



6316 – Suspension/Expulsion/Remand

ADOPTED: April 9, 2021

REVISED:

MONITORING: Annually

DEFINITIONS¹

Suspension: Dismissed from attendance at school for any reason for not more than ten consecutive school days. Multiple suspensions shall not run consecutively nor shall multiple suspensions be applied to avoid expulsion from school.

Expulsion: Removal from attendance for more than ten (10) consecutive school days or more than fifteen school days in a month of school attendance.

Remand: Assignment by an authorized charter school to an alternative school, where available, after the expulsion of a student. A student who is remanded shall be included in average daily attendance and average daily membership and shall continue to be counted as present at the authorized charter school for funding purposes.

REASONS FOR SUSPENSION/EXPULSION/REMAND²

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

1. Willful and persistent violation of the rules of the school;
2. Immoral or disreputable conduct or vulgar or profane language;
3. Violence or threatened violence against the person of any personnel attending or assigned to any school;
4. Willful or malicious damage to real or personal property of the school, or the property of any person attending or assigned to the school;
5. Inciting, advising, or counseling of others to engage in any of the acts mentioned in this policy;
6. Marking, defacing, or destroying school property;
7. Possession of a pistol, gun, or firearm on school property;
8. Possession of a knife or other weapons as defined in T.C.A. § 39-17-1301 on school property;

9. Assaulting a school leader, teacher, school bus driver, or other school personnel with vulgar, obscene, or threatening language;
10. Unlawful use or possession of barbitol or legend drugs as defined in T.C.A. § 53-10-101;
11. One or more students initiating a physical attack on an individual student on school property or at a school-related activity, including travel to and from school or a school-related activity;
12. Making a threat, including a false report, to use a bomb, dynamite, or any other deadly explosive or destructive device, including chemical weapons, on school property or at a school sponsored event;
13. Any other conduct prejudicial to good order or discipline in any public school; and
14. Off campus criminal behavior that results in the student being legally charged with an offense that would be classified as a felony if the student was charged as an adult or if adjudicated delinquent for an offense that would be classified as a felony if the student was an adult, or if the student was convicted of a felony, and the student's continued presence in school poses a danger to persons or property or disrupts the educational process.

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

DISCIPLINING STUDENTS WITH DISABILITIES

Authorized charter schools shall ensure that all requirements of state and federal laws (including, but not limited to the Individuals with Disabilities Education Act and Section 504 of the Rehabilitation Act of 1973), rules and policies are followed when disciplining students with disabilities.

All discipline policies and/or codes of conduct for authorized charter schools shall include provisions addressing students with disabilities specifically.

IN-SCHOOL SUSPENSION³

Students given an in-school suspension in excess of one school day shall attend either special classes attended only by students who have committed misconduct or be placed in an isolated area appropriate for study. Students given in-school suspension shall be required to complete academic assignments and shall receive credit for work completed.



PROCEDURES FOR OUT OF SCHOOL SUSPENSION/EXPULSION/REMAND⁴

Unless the student's continued presence in the school, class, or school-related activity presents an immediate danger to the student or other persons or property, no school leader shall suspend/expel/remand any student until that student has been advised of the nature of his/her misconduct, questioned about it, and allowed to give an explanation.

Upon suspension/expulsion/remand of any student or in-school suspension of more than one school day, the school leader shall contact the parent or guardian within twenty-four hours of the decision to inform him/her of the suspension/expulsion/remand, the cause for it, and the conditions for readmission, which may include, at the request of either party, a meeting of the parent or guardian, student, and school leader.

If the length of the suspension is between six and ten days, the school leader shall develop and implement a plan for improving the behavior when the student returns to school.

If the suspension/expulsion/remand occurs during the last ten school days of any term or semester, the student may be permitted to take such final examinations or submit such required work as necessary to complete the course of instruction for that semester, subject to action of the school leader.⁵

SUSPENSION/EXPULSION/REMAND FOR MORE THAN TEN DAYS

If, at the time of the suspension, the school leader determines that an offense has been committed that would justify a suspension/expulsion/remand for more than ten days, he/she may suspend/expel/remand the student unconditionally for a specified period of time or upon such terms and conditions as are deemed reasonable.

The school leader shall immediately give notice to the parent or guardian of the student of the right to appeal the decision to suspend/expel/remand for more than ten days to a Disciplinary Hearing Authority as set forth in Commission LEA Policy 6317 – Required Remands and Student Disciplinary Hearing Authority.

Subsequent to an appeal and decision by the Disciplinary Hearing Authority, the Commission reserves the right to modify an expulsion or remand on a case by case basis after review, in accordance with T.C.A. § 49-6-3401(4)(g).

REMAND

Authorized charter schools may remand students to an alternative school in accordance with the terms of a fully executed Memorandum of Understanding with the geographic LEA.



Legal References:

¹ T.C.A. § 49-6-3007(h)

² T.C.A. § 49-6-3401(a)-(b)

³ T.C.A. § 49-6-3401(b)(2)

⁴ T.C.A. § 49-6-3401(c)(1)-(4);

Goss v. Lopez , 419 U.S. 565 (1975)

⁵ T.C.A. § 49-6-3401(d)

Cross References:

LEA Policy 6317 Required Remands and Student
Disciplinary Hearing Authority

LEA Policy 6313 Student Discipline

LEA Policy 1801 Special Education

LEA Policy 1802 ADA and Section 504