



DISCIPLINE RIGHTS OF ELEMENTARY STUDENTS FOR PARENTS AND GUARDIANS

**Discipline is the opportunity to intervene, teach, and shape the future of the student.
Discipline should be administered with equity, dignity, freedom from bias and respect for all parties.**

If your child is suspended or expelled from an MNPS school, the school must follow certain rules.

A list of these behaviors and further information can be found in the MNPS Student - Parent Handbook: www.mnps.org/handbook.

If your child attends a charter school, discipline rules will be different. Request a Code of Conduct from your child's school.

- **Elementary students may only be suspended for:**

- Using Profanity towards a Teacher or School Staff
- Fighting or Group Fighting, if injury results
- Repeated Fighting
- Assaulting a Student
- Bullying or Cyberbullying, if it is repeated over time and continues after the school intervenes
- Harassment, if it is repeated over time and continues after the school intervenes
- Assaulting a Teacher or Staff
- Inappropriate Sexual Behavior, Sexual Harassment or Sexual Assault
- Reckless Endangerment

Check the MNPS Student - Parent Handbook for more details. Suspensions are limited for elementary students. Except for multiple repeated fights, elementary students can't receive more than 2 days of out-of-school suspension at a time.

Middle and high school students are able to be suspended for longer and for more offenses, which are listed in the Student - Parent Handbook.

- **Elementary students may be expelled if they commit the following offenses:**

- Rape
- Homicide or Attempted Homicide

- **Your child will be expelled for:**

- Threatening bodily harm through an electronic device (including threats through emails and social media)

- **Your child will be expelled for one year if he or she commits one of the following Zero Tolerance offenses:**

- Intentionally or knowingly causing serious bodily injury to school staff or school resource officers (aggravated assault)
- Possessing, using, or distributing illegal drugs
- Possessing a firearm or explosives

The Director of Schools has the ability to modify the length of the expulsion.

Discipline Protections for Students with Disabilities

These protections apply to all students with disabilities in traditional MNPS schools and charter schools.

- **If your child has a 504 Plan or an Individualized Education Program (IEP)**, he or she is entitled to a Manifestation Determination Review (also called MDR or Manifestation Meeting) before he or she is expelled or suspended for more than 10 days (either more than 10 days in a row or more than 10 days total in the entire school year).
- A **Manifestation Meeting** is when you meet with your child's IEP team and other school staff to discuss whether **[1]** your child's behavior was directly and substantially related to or caused by his or her disability, and **[2]** whether your child's behavior was the direct result of the school's failure to implement the IEP, including the behavior plan and safety plan.

- **Timing Requirements for the Manifestation Meeting:**
 - The meeting can be held 24 hours after notice has been given, but parents have a right to participate. If you can't attend at a time the school suggests, tell them in writing you want to reschedule.
 - The school has up to 10 school days to have the meeting.
- **If your child's behavior is a manifestation of disability**, your child does not get suspended or expelled and your child's IEP or behavior plan is modified.
- **If your child's behavior is not manifestation**, your child can be suspended or expelled. However, he or she *must* continue to receive educational services, at an alternative school or in another way.
- **If you disagree with the manifestation meeting determination**, you may file for an expedited due process hearing.
 - Filing Requirements:
 - The parent or guardian must fill out a "Due Process Hearing Request Form" located at https://www.tn.gov/content/dam/tn/education/forms/ed5245_due_process_form.pdf.
 - Timing Requirements:
 - The hearing must occur 20 school days after the form is filed.
 - The decision is made within 10 school days of the hearing.

Discipline Protections for All Students Kindergarten - 12th Grade

The following section applies to students both in traditional MNPS schools and charter schools. Further information can be found in the MNPS Student- Parent Handbook.

- If the school asks you to come pick up your child because of their behavior, ask if they are suspended. A child may not be sent home for disciplinary reasons without being formally suspended. A parent should receive documentation about the reason and length of the suspension.
- **If your child is suspended**, the school must:
 - [1]** Investigate to see if any misconduct occurred.
 - If there was serious misconduct, the school may immediately suspend the student for two days in order to further investigate the conduct. This is called a **summary suspension**.
 - [2]** Notify your child of the offense committed and give him or her an opportunity to explain before the suspension – unless there is an emergency.
 - [3]** Notify the parent/guardian within 24 hours of the reason for the suspension, the length of the suspension, and the conditions for the student's return to school. The only exception is when a child is in In-School Suspension for less than a day
 - If the parent/guardian is unable to pick-up the student, he or she must remain on school property until the end of the school day.
- **If your child is expelled**, the school must investigate and notify you and your child of the offense(s) committed and of your right to appeal the expulsion.
- **The Process of Appealing an Expulsion:**
 - The parent/guardian must request an appeal within 5 days of receiving the notice of the right to appeal by contacting the Discipline Director listed on the notice.
 - The MNPS Discipline Director can also be reached at (615) 259-8757.
 - If your child attends a charter school, ask your school's principal who to contact to request an appeal.
 - There are three levels of Discipline Appeals:
 - **Level 1** is an appeal to the Discipline Hearing Authority.
 - It must be held no later than 10 days after the beginning of the expulsion.
 - During the hearing, 2-3 hearing officers will determine whether or not your child has committed the offense(s).
 - If you have evidence to submit, you must bring 10 copies to the hearing.
 - **Level 2** is an appeal to the Executive Director of Support Services.
 - This may be requested if you believe your child's due process rights have been violated, new evidence will be presented, or as a plea for leniency.
 - **Level 3** is an appeal to the Board of Public Education.
 - The Board may grant or deny a request for a hearing.
 - At each of these hearings, the expulsion can be overturned, shortened, or upheld.