

Category:	Procedure:	
<b>Students</b>	<b>Zero Tolerance Expulsions</b>	
Descriptor Code:	Issued Date:	Revised Date:
<b>AP-J-194</b>	<b>October 2003</b>	

- 1
- 2 A student who commits a zero tolerance violation is subject to expulsion from school for a period of not
- 3 less than one calendar year except that the Superintendent may modify the expulsion on a case by case
- 4 basis. TCA 49-6-3401(g)
- 5
- 6 1. Unless the student's continued presence in the school, class or school-related activity presents an
- 7 immediate danger to the student or other persons or property, no principal shall suspend any student until
- 8 that student has been advised of the nature of his misconduct, questioned about it, and allowed to give an
- 9 explanation.
- 10
- 11 2. Upon suspension of any student, including suspension until a hearing to which parent(s) is invited
- 12 to attend may be scheduled, the principal shall make an immediate attempt to contact the parent or
- 13 guardian to inform them of the suspension. The student shall not be sent home before the end of the school
- 14 day unless the parent or guardian has been contacted.
- 15
- 16 3. If the initial hearing results in suspension of four (4) days or fewer pending the discipline hearing
- 17 and subsequent recommendation for expulsion, the decision of the principal for a short-term suspension
- 18 shall be final and is not appealable above the school level. However, the parent may request a review of
- 19 the suspension record for procedural correctness.
- 20
- 21 4. The principal shall notify the parent or guardian and Superintendent in writing:
- 22     a. Of the suspension, the cause for it, and the possibility of a recommendation for expulsion under
- 23     zero tolerance; and
- 24     b. A request for a meeting with the parent or guardian, student and principal, to be held as soon as
- 25     possible, but no later than five (5) days following the out of school suspension.
- 26
- 27 5. At the scheduled meeting, whether or not attended by the parent/guardian or the student, the principal
- 28 shall state that the suspension will continue until the principal's recommendation for expulsion under zero
- 29 tolerance may be acted upon.
- 30
- 31 6. The principal shall immediately give oral and written notice to the parent or guardian and the
- 32 student of the right to request an appeal as to the guilt or innocence of the student and shall inform
- 33 them that:
- 34     a. The Superintendent may, on a case-by-case basis, modify the length of the expulsion; and
- 35     b. All cases will be reviewed for possible modification.
- 36     c. All cases will be reviewed to determine whether the student shall be removed from school
- 37     attendance at the location where the violation occurred or removed from school attendance
- 38     altogether. In addition, the principal shall provide forms for the parent/guardian, the student, or
- 39     any person designated by the student to give written information related to the event. Such
- 40     documents must be submitted to the Office of the Superintendent within five days of the hearing
- 41     with the principal.
- 42

1 7. The Superintendent may modify the length of the expulsion or he may uphold the recommendation  
2 of the principal for expulsion for a calendar year. The decision of the Superintendent shall be final  
3 except that the Board may grant a review if requested by the parent or the student but such review  
4 shall be limited to consideration of guilt or innocence only. The review shall be based on the summary of  
5 records from the principal's hearing, the modification review, and such additional evidence as the Board  
6 may deem admissible.

7  
8 8. For those appealing the guilt/innocence of the student, the appeal must be filed within five (5) days  
9 after receipt of the notice and may be filed by the parent/guardian, the student or any person designated by  
10 the student. This appeal shall be to the disciplinary hearing authority appointed by the Board. The hearing  
11 shall be held no later than ten (10) days after the beginning of the suspension. The notice of the time and  
12 place of this hearing shall be given in writing to the parent or guardian and student by the  
13 disciplinary hearing authority. Students who have engaged in behavior prohibited by zero tolerance shall  
14 be considered for the alternative school program. The Superintendent shall make a determination  
15 regarding alternative educational services. The Superintendent's decision shall be based on the summary of  
16 records from the principal's hearing, the alternate educational services review, and such additional  
17 evidence as the Superintendent may deem admissible. (Refer to Board Policy J-281)

18  
19 9. After the hearing, if the disciplinary hearing authority finds the evidence adequate to support the  
20 guilt of the child, a request for modification by the Superintendent may be made as outlined in  
21 numbers seven and eight above or a request for review may be made within five (5) days to the Board for  
22 a judgment of guilt or innocence.

23  
24 10. If the Board finds the student guilty of the offense, the one calendar year expulsion shall stand,  
25 although a request for modification by the Superintendent may be made as outlined in numbers seven and  
26 eight above.

27  
28 11. The Superintendent shall report to the Board monthly on modifications requested and dispositions  
29 of such requests.

30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45  
46  
47  
48  
49