

Public School Discipline

Intro

- ❖ Students with disabilities getting special education services have more rights. Call the numbers below for more info.

School discipline can take different forms. If the school is disciplining you/your child, you must:

- Know how the school wants to punish the student.
- Carefully read any discipline notices.
- Figure out what type of discipline the school is using.
- Watch timelines carefully.

I am facing short-term suspension (ten days or less). Do I have any rights?

Yes:

You have the **right to an informal conference BEFORE the suspension takes effect**. At this informal conference, you have the right to tell your side of the story.

Before the conference takes place, the school must do all of these:

- Tell you what the alleged bad behavior is.
- Tell you what rule you broke.
- Explain how it wants to punish you.

If the suspension is for more than one day, your parents have the **right to a notice in their primary language**. The notice must:

- State the reason for the suspension.
- Explain your right to appeal it.

If you are still unhappy with the result after the informal conference, you can **file a grievance with the principal**. The principal must hold another informal conference to try to work out the grievance.

If you are unhappy with the outcome of that second conference, you can **file another grievance with the district superintendent**, and a **third with the school board**.

Students have the right to a chance to make up work/exams missed during a short-term suspension if it will have a major impact on grades or keep you from getting credit for a course.

What is long-term suspension?

It means you cannot go to school for a definite period of more than ten school days in a row. The behavior leading to a long-term suspension must both:

- Be serious enough to justify this punishment.
- Violate a school rule/policy.

The school must prove it first tried other ways to fix the behavior, unless the discipline is for **“exceptional misconduct.”** A school can punish this category of behavior more harshly. School districts usually have a policy and list of behaviors they define as “exceptional misconduct.”

What is expulsion?

The school kicks you out. You may be out for what the law calls one “academic term”. This

can be, for example, a quarter, a semester, or a year.

This is a very harsh punishment. The nature/circumstances of what you did must justify it.

When might they expel me or put me on long-term suspension?

Here are some examples:

- You bring a gun to school.
- You commit a sex offense.
- You commit an offense related to alcohol or drug use.
- You assault/kidnap/harass someone.
- You commit arson.

I am facing long-term suspension/expulsion. What are my rights?

The school must give you and your parent/guardian written notice before imposing the punishment.

The notice must:

- Be given to you in person or sent by certified mail.
- Be in your family's primary language.
- Describe the misconduct and punishment, state the rule you broke, and explain your right to a hearing.

You and/or your parent/guardian have **three school/business days to ask for a hearing** about either:

- The allegations of misconduct.
- The punishment the school has proposed.

You and your parents have the right to a **detailed explanation of hearing procedures and your rights**. This must include:

- The right to review evidence the school plans to use against you.
- The right to confront/question witnesses.
- The right to give evidence in your own defense.
- The right to have a lawyer represent you.
- The right to keep going to school until you get the hearing decision.

What is an emergency expulsion?

They immediately remove you from class/school for up to ten days in a row. They can only do this if one of these is true:

- You present a danger to yourself/others.
- You substantially disrupt school.

If this happens, you have the right to a hearing IF YOU ASK FOR ONE IN WRITING WITHIN TEN BUSINESS DAYS. You have no right to stay in school before the hearing. You still have the right to get education services as soon as possible.

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- ❖ The school must give your parent/guardian notice of the emergency expulsion by hand delivery or certified mail within 24 hours.
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Can the school suspend me for unexcused absences?

Only when all of these are true:

- The school properly notified your parents/guardian of the absences.
- The school met with your parents to figure out the cause of the absences, including whether you need medical, special education, or other services.
- The school worked to cut down your absences, including helping your family get any needed services.

They suspended/expelled me. Will they let me back?

Yes. The district should hold a **re-engagement meeting** with you within twenty days of their final decision. It should happen no later than five days before the end of your discipline.

At this meeting, you and the district should come up with a **re-engagement plan** for you to be back in school. The plan should consider these:

- Making your discipline shorter.
- Other ways they could discipline you instead.
- Services they could offer to help you do well in school.
- How they can help you stay on track to graduate.

- Your personal circumstances.
- How they can help fix what led to your suspension/expulsion.

You can also ask the school to **readmit** you at any time. School districts have policies about how to do this. Ask the district office for a copy.

The school does not have to readmit you before the end of your suspension/expulsion. They are more likely to if you can demonstrate both of these:

- You are ready to return to school.
- You have a plan to make your return successful.

They suspended/expelled me. Can I get Alternative Education?

Yes. Ask what types of alternative education are available.

What if I need legal help?

Call:

Statewide (Except in King County)
CLEAR intake line: 1-888-201-1014 weekdays from 9:15 a.m. until 12:15 p.m.

King County
Call 211 for info and referral to an appropriate legal services provider Monday through Friday from 8:00 am – 6:00 pm. You can also call (206) 461-3200 or 1-877-211-WASH (9274).

For more info about school discipline rights, read TeamChild's [Education Advocacy Manual](#) – www.teamchild.org.

This publication provides general information concerning your rights and responsibilities. It is not intended as a substitute for specific legal advice.

This information is current as of June 2017.

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