



# 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](http://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](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.