

KNOW YOUR RIGHTS: Suspensions and Expulsions



Do teachers send you to the principal's office or give you an in-house a lot? Do you get sent home early? Has your school given you a suspension notice? **YOU HAVE RIGHTS!** This page will explain what your legal rights are and tell you how to get help if those rights aren't respected.

WHAT IS A SUSPENSION?

If any of the following things happen to you, you've been suspended:

- School staff tells you can't come to school
- School staff sends you home early or has your parent come pick you up early
- The school keeps you out of class – like in the principal's office or an in-house room - for more than half the time school is in session a particular day. For example, if the school day is six hours long, and you're out of class in the principal's office for three hours or more, that is an in-school suspension.

GETTING HELP:

You should get legal help if:

- You want to appeal your suspension or expulsion
- You're facing a long-term suspension and have an IEP or 504 plan because you have a disability.
- The school is saying they want expel you.
- You have a question about your rights.
- **Your school says you had weapons, drugs, assaulted staff, or were charged with a felony. This sheet will not apply to you and you should get legal help.**

Call or email Attorney Elizabeth McIntyre: 617-603-1659 or emcintyre@gbls.org.

WHAT IS THE DIFFERENCE BETWEEN A LONG-TERM SUSPENSION AND A SHORT-TERM SUSPENSION?

Your rights depend on how long of a suspension you are facing. There are two kinds of suspensions:

- Short-term suspension: 10 days total, or fewer, during a school year
- Long-term suspension: 11 days total, or more, during a school year.

Here are some examples:

- If you were suspended ten times for one day each during 6th grade, each of those suspensions is a short-term suspension. This is because you never hit day 11.
- If you were suspended once for 30 days, that is a long-term suspension, because it is more than 11 days.
- Let's say you were suspended once for five days, once for three days, and then again for five days. The first two suspensions were short-term suspensions, because you hadn't hit day 11 yet. But if you are suspended for another five days after that, it would be a total of 13 days over the course of the school year, so you've hit day 11. The third suspension would be a long-term suspension.

**Your rights depend on whether you're facing a long-term suspension or a short-term suspension.
Flip this page over to learn what those rights are.**



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	Short-Term Suspension	Long-Term Suspension
Alternative Discipline	You don't have this right if you're facing a short-term suspension.	Before a school can long-term suspend you, the school has to try something else first . Your school might have you write an apology letter or stay for detention, something like that.
Letter	Before the school suspends you, they have to send your parent or guardian a letter . The letter should say: <ul style="list-style-type: none"> • How long a suspension you're is facing • Why the school wants to suspend you • When the suspension hearing is 	Before the school suspends you, they have to send your parent or guardian a letter . The letter should say: <ul style="list-style-type: none"> • How long a suspension you're is facing • Why the school wants to suspend you • When the suspension hearing is
Hearing	Before the school suspends you, the school has to hold a hearing. A hearing is a meeting at the school where you have a chance to explain your side of the story . You have many rights at this hearing: <ul style="list-style-type: none"> • Witnesses: You can bring people to testify who support your side of the story. • Evidence: You can bring evidence, like a video that proves you're innocent, to the hearing. • Help/Advice: You can bring an advocate or attorney to the hearing and that person can speak on your behalf. • Cross-Examining: If the school presents any witnesses, you or your advocate can ask those witnesses questions. 	Before the school suspends you, the school has to hold a hearing. A hearing is a meeting at the school where you have a chance to explain your side of the story . You have many rights at this hearing: <ul style="list-style-type: none"> • Witnesses: You can bring people to testify who support your side of the story. • Evidence: You can bring evidence, like a video that proves you're innocent, to the hearing. • Help/Advice: You can bring an advocate or attorney to the hearing and that person can speak on your behalf. • Cross-Examining: If the school presents any witnesses, you or your advocate can ask those witnesses questions. • Tape Recording: This hearing will be tape recorded.
Manifestation Determination Review	You don't have this right if you're facing a short-term suspension.	If you have a disability , before the school can long-term suspend you, they have to have a special kind of IEP meeting. You should call a lawyer if you are in this position. Contact Elizabeth McIntyre at 617-603-1659 or emcintyre@gbls.org.
Stay in School	You have a right to stay in school unless there is a hearing and the principal officially suspends you. The only exception to this is if the school thinks you might hurt someone or break something if you stay at school. If the school thinks that, the school can send you home. The school still has to send you a letter and have a hearing, it's just that they can send you home first, then have the hearing. If you feel like this is happening to you all the time, call a lawyer. Contact Elizabeth McIntyre at 617-603-1659 or emcintyre@gbls.org.	You have a right to stay in school unless there is a hearing and the principal officially suspends you. The only exception to this is if the school thinks you might hurt someone or break something if you stay at school. If the school thinks that, the school can send you home. The school still has to send you a letter and have a hearing, it's just that they can send you home first, then have the hearing. If you feel like this is happening to you all the time, call a lawyer. Contact Elizabeth McIntyre at 617-603-1659 or emcintyre@gbls.org.
Appeal	You probably don't have this right if you're facing a short-term suspension. Your school may have an appeal process, but they're not required to. Check your school's Code of Conduct for more information.	You can appeal a long-term suspension to the superintendent . Your parent/guardian should get a letter from the school officially suspending you, and this letter should say how to appeal the decision. If it doesn't, call a lawyer Contact Elizabeth McIntyre at 617-603-1659 or emcintyre@gbls.org.

If you are suspended, you still have important rights! Here is what they are:

	Short-Term Suspension	Long-Term Suspension
Continue Learning	You have a right to get make-up work for the time you are suspended, and to make up all tests and quizzes.	You have a right to "alternative educational services." This may mean tutoring, learning over a computer, or something like that. You have the right to have the chance to pass to the next grade .