

STUDENTS AND PARENTS!

Know Your Rights in Disciplinary Proceedings**

****Please note students with disabilities who receive special education services have additional rights and should call the numbers below for more information.**

Discipline in school can take many different forms. It is important to know the type of discipline the school is imposing on the student. Be sure to read any discipline notices carefully, determine the type of discipline the school is using, and watch the timelines carefully.

Short-Term Suspension (10 days or less)

- Students have the right to an informal conference BEFORE the suspension may take effect. At this informal conference, students have the right to tell their side of the story. Before this conference, schools must let the student know what the alleged bad behavior is, what rule the student broke, and explain the punishment that the school wants to impose.
- If the suspension is for more than one day, parents have the right to notice in the parent's predominant language, specifying the reason for the suspension, and explaining the right to appeal.
- If the student and parents are still dissatisfied with the result after the informal conference, they can file a grievance with the school principal. The principal must then hold another informal conference to try to resolve the grievance. If the family continues to be unhappy with the outcome, another grievance can be filed with the superintendent of the school district and a third with the school board. .
- Students have the right to an opportunity to make up work and exams missed during a short term suspension if the suspension will have a substantial impact on grades or prevent a student from receiving credit for a course.

Long-Term Suspensions

An exclusion from school for a definite period of time that is more than ten school days in a row is a long term suspension. The misconduct must be serious enough to merit a long term suspension, must violate a school rule or policy AND the school must prove that it tried other methods to correct the behavior first, unless disciplining for exceptional misconduct. Exceptional misconduct is a category of behavior that can be punished more harshly. School districts typically have a policy and list of behavior that falls into the exceptional misconduct category.

Expulsion

An expulsion is an exclusion from school for an indefinite period of time. Again, the nature and circumstances of the misconduct must warrant the harshness of an expulsion. Expulsions are typically for very serious violations of school rules and they can have significant consequences

for a student's long term educational future. School district policy often calls for expulsions when a student's actions meet the definition of exceptional misconduct.

Rights of Students and Parents for Long-term Suspensions and Expulsions:

- Schools must give written notice to the student and his or her parent or guardian before imposing the long term suspension or expulsion.
- The notice must be delivered in person or be sent by certified mail and be in the predominant language of the family. It also needs to describe the misconduct, identify the school rule that was broken, describe the punishment, and explain the student's right to a hearing.
- The student and parent or guardian has **3 school business days** to request a hearing to disagree with either the allegations of misconduct and the punishment being proposed.
- Students and parents also have the right to a detailed explanation of the hearing procedures and their rights, including:
 - The right to inspect evidence to be used against the student and to confront and question witnesses.
 - The right to present evidence in the student's own defense, and to bring a lawyer to represent the student.
 - The right to remain in school until the hearing decision is issued

Emergency Expulsion

If the student presents a danger to herself/himself or to others, or substantially disrupts school, then he or she may be immediately removed from class or school for an indefinite period of time. This form of discipline is called an emergency expulsion. In the event of an emergency expulsion, the student has the right to a hearing **IF A HEARING IS REQUESTED IN WRITING WITHIN 10 SCHOOL BUSINESS DAYS**. There is no right to remain in school pending the hearing. In addition, the school must provide the parent with notice of the emergency expulsion by hand delivery or certified mail within 24 hours.

Suspension for Unexcused Absences

No student can be suspended for unexcused absences UNLESS:

- The parents were properly notified of the absences.
- The school met with the parents to determine the cause of the absences, including whether the student needs medical, special education, or other services, and
- The school took steps to reduce the student's absences including helping the family to obtain any needed services for the student.

Petitions for Readmission and Alternative Education

Students who have been excluded from school can ask to be readmitted to school at any time during the exclusion. School districts have policies about how to petition for readmission. Ask for a copy from the school district office to learn more about the process. Because schools are not required to readmit students prior to the end of the suspension or expulsion, a petition for readmission is likely to be more successful if the student is able to demonstrate that he or she is ready to return to school and has a plan to make the return to school successful.

In addition, students may have a right to receive alternative education when they have been suspended or expelled from school. Ask the district about the types of alternative education that might be available to students who are out of school for a disciplinary incident.

If you have any questions about your right to an education you can call:

Statewide (Except in King County)

CLEAR intake line: 1-888-201-1014 weekdays from 9:30 a.m. until 12:15 p.m., and
Tuesdays from 3:30 p.m. until 6:15 p.m.

King County

Northwest Justice Project: 1-888-201-1012 or 206-464-1519

Or for more information about school discipline rights, download the [Education Advocacy Manual](#) written by TeamChild – www.teamchild.org

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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 the date of its printing, August 2007.

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