

KIPP: Nashville Board of Directors

Monitoring:	Descriptor Term:	Policy:	Issued:
Annually	Required Remands and Student Disciplinary Hearing Authority	6317	4/28/2020

1 **Required Remand for Suspensions of More than Ten (10) Days.**

2 For disciplinary infractions justifying a suspension of more than ten (10) school days, KIPP
3 Nashville shall remand students in grades seven (7) through twelve (12) to alternative
4 school for the period of the suspension, absent special circumstances.¹ Students
5 remanded to alternative school shall comply with the compulsory attendance law.²

6 If a special circumstance arises that KIPP Nashville believes justifies a disciplinary action
7 other than the required remand to alternative school, KIPP Nashville shall immediately
8 notify the Director of Schools, or designee, of the special circumstance. The Director of
9 Schools, or designee, will consult with KIPP Nashville regarding the special circumstance
10 and will come to a decision regarding the proposed modification of the required remand
11 within seven (7) business³ days. Special circumstance modifications will be considered by
12 the Director of Schools on a case-by-case basis.

13 The required remand to alternative school shall not apply to students found to have
14 committed a zero-tolerance offense requiring a one (1)-year expulsion.⁴

16 **Student Disciplinary Hearing Authority.**

17 KIPP Nashville shall establish a Disciplinary Hearing Authority ("DHA") which shall conduct
18 appeals for students who have been suspended/expelled/remanded for more than ten
19 (10) school days. KIPP Nashville's policy includes the following:

20 (1) The governing board of KIPP Nashville shall appoint a DHA which shall consist of
21 at least two (2) members (maximum number must not exceed total membership
22 of the governing board). At least one (1) DHA member shall be a licensed
23 employee of KIPP Nashville. All appointments are for one (1)-year terms and
24 subject to reappointment. Governing board members shall not serve on the DHA.
25 Names of appointed members shall be reported to the Tennessee Public Charter
26 School Commission as set forth in the Tennessee Public Charter School
27 Commission's Disciplinary Hearing Authority Procedures.

28 (2) The governing board shall appoint a chairman of the DHA from the members
29 appointed by the board. The chairman shall perform the following duties:

30 (a) Set the time, place, and date for each hearing;

- 1 (b) Maintain order and structure during each hearing; and
2 (c) Prepare, sign, and disseminate the minutes of each meeting.
- 3 (3) The school shall produce a written record of the DHA proceeding. The student will
4 have the right to have an attorney participate in the DHA hearing.
- 5 (4) When a student is suspended/expelled/remanded for more than ten (10) school
6 days, KIPP Nashville shall provide immediate written or actual notice to the
7 student and parent or guardian of the right to appeal the
8 suspension/expulsion/remand and that appeals must be made within five (5)
9 school days of notification of the suspension/expulsion/remand. KIPP Nashville
10 shall also provide the student and parent or guardian with a copy of the appeal
11 policy/procedures. Upon receiving notification of the request to appeal the
12 suspension/expulsion/remand decision, the DHA shall provide written notification
13 to the student and parent or guardian, and any other appropriate person of the
14 time, place, and date of the hearing in a language that the parent and student
15 understand. The hearing shall be held no later than ten (10) school days after the
16 beginning of the suspension/expulsion/remand.⁵ The DHA shall make a decision
17 and communicate it to the student and the family within three (3) business days,
18 by certified mail, following the meeting.
- 19 (5) The DHA may take the following disciplinary actions:⁶
- 20 (a) Affirm the decision of the principal;
21 (b) Order removal of the suspension/expulsion/remand unconditionally;
22 (c) Order removal of the suspension/expulsion/remand upon such terms and
23 conditions as it deems reasonable; or
24 (d) Suspend/expel/remand the student for a specified period of time.
- 25 (6) Within five (5) school days of the DHA rendering a decision, the student, parent or
26 guardian, principal, or assistant principal may request a review by the governing
27 board, and the governing board shall review the record. Following the review, the
28 governing board may grant or deny the request for a hearing or affirm or
29 overturn the decision of the DHA with or without a hearing. However, the
30 governing board shall not impose a more severe penalty than that imposed by
31 the DHA without first providing an opportunity for a hearing before the governing
32 board.⁷ The notice of the hearing shall include a statement that, unless the
33 student, parent or guardian requests an open hearing in writing within five (5)
34 school days of receipt of the notice, the hearing shall be closed to the public. The
35 deadline for the governing board to make a decision shall be five (5) days from
36 receipt of the request. Governing board members and other participants will be
37 allowed to participate electronically. The decision of the governing board shall be
38 final.

1 (7) **Zero-tolerance Offenses.** Certain zero-tolerance offenses require a mandatory
2 calendar-year expulsion unless modified by the KIPP Nashville Executive Director.
3 Students found to be in violation of the zero-tolerance policy shall be given the
4 right to appeal to the DHA within five (5) school days of receiving notice of the
5 expulsion. The DHA shall only have the ability to consider guilt or innocence of
6 the zero-tolerance infraction, and whether the student was provided with proper
7 due process. The DHA shall make a decision and communicate it to the student
8 and the family within three (3) business days, by certified mail following the
9 meeting. The DHA shall not have the ability to modify the mandatory calendar
10 year expulsion, however, the DHA may make a recommendation to the Executive
11 Director regarding a proposed modification of the student's mandatory expulsion.

12 (a) Within five (5) school days of the DHA rendering a decision, the student,
13 parent or guardian shall have the right to appeal from the DHA to the
14 Executive Director to seek modification of the mandatory calendar year
15 expulsion. If the student chooses not to appeal to the DHA and wishes
16 only to seek modification of the mandatory calendar year expulsion, the
17 student may appeal directly to the Executive Director for modification of
18 the student's expulsion. The Executive Director shall consider a
19 recommendation from the DHA, if any, regarding a proposed modification
20 of the student's expulsion, however, the Executive Director shall not be
21 bound by the recommendation. The Executive Director shall render a
22 decision within seven (7) calendar days.

23 (b) Within five (5) school days of the Executive Director rendering a decision,
24 the student, parent or guardian shall have the right to appeal to the
25 governing board of KIPP Nashville regarding guilt or innocence of the
26 zero-tolerance infraction, and whether the student was provided with
27 proper due process. (If the student chose not to appeal to the zero-
28 tolerance infraction to the DHA before petitioning the Executive Director
29 for modification of the mandatory expulsion, the student shall not have
30 the ability to appeal to the governing board.) The deadline for the
31 governing board to make a decision shall be five (5) days from receipt of
32 the request. Governing board members and other participants will be
33 allowed to participate electronically. The governing board of KIPP
34 Nashville shall not have the ability to modify the decision of the Executive
35 Director with regard to modification of the student's expulsion. The
36 decision of the charter school's governing board shall be final.

37 The DHA and governing board of KIPP Nashville shall follow the same procedures and
38 timelines for zero-tolerance offenses and suspensions/expulsions/remands of more than
39 ten (10) school days, unless otherwise stated herein.

- 1 The Executive Director shall notify the LEA of any modification made to the mandatory
- 2 one (1)-calendar year expulsion for zero-tolerance offenses within five (5) school days of
- 3 the final disposition after any appeals.

Legal References:

¹ Prior to the assignment of a student with a disability to an alternative school or program, the IEP team shall review the student's IEP to ensure the alternative education program is able to provide the services in the LRE. The IEP team shall make all decisions regarding change of placement and delivery of services. No student with a disability shall be arbitrarily placed in an alternative education program; State Board Policy 2.302

² T.C.A §§ 49-6-3402(c); 49-6-3001

³ A "business day" is defined as a day that the Tennessee Public Charter School Commission offices are open. A "school day" is defined as an instructional day that the authorized charter school is open.

⁴ T.C.A. § 49-6-3401(g)

⁵ T.C.A. § 49-6-3401(c)(4)(A)

⁶ T.C.A. § 49-6-3401(c) (5)

⁷ T.C.A. § 49-6-3401(c)(6)