

THE NASHVILLE FAMILY GUIDE TO DISCIPLINE RIGHTS

Discipline should be administered with equity, dignity, freedom from bias and respect for all parties.

The Bottom Line: Your child is entitled to Due Process of Law if they attend any public school. That means there must be a fair process to address behavioral issues. This guide is meant to help parents and guardians understand the general process of school discipline and their legal rights in that process.

Keep in mind—your child has slightly different rights for suspensions versus expulsions

Suspension: Removal from school for fewer than 10 days in a school year.

- An in-school suspension for less than one day is not considered a suspension for most purposes.

Expulsion: Removal from school for more than 10 total days in a school year.

- Typically, the student will be assigned to an Alternative Learning Center (ALC).

Within 24 hours of suspending or expelling a student, the school must notify the parent and/or guardian to:

1. Explain which school rule was violated,
 - A. Schools must have a set of rules explaining which student behaviors are prohibited and what the consequences for those behaviors are.
 - B. Review the MNPS Discipline Tables
<https://www.mnps.org/students-families/handbook/discipline-responses/discipline-tables>
 - C. Charter schools must have a set of policies, but it might be called something else. Look for a document on the school website; it might be called "code of conduct," or "student/parent handbook," or something similar.
 - D. The table or policy must list the maximum consequence for each behavior. For example, in MNPS, simple possession of tobacco products carries only an administrative referral, whereas assault of a teacher or SRO could lead to expulsion.
2. Explain how the student violated that policy, and
3. Tell you how long the suspension will last.

Additional requirements:

1. Before any suspensions, schools must give students an opportunity to explain what happened.
2. MNPS requires a written notice of a suspension or expulsion.
 - A. Always ask for a copy of the discipline referral. That way, you can check the discipline table and see if the response was within those guidelines.
3. Informal suspension is ILLEGAL.
 - A. You may hear, "Your student is having a hard day and needs to be picked up; we can try again tomorrow." If your child is sent home and is not sick, it should be documented as a suspension. Get everything in writing from the school.
 - B. More information on informal suspensions here:
<https://publicdefender.nashville.gov/wp-content/uploads/Ed-Rights-Informal-Suspensions.pdf>

What if My Child has a Disability?

1. A student with an IEP or 504 Plan has additional discipline protections. The student has a right to a "Manifestation Meeting" to examine the relationship between the student's disability and the behavior.
2. The school schedules a Manifestation Meeting when:
 - A. The school expels the student
 - B. The school suspends the student for more than 10 days in a school year
 - C. The school plans to file a juvenile petition against the student
 - D. If your child's behavior is a manifestation of their disability, your child should not get suspended or expelled for that incident.
 - E. 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.
- I. Here is a list of additional resources: <https://educationrightsproject.nashville.gov/resources/>

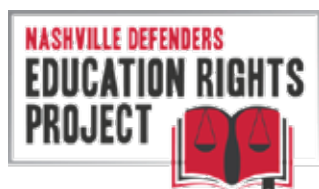
If your child was suspended or expelled and you believe any of these policies have been violated:

1. Contact us immediately:
 - A. Call us: (615) 862-8996, or
 - B. Email us: educationrights@jnsnashville.gov
2. Contact the MNPS Discipline Office or Charter School equivalent.
 - A. You have the right to appeal an expulsion if you believe any of the above policies have been violated. However, you must contact the office within five days of receiving notice from the school.
 - B. Call them at (615) 259-8757, or
 - C. Email them at student.discipline@mnps.org.

Spread the word!

If you have questions or want to make a referral, contact our Education Rights Project. Our goal is to improve your student's connection to their school and reduce the school's use of exclusionary discipline through tools available under federal, state, and local law.

Share this guide with friends and family. Print and share with your favorite advocacy organization or faith organization.



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Call us: 615-862-8996
Email: educationrights@jnsnashville.gov



Education Rights Project is a program of the
Nashville Defenders' Office.
Martesha Johnson Moore: Chief Public Defender