SUSPENDED FROM SCHOOL?

WHAT YOU SHOULD KNOW

What is a Suspension?

- A suspension occurs when a student is removed temporarily from school.

What is an Expulsion?

- An expulsion occurs when a student is permanently removed from school. Rhode Island law does not allow expulsions.

How long can a school remove a student from school?

- A suspension has to be for some definite period of time that is set when the school seeks to remove the student.
- If the suspension is to last more than 10 days, or multiple suspensions add up to more than 10 days, the school district must still provide educational services so the student doesn't fall behind.

What reasons must a school have to remove a student from school?

- A list of reasons why a student may be suspended can be found in your school district's student discipline code. Call the school to obtain a copy.
- A student CAN be suspended for conduct not listed in the code.



WHAT STEPS MUST SCHOOLS TAKE TO SUSPEND A STUDENT?

Generally, before suspending a student for 10 days or less, a school must:

- Tell the student orally or in writing the reasons for the suspension.
- If the student disputes those reasons, the school must also tell the student what evidence it has to prove the student's bad behavior.
- Give the student an opportunity to present her side of the story at an informal meeting before removing the student from school unless the student's presence in school endangers other persons at school or school property or threatens to disrupt the academic process.
- If the student is under 18, give the parent or guardian notice, in the parent's spoken language, of the reason for the suspension and the length of the suspension.

To challenge a suspension call the school principal. A parent may appeal the principal's decision to the school superintendent and, then, to the Commissioner of Education. A school cannot remove a student from school simply by telling the student to go home.

Generally, before suspending a student for more than 10 days, a school must:

- Tell the student in writing why she is being suspended.
- Give the student notice of her right to choose to have a public or private hearing and of her right to be represented by an attorney at that hearing.
- Give the student notice about the time and place of the hearing.
- If the student is under 18, provide the parent with notice of all of the above information in the parent's spoken language.
- Conduct a hearing before the student is actually removed from school for more than 10 days, so that the parent and/or student may have a chance to challenge the suspension. However, a student may be removed immediately if the student's presence in school endangers other persons at school or school property or threatens to disrupt the academic process.
- At the hearing, allow the parent or student to be represented by an attorney and to cross-examine witnesses and present witnesses on the student's behalf.
- Make a record of everything said at the hearing.
- Give the student a free copy of the record.
- Reach a decision within a reasonable time after the hearing and give the student a written copy of that decision.
- The final decision to suspend a student for more than 10 days must be made by the school committee.

If you are unhappy with the result of the hearing, you may appeal to the Commissioner of Education. If you appeal, the school district must send the record and decision to the Commissioner as quickly as possible.

ADDITIONAL INFORMATION ON SCHOOL SUSPENSIONS

Can children with disabilities be suspended from school?

- A student with a disability cannot be suspended for more than 10 school days without a special meeting.



- The meeting (called a "manifestation determination") is to decide if the behavior leading to the suspension was caused by or related to the student's disability.
- If it is determined that the behavior leading to the suspension was caused by or related to the student's disability, the student must, in most cases, be returned to school.

Is it legal for a teacher or school official to hit a student?

- No! Corporal punishment is prohibited in Rhode Island public schools.
- Public school personnel can only put their hands on your child if necessary to prevent someone from getting **seriously** hurt, and NEVER to punish your child.

May your child be suspended for misconduct taking place off school grounds?

Yes. A student may be disciplined by the school for misconduct that has a "direct and significant impact" on school operations. An example would be where a student makes threatening calls from home to the principal.

The material contained in this brochure is general information about your rights and the services Rhode Island Legal Services provides to the community. If you have specific questions, please consult a legal advocate.

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America's Partner For Equal Justice

Suspended from School?



Don't get locked out of your future!

If your child has been suspended and you need legal assistance contact us.

EDUCATION LAW

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