

Expulsion From School: Know Your Rights

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Expulsion is removal from school for up to 80 school days.

- An expulsion can carry over into the next school year.
- School districts do not have to educate most expelled students.
- In rare circumstances involving firearms, weapons, bomb threats and other very serious offenses, expulsion can last up to 1 year.

If your child has an IEP or 504 Plan, read “Students with Disabilities and School Expulsion” for more information about special protections for students with disabilities.

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Before an expulsion, the School District must:

- Give the student and parent/guardian specific written notice of the plan to expel and the reasons.
- Give the student and parent/guardian a chance to challenge the reasons for the expulsion in person before the School District’s Hearing Officer.
- Schedule an expulsion hearing within 3 to 5 days of when the school gives the notice.

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Go to the expulsion hearing!

At the hearing the more information you have to support your child, the better the chance your child will not be expelled.

- **Review the School Code of Conduct.** Each public or charter/community school has a Code of Conduct. Find out why the School says your child violated the Code of Conduct and why expulsion is recommended.
- **Talk to Your Child.** Ask your child what happened. Does your child tell a different story from the school? Find out what your child has told school staff, or police and if the student made or saw any written statement about the incident.
- **Get Your Child’s Records.** You are entitled to review the documents that will be used in the hearing. You can visit the school to review the records or write to the school to request your child’s file. You can complete the attached sample letter or write your own. Make sure to ask for all of your child’s discipline records and any written statements about the incident.
- **Find Witnesses.** Witnesses can be important. You might wish to try to talk to people who saw the incident. Some witnesses may be willing to sign a statement about what they saw. You can invite an adult who has something important to say to attend the hearing, such as a person who knows your child through church, community activities, or therapy.

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Focus on the Positives

- Ask your child to think about why they want to go back to school and tell the Hearing Officer. Be prepared to tell the Hearing Officer why your child should not be expelled.
- If your child receives counseling or mental health services, and you think that is related to what happened, be prepared to share that information with the Hearing Officer. Consider inviting the therapist or case manager to the hearing.
- Your child may consider offering an apology. This may help with the expulsion hearing, but if your child is facing Juvenile Court or criminal charges for the same incident talk to an attorney about how it may affect that case before your child apologizes.

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Offer Creative Consequences

- **Expulsion may not be the only option.** Consider asking the Hearing Officer if there is an alternative to expulsion that could be used so that your child learns a lesson without missing any more school days. For example: Community Service hours, Anger Management Class, Essay on Bullying, Counseling, or an Alternative School.
- **Expulsion for Drug or Alcohol:** If the reason your child is recommended for expulsion is related to drugs or alcohol, you can request a substance abuse assessment instead of school expulsion. If you think your child would benefit from a substance abuse assessment, explain that to the Hearing Officer. Ask the Hearing Officer to allow your child to return to school if the student follows the recommendations from a substance abuse assessment.

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Juvenile Court Charges

If your child is facing Juvenile Court or criminal charges speak with your child's public defender or private attorney before the expulsion hearing. Ask how what is said in the expulsion hearing may affect the Juvenile Court or criminal case.

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If your child is expelled you have the right to appeal

Within one day after the hearing, the Superintendent or school district must provide the parent or guardian with a written notice of the Hearing decision. The notice must include the reasons for the decision to expel, how many days your child is expelled, and notify you of your right to appeal to the Board of Education to challenge your child's expulsion