

## Decatur County Board of Education

Monitoring: <b>Review: Annually, in March</b>	Descriptor Term: <b>Suspension/Expulsion/Remand</b>	Descriptor Code: <b>6.316</b>	Issued Date: <b>07/13/17</b>
		Rescinds: <b>6.316</b>	Issued: <b>10/11/07</b>

1 **DEFINITIONS:**<sup>1</sup>

2 **Suspension:** dismissed from attendance at school for any reason not more than ten (10) consecutive  
3 days. Multiple suspensions shall not run consecutively nor shall multiple suspensions be applied to  
4 avoid expulsion from school.

5 **Expulsion:** removal from attendance for more than ten (10) consecutive days or more than fifteen (15)  
6 days in a month of school attendance. Multiple suspensions that occur consecutively shall constitute  
7 expulsion.

8 **Remand:** assignment to an alternative school.

9 **REASONS FOR SUSPENSION/EXPULSION:**

10 Any principal, principal-teacher or assistant principal (herein called principal) may suspend/expel any  
11 student from attendance at school or any school-related activity on or off campus or from attendance at  
12 a specific class or classes, or from riding a school bus, without suspending such student from attendance  
13 at school (in-school suspension), for good and sufficient reasons including, but not limited to:<sup>2</sup>

- 14 1. Willful and persistent violation of the rules of the school;
- 15 2. Immoral or disreputable conduct, including vulgar or profane language;
- 16 3. Violence or threatened violence against the person of any personnel attending or assigned to any  
17 school;
- 18 4. Willful or malicious damage to real or personal property of the school, or the property of any  
19 person attending or assigned to the school;
- 20 5. Inciting, advising or counseling of others to engage in any of the acts herein enumerated;
- 21 6. Possession of a pistol, gun or firearm on school property;<sup>3</sup>
- 22 7. Possession of a knife, etc., as defined in TCA 39-17-1309, on school property;
- 23 8. Assaulting a principal, teacher, school bus driver or other school personnel with vulgar, obscene  
24 or threatening language;
- 25 9. Unlawful use or possession of barbitol or legend drugs, as defined in TCA 53-10-101;

- 1 10. Engaging in behavior which disrupts a class or school-sponsored activity;
- 2 11. Making a threat, including a false report, to use a bomb, dynamite, or any other deadly  
3 explosive or destructive device including chemical weapons on school property or at a school  
4 sponsored event;
- 5 12. One (1) or more students initiating a physical attack on an individual student on school property  
6 or at a school activity, including travel to and from school;
- 7 13. Off-campus criminal behavior resulting in felony charges; when behavior poses a danger to  
8 persons or property or disrupts the educational process; and
- 9 14. Any other conduct prejudicial to good order or discipline in any school.

10 If as a result of an investigation, a principal or his/her designee finds that a student acted in self-  
11 defense under a reasonable belief that the student, or another to whom the student was coming to the  
12 defense, may have been facing the threat of imminent danger of death or serious bodily injury, then,  
13 the student may not face any disciplinary action.<sup>4</sup>

#### 14 **IN-SCHOOL SUSPENSION:**<sup>5</sup>

- 15 1. Students given an in-school suspension in excess of one (1) day from classes shall attend either  
16 special classes attended only by students guilty of misconduct or be placed in an isolated area  
17 appropriate for study; and
- 18 2. Personnel responsible for in-school suspension will see that each student is supervised at all  
19 times and has textbooks and classwork assignments from his/her regular teachers. Students  
20 given in-school suspension shall be required to complete academic assignments and shall  
21 receive credit for work completed.

#### 22 **PROCEDURES FOR OUT OF SCHOOL SUSPENSION AND EXPULSION:**<sup>6</sup>

- 23 1. Unless the student's continued presence in the school, class or school-related activity presents  
24 an immediate danger to the student or other persons or property, no principal shall  
25 suspend/expel any student until that student has been advised of the nature of his/her  
26 misconduct, questioned about it, and allowed to give an explanation.
- 27 2. Upon suspension/expulsion of any student (in-school suspension in excess of one (1) day), the  
28 principal shall make an immediate attempt to contact the parent or guardian to inform them of  
29 the suspension/expulsion. The student shall not be sent home before the end of the school day  
30 unless the parent or guardian has been contacted.
- 31 3. The principal shall notify the parent or guardian and the director of schools or designee in  
32 writing:
  - 33 a. Of the suspension/expulsion and the cause for it; and

- 1           b. A request for a meeting with the parent or guardian, student and principal, to be held as  
2           soon as possible, but no later than five (5) days following the suspension/ expulsion.
- 3       4. Immediately following the scheduled meeting, whether or not attended by the parent or  
4       guardian or student, the principal shall determine the length of the suspension/expulsion and set  
5       conditions for readmission. If the principal determines the length of the suspension to be  
6       between six (6) and the maximum of ten (10) days, the principal shall develop and implement a  
7       plan for correcting the behavior when the student returns to school.
- 8       5. If at the time of the suspension the principal determines that an offense has been committed  
9       which, in the judgment of the principal would justify a suspension/expulsion for more than ten  
10       (10) days, he/she may suspend/expel/remand the student unconditionally for a specified period  
11       of time or upon such terms and conditions as are deemed reasonable.
- 12       6. The principal shall immediately give written or actual notice to the parent or guardian and the  
13       student of the right to appeal the decision to suspend/expel/remand for more than ten (10) days.  
14       The notice shall include a statement that, unless the student's parent or guardian requests an  
15       open hearing in writing within five (5) days of receipt of the notice, any hearing will be closed  
16       to the public. All appeals must be filed, orally or in writing, within five (5) days after receipt of  
17       the notice and may be filed by the parent or guardian, the student or any person holding a  
18       teaching license who is employed by the school system if requested by the student.
- 19       7. The appeal from this decision shall be to the board or to a disciplinary hearing authority  
20       appointed by the board.
- 21       8. If the suspension/expulsion occurs during the last ten (10) days of any term or semester, the  
22       student shall be permitted to take such final examinations or submit such required work as  
23       necessary to complete the course of instruction for that semester, subject to conditions  
24       prescribed by the principal.

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 Legal References

1. TCA 49-6-3007(h)
2. TCA 49-2-203(a)(7); TCA 49-6-3401(a)
3. TCA 49-6-4216; TCA 39-17-1309(b)
4. TCA 49-6-3401(i)
5. TCA 49-6-3401(b)(1)
6. TCA 49-6-3401(a)-(c); *Goss v. Lopez*, 419 U.S. 565 (1975); 20 USCS 1415; Individuals with Disabilities Act Amendments of 1997 § 615

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 Cross References

- Procedural Due Process 6.302  
 Bus Conduct 6.308  
 Zero Tolerance Offenses 6.309  
 Dress Codes 6.310  
 Discipline Procedures 6.313  
 Disciplinary Hearing Authority 6.317