

Section J:

Knox County Board of Education Policy

Students

Descriptor Term:

Student Suspension

Descriptor Code:

J-193

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10/23

Revised:

3/22

REASONS FOR SUSPENSION

Any principal, assistant principal, or administrative assistant⁵ may suspend any student from attendance at school or any school-related activity on or off campus (out-of-school suspension) or from attendance at a specific class or classes, or from riding a school bus, without suspending such student from attendance at school for good and sufficient reasons including, but not limited to:³

1. Vulgar or profane language;
2. Violence or threatened violence against the person of any personnel attending or assigned to any school;
3. Fighting;
4. Damaging/defacing school property;
5. Possession or use of alcoholic beverage at school sponsored activities;
6. Possession or use of alcoholic beverage on school property;
7. Possession or use of illegal substances or any derivative or residue thereof, any drug paraphernalia other than that medically prescribed; or barbitol or legend drugs;^{4,6,7}
8. Theft, extortion, or gambling;
9. Possession or use of tobacco products;
10. Possession or use of a firearm (including but not limited to: any weapon which will or is designed to or may readily be converted to expel a projectile by the action of an explosive; firearm silencer or muffler; incendiary; ammunition; or explosive device) on school property;^{1,4,5}
11. Possession of a dangerous weapon (including but not limited to any dangerous instrument or substance which is capable of inflicting injury on any person);⁴
12. Assaulting an administrator or teacher with vulgar, obscene, or threatening language; or
13. Harassment, intimidation, bullying or cyber-bullying

RESTORATIVE LEARNING CENTERS

1. Restorative Learning Centers (RLC) are part of Knox County Schools Restorative Practices tiered continuum of behavioral interventions and supports offered to all students. Staff trained in

Restorative Practices support students by providing an opportunity to reflect on the disciplinary incident(s) that led to their RLC assignment. With staff assistance, students work toward a better understanding of how their behavior has affected others and opportunities to repair and restore relationships that may have been harmed are discussed. Students assigned to the Restorative Learning Center will be supervised at all times and will also be provided with the classwork and materials needed to complete current coursework. Students shall be required to complete academic assignments and will receive appropriate credit for work completed.

PROCEDURES FOR OUT-OF-SCHOOL SUSPENSION¹

1. Except in an emergency, no administrator shall suspend any student until that student has been advised of the nature of his misconduct, questioned about it, and allowed to give an explanation.¹
2. Upon suspension of any student, the administrator shall make an immediate attempt to contact the parent or guardian to inform them of the suspension. The student shall not be sent home before the end of the school day unless the parent or guardian has been contacted.
3. If the initial hearing results in suspension of four (4) days or fewer, the decision of the administrator for a short-term suspension shall be final and is not appealable above the school level. However, the parent may request a review of the suspension record for procedural correctness.²
4. The administrator shall notify the parent or guardian and Director of Schools or designee in writing:
 - a. Of the suspension and the cause for it; and
 - b. A request for a meeting with the parent or guardian, student and administrator, to be held as soon as possible, but no later than five (5) days following the out-of-school suspension.
5. Immediately following the scheduled meeting, whether or not attended by the parent or guardian or student, the administrator shall determine the length of the suspension and set conditions for readmission. If the administrator determines the suspension is long term, the administrator shall develop and implement a plan, which includes Restorative Practices, to the extent practicable in schools where training has been completed, for correcting the behavior when the student returns to school.
6. If at the time of the suspension the administrator determines that an offense has been committed which, in the judgment of the administrator, would justify a suspension for more than five (5) days, he or she may suspend the student unconditionally for a specified period of time or upon such terms and conditions as are deemed reasonable.
7. The administrator shall immediately give written or oral notice to the parent or guardian and the student of the right to appeal the decision to suspend for more than five (5) days. All appeals must be filed, orally or in writing, within five (5) days after receipt of the notice and may be filed by the parent or guardian, the student or any person holding a teaching license who is employed by the school system if requested by the student.
8. The appeal from this decision shall be to a disciplinary hearing authority appointed by the Board. The hearing shall be held no later than ten (10) days after the beginning of the suspension. The

1 notice of the time and place of this hearing shall be given in writing to the parent or guardian and
 2 student by the disciplinary hearing authority.

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 4 9. After the hearing, the disciplinary hearing authority may:
- 5 a. Order removal of the suspension unconditionally;
 - 6 b. Order removal of the suspension upon such terms and conditions as it deems reasonable;
 - 7 c. Assign the student to an alternative program;¹⁰
 - 8 d. Assign the student to a night school;⁴ or
 - 9 e. Suspend the student for a specified period of time.
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 11 10. A written record of the proceedings, including a summary of the facts and the reasons supporting
 12 the decision, shall be made by the disciplinary hearing authority. The student or principal may
 13 within five (5) days of the decision request review by the Director of Schools.
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 15 11. After a review of the record, the Director of Schools may similarly take any action that is within
 16 the purview of the disciplinary hearing authority as stated in paragraph nine above. The student
 17 or principal may within five (5) days of the decision request review by the Board of Education.
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 19 12. After a review of the record, the Board may affirm the decision of the Director of Schools, modify
 20 the decision to a lesser penalty, or grant a hearing before the Board.
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 22 13. After the hearing, the Board may affirm the decision of the Director of Schools or modify the
 23 decision in any manner, including imposing a more severe penalty than that of the hearing. If the
 24 suspension occurs during the last ten (10) days of any term or semester, the student shall be
 25 permitted to take such final examinations or submit such required work as necessary to complete
 26 the course of instruction for that semester, subject to conditions prescribed by the administrator.

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 28 All students shall be allowed to complete all missed work within a specified time to be determined by
 29 the administrator at the time of readmittance.

30 31 32 33 34 **DISCIPLINE OF DISABLED STUDENTS**

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 36 1. School personnel may order a removal to the extent that the removal would be applied to students
 37 without disabilities under IDEA or Section 504/ADA, the removal of a student with a disability
 38 from the student's current educational placement for not more than ten (10) consecutive school
 39 days for any violation of school rules and additional removals of not more than ten (10)
 40 consecutive school days in that same school year for separate incidents of misconduct (as long as
 41 those removals do not constitute a change in placement).

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 43 A change of placement occurs if:

- 44 a. the removal is for more than ten (10) consecutive school days or
 - 45 b. the student is subjected to a series of removals that constitute a pattern of exclusion because
 - 46 they cumulate to more than ten (10) school days in a school year; and, because of such factors
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such as the length of each removal, the total amount of time the student is removed and the proximity of the removals one to another.

Prior to removal that constitutes a change of placement, the student's IEP Team must meet and:

- a. conduct a functional behavioral assessment and develop a behavior support plan if appropriate and
 - b. decide whether the offense was a manifestation of the student's physical or mental disabilities under the appropriate acts.
2. If the IEP Team determines that the offense is a manifestation of the student's physical or mental impairment, the student may not be suspended or expelled, but instead, must be placed in a setting that more appropriately accommodates both the student's needs and the manifested offense(s). If the IEP Team determines that the offense is not a manifestation of the student's physical or mental impairment, the student is treated as if he was not an eligible child and may be suspended or expelled by the local Board of Education. Either determination is subject to due process procedures and, upon challenge, placement shall be frozen pending the outcome of any administrative or judicial proceeding. If a student is suspended or expelled by the local Board of Education, educational services, as determined by the IEP Team, must be provided during the suspension or expulsion period. In extraordinary cases, where an eligible student considered to be dangerous to himself or others must, in the system's opinion, be removed from school for more than ten (10) days, the system has the following options:
- a. reach an agreement with the parent(s) to change the student's placement, or
 - b. seek an injunction from the appropriate federal district court to permit the system to extend the suspension/expulsion period;
 - c. file an expedited due process request with the State Department of Education.
3. Students who are suspected by the system of being eligible are accorded the same due process rights as are eligible students.

Legal References:

- 1. T.C.A. § 49-6-3401.
- 2. Goss v. Lopez 419 U.S. 565 (Ohio, 1975).
- 3. T.C.A. § 49-6-501.
- 4. T.C.A. § 49-6-4201 - § 49-6-4203; T.C.A. § 39-17-1309.
- 5. 18 § U.S.C.A. 921.
- 6. Tennessee Drug Control Act of 1989 (T.C.A. § 39-17-401 through 432).
- 7. T.C.A. § 53-10-101.
- 8. T.C.A. § 49-6-3402.

Approved as to Legal Form
By Knox County Law Department 2/1/2022
/Gary T. Dupler/Deputy Law Director