

Informal Suspension

Fact Sheet

What is an informal suspension?

- A child is informally suspended if they are sent home or prevented from attending school due to behavior **without** the school creating a record or notifying the parent that their child has been suspended.
- Examples:
 - "Sarah is having a bad day. We don't want to suspend her, but we think she should go home to cool off and come back on Monday."
 - "We have to do a threat assessment, so Sam can't return until it is complete."

Why are they harmful?

- Informal suspensions interfere with a student's right to an education, with no consequences or accountability for the school. Since informal suspensions avoid the creation of disciplinary records, it is difficult to challenge these removals. Lack of accountability is particularly problematic when there is a pattern of informal suspensions.
- Informal suspensions may lead to increased risk of truancy proceedings due to multiple unexcused absences, resulting in unnecessary contact with the Juvenile Court.

What laws does it violate?

- Informal suspensions interfere with a student's right to education under the Tennessee Constitution and deny students the protections of their right to education under state law. The Tennessee Code requires that parents receive formal notification of any out-of-school suspension, including the cause and conditions for the student's return to classes. Additional protections apply for suspensions over 5 days, and over 10 days.
- For students with disabilities, informal suspensions may also violate their rights under federal law, including Section 504 of the Rehabilitation Act of 1973 and the Individuals with Disabilities Education Act. In particular, a student with an IEP may be denied the right to a manifestation determination review, which is triggered after expulsion or after 10 formal suspension days during the school year. A manifestation review considers whether the student's behavior is related to the student's disability.
- In Davidson county, informal suspensions violate Metro Nashville Public School policy.

What should a parent/guardian do?

- **Ask: Is my child suspended?**
 - If yes, ask for a copy of the record saying how long the child is suspended and why.
 - If no, you can tell the school you will not pick up your child.
 - CAUTION - It may still be in your family's best interests to pick up the child, including if the school threatens to call police or the Department of Children's Services (DCS).
- **Create a written record:** Before picking up your child, either:
 - Write that you are signing out the child "at the request of the principal" OR
 - Ask a staff member to sign the following, or send as follow-up email to principal:
 - "On [date] at [time], I was called by [name] and told that I needed to come pick up [student's name] or the police/Children's Services would be called. I was told that he/she was not suspended."