

Bartlett City Board of Education		6036
Descriptor Term: APPEALS RELATED TO DISCIPLINE: SUSPENSION, EXPULSION, REMAND	Descriptor Code: Student Services	Issue Date: 07/24/2014
	Rescinds:	Revised:

1 **DEFINITIONS¹:**

2 Detention: detained before or after school for disciplinary reasons.

3 In-School Suspension: removal from attendance to a specific class, classes, or school sponsored
4 activity without suspending the student from attendance at school. Students assigned to ISS shall
5 be placed in an isolated area appropriate for study. Students assigned to ISS shall be required to
6 complete academic requirements.

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

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

13 Remand: assignment to an alternative school.

14 **REASONS FOR SUSPENSION/EXPULSION:**

15 Any principal or assistant principal (herein "principal") may suspend/expel any student from
16 attendance at school or school-related activity on or off campus or from attendance at a specific
17 class or classes, or from riding a school bus, without suspending such student from
18 attendance at school (in-school suspension), for good and sufficient reasons including, but not
19 limited to²

- 20 1. Willful and persistent violation of the rules of the school;
- 21 2. Immoral or disreputable conduct, including vulgar or profane language;
- 22 3. Violence or threatened violence against the person of any personnel attending or assigned
23 to any school;
- 24 4. Willful or malicious damage to real or personal property of the school, or the property of
25 any person attending or assigned to the school;
- 26 5. Inciting, advising or counseling of others to engage in any of the acts herein enumerated;
- 27 6. Possession of a pistol, gun or firearm on school property³;
- 28 7. Possession of a knife, etc., as defined in T.C.A. §39-17-1309, on school property;
- 29 8. Assaulting a principal, teacher, school bus driver, or other school personnel, with vulgar,
30 obscene or threatening language;

¹ T.C.A. §49-6-3007(h)

² T.C.A. §49-2-203(a)(7); T.C.A. §49-6-3401(a)

³ T.C.A. §49-6-4216; T.C.A. §39-17-1309; T.C.A. §39-17-417

9. Unlawful use or possession of barbitol or legend drugs, as de fined in T.C.A. §53-10-101;
10. Engaging in behavior which disrupts a class or school-sponsored activity;
11. 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;
12. One (1) or more students initiating a physical attack on an individual student on school property or at a school activity, including travel to and from school;
13. Off-campus criminal behavior resulting in felony charges; when behavior poses a danger to persons or property or disrupts the educational process; and
14. Any other conduct prejudicial to good order or discipline in any school.

If as a result of an investigation, a principal 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.⁴

IN-SCHOOL SUSPENSION:⁵

1. If the principal or his/her designee determines that a violation of school rules must result in In-School Suspension, the principal or his/her designee shall contact the parent/guardian within twenty-four (24) hours to inform them of the In-School Suspension.
2. Students assigned to In-School suspension shall be recorded as constituting a part of the public school attendance in the same manner as students who attend regular classes.
3. Students given in-school suspension shall be required to complete academic assignments and shall receive credit for work completed.
4. In-School Suspension may only be appealed to the school's principal.

PROCEDURES FOR OUT OF SCHOOL SUSPENSION AND EXPULSION:⁶

1. 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 principal shall suspend/expel any student until that student has been advised of the nature of his/her misconduct, questioned about it, and allowed to give an explanation.
2. Upon suspension/expulsion of any student, the principal shall contact the parent or guardian within twenty-four (24) hours to inform them of the suspension/expulsion.
3. The principal shall notify the parent or guardian and the Superintendent or his/her designee in writing:
 - a. Of the suspension/expulsion
 - b. Of the cause for it; and
 - c. Of the conditions for readmission, which must include a meeting with the parent/guardian, the student, and the principal or designee.
4. If the length of the suspension is between six (6) and ten (10) days, the principal shall develop and implement a plan for correcting the behavior when the student returns to school.

⁴ T.C.A. §49-6-3401(i)

⁵ T.C.A. §49-6-3401(b)(1)

⁶ T.C.A. §49-6-3401(4)-(6); *Goss v. Lopez*, 419 U.S. 565 (Ohio, 1975); Individuals with Disabilities Act Amendments of 1997 §615

- 1 5. If the suspension/expulsion occurs during the last ten (10) days of any term or semester,
2 the student shall be permitted to take such final examinations or submit such required
3 work as necessary to complete the course of instruction for that semester, subject
4 to conditions prescribed by the principal.
- 5 6. If an offense has been committed which, in the judgment of the principal or designee
6 would justify a suspension/expulsion for more than ten (10) days, he/she may
7 suspend/expel/remand the student unconditionally for a specified period of time or upon
8 such terms and conditions as are deemed reasonable. Suspensions of ten (10) days or
9 less may only be appealed to the school's principal.
- 10 7. The principal or designee shall immediately give written or actual notice to the parent or
11 guardian and the student of the right to appeal the decision to suspend/expel/remand for
12 more than ten (10) days.⁷ All appeals must be filed, orally or in writing, within five (5) days
13 after receipt of the notice and may be filed by the parent or guardian, the student or any
14 person holding a teaching license who is employed by the school system if requested by
15 the student.
- 16 8. The appeal from this decision shall be to the Board or to the disciplinary hearing authority
17 appointed by the Board. The disciplinary hearing authority shall consist of at least one (1)
18 licensed employee.
- 19 9. The hearing shall be held no later than ten (10) days after the beginning of the suspension.
20 The notice of the time and place of the hearing shall be given in writing to the parent and
21 principal or assistant principal by the Superintendent of Schools or designee.
- 22 10. After the hearing, the disciplinary hearing authority may, except when considering
23 zero tolerance offenses under TCA, affirm the decision of the principal, order
24 removal of the suspension unconditionally, or suspend the student for a specified period
25 of time.⁸
- 26 11. Within five (5) of the disciplinary hearing authority rendering a decision, the student,
27 principal, or assistant principal may appeal the decision of the disciplinary hearing
28 authority to the Superintendent. The Superintendent or designee will review the written
29 record of the disciplinary hearing authority and render a decision.
- 30 12. Within five (5) days of the Superintendent's decision, the student, the principal or assistant
31 principal may appeal the Superintendent's decision to the Board of Education and the
32 Board of Education shall review the written record of the disciplinary hearing authority.
33 Following the review, the Board of Education may affirm or overturn the decision of the
34 disciplinary hearing authority or grant an appeal hearing.⁹
- 35 13. The notice of the hearing shall include a statement that, unless the student's parent or
36 guardian requests an open hearing in writing within five (5) days of receipt of the notice,
37 the hearing shall be closed to the public.
- 38 14. If the Board of Education allows a hearing, it may affirm or overturn the decision of the
39 disciplinary hearing authority. However, the Board of Education shall not impose a more
40 severe penalty than that imposed by the disciplinary hearing authority.
- 41 15. The decision of the Board of Education shall be final, except zero tolerance
42 suspension involving drugs, weapons, or battery on school personnel.

⁷ T.C.A. §49-6-3401(C)(4)(A)(D)(10)

⁸ T.C.A. §49-6-3401(C)(5)

⁹ T.C.A. §49-6-3401(C)(6)

1 16. Notwithstanding this section or any other law to the contrary, a student determined to have
2 brought to school or to be in unauthorized possession of a firearm on school property or
3 while attending a school sponsored activity; a student committing battery upon an
4 employee; or a student unlawfully possessing any drug, including a controlled substance
5 or legend drug shall be expelled for one (1) calendar year, except that the Superintendent
6 of Schools may modify this expulsion on a case by case basis.

7 ***Note: Zero-tolerance offenses set forth in a statute require mandatory calendar year**
8 **expulsion or assignment to alternative placement for a calendar year unless modified by**
9 **the Superintendent of schools.**