

# 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 90 minutes or two class periods, whichever is less.

## 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](mailto: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
<b>Alternative Discipline</b>	Before a school can suspend you, the school <b>has to try something else first</b> . Your school might have you write an apology letter or stay for detention, something like that.	Before a school can suspend you, the school <b>has to try something else first</b> . Your school might have you write an apology letter or stay for detention, something like that.
<b>Letter</b>	Before the school suspends you, they have to <b>send your parent or guardian a letter</b> . The letter should say: <ul style="list-style-type: none"> <li>• How long a suspension you're facing</li> <li>• Why the school wants to suspend you</li> <li>• When the suspension hearing is</li> </ul>	Before the school suspends you, they have to <b>send your parent or guardian a letter</b> . The letter should say: <ul style="list-style-type: none"> <li>• How long a suspension you're facing</li> <li>• Why the school wants to suspend you</li> <li>• When the suspension hearing is</li> </ul>
<b>Hearing</b>	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 <b>explain your side of the story</b> . You have many rights at this hearing: <ul style="list-style-type: none"> <li>• <b>Witnesses:</b> You can bring people to testify who support your side of the story.</li> <li>• <b>Evidence:</b> You can bring evidence, like a video that proves you're innocent, to the hearing.</li> <li>• <b>Help/Advice:</b> You can bring an advocate or attorney to the hearing and that person can speak on your behalf.</li> <li>• <b>Cross-Examining:</b> If the school presents any witnesses, you or your advocate can ask those witnesses questions.</li> </ul>	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 <b>explain your side of the story</b> . You have many rights at this hearing: <ul style="list-style-type: none"> <li>• <b>Witnesses:</b> You can bring people to testify who support your side of the story.</li> <li>• <b>Evidence:</b> You can bring evidence, like a video that proves you're innocent, to the hearing.</li> <li>• <b>Help/Advice:</b> You can bring an advocate or attorney to the hearing and that person can speak on your behalf.</li> <li>• <b>Cross-Examining:</b> If the school presents any witnesses, you or your advocate can ask those witnesses questions.</li> <li>• <b>Tape Recording:</b> This hearing will be tape recorded.</li> </ul>
<b>Manifestation Determination Review</b>	You don't have this right if you're facing a short-term suspension.	If you <b>have a disability</b> , 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.
<b>Stay in School</b>	You have <b>a right to stay in school</b> unless there is a hearing and the principal officially suspends you. The only exception to this is if the school thinks you <b>might hurt someone or break something</b> 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 <b>a right to stay in school</b> unless there is a hearing and the principal officially suspends you. The only exception to this is if the school thinks you <b>might hurt someone or break something</b> 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.
<b>Appeal</b>	You can appeal a long-term suspension to the <b>superintendent</b> . 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, contact Elizabeth McIntyre at 617-603-1659 or emcintyre@gbls.org.	You can appeal a long-term suspension to the <b>superintendent</b> . 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, 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
<b>Continue Learning</b>	You have a right to get <b>make-up work</b> 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 <b>right to have the chance to pass to the next grade</b> .