

MURFREESBORO CITY SCHOOL BOARD POLICY

Descriptor Term: ZERO TOLERANCE OFFENSES	Descriptor No: STU 38	Date Adopted: 6/98
	Reviewed/Revision Adopted: 1/01; 6/11	

1 In order to ensure safe and secure learning environments free of drugs, violence, and firearms, it
2 is necessary to impose swift, certain, and reasoned punishment on any student who violates
3 certain standards regarding **firearms**, drugs and violence. The principal or principal's designee
4 is responsible for investigating alleged violations of this policy, and for taking disciplinary action
5 up to and including the issuance of an expulsion. Upon determining that a student has committed
6 a Zero Tolerance offense, the principal shall expel the student for a period of not less than one
7 (1) calendar year, subject only to the due process procedures set forth in this policy and the
8 authority of the Director of Schools to modify the expulsion requirement on a case-by-case basis.

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10 **ZERO-TOLERANCE OFFENSES**

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12 In accordance with T.C.A. §49-6-3401(g), Zero Tolerance offenses include:

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14 1. Bringing a firearm to school and/or the unauthorized possession of a firearm on
15 school property; the term "firearm" has the same meaning as set forth in 18
16 U.S.C.A. §921(a)(3), and includes: (A) any weapon (including a starter gun)
17 which will or is designed to or may readily be converted to expel a projectile by
18 the action of an explosive; (B) the frame or receiver of any such weapon; (C) any
19 firearm muffler or firearm silencer; or (D) explosive, incendiary device, or any
20 similar destructive device such as a bomb, grenade, rocket/missile, mine, or
21 poisonous substance;
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23 2. Unlawful possession, use, sale, distribution, or delivery of any drug, including any
24 controlled substance, as defined in T.C.A. §§39-17-403 through 39-17-415, or
25 legend drug, as defined in T.C.A. §53-10-101; and
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27 3. Battery of a teacher, principal, administrator, or any other employee of the school,
28 where battery is defined as intentionally, knowingly, or recklessly causing bodily
29 injury to another, or causing physical contact with another person that is
30 extremely offensive or provocative.

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32 This policy shall be published in the Code of Conduct as set forth in the *Parent/Student*
33 *Handbook*, and provided annually to all teachers, administrative staff, and parents.

36 NOTIFICATION

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38 When a student is charged with a Zero Tolerance offense, the principal shall follow the
39 notification procedures for suspension, in-school suspension, and expulsion set forth in Board
40 Policy STU 25.

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42 APPEAL

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44 An appeal of a principal's Zero Tolerance offense determination must be filed, orally or in
45 writing, within five (5) days after receipt of the notice required by Board Policy STU 25. The
46 appeal may be filed by the student's parent or guardian, the student, or any employee of the
47 school system if requested by the student.

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49 The Disciplinary Hearing Authority (DHA) shall hear any such initial appeal in accordance with
50 procedures set forth in Board Policies STU 24 and 25; provided, however, that the scope of the
51 DHA's review shall be limited to the issue of whether or not the student committed a Zero
52 Tolerance offense. In the event the DHA finds that the evidence does not support the principal's
53 determination that the student committed a Zero Tolerance offense, then the DHA shall reverse
54 the expulsion. If, however, the DHA finds that the evidence does support the principal's
55 determination, it must affirm the expulsion. In affirming the expulsion, the DHA may
56 recommend a lesser punishment for consideration by the Director of Schools, if it determines
57 that the facts and circumstances of the case warrant such a modification in penalty.

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59 If a review of the DHA's determination is requested by the principal or on behalf of the student,
60 the Board shall either review the record or grant a second hearing. The scope of the Board's
61 review shall be limited to the issue of whether or not the student committed a Zero Tolerance
62 offense. In the event the Board finds that the evidence does not support the DHA's
63 determination that the student committed a Zero Tolerance offense, then the Board shall reverse
64 the expulsion. If, however, the Board finds that the evidence does support the principal's
65 determination, it must affirm the expulsion. In affirming the expulsion, the Board may
66 recommend a lesser punishment for consideration by the Director of Schools, if it determines
67 that the facts and circumstances of the case warrant such a modification in penalty.

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69 In accordance with T.C.A. §49-6-3401(g), only the Director of Schools has authority to modify
70 the required one-year expulsion where the evidence indicates that a student has committed a Zero
71 Tolerance offense. The Director of Schools may exercise this authority at any stage of the
72 appeals process.

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Legal References:

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76 18 U.S.C. 921

77 T.C.A. §49-6-4216(b); T.C.A. §49-6-3401(g)

78 T.C.A. §49-6-4209; T.C.A. §39-17-1312