

Oneida Special Board of Education

Monitoring: Review: Annually, in March	Descriptor Term: Suspension	Descriptor Code: 6.316	Issued Date: 08/06/20
		Rescinds: 6.316	Issued: 07/09/13

General

A principal may suspend a student from attendance in a specific class or school related activity without suspending the student from attendance at school. Based on the severity of the offense, a principal may suspend a student from attendance at school and all school activities.

Students may be suspended for good and sufficient reasons including, but not limited to:¹

1. Willful and persistent violation of the rules of the school;
2. Immoral or disreputable conduct, including 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 action that would justify suspension;
6. Marking, defacing, or destroying school property;
7. Possession of a pistol, gun, or firearm on school property;²
8. Possession of a knife or other weapons, as defined in state law, on school property;³
9. Assaulting a principal, teacher, school bus driver, or other school personnel with vulgar, obscene, or threatening language;
10. Unlawful use or possession of barbital or legend drugs as defined in state law;⁴
11. Engaging in behavior which disrupts a class or school-sponsored 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; or an invalid threat of mass violence;

13. 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;
14. Assault against a school employee as defined in state law;
15. Off-campus criminal behavior resulting in felony charges;
16. When behavior poses a danger to persons or property or disrupts the educational process; or
17. Any other conduct prejudicial to good order or discipline in any school.

Except in an emergency, a principal shall not suspend any student until that student has been advised of the nature of his/her misconduct, questioned about it, and allowed to give an explanation.

If, as a result of an investigation, a principal/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 of, may have been facing the threat of imminent danger of death or serious bodily injury, then the student may not face any disciplinary action.⁵

When a student is suspended, the principal shall notify the parent(s)/guardian(s) and the Director of Schools/designee of the following:

1. Student's suspension;
2. Cause for the suspension; and
3. Any conditions for readmission which may include a meeting of the parent(s)/guardian(s), student, and the principal.

If a student is suspended during the last ten (10) days of any term or semester, he/she shall 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 conditions prescribed by the principal.⁶

IN-SCHOOL SUSPENSION⁷

In-school suspension shall be offered to students as an alternative program (if applicable) to complete academic assignments and receive credit for work completed.

Students given an in-school suspension in excess of one (1) day from classes shall attend special classes attended only by students guilty of misconduct or be placed in an isolated area appropriate for study. Personnel responsible for in-school suspension shall ensure that each student is supervised at all times and has textbooks and classwork assignments from his/her regular teachers.

SUSPENSIONS LONGER THAN FIVE DAYS⁸

If a suspension is longer than five (5) days, the principal shall develop and implement a plan for improving the student's behavior.

SUSPENSIONS LONGER THAN TEN DAYS⁹

If the principal suspends a student for longer than ten (10) days, he/she shall immediately give written notice to the parent(s)/guardian(s) and the student of the right to appeal the decision. All appeals shall be filed within five (5) days of receipt of the notice. These appeals may be filed by the parent(s)/guardian(s), the student, or any person holding a teaching license who is employed by the school district if requested by the student.

The appeal from this decision shall be to the Disciplinary Hearing Authority appointed by the Board. If a Disciplinary Hearing Authority has not been appointed, then the appeal shall be to the Board.

SCHOOL-SPONSORED EVENTS

If a student assaults an employee, he/she shall be suspended from school-sponsored events for one (1) calendar year unless modified by the Director of Schools. A school-sponsored event is an activity that is not directly related to a student's grade in a course of instruction.

Legal References

1. TCA 49-2-203(a)(7); TCA 49-6-3401(a)
2. TCA 39-17-1309(b)
3. TCA 39-17-1309
4. TCA 53-10-101; TCA 39-17-454
5. TCA 49-6-3401(i)
6. TCA 49-6-3401(d)
7. TCA 49-6-3401(b)(1)
8. TCA 49-6-3401(c)(3)
9. TCA 49-6-3401(a)-(c); *Goss v. Lopez*, 419 U.S. 565 (1975); 20 USCA § 1415

Cross References

Traffic and Parking Controls 3.403
Code of Conduct 6.300
Procedural Due Process 6.302
Interference/Disruption of School Activities 6.306
Drug-Free Schools 6.307
Bus Safety and Conduct 6.308
Zero Tolerance Offenses 6.309
Dress Code 6.310
Student Disciplinary Hearing Authority 6.317
Alternative Education 6.319