

HOUSE BILL 2134

By Cepicky

AN ACT to amend Tennessee Code Annotated, Title 49,
relative to the "Teacher's Discipline Act."

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

SECTION 1. This act shall be known and may be cited as the "Teacher's Discipline Act."

SECTION 2. Tennessee Code Annotated, Title 49, Chapter 6, Part 41, is amended by adding the following as a new section:

(a) A teacher has the authority, consistent with LEA policy, to manage the teacher's classroom, discipline students, and refer a student to the principal or the principal's designee to maintain discipline in the classroom. The principal or the principal's designee shall respond when a student is referred by a teacher by employing appropriate discipline management techniques that are consistent with LEA policy.

(b)

(1) A teacher has the authority to remove from the teacher's class a student who repeatedly or substantially interferes with the teacher's ability to communicate effectively with the class or with the ability of the student's classmates to learn, where the student's behavior is in violation of the student code of conduct, provided that the teacher has previously issued a disciplinary referral under § 49-6-4106 or determines that the student's behavior poses an immediate threat to the safety of the student's classmates or the teacher.

(2) If removal occurs pursuant to subdivision (b)(1), the teacher shall file with the principal or the principal's designee a report describing the student's behavior, in one (1) page or less, by the end of the school day on which the

removal occurs or at the beginning of the next school day. The principal or the principal's designee shall, within one (1) school day after the student's removal from class, send to the student's parents or guardians written notification that the student was removed from class, a copy of the report filed by the teacher, and information regarding how the student's parents or guardians may contact the principal or the principal's designee.

(3) Each school principal shall fully support the authority of every teacher in the principal's school to remove a student from the classroom under this subsection (b). Each school principal shall implement the policies and procedures of the LEA relating to the authority of every teacher to remove a student from the classroom and shall disseminate the policies and procedures to faculty, staff, and parents or guardians of students.

(c)

(1) If a teacher removes a student from class pursuant to subsection (b), the principal or the principal's designee shall discuss the matter with the teacher and the student by the end of the school day on which such removal occurs or at the beginning of the next school day. The principal or the principal's designee shall give the student oral or written notice of the grounds for removal from class and, if the student denies engaging in such conduct, the principal or the principal's designee shall explain the evidence supporting the student's removal from class and give the student an opportunity to present an explanation of the situation.

(2) If, after the discussions described in subdivision (c)(1), the principal or the principal's designee seeks to return the student to the teacher's class and the teacher consents, the student shall be returned to the class, and the principal or the principal's designee may take action to discipline the student, as may be warranted.

(3) If, after the discussions described in subdivision (c)(1), the principal or the principal's designee seeks to return the student to the teacher's class and the teacher does not consent to the student's return to class, the principal or the principal's designee shall determine an appropriate temporary placement for the student by the end of the first school day following removal and shall also take steps to convene a meeting of a placement review committee. The placement review committee must convene by the end of the second school day following removal by the teacher and must issue a decision by the end of the third school day following such removal by the teacher. An appropriate temporary placement for the student is a placement that, in the judgment of the principal or the principal's designee, provides the least interruption to the student's education and reflects other relevant factors, including, but not limited to, the severity of the behavior that was the basis for the removal, the student's behavioral history, the student's need for support services, and the available education settings. The student must not be returned to the class of the teacher who removed the student, as an appropriate temporary placement, unless the teacher consents to the return. The temporary placement must be in effect from the time of removal until the decision of the placement review committee is issued or, if applicable, a placement determination is made pursuant to subdivision (e)(2).

(d)

(1) Local education agency policies shall provide for the establishment at each school of one (1) or more placement review committees, each of which is to be composed of three (3) members, to determine the placement of a student when a teacher withholds the teacher's consent to the return of a student to the teacher's class. For each committee established, the faculty must choose two (2)

teachers to serve as members and one (1) teacher to serve as an alternate member, and the principal must choose one (1) member of the professional staff of the school to serve as a member. The teacher withholding consent to readmit the student shall not serve on the committee. The placement review committee has the authority to:

(A) Return the student to the teacher's class upon determining that such placement is the best alternative or the only available alternative; or

(B) Refer the student to the principal or the principal's designee for appropriate action consistent with subdivision (e)(2).

(2) The decision of the placement review committee must be in writing and must be made within three (3) school days after the teacher withholds consent to the return of a student. LEAs must provide training for members of placement review committees regarding this section, including procedural requirements, LEA policies relating to student discipline, and the student code of conduct that is applicable to the school.

(e)

(1) If a placement review committee decides to return a student to a class from which the student was removed, the principal or the principal's designee must implement the decision of the placement review committee. In addition, the principal or the principal's designee may, consistent with any applicable procedural requirements of the constitutions of the United States and Tennessee and after considering the use of any appropriate student support services, take any of the following actions which are authorized as a response to

the alleged violation of the student code of conduct by LEA policies adopted pursuant to § 49-6-4109:

(A) Place the student in an alternative education program;

(B) Impose out-of-school suspension for not more than ten (10) school days, including any time during which the student was subject to out-of-school suspension after the student's removal from class pursuant to subsection (b); or

(C) Make another disciplinary decision or recommendation consistent with LEA policy.

(2) If a placement review committee decides not to return a student to a class from which the student was removed, the principal or the principal's designee must implement the decision of the placement review committee. In addition, the principal or the principal's designee must determine an appropriate placement for the student and may take action to discipline the student, in a manner consistent with any applicable procedural requirements of the constitutions of the United States and Tennessee and after considering the use of any appropriate student support services, as follows, provided that the placement or disciplinary action is authorized as a response to the alleged violation of the student code of conduct by LEA policies:

(A) Place the student into another appropriate classroom or an alternative education program;

(B) Impose out-of-school suspension for not more than ten (10) school days, including any time during which the student was subject to out-of-school suspension after the student's removal from class pursuant to subsection (b);

(C) Make another placement or disciplinary decision or recommendation consistent with LEA policy; or

(D) Implement or recommend any appropriate combination of the above and return the student to the class from which the student was removed upon the completion of any disciplinary or placement action taken pursuant to this subdivision (e)(2).

(f) Within one (1) school day of taking action pursuant to subsection (e), the principal or the principal's designee must send written notification of the action to the teacher and the parents or guardians of the student and must make a reasonable attempt to confirm that the written notification has been received by the student's parents or guardians.

(g) Parents or guardians of a student who has been removed from class pursuant to subsection (b) may be required to participate in conferences that may be requested by the principal or the principal's designee. A student may not be penalized for the failure of the student's parent or guardian to attend such a conference.

(h) The procedures contained in this section relating to student conferences and notification of parents or guardians are minimum requirements. Nothing in this section limits the authority of an LEA to establish additional requirements relating to student conferences, notification of parents or guardians, conferences with parents or guardians, or other procedures required by the constitutions of the United States or Tennessee.

SECTION 3. This act shall take effect July 1, 2020, the public welfare requiring it.