

Lakeland Board of Education

Monitoring: Review: Annually, in April	Descriptor Term: Suspension/Expulsion/Remand	Descriptor Code: 6.316	Issued Date: 05/12/14
		Rescinds:	Issued:

1 **DEFINITIONS:**¹

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

5 **Expulsion:** removal from attendance for more than ten (10) consecutive school days or more than
6 fifteen (15) school days in a month of school attendance. Multiple suspensions that occur consecutively
7 shall constitute 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
13 attendance at school (in-school suspension), for good and sufficient reasons including, but not limited
14 to:²

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

- 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.⁴

14 **IN-SCHOOL SUSPENSION:**⁵

- 15 1. Students given an in-school suspension in excess of one (1) school day 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:**⁶

- 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) school
28 day), the principal shall make an immediate attempt to contact the parent or guardian to inform
29 them of the suspension/expulsion. The student shall not be sent home before the end of the
30 school day unless the parent or guardian has been contacted.
- 31 3. The principal shall notify the parent or guardian and the superintendent or designee in writing:
32 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) working days following the suspension/
3 expulsion.
- 4 4. Immediately following the scheduled meeting, whether or not attended by the parent or
5 guardian or student, the principal shall determine the length of the suspension/expulsion and set
6 conditions for readmission. If the principal determines the length of the suspension to be
7 between six (6) school days and the maximum of ten (10) school days, the principal shall
8 develop and implement a plan for correcting the behavior when the student returns to school.
- 9 5. If at the time of the suspension the principal determines that an offense has been committed
10 which, in the judgment of the principal would justify a suspension/expulsion for more than ten
11 (10) school days, he/she may suspend/expel/remand the student unconditionally for a specified
12 period of time or upon such terms and conditions as are deemed reasonable.
- 13 6. The principal shall immediately give written or actual notice to the parent or guardian and the
14 student of the right to appeal the decision to suspend/expel/remand for more than ten (10)
15 school days. The notice shall include a statement that, unless the student's parent or guardian
16 requests an open hearing in writing within five (5) working days of receipt of the notice, any
17 hearing will be closed to the public. All appeals must be filed, orally or in writing, within five
18 (5) working days after receipt of the notice and may be filed by the parent or guardian, the
19 student or any person holding a teaching license who is employed by the school system if
20 requested by the student.
- 21 7. The appeal from this decision shall be to the Board or to a disciplinary hearing authority
22 appointed by the Board.
- 23 8. If the suspension/expulsion occurs during the last ten (10) school days of any term or semester,
24 the student shall be permitted to take such final examinations or submit such required work as
25 necessary to complete the course of instruction for that semester, subject to conditions
26 prescribed by the principal.

 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; TCA 39-17-417
4. TCA 49-6-3401(i)
5. TCA 49-6-3401(b)(1)
6. TCA 49-6-3401(4)-(6); *Goss v. Lopez*, 419 U.S. 565 (Ohio, 1975); Individuals with Disabilities Act Amendments of 1997 § 615

 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