;

(2) "Remand" means assignment to an alternative school. The student so assigned shall be included in average daily attendance and average daily membership and shall continue to be counted as present for funding purposes. The department of education shall establish a set of codes to be used for reporting reasons that students are remanded to an alternative school; and

(3) "Suspension" means dismissal for any reason from attendance at school not exceeding ten (10) consecutive days. Multiple suspensions shall not run consecutively, nor shall multiple suspensions be applied to avoid expulsion from school. The LEA remains eligible to receive funding for a suspended student.

(h)(1)(A) An LEA may enter into an agreement with the local law enforcement agency serving the LEA's area and the appropriate local government in that area to assist in the enforcement of compulsory attendance upon complying with the following conditions:

- (i) Creation by the local board of education of an advisory council to assist the board in formulating the agreement. The board must include representatives of teachers, parents, administrators, and other community representatives;
- (ii) Receipt of input from neighborhood groups and other interested parties; and
- (iii) At least one (1) public hearing on the proposed agreement prior to its adoption by the board.

(B) The agreement must provide for:

- (i) Training teachers, principals, social workers, and other school personnel concerning truancy issues;
- (ii) Training of involved law enforcement personnel in the truancy law, including categories of students to which the law does not apply, such as nonpublic school students or home school students; and
- (iii) Safeguards to protect students from discriminatory or selective enforcement and to protect the civil rights of students and parents.

(C) If an LEA enters into an agreement, then every public school principal or teacher employed by the LEA must report promptly to the director of schools, or the director's designated representative, the names of all students who accumulated five (5) days of unexcused absences and continue to report each subsequent unexcused absence. The five (5) days of unexcused absences need not be five (5) consecutive days of unexcused absences.

(2) If a student accumulates five (5) days of unexcused absences, the director of schools shall serve, or cause to be served, upon the parent, guardian, or other person having control of the student written notice that the student's attendance at school is required. The notice must inform the parent, guardian, or other person having control of the student of this subsection (h).

(3) Under the agreement, and for purposes of this section and § 37-1-102(b)(32)(A), a student who accumulates three (3) days of unexcused absences may be deemed habitually truant.

(4) The director of schools or the director's representative may issue a list of truant students to the local law enforcement agency for the purpose of allowing the law enforcement agency to take the student into temporary custody when the student is found away from the school premises, without adequate excuse, during school hours, in a public place, in any public or private conveyance, or in any place of business open to the public, unless accompanied by a parent, guardian, or other person having control of the student. The agreement shall specify that the law enforcement officer's sole function is to deliver the student to:

- (A) The parent, guardian, or other person having control of the student;
- (B) The principal of the school in which the student is enrolled;
- (C) A truancy center established by the LEA; or
- (D) The juvenile court, if the juvenile court and the local law enforcement agency have entered into a local interagency agreement.

49-6-3009. Educational neglect - Progressive truancy intervention plans - Referral to juvenile court.

(a) Any parent, guardian, or other person who has control of a child, and who violates this part commits educational neglect, which is a Class C misdemeanor.

(b) Each day's unlawful absence constitutes a separate offense.

(c) A director of schools or attendance supervisor shall devise and recommend, and the local board of education shall adopt, a progressive truancy intervention plan for students who violate compulsory attendance requirements prior to the filing of a truancy petition or a criminal prosecution for educational neglect. These interventions must be designed to address student conduct related to truancy in the school setting and minimize the need for referrals to juvenile court.

(d) Progressive truancy intervention plans adopted by local boards of education pursuant to subsection (c) must be applied prior to referral to juvenile court as described in § 49-6-3007(e)(1). Progressive truancy intervention plans must meet the following requirements:

(1) Tier one of the progressive truancy intervention plan must include, at a minimum:

(A) A conference with the student and the parent, guardian, or other person having control of the student;

(B) A resulting attendance contract to be signed by the student, the parent, guardian, or other person having control of the student, and an attendance supervisor or designee. The contract must include:

(i) A specific description of the school's attendance expectations for the student;

(ii) The period for which the contract is in effect; and

(iii) Penalties for additional absences and alleged school offenses, including additional disciplinary action and potential referral to juvenile court; and

(C) Regularly scheduled follow-up meetings, which may be with the student and the parent, guardian, or other person having control of the student to discuss the student's progress;

(2) Tier two must be implemented upon a student's accumulation of additional unexcused absences in violation of the attendance contract required under tier one. Tier two must include an individualized assessment by a school employee of the reasons a student has been absent from school, and if necessary, referral of the child to counseling, community-based services, or other in-school or out-of-school services aimed at addressing the student's attendance problems; and

(3) Tier three must be implemented if the truancy interventions under tier two are unsuccessful. Tier three may consist of one (1) or more of the following:

(A) School-based community services;

(B) Participation in a school-based restorative justice program;

(C) Referral to a school-based teen court; or

(D) Saturday or after school courses designed to improve attendance and behavior.

(e) In-school suspension or out-of-school suspension must not be used as part of the progressive truancy intervention plans adopted by schools for unexcused absence from class or school.

(f)(1) Notwithstanding subsections (d) and (g), if any tier of a progressive truancy intervention plan is unsuccessful with a student and the school can document that the student's parent or guardian is unwilling to cooperate in the truancy intervention plan, then the director of schools, or the director's designee, may report the student's absences to the appropriate judge pursuant to subsection (g) without first having to implement subsequent tiers, if any.

(2) For purposes of this subsection (f), evidence of a parent's or guardian's unwillingness to cooperate in the truancy intervention plan includes, but is not limited to, a parent's or guardian's failure or refusal, on multiple occasions, to attend conferences, return telephone calls, attend follow-up meetings, enter into an attendance contract, or actively participate in any of the tiers of intervention outlined in subsection (d) or in the local board of education's progressive truancy intervention plan.

(g) If an LEA has applied a progressive truancy intervention plan that complies with subsection (d) and interventions under the plan have failed to meaningfully address the student's school attendance, the director of schools, after written notice to the parent, guardian, or other person having control of the

student, shall report the student who is unlawfully absent from school to the appropriate judge having juvenile jurisdiction in that county. Each case must be dealt with in such manner as the judge may determine to be in the best interest of the student, consistent with §§ 37-1-132, 37-1-168, and 37-1-169. In the event a student in kindergarten through grade twelve (K-12) is adjudicated to be unruly because the student has accumulated five (5) days or more of unexcused absences during any school year, the judge may assess a fine of up to fifty dollars (\$50.00) or five (5) hours of community service, in the discretion of the judge, against the parent or legal guardian of the student.

(h) Each referral to juvenile court for conduct described in subsection (g) and § 49-6-3007(h)(4)(D) must be accompanied by a statement from the student's school certifying that:

- (1) The school applied the progressive truancy intervention plan adopted under subsection (d) for the student; and
- (2) The progressive truancy interventions failed to meaningfully address the student's school attendance.

(i) A court shall dismiss a complaint or referral made by an LEA under this section that is not made in compliance with subsection (h).

(j) Notwithstanding any other law, each LEA having previously adopted an effective progressive truancy intervention program that substantially conforms to this section may present the intervention program to the commissioner of education for approval in lieu of strict compliance with this section. If the commissioner does not approve the intervention plan, the LEA shall modify the plan according to the commissioner's recommendations and resubmit the revised plan for approval by the commissioner.

(k) Each head of school of a nonpublic or church-related school shall recommend, and the governing board of the school shall adopt, a policy addressing compulsory attendance and truancy that describes the interventions that the school will employ for violations of the compulsory attendance laws. The policy shall provide that the director of schools or the attendance supervisor in the LEA where the student's home of record is located will be notified in the event that a student at a nonpublic or church-related school is expelled or withdraws from school.

(l) Parents, guardians, or other persons having control of a student who is required to attend remedial instruction under § 49-6-3021 commit educational neglect, as defined in subsection (a), if the student is truant from the instruction.

49-6-3012. Truancy schools.

(a) The board of education having charge of the public schools of any local school system having a population of ten thousand (10,000) or more, according to the federal census of 1950 or any subsequent federal census, may establish a truancy school, either within or without the city limits, for children who are between seven (7) and sixteen (16) years of age, both inclusive, and who are habitual truants, or while in attendance at school are incorrigible, vicious, immoral or who habitually wander or loiter about without lawful employment.

(b) Such children shall be deemed disorderly juvenile persons, and may be compelled by the board to attend the truancy school or any department of the public school as the board may direct.

(c) Any board of education having charge of schools affected by this part shall have authority to exclude any delinquent pupil whose influence is deemed by the board to be demoralizing or injurious to other pupils attending the schools.

49-6-7005. Improving parental involvement in children's education.

(d) Parenting classes in these parent involvement programs should provide parents with information and skills related to improving student performance. For example, these classes may address:

(7) The importance of school attendance and the consequences of truancy.

REGULATIONS

0520-01-02-.17. State attendance guidelines.

(5) Each local board of education shall adopt an attendance policy in accordance with the State Board's School Attendance Policy 4.100 that is firm, but fair; includes effective accounting and reporting procedures; accounts for extenuating circumstances; includes appeal procedures; and establishes and maintains alternative programs for students who fail to meet minimum attendance requirements.

(a) The policy shall address the excusing of absences in accordance with the State Board's School Attendance Policy 4.100.

(b) The policy shall address unexcused absences in accordance with the State Board's School Attendance Policy 4.100.

(c) The policy shall align with the McKinney-Vento Homeless Assistance Act [found at 42 U.S.C. §§ 11431., et seq.].

(d) Local attendance policies shall not be used to penalize students academically.

(e) The attendance policy adopted by the local board of education shall be posted at each school, and school counselors shall be supplied copies for discussion with students. The policy shall be referenced in all school handbooks. All teachers, administrative staff, and parents/guardians shall be provided copies of the policy.

(6) Pursuant to T.C.A. § 49-6-3009., each local board of education shall adopt a progressive truancy intervention plan for students who violate compulsory attendance requirements prior to the filing of a truancy petition or a criminal prosecution for educational neglect. These interventions must be designed to address student conduct related to truancy in the school setting and minimize the need for referrals to juvenile court.

(7) Whenever possible, attendance issues should be resolved at the school level. To ensure due process, Local boards of education must adopt a policy that affords students with excessive (more than 5) unexcused absences the opportunity to appeal. Such policy must, at minimum, include written or actual notice to the student or their parent/guardian and the opportunity to be heard. The burden of proof rests on the student or their parent/guardian. The appeal process for determining unexcused absences is ancillary to a truancy decision rendered by a juvenile court judge as described in T.C.A. § 49-6-3010.

(8) LEAs are encouraged to develop truancy boards, youth courts, or other alternative programs to serve as an intervention for students with excessive absences. These may be in addition to, or a part of, the progressive truancy intervention plan required by T.C.A. § 49-6-3009.

Substance Use

LAWS

49-6-3401. Suspension of students - Expulsion of students - Exception for self-defense.

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

(10) Unlawful use or possession of barbitol or legend drugs, as defined in § 53-10-101 [...]

(g)(1) It is the legislative intent that if a rule or policy is designated as a zero tolerance policy, then violations of that rule or policy must not be tolerated and violators shall receive certain, swift, and proportionate punishment.

(2) Notwithstanding other provisions of this section or any other law, a student shall be considered in violation of a zero tolerance offense and shall be expelled for a period of not less than one (1) calendar year, except that the director of schools may modify this expulsion on a case-by-case basis for the following:

(C) A student is in unlawful possession of any drug, including any controlled substance, as defined in §§ 39-17-402 - 39-17-415, controlled substance analogue, as defined by § 39-17-454, or legend drug, as defined by § 53-10-101, on school grounds or at a school-sponsored event.

(3) Nothing in this section prohibits the assignment of students who are subject to expulsion from school to an alternative school.

(4) Disciplinary policies and procedures for all other student offenses, including terms of suspensions and expulsions, must be determined by local board of education policy.

(5) For purposes of this subsection (g):

(A) "Expelled" means removal from the student's regular school program at the location where the violation occurred or removal from school attendance altogether, as determined by the school official; and

(B) "Zero tolerance offense" means an offense committed by a student requiring the student to be expelled from school for at least one (1) calendar year that can only be modified on a case-by-case basis by the director of schools or the head of a charter school.

49-6-4002. Discipline policy - Code of conduct.

(d) Each discipline policy or code of conduct must contain the type of behavior expected from each student, the consequences of failure to obey the standards, and the importance of the standards to the maintenance of a safe learning environment where orderly learning is possible and encouraged. Each policy must address:

(8) Sale, distribution, use, or being under the influence of drugs, alcohol, or drug paraphernalia [...]

(e) Each local discipline policy must indicate that the following offenses are zero tolerance offenses:

(4) Unlawful possession of any drug, including any controlled substance, as defined in §§ 39-17-402 - 39-17-415, controlled substance analogue, as defined by § 39-17-454, or legend drug, as defined by § 53-10-101 on school grounds or at a school-sponsored event.

49-6-4202. Part definitions.

As used in this part, unless the context otherwise requires:

(2) "Drug" means any controlled substance, controlled substance analogue, marijuana, alcohol, legend drug or any other substance the possession or use of which is regulated in any manner by any governmental authority, including the school system;

(3) "Drug paraphernalia" means all equipment, products and materials of any kind that are used, intended for use or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling or otherwise introducing into the human body a drug, as defined in subdivision (2). An electronic pager in the possession of a student shall be included in this definition if used or intended for use as defined by this subdivision (3).

49-6-4203. Legislative intent.

(e) The general assembly further finds that:

- (1) The removal of dangerous weapons, drug paraphernalia and drugs from school property is necessary to lessen hazards to students and that removal can only be accomplished by searches of areas of the school buildings or grounds where those materials may be stored;
- (2) On occasions when the use of dangerous weapons or drugs has reached a life or health threatening level, searches of students themselves may be necessary to protect the larger student body, and that often the searches must be conducted in emergency situations;
- (3) Individual circumstances and local particularities require that individual principals must be relied on to exercise their professionally trained judgments in determining what action is appropriate within this part; and
- (4) The presence on school property of students with drugs in their bodies may pose a threat to the safety and well-being of that student and other students, may be disruptive of school classes and other programs and may interfere with the educational opportunities and progress of all students.

49-6-4204. Search of lockers, vehicles, and other property.

- (a) When individual circumstances in a school dictate, a principal may order that vehicles parked on school property by students or visitors, containers, packages, lockers or other enclosures used for storage by students or visitors, and other areas accessible to students or visitors be searched in the principal's presence or in the presence of other members of the principal's staff.
- (b) Individual circumstances requiring a search may include incidents on school property, including school buses, involving, but not limited to, the use of dangerous weapons, drugs or drug paraphernalia by students that are known to the principal or other staff members, information received from law enforcement, juvenile or other authorities indicating a pattern of drug dealing or drug use by students of that school, any assault or attempted assault on school property with dangerous weapons or any other actions or incidents known by the principal that give rise to reasonable suspicion that dangerous weapons, drugs or drug paraphernalia are held on school property by one (1) or more students.
- (c) A notice shall be posted in the school that lockers and other storage areas, containers, and packages brought into the school by students or visitors are subject to search for drugs, drug paraphernalia, dangerous weapons or any property that is not properly in the possession of the student.
- (d) A notice shall be posted where it is visible from the school parking lot that vehicles parked on school property by students or visitors are subject to search for drugs, drug paraphernalia or dangerous weapons.

49-6-4205. Search of students.

- (a) A student may be subject to physical search because of the results of a locker search, or because of information received from a teacher, staff member, student or other person if such action is reasonable to the principal.
- (b) All of the following standards of reasonableness shall be met:
 - (2) The search will yield evidence of the violation of school policy or will lead to disclosure of a dangerous weapon, drug paraphernalia or drug.

49-6-4207. Use of metal detectors.

To facilitate a search that is found to be necessary of students, school visitors, containers or packages, metal detectors and other devices designed to indicate the presence of dangerous weapons, drug paraphernalia or drugs may be used in searches, including hand-held models that are passed over or

around a student's or visitor's body, and students, visitors, containers and packages may be required to pass through a stationary detector.

49-6-4210. Disposal of contraband.

Any dangerous weapon or drug located by the principal or other staff member in the course of a search shall be turned over to the appropriate law enforcement officer for proper disposal.

49-6-4213. Testing of students for drugs - Referral information and assistance for students testing positive.

(a)(1) A student may be subject to testing for the presence of drugs in the student's body in accordance with this section and the policy of the LEA if there are reasonable indications to the principal that such student may have used or be under the influence of drugs. The need for testing may be brought to the attention of the principal through a search authorized by § 49-6-4204 or § 49-6-4205, observed or reported use of drugs by the student on school property, or other reasonable information received from a teacher, staff member or other student. All of the following standards of reasonableness shall be met:

- (A) A particular student has violated school policy;
- (B) The test will yield evidence of the violation of school policy or will establish that a student either was impaired due to drug use or did not use drugs;
- (C) The test is in pursuit of legitimate interests of the school in maintaining order, discipline, safety, supervision and education of students;
- (D) The test is not conducted for the sole purpose of discovering evidence to be used in a criminal prosecution; and
- (E) Tests shall be conducted in the presence of a witness. Persons who shall act as witnesses shall be designated in the policy of the local board of education.

(2) A student participating in voluntary extracurricular activities may be subject to random drug testing in the absence of individualized reasonable suspicion provided the standards set forth in subdivisions

(a)(1)(B)-(E) are met.

(b) As used in this section and § 49-6-4203, "drugs" means:

- (1) Any scheduled drug as specified in §§ 39-17-405 - 39-17-416; and
- (2) Alcohol.

(c) Before a drug testing program is implemented in any LEA, the local board of education in that LEA shall establish policies, procedures and guidelines to implement this section within that LEA. The state board of education shall prepare a model policy, procedure and guidelines that may be adopted by local boards of education.

(d) Tests shall be conducted by properly trained persons in circumstances that ensure the integrity, validity and accuracy of the test results but are minimally intrusive and provide maximum privacy to the tested student. All tests shall be performed by an accredited laboratory. Specimens confirmed as positive shall be retained for at least ten (10) days for possible retesting or reanalysis.

(e) Students shall be advised in writing at the time of their enrollment that they are subject to testing. Notice to each student shall include grounds for testing, the procedures that will be followed and possible penalties. Students shall be advised of their right to refuse to undergo drug testing and the consequences of refusal.

(f)(1) A parent of the student or a person legally responsible for the student shall be notified before any drug test is administered to the student.

- (2) If an LEA adopts a policy permitting random drug testing of students in voluntary extracurricular activities, then, prior to a student participating in an extracurricular activity, the LEA shall notify the parents and guardians of any such student that the student may be subjected to random drug testing. A parent or guardian of a student participating in a volunteer extracurricular activity shall provide written consent for random drug testing prior to the student participating in the voluntary extracurricular activity.
- (g) The LEA shall pay the cost of any testing required under this section.
- (h) In any school where LEA or school policy allows tests provided for by this section, in-service training of principals and teachers will be conducted in signs and symptoms of student drug use and abuse and in the school policy for handling of these students. The department of mental health and substance abuse services shall cause qualified trainers to be available to the schools to conduct this training.
- (i) Test reports from laboratories shall include the specimen number assigned by the submitting LEA, the drug testing laboratory accession number and results of the drug tests. Certified copies of all analytical results shall be available from the laboratory when requested by the LEA or the parents of the student. The laboratory shall not be permitted to provide testing results verbally by telephone.
- (j)(1) All specimens testing negative on the initial screening test or negative on the confirmatory test shall be reported as negative.
- (2) If a student is tested and the results of the test are negative, all records of the test, request for a test or indication a student has been tested shall be expunged from all records, including school records.
- (k)(1) If a student is tested in a drug testing program and the results of the test are positive, all records of the test, request for a test or indication a student has been tested shall be confidential student records in accordance with § 10-7-504(a)(4)(A).
- (2) No student who is tested under a random drug testing program and who tests positive shall be suspended or expelled from school solely as the result of the positive test.
- (3) The principal or school counselor of the school in which a student who tests positive in a drug testing program is enrolled shall provide referral information to the student and to the student's parents or guardian. The information shall include information on inpatient, outpatient and community-based drug and alcohol treatment programs.
- (l) Each LEA participating in the drug testing of students authorized in subsection (a) shall promulgate policies and procedures to ensure that those students testing positive receive the assistance needed. The assistance shall include an assessment to determine the severity of the student's alcohol and drug problem and a recommendation for referral to intervention or treatment resources as appropriate. Nothing in this section shall be construed to require LEAs to administer drug tests to students. Any system that elects to participate shall supply the testing materials and any subsequent counseling within existing local funds.
- (m) Malicious use of authority granted by this section may be grounds for dismissal of the person so acting.

REGULATIONS

No relevant regulations found.

Gang-related Activity

LAWS

49-1-214. Safe schools - Advisory guidelines.

(a) The commissioner of education, in consultation with the commissioner of safety, shall develop advisory guidelines for LEAs to use in developing safe and secure learning environments in schools. Such guidelines shall emphasize consultation at the local level with appropriate law enforcement authorities.

(b) The department of education may prepare and distribute to LEAs guidelines for incorporating into local staff development and in-service training the materials and speakers necessary to help educators reduce gang and individual violence, to assist in drug and alcohol abuse prevention and to provide educators with the tools for nonintrusive identification of potentially violent individuals in and around schools. The department may, upon request, assist LEAs in developing comprehensive violence, drug and alcohol abuse prevention in-service training programs. Department guidelines shall encourage the sharing of resources, the development of joint or collaborative programs and the coordination of efforts with local health departments, county and city law enforcement agencies and other public agencies providing health, drug, alcohol, gang violence prevention and other related services.

(c) The department may assist LEAs in qualifying for the receipt of federal and state funds that may support local efforts to provide the in-service training programs in this section. The department shall encourage LEAs to provide written materials to assist teachers and parents working to develop a safe and secure learning environment in system schools. Within available resources, the department may provide technical assistance directly to LEAs seeking to expand teacher and student safety programs.

49-6-4215. Activities of criminal gangs on school property - Promulgation of rules and regulations.

(a) The LEAs of this state are authorized to promulgate and adopt rules and regulations to prohibit the activities of criminal gangs on school property. The rules and regulations may prohibit students in grades six through twelve (6-12) from:

- (1) Wearing, while on school property, any type of clothing, apparel or accessory that denotes the students' membership in or affiliation with any criminal gang;
- (2) Any activity that encourages participation in a criminal gang or facilitates illegal acts of a criminal gang; and
- (3) Any conduct that is seriously disruptive to the educational process or endangers persons or property.

(b) The local law enforcement agency shall advise the local board, upon request, of criminal gangs and associated criminal gang activity.

(c) As used in this section, "criminal gang" means a formal or informal ongoing organization, association or group consisting of three (3) or more persons that has:

- (1) As one (1) of its activities the commission of criminal acts; and
- (2) Two (2) or more members who, individually or collectively, engage in or have engaged in a pattern of criminal gang activity.

REGULATIONS

No relevant regulations found.

Bullying, Harassment, or Hazing

LAWS

39-17-308. Harassment.

(a) A person commits an offense who intentionally:

(1) Communicates a threat to another person, and the person communicating the threat:

(A) Intends the communication to be a threat of harm to the victim; and

(B) A reasonable person would perceive the communication to be a threat of harm;

(2) Communicates with another person without lawful purpose, anonymously or otherwise, with the intent that the frequency or means of the communication annoys, offends, alarms, or frightens the recipient and, by this action, annoys, offends, alarms, or frightens the recipient;

(3) Communicates to another person, with intent to harass that person, that a relative or other person has been injured or killed when the communication is known to be false; or

(4) Communicates with another person or transmits or displays an image without legitimate purpose with the intent that the image is viewed by the victim by any method described in subdivision (a)(1) and the person:

(A) Maliciously intends the communication to be a threat of harm to the victim; and

(B) A reasonable person would perceive the communication to be a threat of harm.

(b)(1) A person convicted of a criminal offense commits an offense if, while incarcerated, on pretrial diversion, probation, community correction or parole, the person intentionally communicates in person with the victim of the person's crime if the communication is:

(A) Anonymous or threatening or made in an offensively repetitious manner or at hours known to be inconvenient to the victim;

(B) Made for no legitimate purpose; and

(C) Made knowing that it will alarm or annoy the victim.

(2) If the victim of the person's offense died as the result of the offense, this subsection (b) shall apply to the deceased victim's next-of-kin.

(c)(1) Except as provided in subsection (d), a violation of subsection (a) is a Class A misdemeanor.

(2) A violation of subsection (b) is a Class E felony.

(d) A violation by a minor of subdivision (a)(4) is a delinquent act and shall be punishable only by up to thirty (30) hours of community service, without compensation, for charitable or governmental agencies as determined by the court.

(e) As used in this section:

(1) "Communicate" means contacting a person in writing or print or by telephone, wire, radio, electromagnetic, photoelectronic, photooptical, or electronic means, and includes text messages, facsimile transmissions, electronic mail, instant messages, and messages, images, video, sound recordings, or intelligence of any nature sent through or posted on social networks, social media, or websites;

(2) "Electronic communications service" means any transfer of signs, signals, writing, images, sounds, data, or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic, photoelectronic or photooptical system;

(3) "Image" includes, but is not limited to, a visual depiction, video clip or photograph of another person;

(4) "Log files" mean computer-generated lists that contain various types of information regarding the activities of a computer, including, but not limited to, time of access to certain records, processes running on a computer or the usage of certain computer resources; and

(5) "Social network" means any online community of people who share interests and activities, or who are interested in exploring the interests and activities of others, and which provides ways for users to interact.

(f)(1) The offense described in this section shall not apply to an entity providing an electronic communications service to the public acting in the normal course of providing that service.

(2) The service providers described in this subsection (f) shall not be required to maintain any record not otherwise kept in the ordinary course of that service provider's business; provided, however, that if any electronic communications service provider operates a website that offers a social network service and the electronic communications service provider provides services to consumers in this state, any log files and images or communications that have been sent, posted, or displayed on the social network service's website and maintained by the electronic communications service provider shall be disclosed to any governmental entity responsible for enforcing this section only if the governmental entity:

(A) Obtains a warrant issued using this state's warrant procedures by a court of competent jurisdiction;

(B) Obtains a court order for the disclosure under subdivision (f)(4); or

(C) Has the consent of the person who sent, posted, or displayed any log files and images or communications on the social network service's website maintained by the electronic communications service provider.

(3) No cause of action shall lie in any court against any provider of an electronic communications service, its officers, employees, agents, or other specified persons for providing information, facilities, or assistance in accordance with the terms of a court order or warrant.

(4) A court order for disclosure under subdivision (f)(2)(B) may be issued by any court that is a court of competent jurisdiction and shall issue only if the governmental entity offers specific and articulable facts showing that there are reasonable grounds to believe that the contents of an electronic communication, or the records or other information sought, are relevant and material to an ongoing criminal investigation. A court order shall not issue if prohibited by the law of this state. A court issuing an order pursuant to this section, on a motion made promptly by the service provider, may quash or modify the order, if the information or records requested are unusually voluminous in nature or compliance with the order otherwise would cause an undue burden on the provider.

49-2-120. Prohibition against hazing.

(a) As used in this section, unless the context otherwise requires, "hazing" means any intentional or reckless act in this state, on or off LEA property, by one (1) student acting alone or with others, that is directed against any other student, that endangers the mental or physical health or safety of that student or that induces or coerces a student to endanger that 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.

(b) The governing body of each LEA shall adopt a written policy prohibiting hazing by any student or organization operating under the sanction of the LEA. The policy shall be distributed or made available to each student at the beginning of each school year. During the first month of each new school year, time shall be set aside to specifically discuss the policy and its ramifications as a criminal offense and the penalties that may be imposed by the LEA.

49-6-812. Consistency with harassment and bullying policies.

Each LEA shall ensure that the district-wide safety plans and building-level emergency response plans required by this part are developed in such a manner as to be consistent with the district's harassment and bullying policies developed pursuant to § 49-6-4503.

49-6-4002. Discipline policy - Code of conduct.

(d) Each discipline policy or code of conduct must contain the type of behavior expected from each student, the consequences of failure to obey the standards, and the importance of the standards to the maintenance of a safe learning environment where orderly learning is possible and encouraged. Each policy must address:

- (3) Fighting, threats, bullying, cyberbullying, and hazing by students.

49-6-4501. Legislative findings - Safety and civility.

The general assembly finds and declares that:

- (1) A safe and civil environment is necessary for students to learn and achieve high academic standards;
- (2) Harassment, intimidation, bullying or cyber-bullying, like other disruptive or violent behavior, is conduct that disrupts a student's ability to learn and a school's ability to educate its students in a safe environment;
- (3) Students learn by example. School administrators, faculty, staff and volunteers who demonstrate appropriate behavior, treating others with civility and respect and refusing to tolerate harassment, intimidation, bullying or cyber-bullying, encourage others to do so as well; and
- (4) The use of telephones, cellular phones or other wireless telecommunication devices, personal digital assistants (PDAs), computers, electronic mail, instant messaging, text messaging, and websites by students in a manner that is safe and secure is essential to a safe and civil learning environment and is necessary for students to successfully use technology.

49-6-4502. Part definitions.

As used in this part:

- (1) "Cyber-bullying" means bullying undertaken through the use of electronic devices;
- (2) "Electronic devices" include, but are not limited to, telephones, cellular phones or other wireless telecommunication devices, personal digital assistants (PDAs), computers, electronic mail, instant messaging, text messaging, and websites;
- (3) "Harassment, intimidation or bullying" means any act that substantially interferes with a student's educational benefits, opportunities or performance; and:
 - (A) If the act takes place on school grounds, at any school-sponsored activity, on school-provided equipment or transportation or at any official school bus stop, the act has the effect of:
 - (i) Physically harming a student or damaging a student's property;
 - (ii) Knowingly placing a student or students in reasonable fear of physical harm to the student or damage to the student's property;
 - (iii) Causing emotional distress to a student or students; or
 - (iv) Creating a hostile educational environment; or
 - (B) If the act takes place off school property or outside of a school-sponsored activity, it is directed specifically at a student or students and has the effect of creating a hostile educational environment or otherwise creating a substantial disruption to the education environment or learning process.

49-6-4503. Adoption of policy prohibiting harassment, intimidation, bullying or cyber-bullying by the school district.

(a) Each school district shall adopt a policy prohibiting harassment, intimidation, bullying or cyber-bullying. School districts are encouraged to develop the policy after consultation with parents and guardians, school employees, volunteers, students, administrators and community representatives.

(b) School districts shall include in the policies:

- (1) A statement prohibiting harassment, intimidation, bullying or cyber-bullying;
- (2) A definition of harassment, intimidation, bullying or cyber-bullying;
- (3) A description of the type of behavior expected from each student;
- (4) A statement of the consequences and appropriate remedial action for a person who commits an act of harassment, intimidation, bullying or cyber-bullying;
- (5) A procedure for reporting an act of harassment, intimidation, bullying or cyber-bullying, including a provision that permits a person to report an act of harassment, intimidation, bullying or cyber-bullying anonymously. Nothing in this section may be construed to permit formal disciplinary action solely on the basis of an anonymous report;
- (6) A procedure for the prompt and immediate investigation when an act of harassment, intimidation, bullying, or cyber-bullying is reported to the principal, the principal's designee, teacher, or school counselor. The principal or the principal's designee shall initiate the investigation within forty-eight (48) hours of receipt of the report, unless the need for more time is appropriately documented, and the principal or the principal's designee shall initiate an appropriate intervention within twenty (20) calendar days of receipt of the report, unless the need for more time is appropriately documented;
- (7) A statement of the manner in which a school district shall respond after an act of harassment, intimidation, bullying or cyber-bullying is reported, investigated and confirmed;
- (8) A statement of the consequences and appropriate remedial action for a person found to have committed an act of harassment, intimidation, bullying or cyber-bullying;
- (9) A statement prohibiting reprisal or retaliation against any person who reports an act of harassment, intimidation, bullying or cyber-bullying and stating the consequences and appropriate remedial action for a person who engages in such reprisal or retaliation;
- (10) A statement of the consequences and appropriate remedial action for a person found to have falsely accused another of having committed an act of harassment, intimidation, bullying or cyber-bullying as a means of reprisal or retaliation or as a means of harassment, intimidation, bullying or cyber-bullying;
- (11) A statement of how the policy is to be publicized within the district, including a notice that the policy applies to behavior at school-sponsored activities;
- (12) The identification by job title of school officials responsible for ensuring that the policy is implemented;
- (13) A procedure for discouraging and reporting conduct aimed at defining a student in a sexual manner or conduct impugning the character of a student based on allegations of sexual promiscuity; and
- (14) A procedure for a referral for appropriate counseling and support services for students involved in an act of harassment, intimidation, bullying, or cyber-bullying, when deemed necessary by the principal. The counseling and support services may be conducted by school counseling personnel who are appropriately trained, such as psychologists, social workers, school counselors, or any other personnel or resources available.

(c)(1) Each LEA shall, at the beginning of each school year, provide teachers and school counselors a copy of the policy along with information on the policy's implementation, bullying prevention and

strategies to address bullying and harassment when it happens. In addition, each LEA shall provide training to teachers and counselors regarding the policy and appropriate procedures relative to implementation of the policy. The department of education shall provide guidelines for such training and provide recommendations of appropriate, available and free bullying and harassment prevention resources.

(2) Each LEA shall also:

(A) At the beginning of the school year, make available to students and parents information relative to bullying prevention programs to promote awareness of the harmful effects of bullying and to permit discussion with respect to prevention policies and strategies;

(B) Beginning August 1, 2016, and annually thereafter, complete and submit a report to the department of education. The report shall be in a format provided by the department and shall include:

(i) The number of harassment, intimidation, bullying, or cyber-bullying cases brought to the attention of school officials during the preceding year;

(ii) The number of harassment, intimidation, bullying, or cyber-bullying cases where the investigation supported a finding that bullying had taken place;

(iii) The number of harassment, intimidation, bullying, or cyber-bullying case investigations not initiated within forty-eight (48) hours of the receipt of the report and the reason the investigation was not initiated within forty-eight (48) hours;

(iv) The number of harassment, intimidation, bullying, or cyber-bullying cases where an appropriate intervention was not initiated within twenty (20) calendar days of receipt of the report and the reason the intervention took longer than twenty (20) calendar days to initiate; and

(v) The type of harassment, intimidation, bullying, or cyber-bullying identified and manner in which the harassment, intimidation, bullying, or cyber-bullying cases were resolved, including any disciplinary action against the student who was harassing, intimidating, bullying, or cyber-bullying.

(3) The department shall annually submit a report to the education committee of the house of representatives and the education committee of the senate updating membership on the number of harassment, intimidation, bullying, or cyber-bullying cases reported statewide, the number of LEAs implementing this part, the status of any investigations, including disciplinary actions against students, and any other information relating to the subjects of harassment, intimidation, bullying, or cyber-bullying as will be helpful to the committees in establishing policy in this area.

(d)(1) The principal of a middle school, junior high school, or high school, or the principal's designee, shall investigate harassment, intimidation, bullying or cyber-bullying when a student reports to any principal, teacher or guidance counselor that physical harm or a threat of physical harm to such student's person or property has occurred.

(2) The principal, or the principal's designee, shall immediately inform the parent or legal guardian of a student involved in an act of harassment, intimidation, bullying, or cyber-bullying. The principal or the principal's designee shall inform the parents or legal guardians of the students of the availability of counseling and support services that may be necessary.

(3) Following any investigation required by this part, the principal or such principal's designee shall report the findings, along with any disciplinary action taken, to the director of schools and the chair of the local board of education.

49-6-4504. Adoption of policy prohibiting harassment, intimidation, bullying or cyber-bullying by LEA.

(a) Each LEA shall adopt a policy prohibiting harassment, intimidation, bullying or cyber-bullying and transmit a copy of the policy to the commissioner of education by January 1, 2006.

(b) Each LEA is encouraged to review the policy prohibiting harassment, intimidation, bullying, or cyber-bullying at least once every three (3) years. Each LEA shall transmit a copy of any changes in the policy to the commissioner in a timely manner.

49-6-4505. Reprisal or retaliation prohibited - Reporting harassment, intimidation, bullying or cyber-bullying - Immunity from damages.

(a) A school employee, student or volunteer may not engage in reprisal or retaliation against a victim of, witness to, or person with reliable information about an act of harassment, intimidation, bullying or cyber-bullying.

(b) A school employee, student or volunteer who witnesses or has reliable information that a student has been subjected to an act of harassment, intimidation, bullying or cyber-bullying is encouraged to report the act to the appropriate school official designated by the school district's policy.

(c) A school employee who promptly reports an act of harassment, intimidation, bullying or cyber-bullying to the appropriate school official in compliance with the procedures set forth in the school district's policy is immune from a cause of action for damages arising from any failure to remedy the reported act.

(d) Notwithstanding subsections (b) and (c), a school employee, student or volunteer who witnesses or possesses reliable information that a student has transmitted by an electronic device any communication containing a credible threat to cause bodily injury or death to another student or school employee shall report such information to the appropriate school official designated by the policy of the school district. Such school official shall make a determination regarding the administration of the report.

49-6-4506. Task forces, programs or other initiatives.

School districts are encouraged to form harassment, intimidation, bullying or cyber-bullying prevention task forces, programs and other initiatives involving school employees, students, administrators, volunteers, parents, guardians, law enforcement and community representatives.

REGULATIONS

No relevant regulations found.

Dating and Relationship Violence

LAWS

49-6-1017. Sexual violence awareness curriculum.

(a) Subject to the guidance and approval of the state board of education, local boards of education are urged to develop a sexual violence awareness curriculum for presentation at least once in grades seven (7) and eight (8) and at least once, preferably twice, in grades nine through twelve (9-12), as part of the wellness, family life, safety, or other existing curricula. The curriculum should include instruction to increase students' awareness and understanding of teen dating violence and sexual violence, including, but not limited to, date rape, acquaintance rape, stranger rape, statutory rape, rape prevention strategies, resources and support available to victims of teen dating violence and sexual violence, and prosecution of crimes associated with teen dating and sexual violence.

(b) The curriculum should address, in age-appropriate language, topics including, but not limited to:

- (1) What teen dating violence is;
- (2) What sexual violence is, and specifically, what date rape, acquaintance rape, stranger rape, and statutory rape are and the dangers of sexual violence;
- (3) What are the methods and means of avoiding and preventing victimization from teen dating violence or sexual violence;
- (4) How alcohol and other drugs are used to facilitate date rape or acquaintance rape, and the dangers of these substances;
- (5) Why there is a need for prompt medical attention and medical evaluation of victims of sexual violence;
- (6) What is the nature and prevention of AIDS and other sexually transmitted diseases;
- (7) How to preserve forensic evidence of sexual violence and specifically what victims should and should not do after being sexually assaulted;
- (8) Who are the authorities to whom teen dating violence and sexual violence should be reported in a timely manner, including, but not limited to, identification of and telephone numbers for local law enforcement personnel to whom sexual crimes should be reported;
- (9) What persons, including school personnel, and organizations provide support and resources for victims of teen dating violence and sexual violence; and
- (10) What are the penalties and long-term consequences resulting from conviction of sexual crimes, including, but not limited to, rape and statutory rape.

49-6-1035. Domestic violence awareness education programs.

Each LEA, in consultation with local law enforcement, is strongly encouraged to institute domestic violence awareness education programs for middle and high school students. The domestic violence awareness programs shall provide information on and understanding of domestic violence prevention to increase awareness of resources available to victims of domestic violence. An LEA shall ensure that each program instituted is developmentally appropriate for the age and maturity levels of the students who will take part in the program. LEAs instituting domestic violence programs are strongly encouraged to provide opportunities for participation by all middle and high school students in at least one (1) domestic violence awareness program per year.

REGULATIONS

No relevant regulations found.

Prevention, Behavioral Intervention, and Supports

State Model Policies and Implementation Support

LAWS

49-1-213. Technical assistance.

Within available resources, the department may provide technical assistance to LEAs through the implementation of a trainer of trainers model. Each LEA may identify its own technical assistance persons from general and special education to serve local schools. Technical assistance persons would serve as trainers to the district's local technical assistance persons. Local technical assistance persons may then provide hands-on consultation in the classrooms and in school in-services related to the needs of children having behavioral or emotional disorders.

49-1-214. Safe schools - Advisory guidelines.

(a) The commissioner of education, in consultation with the commissioner of safety, shall develop advisory guidelines for LEAs to use in developing safe and secure learning environments in schools. Such guidelines shall emphasize consultation at the local level with appropriate law enforcement authorities.

(b) The department of education may prepare and distribute to LEAs guidelines for incorporating into local staff development and in-service training the materials and speakers necessary to help educators reduce gang and individual violence, to assist in drug and alcohol abuse prevention and to provide educators with the tools for nonintrusive identification of potentially violent individuals in and around schools. The department may, upon request, assist LEAs in developing comprehensive violence, drug and alcohol abuse prevention in-service training programs. Department guidelines shall encourage the sharing of resources, the development of joint or collaborative programs and the coordination of efforts with local health departments, county and city law enforcement agencies and other public agencies providing health, drug, alcohol, gang violence prevention and other related services.

(c) The department may assist LEAs in qualifying for the receipt of federal and state funds that may support local efforts to provide the in-service training programs in this section. The department shall encourage LEAs to provide written materials to assist teachers and parents working to develop a safe and secure learning environment in system schools. Within available resources, the department may provide technical assistance directly to LEAs seeking to expand teacher and student safety programs.

49-6-3024. Review of laws and policies related to exclusionary discipline of students in pre-kindergarten through kindergarten.

(a) The department of education, in consultation with juvenile court officials, shall review all current laws and policies related to exclusionary discipline practices in public schools for students in pre-kindergarten through kindergarten (pre-K-K). For purposes of this section, "exclusionary discipline" means any type of school disciplinary action that removes or excludes a student from the student's traditional educational setting.

(b) The review shall:

- (1) Examine the number of exclusionary discipline actions issued by an LEA and the length of each respective disciplinary action;
- (2) Detail the type of offenses committed by the students that led to the exclusionary discipline action;
- (3) Review the impact exclusionary discipline has on students;

- (4) Examine recommendations from lawmakers, juvenile court officials, judges, district attorneys, the Tennessee commission on children and youth, and representatives from LEAs on alternatives to exclusionary discipline;
- (5) Identify free resources to support teachers and parents in addressing children's social, emotional, and behavioral health, strengthening family relationships, and increasing developmental and behavioral screening; and
- (6) Research the possibility of:
 - (A) Eliminating exclusionary discipline for non-violent offenses; and
 - (B) Encouraging schools to adopt restorative justice discipline practices.
- (c) The department shall develop guidelines and standards for alternatives to exclusionary discipline practices based on the findings of the review required under subsection (b).
- (d) The department shall present its findings and a written report to the education committee of the senate, the education administration and planning committee of the house of representatives, and the education instruction and programs committee of the house of representatives no later than May 1, 2018.
- (e) After submission of the report required in subsection (d), the department shall develop a model policy for alternatives to exclusionary discipline practices that districts may adopt for students in pre-kindergarten through kindergarten (pre-K-K). If a district does not adopt the model policy developed by the department, the district shall develop and implement a policy that meets the guidelines and standards developed under subsection (c). Each LEA shall adopt the model policy or develop their own policy prior to the 2018-2019 school year.

49-6-4109. Trauma-informed discipline policy.

- (a) As a strategy to address adverse childhood experiences, as defined in § 49-1-230, each LEA and public charter school shall adopt a trauma-informed discipline policy. Each trauma-informed discipline policy must:
 - (1) Balance accountability with an understanding of traumatic behavior;
 - (2) Teach school and classroom rules while reinforcing that violent or abusive behavior is not allowed at school;
 - (3) Minimize disruptions to education with an emphasis on positive behavioral supports and behavioral intervention plans;
 - (4) Create consistent rules and consequences; and
 - (5) Model respectful, nonviolent relationships.
- (b) The department of education shall develop guidance on trauma-informed discipline practices that LEAs must use to develop the policy required under subsection (a).

49-6-4302. Tennessee school safety center.

- (a) The department of education shall establish a Tennessee school safety center to develop and evaluate training materials and guidelines on school safety issues, including behavior, discipline and violence prevention.

49-6-4503. Adoption of policy prohibiting harassment, intimidation, bullying or cyber-bullying by the school district.

- (c)(1) Each LEA shall, at the beginning of each school year, provide teachers and school counselors a copy of the policy along with information on the policy's implementation, bullying prevention and strategies to address bullying and harassment when it happens. In addition, each LEA shall provide training to teachers and counselors regarding the policy and appropriate procedures relative to

implementation of the policy. The department of education shall provide guidelines for such training and provide recommendations of appropriate, available and free bullying and harassment prevention resources.

REGULATIONS

No relevant regulations found.

Multi-tiered Frameworks and Systems of Support

LAWS

49-6-4002. Discipline policy - Code of conduct.

(f) Each local board of education and charter school governing body may adopt a discipline policy that promotes positive behavior and includes evidence-based practices to respond effectively to misbehavior and minimize a student's time away from school.

REGULATIONS

0520-01-09-.23. Isolation and restraint for students receiving special education services.

(2) Local education agencies are authorized to develop and implement training programs that include:
(a) Use of positive behavioral interventions and supports.

Prevention

LAWS

49-6-805. Template minimum requirements.

At a minimum, the template prepared by the state-level safety team shall include:

- (6) Appropriate violence prevention and intervention strategies such as:
- (A) Collaborative arrangements with state and local law enforcement officials, designed to ensure that school resource officers and other security personnel are adequately trained, including being trained to de-escalate potentially violent situations, and are effectively and fairly recruited;
 - (B) Dissemination of informative materials regarding the early detection and identification of potentially threatening behaviors and violent acts to teachers, administrators, school personnel, parents or guardians and students;
 - (C) Nonviolent conflict resolution training programs;
 - (D) Peer mediation programs and youth courts;
 - (E) Extended day and other school safety programs; and
 - (F) Comprehensive school counseling and mental health programs;

49-6-4302. Tennessee school safety center.

(a) The department of education shall establish a Tennessee school safety center to develop and evaluate training materials and guidelines on school safety issues, including behavior, discipline and violence prevention.

(b) The Tennessee school safety center is responsible for the collection and analysis of data related to school safety, including alleged violent or assaultive acts against school employees and students. The

center shall make periodic reports to the education committee of the senate and the education committee of the house of representatives on the status of school safety efforts.

(c)(1) The Tennessee school safety center, within the limit of appropriations for the center, shall establish school safety grants to assist LEAs in funding programs that address school safety, including, but not limited to, innovative violence prevention programs, conflict resolution, disruptive or assaultive behavior management, improved school security, school resource officers, school safety officers, peer mediation, and training for employees on the identification of possible perpetrators of school-related violence.

(2) The Tennessee school safety center shall develop a school safety grant application that requires LEAs to describe, at a minimum, how grant funds:

(A) Will be used to improve and support school safety;

(B) Align with the needs identified in a school security assessment conducted pursuant to subsection (f); and

(C) Will be used to support LEA-authorized charter schools, if applicable.

(3) In order to be eligible to receive grant funds, the LEA must be in compliance with all state laws, rules, and regulations regarding school safety.

(4) The Tennessee school safety center shall review the school safety grant application in collaboration with the state-level school safety team established under § 49-6-802.

REGULATIONS

No relevant regulations found.

Social-emotional Learning (SEL)

LAWS

49-6-1007. Character education.

(a) The course of instruction in all public schools shall include character education to help each student develop positive values and improve student conduct as students learn to act in harmony with their positive values and learn to become good citizens in their school, community and society. Public schools are urged to include the use of nonviolence as a means of conflict resolution within character education.

(b)(1) The department of education shall provide the appropriate method of instruction in kindergarten through grade twelve (K-12), in conformity with the elementary school curriculum provided for in subsection (c).

(2) Local boards of education may implement additional courses and materials in character education at their discretion.

(c) Each LEA shall provide the character education curriculum set forth in the curriculum provided by the department or a comparable program approved by the department.

(d) Human resource agencies created pursuant to title 13, chapter 26 may serve as the service delivery system for the character education program.

(e) Local education agencies are authorized and encouraged to adopt as their course of instruction in character education the Congressional Medal of Honor Character Development Program. This program may be adopted for the appropriate grade levels and integrated into a number of academic subjects, including, but not limited to, government, contemporary issues, history, sociology, psychology, language arts, leadership, and mathematics.

49-6-1028. Legislative findings - Public school courses and content to educate children in the United States and Tennessee governments.

(a) The general assembly finds that:

- (1) Effective and responsible participation in political life as competent citizens requires the acquisition of a body of knowledge and of intellectual and participatory skills;
- (2) It is essential to the future health of our republic that all citizens be knowledgeable about democratic principles and practices, including fundamental documents such as the state and federal constitutions, the Declaration of Independence, and the Gettysburg Address;
- (3) Individuals who have a clear and full understanding of the rights and responsibilities of citizens in a republic are more likely to exercise and defend those rights and responsibilities; and
- (4) Providing civic education and promoting good citizenship and understanding fundamental democratic principles should be core missions of Tennessee secondary schools.

(b)(1) The state board of education shall include in the social studies standards, at the appropriate grade level or levels in high school, as determined by the state board of education through standards and the local board of education through curriculum, courses and content designed to educate children about the United States and Tennessee governments. The standards shall include the three (3) branches of government, the fundamental documents identified in § 49-6-1011(a) that underpin our form of government, an understanding of how laws are enacted, and ways citizens shape and influence government and governmental actions.

- (2) Students shall be taught about the formation of the governments of the United States and Tennessee using federal and state foundational documents. They shall also be taught the significance and relevance of those federal and state foundational documents today. This instruction shall include:
 - (A) The historical and present-day significance of the Declaration of Independence;
 - (B) How the United States Constitution establishes the federal government and the characteristics of the republic created by it;
 - (C) How the United States Constitution with the Bill of Rights and the Tennessee Constitution with the Declaration of Rights are applicable in today's society;
 - (D) How the United States Constitution is changed and the changes that have been made to it since 1787;
 - (E) Why Tennessee has had three (3) constitutions, the Constitutions of 1796, 1834, and 1870, and how changes have been made to the Tennessee Constitution of 1870; and
 - (F) How other foundational documents of the United States and Tennessee aided in the formation of the federal and state governments.

(c) The commissioner of education shall advise all local boards of education of the requirements of this section.

(d)(1) Beginning with the 2012-2013 school year, in conjunction with the social studies curriculum, all LEAs shall implement a project-based assessment in civics at least once in grades four through eight (4-8) and at least once in grades nine through twelve (9-12). The assessments shall be developed by the LEA and designed to measure the civics learning objectives contained in the social studies curriculum and to demonstrate understanding and relevance of public policy, the structure of federal, state and local governments and both the Tennessee and the United States constitutions.

- (2) The department of education may seek the assistance of appropriate outside entities, including the Tennessee Center for Civic Learning and Engagement, to assist it with the implementation of any necessary professional development on the use of project-based assessments of civics learning.

(3) For the purposes of this section, "project-based" means an approach that engages students in learning essential knowledge and skills through a student-influenced inquiry process structured around complex, authentic questions and carefully designed products and tasks.

(4) LEAs shall submit verification of implementation of this section to the department of education.

49-6-1201. General provisions.

The course of study to be taught in every high school authorized by part 4 of this chapter shall be adopted by the board of education on the recommendation of the director of schools; provided, that the course or courses shall be in accord with those adopted by the state board of education and should include character education as specified in § 49-6-1007.

REGULATIONS

No relevant regulations found.

Trauma-informed Practices

LAWS

49-1-230. Development of training programs for adverse childhood experiences.

(a) As used in this section, "adverse childhood experiences" or "ACEs" mean stressful or traumatic events experienced by a minor child. ACEs include, but are not limited to, a child witnessing, or being the victim of, physical abuse, sexual abuse, emotional abuse, physical neglect, emotional neglect, domestic violence, substance abuse, mental illness, parental separation or divorce, and incarceration.

(b) The department of education shall develop an evidence-based training program on ACEs for school leaders and teachers. The training may be delivered through the trainer of trainers model under § 49-1-213, and shall include:

- (1) The effects of ACEs on a child's mental, physical, social, behavioral, emotional, and cognitive development;
- (2) ACEs as a risk factor for the development of substance abuse disorders and other at-risk health behaviors;
- (3) Trauma-informed principles and practices for classrooms; and
- (4) How early identification of children exposed to one (1) or more ACEs may improve educational outcomes.

(c) An LEA may develop its own ACEs training program to make available to the LEA's school personnel.

49-6-4109. Trauma-informed discipline policy.

(a) As a strategy to address adverse childhood experiences, as defined in § 49-1-230, each LEA and public charter school shall adopt a trauma-informed discipline policy. Each trauma-informed discipline policy must:

- (1) Balance accountability with an understanding of traumatic behavior;
- (2) Teach school and classroom rules while reinforcing that violent or abusive behavior is not allowed at school;
- (3) Minimize disruptions to education with an emphasis on positive behavioral supports and behavioral intervention plans;
- (4) Create consistent rules and consequences; and
- (5) Model respectful, nonviolent relationships.

(b) The department of education shall develop guidance on trauma-informed discipline practices that LEAs must use to develop the policy required under subsection (a).

REGULATIONS

No relevant regulations found.

Mental Health Literacy Training

LAWS

49-2-124. Universal mental health or socioemotional screening.

(a) As used in this section:

(1) "Mental health screening" or "socioemotional screening" means, for the purposes of this chapter, the use of one (1) or more brief, structured questionnaires designed to identify the possibility that an individual has a mental health problem;

(2) "Psychotropic medication" means a drug that exercises a direct effect upon the central nervous system and that is capable of influencing and modifying behavior. Psychotropic medication includes, but is not limited to:

- (A) Antipsychotics;
- (B) Antidepressants;
- (C) Agents for control of mania and depression;
- (D) Antianxiety agents;
- (E) Psychomotor stimulants; and
- (F) Hypnotics; and

(3) "Universal mental health or socioemotional screening" means, for the purposes of this chapter, any mental health screening program in which a group of individuals is automatically screened without regard to whether there was a prior indication of a mental health problem.

(b) Universal mental health or socioemotional screening is only permitted under the following circumstances:

(1) A parent, guardian, legal custodian or caregiver under the Power of Attorney for Care of a Minor Child Act, compiled in title 34, chapter 6, part 3, of a child under sixteen (16) years of age has provided written, active, informed and voluntarily signed consent that may be withdrawn at any time by the parent, guardian, legal custodian or caregiver under the Power of Attorney for Care of a Minor Child Act;

(2) A court requires the mental health evaluation, examination or testing;

(3) Emergency screening, evaluation, examination or testing of an individual under the Power of Attorney for Care of a Minor Child Act or screening done in connection with a disaster or epidemic; or

(4) Screening required pursuant to the early periodic screening, diagnosis, and treatment (EPSDT) program with active, written, informed, voluntarily signed consent as outlined in subdivision (b)(1) that may be withdrawn at any time by the parent, legal guardian, custodian or caregiver under the Power of Attorney for Care of a Minor Child Act who gave the consent.

(c) Notwithstanding any law to the contrary, a local education agency (LEA) may not use the parent's refusal to consent to administration of a psychotropic medication to a student or to a mental health screening, evaluation, testing or examination of a child or student as grounds for prohibiting the child from attending class or participating in a school-related activity or as the basis of reporting or charging child

abuse, child neglect, educational neglect or medical neglect. An LEA shall not use nor threaten use of school sanctions to a student to coerce parental consent to a mental health screening, evaluation, testing or examination. A person employed by an LEA may not require that a student be evaluated or treated with any psychotropic medication or for a particular mental health diagnosis. Only the following LEA personnel may perform an evaluation for psychiatric diagnosis or treatment, or both, with written, informed, voluntarily signed consent as outlined in subdivision (b)(1) that may be withdrawn at any time by the parent, legal guardian, custodian or caregiver under the Power of Attorney for Care of a Minor Child Act who gave the consent:

- (1) A psychiatrist;
- (2) A physician with expertise in psychiatry as determined by training, education or experience;
- (3) An advanced practice registered nurse with special certification in mental health or psychiatric nursing;
- (4) An advanced practice registered nurse with expertise in mental health or psychiatric nursing as determined by training, education or experience;
- (5) A psychologist with health service provider designation;
- (6) A senior psychological examiner;
- (7) A licensed professional counselor;
- (8) A licensed clinical social worker; or
- (9) A school psychologist.

(d) Written, informed, active, voluntary consent as outlined in subdivision (b)(1) that may be withdrawn at any time by the parent, legal guardian, custodian or caregiver under the Power of Attorney for Care of a Minor Child Act must also be obtained before proceeding with any psychiatric treatment recommendations resulting from any mental health screening, evaluation, testing or examination.

(e) Subsections (b), (c), and (h) shall not be construed to:

- (1) Prevent an appropriate referral under the child find system required under 20 U.S.C. § 1412, with appropriate parental consent procedures as required under 20 U.S.C. § 1414(a)(1)(D)(i);
- (2) Prohibit an LEA employee from discussing any aspect of a child's behavior or academic progress with the child's parent or guardian or another appropriate school district employee, consistent with federal and state law, including the requirement of prior parental consent for the disclosure of any education records. Nothing in this subdivision (e)(2) shall be construed to modify or affect parental notification requirements for programs authorized under the Elementary and Secondary Education Act of 1965, as amended by the No Child Left Behind Act of 2001, Public Law 107-110;
- (3) Prohibit an LEA employee from referring a child to LEA personnel specified in subsection (c);
- (4) Prohibit referrals, counseling or support in the event of an emergency or urgent situation to include, but not be limited to, the death, suicide, attempted suicide, murder, attempted murder, serious injury or serious illness of a student, teacher, staff, member of the administration, director of schools or any other school personnel or significant individual; or
- (5) Prohibit testing that is a part of a course of treatment, rehabilitation or service plan for children in the legal custody of a state agency or required by federal law applicable to such children, or as otherwise authorized under title 37, including, but not limited to, child protective services assessments or evaluations.

(f) Each LEA shall inform each parent, legal guardian, custodian or caregiver of their rights pursuant to this section and shall provide a copy of the LEA policy on the rights of parents and students as required in § 49-2-211 and a copy of the Protection of Pupil Rights (20 U.S.C. § 1232h), commonly referred to as the Tiahrt Amendment, as amended by the Parents Rights Restoration Amendment to Goals 2000, March

31, 1994, Public Law 103-227, § 1017, and included in the No Child Left Behind Law (20 U.S.C. § 6301 et seq.).

(g) The local board of education of each LEA shall adopt policies that may be reasonable and necessary to ensure implementation and enforcement of this section.

(h) An LEA or school shall notify parents or legal guardians prior to any student participating in any mental health screening. The written notice shall include:

- (1) The purpose for the mental health screening;
- (2) The provider or contractor providing the mental health screening;
- (3) The date and time at which the mental health screening is scheduled; and
- (4) The length of time the mental health screening may last.

(i) Pursuant to § 49-1-704, a parent or legal guardian has a right to inspect and review the parent or guardian's child's education records.

49-6-3004. School term.

(c)(1)(A) In-service days shall be used according to a plan recommended by the local director of schools in accordance with this section and other applicable statutes and adopted by the local board of education, a copy of which plan shall be filed with the commissioner of education on or before June 1 of the preceding school year and approved by the commissioner. The commissioner shall require that in-service training include the teaching of the components of the Juvenile Offender Act, compiled in title 55, chapter 10, part 7, to all teachers and principals in grades seven through twelve (7-12). The commissioner shall require that in-service training include at least two (2) hours of suicide prevention education for all teachers and principals each school year. This education may be accomplished through self-review of suitable suicide prevention materials. The commissioner shall also encourage the use of two (2) of the in-service training days to provide training to teachers, principals and other school personnel, and, to the extent possible, school board members, on issues of prevention and intervention strategies for students in the area of behavioral/emotional disorders. The training shall place an emphasis on understanding the warning signs of early-onset mental illness in children and adolescents and may be conducted by school counseling personnel, such as psychologists, social workers, guidance counselors or health faculty, by mental health clinicians or by approved personnel from mental health advocacy organizations using curricula approved by the departments of education and mental health and substance abuse services. In addition to other training and resources authorized by this chapter, the department of education shall, within available resources, collaborate with institutions of higher education to formally address dyslexia and similar reading disorders by providing kindergarten through twelfth grade (K-12) educators and teachers web-based or in-person training providing effective instruction for teaching students with dyslexia using appropriate scientific research and brain-based multisensory intervention methods and strategies.

REGULATIONS

No relevant regulations found.

School-based Behavioral Health Programs

LAWS

49-1-213. Technical assistance.

Within available resources, the department may provide technical assistance to LEAs through the implementation of a trainer of trainers model. Each LEA may identify its own technical assistance persons

from general and special education to serve local schools. Technical assistance persons would serve as trainers to the district's local technical assistance persons. Local technical assistance persons may then provide hands-on consultation in the classrooms and in school in-services related to the needs of children having behavioral or emotional disorders.

49-2-115. Family resource centers.

(a) Family resource centers may be established by any LEA in order to coordinate state and community services to help meet the needs of families with children. An LEA may directly operate its own family resource centers or may contract with a locally based nonprofit agency, including a community action agency, to operate one (1) or more such centers on behalf of the LEA. Each center shall be located in or near a school. The local school board shall appoint community service providers and parents to serve on an advisory council for each family resource center. Parents shall comprise a majority of each advisory council.

(b) Upon approval by the department of education, basic education program (BEP) funds may be expended by an LEA to plan and implement a family resource center. The application for such approval shall identify a full-time director and other professional staff from the school or community, or both, which may include psychologists, school counselors, social workers, nurses, instructional assistants and teachers. In establishing family resource centers, the department shall consult with the departments of health, mental health and substance abuse services, intellectual and developmental disabilities and children's services.

(c) The commissioner of education is authorized to award grants of up to fifty thousand dollars (\$50,000) to LEAs for the purpose of planning, implementing and operating family resource centers. All LEAs, upon receiving such grants for a period of three (3) school years, shall be evaluated by the commissioner to determine progress in attaining objectives set forth within this section. Those LEAs awarded satisfactory evaluations shall be eligible to continue receiving such grants for a period of three (3) additional school years. Beginning with the 1995-1996 school year, the number of family resource centers receiving such planning, implementation and operation grants shall be increased at least fifty percent (50%) above the number of centers receiving grants during the 1994-1995 school year.

(d) LEAs with state approved family resource centers may be given priority in receiving additional state funding for:

- (1) Formal parent involvement programs in elementary schools;
- (2) Early childhood programs for children at-risk;
- (3) Programs for parents with preschool at-risk children;
- (4) Learning centers in urban housing projects;
- (5) Programs in high schools for pregnant teenagers; and
- (6) "Jobs for Tennessee Graduates" in high schools.

(e)(1) Family resource centers shall provide interagency services/resources information on issues such as parent training, crisis intervention, respite care and counseling needs for families of children with behavioral/emotional disorders.

(2) Family resource centers shall serve the function of being the center of information sharing and resource facilitation for such families.

(3) Family resource centers shall also serve the function of helping families answer questions regarding funding for the options of service their child or family requires.

(f) The purpose of each family resource center shall be to maximize the potential learning capacity of the child by ensuring that school environments and neighborhoods are safe and socially enriching, that families are strong and able to protect children and meet their basic needs and that children are

physically healthy, emotionally stable, socially well-adjusted and able to connect with enriching opportunities and experiences in their schools and communities. In order to enable children to attain the most benefit possible from the time they spend in educational settings, the family resource centers shall focus on providing information to families about resources, support and benefits available in the community and on developing a coordinated system of care for children in the community in order to effectuate this purpose.

(g) The department of education and the department of children's services shall jointly develop guidelines for the operation of family resource centers, focusing on the requirements of this section, including the stated purpose of family resource centers in subsection (f). The guidelines shall be used by all family resource centers established pursuant to this section.

49-6-805. Template minimum requirements.

At a minimum, the template prepared by the state-level safety team shall include:

- (5) Procedures for coordination of the school safety plan with the resources available through the department of mental health and substance abuse services, the department of intellectual and developmental disabilities or a similar local agency to assure that the school has access to federal, state or local mental health resources in the event of a violent incident.
- (6) Appropriate violence prevention and intervention strategies such as:
 - (F) Comprehensive school counseling and mental health programs.

49-6-2403. Part definitions.

As used in this part:

- (1) "Community consortium" means a partnership established between an LEA and one (1) or more community partners for purposes of establishing, operating, and sustaining a community school;
- (2) "Community partner" means a provider of one (1) or more community services or a community organization or for-profit or nonprofit entity with a desire to improve conditions in the community;
- (3) "Community school" means a public and private partnership to coordinate educational, developmental, family, health, and before-school and after-school-care programs during school and nonschool hours for students, families, and local communities at a public school with the objectives of improving academic achievement, reducing absenteeism, building stronger relationships between schools, students, parents, and communities, and improving the skills, capacity, and well-being of the surrounding community residents; and
- (4) "Community services" include:
 - (A) Primary medical and dental care that is available to students and community residents;
 - (B) Mental health prevention and treatment services that are available to students and community residents.

49-6-2404. Authority to form community consortiums to establish community schools - Centers of communities - Designation of individual to lead implementation of programming - Eligibility for community school grant.

(a) LEAs and schools are authorized and encouraged to form community consortiums with a variety of community partners to establish a community school or schools with an integrated focus on academics, health and social services, youth and community development and community engagement that will lead to improved student learning, stronger families and healthier communities.

(b) The community schools, formed pursuant to subsection (a), shall strive to become centers of their communities providing programs and services for persons of all ages. They shall be open to everyone throughout each day, including in the evenings, on weekends and in the summer.

(c) A community school must designate an individual to lead and coordinate the planning and implementation of programming for the school.

(d) A community school is not eligible for any community school grant available under this part unless the school has developed a plan that provides for:

- (1) Integrated student supports;
- (2) Expanded and enriched learning time and opportunities;
- (3) Active family and community engagement; and
- (4) Collaborative leadership and practices.

49-6-3024. Review of laws and policies related to exclusionary discipline of students in pre-kindergarten through kindergarten.

(a) The department of education, in consultation with juvenile court officials, shall review all current laws and policies related to exclusionary discipline practices in public schools for students in pre-kindergarten through kindergarten (pre-K-K). For purposes of this section, "exclusionary discipline" means any type of school disciplinary action that removes or excludes a student from the student's traditional educational setting.

(b) The review shall:

- (5) Identify free resources to support teachers and parents in addressing children's social, emotional, and behavioral health, strengthening family relationships, and increasing developmental and behavioral screening.

REGULATIONS

No relevant regulations found.

Monitoring and Accountability

Formal Incident Reporting of Conduct Violations

LAWS

49-6-2701. Threat assessment team.

(c) A threat assessment team shall:

- (4) Establish procedures that outline the circumstances in which LEA personnel are required to report threatening or dangerous behavior;
- (5) Establish procedures for students, faculty, and community members to anonymously report threatening or dangerous behavior and specify to whom the behavior should be reported.

49-6-3007. List of students - Reports of attendance - Enforcement of compulsory attendance - List of truant students.

(e)(2) The principal of a public school must report promptly to the director of schools, or to the attendance supervisor, the names of all students who have withdrawn from school or who have accumulated three (3) days of unexcused absences. Upon a student's accumulation of three (3) days of unexcused absences, the director of schools or the attendance supervisor may serve, or cause to be served, upon the parent, guardian, or other person having control of a child subject to compulsory attendance who is unlawfully absent from school, written notice that the child's attendance at school is required by law.

(3) Additionally, the principal of a public school must report promptly to the director of schools, or to the attendance supervisor, the names of all students who have withdrawn from school or who have accumulated five (5) days of unexcused absences. Each successive accumulation of five (5) days of unexcused absences by a student must also be reported. [...]

(h)(1)(C) If an LEA enters into an agreement, then every public school principal or teacher employed by the LEA must report promptly to the director of schools, or the director's designated representative, the names of all students who accumulated five (5) days of unexcused absences and continue to report each subsequent unexcused absence. The five (5) days of unexcused absences need not be five (5) consecutive days of unexcused absences.

49-6-4008. Policy regarding teacher's ability to relocate student for safety reasons.

(c) The policy shall require a teacher to file a brief report with the principal detailing the situation that required the relocation of the student. Either the report shall be kept in a student discipline file and shall not become a part of the student's permanent record or it shall be filed in the student's permanent record, if the student's behavior violated the LEA's zero tolerance policy. The student is then subject to additional disciplinary action that may include suspension or expulsion from the school. The principal or the principal's designee shall notify the teacher involved of the actions taken to address the behavior of the relocated student.

49-6-4106. Disciplinary referrals.

When a member of a school's faculty or staff disciplines a student by issuing a written referral for the student's behavior, the referral shall be returned to the member of the faculty or staff with a notation of the action taken. The referral shall be kept in a student discipline file and shall not become a part of the student's permanent record. If a school district or a school has adopted an electronic system of making disciplinary referrals instead of using written referrals, then the member of the faculty or staff making the

referral shall be notified of the action taken, but the notification may be made either electronically or in writing.

49-6-4209. Report of reasonable suspicion by principal to law enforcement officer.

(a) It is the duty of a school principal who has reasonable suspicion to believe, either as a result of a search or otherwise, that any student is committing or has committed any violation of title 39, chapter 17, part 4, § 39-17-1307, or § 39-17-1309 upon the school grounds or within any school building or structure under the principal's supervision, to report the reasonable suspicion to the appropriate law enforcement officer.

(b) School personnel have the duty to report any reasonable suspicion that a student is committing or has committed any violation of title 39, chapter 17, part 4 or § 39-17-1307 to the principal, or, if the principal is not available, to the principal's designee. If neither the principal nor the designee is available, school personnel may report violations of title 39, chapter 17, part 4 or § 39-17-1307 committed on school property to the appropriate authorities.

49-6-4301. School officials to report student offenses.

(a) Every teacher observing or otherwise having knowledge of an assault and battery or vandalism endangering life, health or safety committed by a student on school property shall report such action immediately to the principal of the school. Every principal having direct knowledge of an assault and battery or vandalism endangering life, health or safety committed by a student on school property or receiving a report of such action shall report the action immediately to the municipal or metropolitan police department or sheriff's department having jurisdiction. Any fight not involving the use of a weapon as defined in § 39-17-1309, or any fight not resulting in serious personal injury to the parties involved, shall be reported only to the school administrator.

(b) The report made to the law enforcement agency shall include, if known, the name and address of the offender, and the name and address of the victim, if any. The report shall also contain a description of the action and whatever additional information is requested by the law enforcement agency.

(c) The commissioner of education, in conjunction with the commissioner of safety, shall establish a statewide uniform violent incident reporting system that all LEAs shall follow. The uniform violent incident reporting system shall require all LEAs to report annually to the commissioner in a form and by a date prescribed by the commissioner, the following information concerning violent and disruptive incidents, as defined by the commissioner, that occurred in the prior school year:

- (1) The type of offenders;
- (2) If an offender is a student, the age and grade of the student;
- (3) The location at which the incident occurred;
- (4) The type of incident;
- (5) Whether the incident occurred during or outside of regular school hours;
- (6) Where the incident involved a weapon, whether the weapon was a firearm, knife or other weapon;
- (7) The actions taken by the school in response to the incident, including when the incident was reported to law enforcement officials and whether disciplinary action was taken against the offenders by law enforcement;
- (8) Any student discipline or referral action taken against a student offender and the duration of the action; and
- (9) The nature of the victim and the victim's age and grade where appropriate.

(d) The commissioner shall require a summary of the information from subsection (c) to be included, in a form prescribed by the commissioner, in the annual report published by the commissioner each year pursuant to § 49-1-211.

(e) Annually on or before February 1 of each year, the commissioner shall report to the governor and the general assembly concerning the prevalence of violent and disruptive incidents in the public schools and the effectiveness of school programs undertaken to reduce violence and assure the safety and security of students and school personnel. The report shall summarize the information available from the incident reporting system and identify specifically the schools and school districts with the least and greatest incidence of violent incidents and the least and most improvement since the previous year or years.

49-6-4503. Adoption of policy prohibiting harassment, intimidation, bullying or cyber-bullying by the school district.

(a) Each school district shall adopt a policy prohibiting harassment, intimidation, bullying or cyber-bullying. School districts are encouraged to develop the policy after consultation with parents and guardians, school employees, volunteers, students, administrators and community representatives.

(b) School districts shall include in the policies:

(5) A procedure for reporting an act of harassment, intimidation, bullying or cyber-bullying, including a provision that permits a person to report an act of harassment, intimidation, bullying or cyber-bullying anonymously. Nothing in this section may be construed to permit formal disciplinary action solely on the basis of an anonymous report. [...]

(d)(1) The principal of a middle school, junior high school, or high school, or the principal's designee, shall investigate harassment, intimidation, bullying or cyber-bullying when a student reports to any principal, teacher or guidance counselor that physical harm or a threat of physical harm to such student's person or property has occurred.

49-6-4505. Reprisal or retaliation prohibited - Reporting harassment, intimidation, bullying or cyber-bullying - Immunity from damages.

(a) A school employee, student or volunteer may not engage in reprisal or retaliation against a victim of, witness to, or person with reliable information about an act of harassment, intimidation, bullying or cyber-bullying.

(b) A school employee, student or volunteer who witnesses or has reliable information that a student has been subjected to an act of harassment, intimidation, bullying or cyber-bullying is encouraged to report the act to the appropriate school official designated by the school district's policy.

(c) A school employee who promptly reports an act of harassment, intimidation, bullying or cyber-bullying to the appropriate school official in compliance with the procedures set forth in the school district's policy is immune from a cause of action for damages arising from any failure to remedy the reported act.

(d) Notwithstanding subsections (b) and (c), a school employee, student or volunteer who witnesses or possesses reliable information that a student has transmitted by an electronic device any communication containing a credible threat to cause bodily injury or death to another student or school employee shall report such information to the appropriate school official designated by the policy of the school district. Such school official shall make a determination regarding the administration of the report.

REGULATIONS

0520-01-09-.23. Isolation and restraint for students receiving special education services.

(9) Reports.

School personnel who must isolate or restrain a student shall report the incident to the school principal or the principal's designee. The Department of Education shall develop a report form, which shall be used by school personnel when reporting isolation or restraint to the school principal or the principal's designee.

(a) The report form must include the following information:

1. Student's name, age and disability;
2. Student's school and grade level;
3. Date, time and location of the isolation or restraint;
4. Length of time student was isolated or restrained;
5. Names, job titles and signatures of the personnel who administered the isolation or restraint;
6. Whether the personnel who administered the isolation or restraint were certified for completing a behavior intervention training program;
7. Names and job titles of other personnel who observed or witnessed the isolation or restraint;
8. Name of the principal or designee who was notified following the isolation or restraint and time of notification;
9. Description of the antecedents that immediately preceded the use of isolation or restraint and the specific behavior being addressed;
10. A certification that any space used for isolation is at least forty (40) square feet;
11. A certification that school personnel are in continuous direct visual contact at all times with a student who is isolated;
12. How the isolation or restraint ended, including the student's demeanor at the cessation of the isolation or restraint;
13. Physical injury or death to the student, school personnel or both during the isolation or restraint;
14. Medical care provided to the student, school personnel or both during the isolation or restraint;
15. Description of property damage, if relevant; and
16. Date, time and method of parent notification.

(b) A copy of the report form must be provided to the LEA's director of special education who shall determine whether an Individualized Education Program (IEP) Team meeting must be convened pursuant to T.C.A. § 49-10-1304.

Parental Notification

LAWS

49-2-305. Development and adoption of program to promote involvement of parents and guardians.

(a) The LEA, in consultation with parents, teachers and administrators, shall develop and adopt a policy to promote the involvement of parents and guardians of children enrolled in the schools within the school district. The plan shall be submitted to the commissioner of education as part of the district's school improvement plans and shall be consistent with the Tennessee parent/family involvement policy of the state board of education. The plan shall include:

- (1) A plan for parent participation in the schools which is designed to improve parent and teacher cooperation in such areas as homework, attendance, discipline, and planning for higher education opportunities for students.

49-6-3002. State attendance guidelines - No penalty for period of hospital or homebound instruction.

(a) The state board of education shall promulgate rules, in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5, that prescribe guidelines for use by local boards of education in establishing standards and policies governing student attendance, subject to availability of funds. The guidelines shall include, but not be limited to, the following stipulations:

(2) Effective accounting and reporting procedures shall be developed to keep parents or guardians informed of a student's absence from class.

49-6-3007. List of students - Reports of attendance - Enforcement of compulsory attendance - List of truant students.

(e)(1) By the beginning of each school year, the principal or head of school of a public, nonpublic, or church-related school shall give written notice to the parent, guardian, or person having control of a student subject to compulsory attendance that the parent, guardian, or other person having control of the student must monitor the student's school attendance and require the student to attend school. The written notice must inform the parent, guardian, or other person having control of a student that a student who accumulates five (5) days of unexcused absences during the school year is subject to the LEA's progressive truancy interventions and that continued unexcused absences may result in a referral to juvenile court. The five (5) days of unexcused absences need not be five (5) consecutive days of unexcused absences.

(2) The principal of a public school must report promptly to the director of schools, or to the attendance supervisor, the names of all students who have withdrawn from school or who have accumulated three (3) days of unexcused absences. Upon a student's accumulation of three (3) days of unexcused absences, the director of schools or the attendance supervisor may serve, or cause to be served, upon the parent, guardian, or other person having control of a child subject to compulsory attendance who is unlawfully absent from school, written notice that the child's attendance at school is required by law. [...]

(4)(A) When a student accumulates five (5) days of unexcused absences, the director of schools or attendance supervisor shall serve, or cause to be served, upon the parent, guardian, or other person having control of a child subject to compulsory attendance who is unlawfully absent from school written notice that the child's attendance at school is required by law. The director of schools or attendance supervisor shall send a new notice after each successive accumulation of five (5) unexcused absences. [...]

(h)(2) If a student accumulates five (5) days of unexcused absences, the director of schools shall serve, or cause to be served, upon the parent, guardian, or other person having control of the student written notice that the student's attendance at school is required. The notice must inform the parent, guardian, or other person having control of the student of this subsection (h).

49-6-3009. Educational neglect - Progressive truancy intervention plans - Referral to juvenile court.

(d) Progressive truancy intervention plans adopted by local boards of education pursuant to subsection (c) must be applied prior to referral to juvenile court as described in § 49-6-3007(e)(1). Progressive truancy intervention plans must meet the following requirements:

(1) Tier one of the progressive truancy intervention plan must include, at a minimum:

(A) A conference with the student and the parent, guardian, or other person having control of the student;

(B) A resulting attendance contract to be signed by the student, the parent, guardian, or other person having control of the student, and an attendance supervisor or designee. The contract must include:

- (i) A specific description of the school's attendance expectations for the student;
 - (ii) The period for which the contract is in effect; and
 - (iii) Penalties for additional absences and alleged school offenses, including additional disciplinary action and potential referral to juvenile court; and
- (C) Regularly scheduled follow-up meetings, which may be with the student and the parent, guardian, or other person having control of the student to discuss the student's progress.

49-6-3401. Suspension of students - Expulsion of students - Exception for self-defense.

(c)(1) Except in an emergency, no principal, principal-teacher or assistant 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.

(2) 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 of schools or the director of schools' designee of:

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

49-6-4402. Corporal punishment.

(c)(1) Notwithstanding subsection (a), the chief administrative officer, or the chief administrative officer's designee, is prohibited from using corporal punishment against any student who has a disability, unless an LEA's discipline policy permits the use of corporal punishment and a parent of a child who has a disability permits, in writing, the use of corporal punishment against the parent's child. The written permission must state the type of corporal punishment that may be used and the circumstances in which the use of corporal punishment is permitted. The school's chief administrative officer must keep the written permission on file at the school. The school's chief administrative officer must notify the parent any time corporal punishment is used. The school's chief administrative officer must inform the parent, when the written permission for the use of corporal punishment is submitted, that the parent may revoke the permission to use corporal punishment at any time by giving written notice to the school's chief administrative officer that corporal punishment may no longer be used against the parent's child who has a disability.

49-6-4503. Adoption of policy prohibiting harassment, intimidation, bullying or cyber-bullying by the school district.

(d)(2) The principal, or the principal's designee, shall immediately inform the parent or legal guardian of a student involved in an act of harassment, intimidation, bullying, or cyber-bullying. The principal or the principal's designee shall inform the parents or legal guardians of the students of the availability of counseling and support services that may be necessary.

REGULATIONS

0520-01-02-.17. State attendance guidelines.

(7) Whenever possible, attendance issues should be resolved at the school level. To ensure due process, Local boards of education must adopt a policy that affords students with excessive (more than 5) unexcused absences the opportunity to appeal. Such policy must, at minimum, include written or actual notice to the student or their parent/guardian and the opportunity to be heard. The burden of proof rests

on the student or their parent/guardian. The appeal process for determining unexcused absences is ancillary to a truancy decision rendered by a juvenile court judge as described in T.C.A. § 49-6-3010.

Data Collection, Review, and Reporting of Discipline Policies and Actions

LAWS

49-1-211. Annual report by commissioner.

(a) The commissioner of education shall publish an annual report as of each November 1, which shall include, but not be limited to:

(7)(A) Overall student suspension and expulsion rates organized by schools and local school systems; and

(B) Student suspension and expulsion rates also organized by schools and local school systems, but subdivided by gender and race.

49-6-2701. Threat assessment team.

(d) The threat assessment team shall document all behaviors and incidents deemed to pose a risk to school safety or that result in intervention and shall provide the information to the LEA. All information shall be documented in accordance with the Family Educational Rights and Privacy Act (FERPA)(20 U.S.C. 1232g), § 10-7-504, and all other relevant state and federal privacy laws. The LEA must consider the information when reviewing and developing a building-level school safety plan.

(e) The threat assessment team shall report threat assessment team activities to the local board of education and the director of schools on a regular basis. The report must include quantitative data on threat assessment team activities, including post-incident assessments, and must provide information on the effectiveness of the team's response to incidents deemed to pose a risk to school safety. The report must comply with the FERPA, § 10-7-504, and all other relevant state and federal privacy laws.

49-6-3024. Review of laws and policies related to exclusionary discipline of students in pre-kindergarten through kindergarten.

(a) The department of education, in consultation with juvenile court officials, shall review all current laws and policies related to exclusionary discipline practices in public schools for students in pre-kindergarten through kindergarten (pre-K-K). For purposes of this section, "exclusionary discipline" means any type of school disciplinary action that removes or excludes a student from the student's traditional educational setting.

(b) The review shall:

(1) Examine the number of exclusionary discipline actions issued by an LEA and the length of each respective disciplinary action;

(2) Detail the type of offenses committed by the students that led to the exclusionary discipline action;

(3) Review the impact exclusionary discipline has on students.

49-6-3401. Suspension of students - Expulsion of students - Exception for self-defense.

(h) The commissioner of education shall report on an annual basis to the education committee of the senate and the education committee of the house of representatives regarding disciplinary actions in Tennessee schools. The reports must include the reason for the disciplinary action, the number of students suspended or expelled, the number of students who committed zero tolerance offenses pursuant

to subsection (g), the number of students who have been placed in an alternative educational setting, and the number of students suspended, expelled, or otherwise dismissed from an alternative school. Data must be sorted by school as well as by various demographic factors, including grade, race, and sex.

49-6-3405. Alternative school success.

(a)(1) Each LEA shall track the operation and performance of alternative school programs operated by the LEA or contractually operated for the LEA. LEAs shall measure and report to the department of education alternative school success through academic indicators and behavior indicators.

(2) Academic indicators shall include, but not be limited to, grade point averages or other student academic performance measures, performance on the Tennessee comprehensive assessment program (TCAP), performance on the end-of-course assessments, attendance, dropout rates and graduation rates, for students in alternative schools or who have been in alternative schools.

(3) Behavioral indicators shall include, but not be limited to, disciplinary reports and subsequent remands to alternative schools.

(4) The department of education shall provide guidance in the reporting of the required data.

(b) The state board of education shall seek to improve performance of alternative school programs by promulgating or revising rules and regulations requiring greater accountability by the department of education and LEAs for outcomes of students served by alternative schools.

49-6-4108. Report detailing use of corporal punishment required.

(a) Beginning with the 2018-2019 school year, each LEA shall submit, at least annually, a report to the department of education detailing the LEA's use of corporal punishment. The report shall include, at a minimum:

(1) The school at which each instance of corporal punishment occurred;

(2) Information regarding the reason for each instance of corporal punishment;

(3) Whether an instance of corporal punishment involved a student with an active individualized education program, and if so, the primary disability category for which the student has an individualized education program; and

(4) Whether an instance of corporal punishment involved a student with an active 504 plan under Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. § 794), and if so, the reason for which the student has a 504 plan.

(b) The report submitted pursuant to this section shall exclude any personally identifiable information and shall be created in accordance with the Family Education Rights and Privacy Act (FERPA)(20 U.S.C. § 1232g), § 10-7-504, and any other relevant state or federal privacy law.

(c) The department shall report on its website the number of instances of corporal punishment in each LEA and the number of instances involving a student with an active individualized education program or an active 504 plan under Section 504 of the Rehabilitation Act of 1973.

49-6-4301. School officials to report student offenses.

(e) Annually on or before February 1 of each year, the commissioner shall report to the governor and the general assembly concerning the prevalence of violent and disruptive incidents in the public schools and the effectiveness of school programs undertaken to reduce violence and assure the safety and security of students and school personnel. The report shall summarize the information available from the incident reporting system and identify specifically the schools and school districts with the least and greatest incidence of violent incidents and the least and most improvement since the previous year or years.

49-6-4302. Tennessee school safety center.

(b) The Tennessee school safety center is responsible for the collection and analysis of data related to school safety, including alleged violent or assaultive acts against school employees and students. The center shall make periodic reports to the education committee of the senate and the education committee of the house of representatives on the status of school safety efforts.

49-6-4503. Adoption of policy prohibiting harassment, intimidation, bullying or cyber-bullying by the school district.

(c)(2) Each LEA shall also:

(B) Beginning August 1, 2016, and annually thereafter, complete and submit a report to the department of education. The report shall be in a format provided by the department and shall include:

- (i) The number of harassment, intimidation, bullying, or cyber-bullying cases brought to the attention of school officials during the preceding year;
- (ii) The number of harassment, intimidation, bullying, or cyber-bullying cases where the investigation supported a finding that bullying had taken place;
- (iii) The number of harassment, intimidation, bullying, or cyber-bullying case investigations not initiated within forty-eight (48) hours of the receipt of the report and the reason the investigation was not initiated within forty-eight (48) hours;
- (iv) The number of harassment, intimidation, bullying, or cyber-bullying cases where an appropriate intervention was not initiated within twenty (20) calendar days of receipt of the report and the reason the intervention took longer than twenty (20) calendar days to initiate; and
- (v) The type of harassment, intimidation, bullying, or cyber-bullying identified and manner in which the harassment, intimidation, bullying, or cyber-bullying cases were resolved, including any disciplinary action against the student who was harassing, intimidating, bullying, or cyber-bullying.

(3) The department shall annually submit a report to the education committee of the house of representatives and the education committee of the senate updating membership on the number of harassment, intimidation, bullying, or cyber-bullying cases reported statewide, the number of LEAs implementing this part, the status of any investigations, including disciplinary actions against students, and any other information relating to the subjects of harassment, intimidation, bullying, or cyber-bullying as will be helpful to the committees in establishing policy in this area.

REGULATIONS

No relevant regulations found.

Partnerships between Schools and Law Enforcement

Referrals to Law Enforcement

LAWS

49-6-3007. List of students - Reports of attendance - Enforcement of compulsory attendance - List of truant students.

(h)(4) The director of schools or the director's representative may issue a list of truant students to the local law enforcement agency for the purpose of allowing the law enforcement agency to take the student into temporary custody when the student is found away from the school premises, without adequate excuse, during school hours, in a public place, in any public or private conveyance, or in any place of business open to the public, unless accompanied by a parent, guardian, or other person having control of the student. The agreement shall specify that the law enforcement officer's sole function is to deliver the student to:

- (A) The parent, guardian, or other person having control of the student;
- (B) The principal of the school in which the student is enrolled;
- (C) A truancy center established by the LEA; or
- (D) The juvenile court, if the juvenile court and the local law enforcement agency have entered into a local interagency agreement.

49-6-4206. Policy authorizing school security officer to patrol.

(d) In patrolling the one-mile radius of the school, the school security officer shall:

- (1) Only patrol for violations of the law that involve minors, including truancy; and
- (2) Immediately notify the appropriate local law enforcement agency of any violation of the law if the school security officer reasonably believes the individual committing the act to be a minor.

49-6-4209. Report of reasonable suspicion by principal to law enforcement officer.

(a) It is the duty of a school principal who has reasonable suspicion to believe, either as a result of a search or otherwise, that any student is committing or has committed any violation of title 39, chapter 17, part 4, § 39-17-1307, or § 39-17-1309 upon the school grounds or within any school building or structure under the principal's supervision, to report the reasonable suspicion to the appropriate law enforcement officer.

(b) School personnel have the duty to report any reasonable suspicion that a student is committing or has committed any violation of title 39, chapter 17, part 4 or § 39-17-1307 to the principal, or, if the principal is not available, to the principal's designee. If neither the principal nor the designee is available, school personnel may report violations of title 39, chapter 17, part 4 or § 39-17-1307 committed on school property to the appropriate authorities.

49-6-4210. Disposal of contraband.

Any dangerous weapon or drug located by the principal or other staff member in the course of a search shall be turned over to the appropriate law enforcement officer for proper disposal.

49-6-4301. School officials to report student offenses.

(a) Every teacher observing or otherwise having knowledge of an assault and battery or vandalism endangering life, health or safety committed by a student on school property shall report such action immediately to the principal of the school. Every principal having direct knowledge of an assault and

battery or vandalism endangering life, health or safety committed by a student on school property or receiving a report of such action shall report the action immediately to the municipal or metropolitan police department or sheriff's department having jurisdiction. Any fight not involving the use of a weapon as defined in § 39-17-1309, or any fight not resulting in serious personal injury to the parties involved, shall be reported only to the school administrator.

(b) The report made to the law enforcement agency shall include, if known, the name and address of the offender, and the name and address of the victim, if any. The report shall also contain a description of the action and whatever additional information is requested by the law enforcement agency.

REGULATIONS

No relevant regulations found.

School Resource Officer (SRO) or School Security Officer (SSO) Training or Certification

LAWS

49-6-3007. List of students - Reports of attendance - Enforcement of compulsory attendance - List of truant students.

(h)(1)(A) An LEA may enter into an agreement with the local law enforcement agency serving the LEA's area and the appropriate local government in that area to assist in the enforcement of compulsory attendance upon complying with the following conditions:

- (i) Creation by the local board of education of an advisory council to assist the board in formulating the agreement. The board must include representatives of teachers, parents, administrators, and other community representatives;
- (ii) Receipt of input from neighborhood groups and other interested parties; and
- (iii) At least one (1) public hearing on the proposed agreement prior to its adoption by the board.

(B) The agreement must provide for:

- (i) Training teachers, principals, social workers, and other school personnel concerning truancy issues;
- (ii) Training of involved law enforcement personnel in the truancy law, including categories of students to which the law does not apply, such as nonpublic school students or home school students; and
- (iii) Safeguards to protect students from discriminatory or selective enforcement and to protect the civil rights of students and parents.

49-6-4202. Part definitions.

As used in this part, unless the context otherwise requires:

- (6) "School resource officer" means a law enforcement officer, as defined under § 39-11-106, who is in compliance with all laws, rules and regulations of the peace officers standards and training commission and who has been assigned to a school in accordance with a memorandum of understanding between the chief of the appropriate law enforcement agency and the LEA.

49-6-4217. Employment standards for school resource officers.

(a) Training courses for school resource officers shall be designed specifically for school policing and shall be administered by an entity or organization approved by the peace officers standards and training (POST) commission.

(b) School resource officers shall participate in forty (40) hours of basic training in school policing within twelve (12) months of assignment to a school. Every year thereafter they shall participate in a minimum of sixteen (16) hours of training specific to school policing that has been approved by the POST commission.

49-6-4219. Policy regulating use of electronic control devices.

Any law enforcement agency providing a school resource officer, school security officer or other law enforcement officer providing security at a school shall have a policy regulating the use of electronic control devices, which policy shall address training in the proper use of such devices, as well as investigation, documentation and review of such use, to include final approval of any report documenting such use by the agency's chief executive officer or sheriff.

49-6-4302. Tennessee school safety center.

(f) The department of safety and homeland security, in collaboration with the department of education, shall develop a school security assessment for use in Tennessee public schools. The departments shall provide training to local law enforcement agencies and school administrators on the use of the school security assessment to identify school security vulnerabilities. The department of safety and homeland security is authorized to conduct periodic audits of Tennessee public schools as necessary to verify the effective implementation and use of such assessments to enhance school security.

49-6-805. Template minimum requirements.

At a minimum, the template prepared by the state-level safety team shall include:

- (6) Appropriate violence prevention and intervention strategies such as:
 - (A) Collaborative arrangements with state and local law enforcement officials, designed to ensure that school resource officers and other security personnel are adequately trained, including being trained to de-escalate potentially violent situations, and are effectively and fairly recruited.

REGULATIONS

No relevant regulations found.

Authorizations, Memoranda of Understanding (MOUs), and/or Funding

LAWS

38-8-120. School policing.

A memorandum of understanding may be entered into between a chief of a law enforcement agency and a local education agency to provide school policing.

49-6-805. Template minimum requirements.

At a minimum, the template prepared by the state-level safety team shall include:

- (6) Appropriate violence prevention and intervention strategies such as:

(A) Collaborative arrangements with state and local law enforcement officials, designed to ensure that school resource officers and other security personnel are adequately trained, including being trained to de-escalate potentially violent situations, and are effectively and fairly recruited.

49-6-809. Policy authorizing off-duty law enforcement officers to serve as armed school security officers -Memorandum of understanding - List of qualified officers - Funding - Report.

(a) For purposes of this section, "law enforcement officer" means the sheriff, sheriff's deputies, or any police officer employed by the state, a municipality, county, or political subdivision of the state certified by the peace officer standards and training (POST) commission; any commissioned member of the Tennessee highway patrol; and any Tennessee county constable authorized to carry a firearm and who has been certified by the POST commission.

(b)(1) To increase the protection and safety of students and school personnel, local boards of education may adopt a policy authorizing off-duty law enforcement officers to serve as armed school security officers during regular school hours when children are present on the school's premises, as well as during school-sponsored events.

(2) Nothing in this section shall require a local board of education to adopt a policy permitting an off-duty law enforcement officer to serve as an armed school security officer.

(c)(1) If a local board of education adopts a policy authorizing off-duty law enforcement officers to serve as armed school security officers, the LEA shall execute a written memorandum of understanding (MOU) with each law enforcement agency that employs the law enforcement officers selected by the chief law enforcement officer of the law enforcement agency to serve as armed school security officers.

(2) Any MOU entered into pursuant to subdivision (c)(1) shall contain the following:

(A) A provision that prescribes the types of firearms that may be carried by an armed school security officer on school premises and the manner in which the armed school security officer's firearm may be carried; provided, that the MOU shall not prohibit an off-duty law enforcement officer who is serving as an armed school security officer from carrying a loaded handgun on school premises;

(B) A provision limiting the role of armed school security officers to that of maintaining safety in the school and prohibiting armed school security officers from addressing routine school discipline issues that do not constitute crimes or that do not impact the immediate health or safety of the students or staff of the school;

(C) Provisions stipulating that off-duty officers serving as armed school security officers are required to follow the policies of the officer's employing law enforcement agency;

(D) Procedures for communication among the LEA, armed school security officers, school resource officers, and local law enforcement agencies;

(E) A description of any policies, procedures, or other requirements that the armed school security officers must follow when responding to an emergency on school grounds;

(F) A statement requiring that armed school security officers comply with all state and federal laws regarding the confidentiality of personally identifiable student information;

(G) Procedures for addressing complaints against armed school security officers;

(H) A provision detailing how liability will be provided for any acts or omissions of the armed school security officer within the scope of the armed school security officer's duties, except for willful, malicious, or criminal acts or omissions or for acts or omissions done for personal gain;

(I) A provision detailing how scheduling will be determined; and

(J) The hours and wages of each armed school security officer assigned to a school in the LEA.

(3) Any MOU entered into pursuant to subdivision (c)(1) may prescribe:

- (A) Whether an armed school security officer is required to be uniformed while on school premises; or
- (B) Other means for proper identification of the armed school security officer.

(4)(A) If a MOU entered into pursuant to this subsection (c) would permit law enforcement officers to serve as armed school security officers at a school that is located within the jurisdictional boundaries of another law enforcement agency that is not the law enforcement officers' employing agency, then the MOU shall not take effect until approved in writing by the chief law enforcement officer of the law enforcement agency with law enforcement jurisdiction for the school.

(B) Notwithstanding title 6, chapter 54, part 3, or any other law to the contrary, a law enforcement officer who is serving as an armed school security officer pursuant to this section for a school located outside of the jurisdictional boundaries of the officer's employing agency shall, while acting within the scope of the officer's employment as an armed school security officer, have the jurisdiction and authority to enforce all laws of this state and of the county or municipality in which the school at which the officer is serving as an armed school security officer is located.

(d)(1) The chief law enforcement officer of each law enforcement agency in this state shall prepare and distribute a list of its law enforcement officers who the chief law enforcement officer deems qualified and who are interested in serving as armed school security officers pursuant to this section to each LEA that is located within the law enforcement agency's jurisdictional boundaries and with which a MOU has been entered into in accordance with this section. The chief law enforcement officer shall consider the federal Fair Labor Standards Act when considering an officer's qualification to serve as an armed school security officer.

(2) The chief law enforcement officer of a law enforcement agency may prohibit a law enforcement officer employed by another law enforcement agency from serving as an armed school security officer at a school located within the chief law enforcement officer's jurisdiction for reasons the chief law enforcement officer deems sufficient, including, but not limited to, if the law enforcement officer has received a disciplinary action within the last five (5) years that resulted in, at a minimum, a written reprimand. The chief law enforcement officer shall notify any such officer the chief prohibits from serving as an armed school security officer by sending a written notice of the prohibition to the law enforcement officer and the law enforcement officer's employing agency. The law enforcement officer is entitled to compensation pursuant to this section for any service as an armed school security officer performed by the officer prior to receipt of the written notice by the earlier of the law enforcement officer or the law enforcement officer's employing agency.

(e) If an LEA adopts a policy authorizing the use of armed school security officers, then funding for the armed school security officers may come from a law enforcement agency or from the LEA, including, but not limited to, local, state, or federal funds received by the LEA, for which purpose such funds may be lawfully expended.

(f)(1) Nothing in this section shall be construed to require an LEA or a law enforcement agency of the county to assign or provide funding for an armed school security officer.

(2) Nothing in § 49-3-315 shall be construed to require an LEA or a law enforcement agency of the county to assign or provide funding for an armed school security officer as defined in this section to any school system within that county on the basis of the WFTEADA, as defined by § 49-3-302. The provision of armed school security officers by local law enforcement agencies shall be considered a law enforcement function and not a school operation or maintenance purpose that requires the apportionment of funds pursuant to § 49-3-315.

(g) The use of armed school security officers shall be supplemental to school resource officers and school safety measures adopted by an LEA and shall not supplant school resource officers or other school security measures. An LEA shall not replace a school resource officer or other school security measure with an armed school security officer. A law enforcement agency shall not terminate a MOU for the

provision of school resource officers based solely upon an LEA's adoption of a policy authorizing the use of armed school security officers.

(h) Following the conclusion of the 2020-2021 school year, the chief law enforcement officer of each law enforcement agency with law enforcement jurisdiction for a school that has utilized armed school security officers pursuant to this section shall submit a report to the governor, the chair of the education committee of the house of representatives, the chair of the education committee of the senate, and the commissioner of education on or before September 1, 2021, that details any school security deficiencies and that provides recommendations for security improvements for each such school. If the report requirement of this subsection (h) affects more than one (1) law enforcement agency within any one (1) county, then the affected chief law enforcement officers shall submit a single, consolidated report covering the schools that have utilized armed school security officers pursuant to this section.

49-6-815. People permitted to possess and carry a firearm on school grounds.

(e) Nothing in § 49-3-315 shall be construed to require an LEA or a law enforcement agency of the county to assign or provide funding for a school resource officer as defined in § 49-6-4202 to any city school system within that county on the basis of the WFTEADA as defined by § 49-3-302. The providing of security or school resource officers by a sheriff shall be considered a law enforcement function and not a school operation or maintenance purpose that requires the apportionment of funds pursuant to § 49-3-315.

49-6-4202. Part definitions.

As used in this part, unless the context otherwise requires:

(6) "School resource officer" means a law enforcement officer, as defined under § 39-11-106, who is in compliance with all laws, rules and regulations of the peace officers standards and training commission and who has been assigned to a school in accordance with a memorandum of understanding between the chief of the appropriate law enforcement agency and the LEA.

49-6-4206. Policy authorizing school security officer to patrol.

(a) As used in this section, "school security officer" means an individual who is employed exclusively by the local school board or LEA for the purpose of:

- (1) Maintaining order and discipline;
- (2) Preventing crime;
- (3) Investigating violations of school board policies;
- (4) Returning students who may be in violation of the law, school board, or LEA policies to school property or to a school-sponsored event until the officer can place the student into the custody of the school administrator or the administrator's designee, the school resources officer, or the appropriate law enforcement officer; and
- (5) Ensuring the safety, security, and welfare of all students, faculty, staff, and visitors in an assigned school.

(b) Each LEA may develop and adopt, in consultation with the appropriate local law enforcement agency, a policy that authorizes a school security officer employed by the LEA to patrol within a one-mile radius of the security officer's assigned school, but not to exceed the boundaries of the assigned school's LEA.

(c) If an LEA adopts a policy pursuant to subsection (a) then the LEA shall file a copy of the policy with the appropriate local chief law enforcement officer.

(d) In patrolling the one-mile radius of the school, the school security officer shall:

- (1) Only patrol for violations of the law that involve minors, including truancy; and

(2) Immediately notify the appropriate local law enforcement agency of any violation of the law if the school security officer reasonably believes the individual committing the act to be a minor.

49-6-4219. Policy regulating use of electronic control devices.

Any law enforcement agency providing a school resource officer, school security officer or other law enforcement officer providing security at a school shall have a policy regulating the use of electronic control devices, which policy shall address training in the proper use of such devices, as well as investigation, documentation and review of such use, to include final approval of any report documenting such use by the agency's chief executive officer or sheriff.

49-6-4302. Tennessee school safety center.

(c)(1) The Tennessee school safety center, within the limit of appropriations for the center, shall establish school safety grants to assist LEAs in funding programs that address school safety, including, but not limited to, innovative violence prevention programs, conflict resolution, disruptive or assaultive behavior management, improved school security, school resource officers, school safety officers, peer mediation, and training for employees on the identification of possible perpetrators of school-related violence. [...]

(e) The Tennessee school safety center shall reserve moneys to fund school safety grants for LEAs with schools that did not have a full-time school resource officer during the 2018-2019 school year and that submit a school safety grant application describing the LEA's intent to utilize the grant for school resource officers, and to that end, the center shall prioritize school safety grants based on such applications. Any reserve funding awarded pursuant to this subsection (e) is subject to a twenty-five percent (25%) match by the LEA, adjusted for the LEA's fiscal capacity under the BEP formula, and must be available for school safety grants awarded for the 2019-2020 and 2020-2021 fiscal years. Any reserve funds that are not awarded pursuant to this subsection (e) must be reallocated in accordance with subsection (d). [...]

(h) LEAs are authorized to act in partnership with local law enforcement agencies for the purpose of hiring school resource officers under the state grant program set forth in § 38-8-115.

REGULATIONS

No relevant regulations found.

Threat Assessment Protocols

LAWS

49-6-2701. Threat assessment team.

(a) Each LEA may adopt a policy to establish a threat assessment team within the LEA. The purpose of the threat assessment team is to develop comprehensive intervention-based approaches to prevent violence, manage reports of potential threats, and create a system that fosters a safe, supportive, and effective school environment.

(b) The threat assessment team must include LEA personnel and law enforcement personnel. An LEA's threat assessment team may include juvenile services personnel, a representative of the local district attorney's office, a representative of the department of children's services, and mental health service providers.

(c) A threat assessment team shall:

- (1) Obtain training from local law enforcement or mental health service providers on how to assess individuals exhibiting threatening or disruptive behavior and develop interventions for individuals exhibiting such behavior;

- (2) Conduct threat assessments based on dangerous or threatening behavior of individuals in the school, home, or community setting;
- (3) Provide guidance to students, faculty, staff, and others in the LEA on how to recognize, address, and report threatening or dangerous behavior;
- (4) Establish procedures that outline the circumstances in which LEA personnel are required to report threatening or dangerous behavior;
- (5) Establish procedures for students, faculty, and community members to anonymously report threatening or dangerous behavior and specify to whom the behavior should be reported;
- (6) Provide guidance and best practices for the intervention and prevention of violence;
- (7) Establish procedures for the:
 - (A) Assessment of individuals exhibiting behavior that may present a threat to the health or safety of the individual or others;
 - (B) Development of appropriate means of intervention, diversion, and de-escalation of threats; and
 - (C) Development of appropriate courses of actions that should be taken in the event threatening or dangerous behavior is reported, including, but not limited to, referrals to community services or healthcare providers, notification of parents or guardians, if appropriate, or notification of law enforcement and emergency medical services;
- (8) Refer individuals to support services; and
- (9) Provide post-incident assessments and evaluate the effectiveness and response of the LEA to incidents.

(d) The threat assessment team shall document all behaviors and incidents deemed to pose a risk to school safety or that result in intervention and shall provide the information to the LEA. All information shall be documented in accordance with the Family Educational Rights and Privacy Act (FERPA)(20 U.S.C. 1232g), § 10-7-504, and all other relevant state and federal privacy laws. The LEA must consider the information when reviewing and developing a building-level school safety plan.

(e) The threat assessment team shall report threat assessment team activities to the local board of education and the director of schools on a regular basis. The report must include quantitative data on threat assessment team activities, including post-incident assessments, and must provide information on the effectiveness of the team's response to incidents deemed to pose a risk to school safety. The report must comply with the FERPA, § 10-7-504, and all other relevant state and federal privacy laws.

(f) Documents produced or obtained pursuant to this section are not open for public inspection. Threat assessment team meetings do not constitute an open meeting as defined by § 8-44-102.

49-6-2702. Request for law enforcement or court records upon determination that individual poses threat or exhibits significantly disruptive behavior or need for assistance - Use of information - Disclosure of student's education record.

(a)(1) Upon a preliminary determination by the threat assessment team that an individual poses a threat of violence or exhibits significantly disruptive behavior or need for assistance, the threat assessment team may:

- (A) Request law enforcement information or records, which may be provided as deemed appropriate by the law enforcement agency in accordance with state and federal privacy laws; and
- (B) Request court files and records, which may be provided as deemed appropriate by the juvenile court pursuant to § 37-1-153.

(2) A member of a threat assessment team shall not disclose any court files or records obtained pursuant to this section or otherwise use any record of an individual beyond the purpose for which the

disclosure was made. This section does not require a law enforcement agency or juvenile court to produce a record or limit a law enforcement agency's or juvenile court's discretion.

(3) Law enforcement and juvenile justice information obtained pursuant to this part cannot be used:

(A) To discipline or exclude a child from educational services unless the information is provided to a school pursuant to § 37-1-131(a)(2)(B); or

(B) By a juvenile court system to assess legal consequences against a person for any action, unless the information is brought before the juvenile court pursuant to a properly filed petition and addressed through the proper court proceedings in accordance with title 37, chapter 1.

(b) An LEA may disclose information contained in a student's education record to appropriate parties, including members of the threat assessment team and the members' respective agencies, in the event of an emergency if knowledge of the information is necessary to protect the health or safety of the student or other individuals. Any disclosure under this subsection (b) must comply with the Family Educational Rights and Privacy Act (FERPA)(20 U.S.C. 1232g), § 10-7-504, the Data Accessibility, Transparency and Accountability Act, compiled in chapter 1, part 7 of this title, and all other relevant state and federal privacy laws. This section does not limit an LEA's ability to disclose information to the fullest extent otherwise permitted by state or federal law.

(c) Agencies, entities, and individuals subject to the Health Insurance Portability and Accountability Act of 1996 (HIPAA)(42 U.S.C. § 1320d et seq.) may disclose information contained in a medical record to the threat assessment team if the agency, entity, or individual believes that the disclosure is necessary to prevent or lessen a serious and imminent threat to the health or safety of a person or the public. Any disclosure under this subsection (c) must comply with HIPAA. Nothing in this subsection (c) limits an agency's, entity's or individual's ability to disclose information to the fullest extent otherwise permitted by state or federal law.

(d) The threat assessment team shall certify to any agency or individual providing confidential information that the information will not be disclosed to any other party, except as provided by law. The agency providing the information to the threat assessment team shall retain ownership of the information provided, and such information remains subject to any confidentiality laws applicable to the agency. The provision of information to the threat assessment team does not waive any applicable confidentiality standards. Confidential information may be shared with the threat assessment team only as necessary to protect the safety of the individual or others. Nothing in this part compels an agency or individual to share records or information unless required by law.

49-6-2703. Immunity of threat assessment team.

A threat assessment team and individual members of a threat assessment team, and any person providing information to a threat assessment team, are not liable in any action for damages or for other relief for any lawful actions taken in accordance with this part. A threat assessment team and individual members of a threat assessment team are immune from liability arising from:

(1) The provision of information to a threat assessment team, if the information is provided to the threat assessment team in good faith, without malice, and on the basis of facts known or reasonably believed to exist; or

(2) Any decisions, opinions, actions, and proceedings rendered, entered, or acted upon by a threat assessment team within the scope or function of the duties of the threat assessment team if made in good faith, without malice, and on the basis of facts known or reasonably believed to exist.

REGULATIONS

No relevant regulations found.

State-Sponsored, Publicly Available Websites or Other Resources on School Discipline

Safe, supportive learning environments use disciplinary policies and practices that help students stay out of the justice system, while ensuring academic engagement and success for all students. The following resources provided by Tennessee provide additional context to state policy and regulations and, in some cases, may support the readers' efforts to provide a positive disciplinary school climate.

<i>Title</i>	<i>Description</i>	<i>Website address (if applicable)</i>
<i>Website</i>		
Bullying & Harassment, Tennessee Department of Education (TDOE)	Provides information for parents, students, and school regarding how to respond to bullying.	https://www.tn.gov/education/health-and-safety/bullying-and-harassment.html
Chronic Absenteeism, TDOE	Addresses Chronic Absenteeism as an indicator called "Chronically Out-of-School Indicator" and provides information on the importance of indicator and data collection, including related resources and Back-to-School Attendance Toolkit.	https://www.tn.gov/education/student-support/chronic-absenteeism.html
Creating Safe and Healthy Learning Environments, TDOE	Provides links and key terms to subtopics such as school safety, school climate, bullying, and harassment.	https://www.tn.gov/education/health-and-safety.html
RTI2, TDOE	Provides resources and information about the Response to Instruction and Intervention Framework.	https://www.tn.gov/education/instruction/tdoe-rti2.html
School Safety, TDOE	Provides an overview on school safety and links to related topics including bullying and harassment, school resource officers, school discipline institute presentations, and other resources.	https://www.tn.gov/education/health-and-safety/school-safety.html
Student Supports in Tennessee, TDOE	Provides a framework for seeing how all the practices, programs, and interventions fit together to meet student needs.	https://www.tn.gov/education/student-support/student-supports-in-tn.html

<i>Title</i>	<i>Description</i>	<i>Website address (if applicable)</i>
Documents		
Bullying and Harassment: An Educator's Guide for Addressing Bullying and Harassment Complaints in Tennessee (October 2012), TDOE	Manual for LEAs on bullying and harassment.	https://www.tn.gov/content/dam/tn/education/safety/bully_harass_educator_guide_complaints.pdf
Implementation Guide: Response to Instruction and Intervention Framework, TDOE	Implementation guide for school districts and administrators regarding the RTI ² framework to ensure positive outcomes for Tennessee students.	https://www.tn.gov/content/dam/tn/education/special-education/rti/rti2_implementation_guide.pdf
Overview of Student Supports in Tennessee (March 2018), TDOE	Provides in-depth information regarding the Multi-Tiered System of Supports framework to assist school administrators in adopting and implementing MTSS in schools.	https://www.tn.gov/content/dam/tn/education/reports/student_supports_overview.pdf
Sample Bullying and Harassment Policy, TDOE	Sample policy addressing bullying and harassment in schools.	https://www.tn.gov/content/dam/tn/education/safety/bully_harass_sample_policy.pdf
Sample Memorandum of Understanding, TDOE	Sample MOU for school resource officer program in Tennessee schools.	https://www.tn.gov/content/dam/tn/education/safety/safe_sch/safe_sch_sro_sample_mou.docx
Trauma-informed Discipline Practices Guidance Document, TDOE	Guidance document provides information about trauma-informed discipline practices.	https://www.tn.gov/content/dam/tn/education/safety/Trauma_informed_Discipline_Practices_Guidance.docx
Other Resources		
2019 Legislative Report, TDOE	Report on Public Chapters and Resolutions Affecting K-12 Education in Tennessee.	https://www.tn.gov/content/dam/tn/education/legal/2019_legislative_report.pdf
Bullying and Harassment Compliance Report (Updated December 2019), TDOE	Document states the total number of bullying cases reported statewide (2018-19). Bullying has no place in Tennessee schools and TDOE is dedicated to responsibly and effectively addressing bullying and harassment in Tennessee public schools.	https://www.tn.gov/content/dam/tn/education/legal/BullyingandHarassmentComplianceReport20182019FINAL.pdf

<i>Title</i>	<i>Description</i>	<i>Website address (if applicable)</i>
Social and Personal Competencies, TDOE	Online learning modules that introduce the concept of social and personal competencies and teaching practices that support the academic, social, and emotional skills development of all students.	https://www.tn.gov/education/health-and-safety/school-climate/social-and-personal-competencies.html
State Report Card, TDOE	State report card provides data by school year on student characteristics, college/career readiness, accountability, education climate, and teachers/staff. Data on disciplinary actions is disaggregated by race and gender.	https://www.tn.gov/education/data/report-card.html