

SENATE BILL 2041

By Kelsey

AN ACT to amend Tennessee Code Annotated, Title 49, Chapter 10; Title 49, Chapter 13; Title 49, Chapter 15; Title 49, Chapter 2; Title 49, Chapter 5; Title 49, Chapter 50 and Title 49, Chapter 6, relative to school discipline.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 49-6-4216, is amended by adding the following language as new, appropriately designated subsections:

() The principal, on behalf of an individual public school, may apply for a waiver from the commissioner to waive certain policies and procedures for zero tolerance violations pursuant to this section.

() The principal shall not waive zero tolerance policies and procedures for:

(1) A pupil determined to have brought to school or to be in unauthorized possession on school property of a firearm, as defined in 18 U.S.C. § 921;

(2) A student committing aggravated assault as defined in § 39-13-102 upon any teacher, principal, administrator, any other employee of an LEA or school resource officer; or

(3) A student unlawfully possessing any drug including any controlled substance, as defined in §§ 39-17-403 — 39-17-415, controlled substance analogue, as defined by § 39-17-454, or legend drug, as defined by § 53-10-101.

() If a principal applies for a waiver from the commissioner, then the application for the waiver shall include an alternative discipline plan for implementing alternatives to the current zero tolerance policies and procedures approved by the commissioner.

() The waiver shall terminate at the end of each school year. The principal may reapply for the waiver from the commissioner.

() At the beginning of fall classes each school year, the principal shall provide students and their parents with written notification of the alternative discipline plan. Additionally, the school shall conspicuously post a summary of the policies and procedures within the school.

() The alternative discipline plan shall be kept on file in the office of the commissioner, the LEA and the Tennessee school safety center.

SECTION 2. The commissioner of education and the executive director of the state board of education are authorized to promulgate rules to effectuate the purposes of this act. All such rules shall be promulgated in accordance with Tennessee Code Annotated, Title 4, Chapter 5.

SECTION 3. This act shall take effect July 1, 2014, the public welfare requiring it.