

Sent Home, Suspended, or Expelled? Know Your Child's Rights! (Maryland)

- If your child was **removed from school for disciplinary reasons**, your child was suspended, even if the school did not call it a suspension

- Ask for a **suspension letter** explaining why your child is being suspended and when she can come back to school
 - Write down the date your child was removed from school
 - Check the school system's Code of Conduct to see if your child can be suspended for that behavior
 - Your child cannot be suspended for cutting class or being tardy

- Ask for a **meeting with the principal** and your child to explain why she should not be suspended
 - If the principal suspends your child for 10 days or less, you can write a letter to the principal explaining why she should reconsider the suspension

- If the school wants to suspend your child for more than 10 days, the **superintendent's representative must hold a conference** with you and your child within 10 school days. At the conference:
 - Explain why your child **has not caused chronic and extreme disruption**
 - Explain why your child **would not cause an imminent threat of serious harm** if she went back to school
 - The school system can only issue an extended suspension (11-44 days) if one of these two reasons is true. The school system can only issue an expulsion (45 or more days) if the second reason is true.
 - Explain any other reasons why your child should not be suspended. There is no such thing as an automatic suspension.
 - Bring any information that supports your child's case
 - Ask to see any evidence against your child, including witness statements and video
 - Ask why a suspension of this length is necessary
 - You can bring a lawyer or other advocate

- After the conference, ask for a **written decision** on the suspension that states when your child can come back to her regular school
 - The superintendent's representative must give you this decision within 10 school days of when your child was first removed
 - If they don't, your child has the right to go back to her regular school

- Ask the **school board to review the decision** (file an appeal) within 10 days
 - The school board must hold a hearing and make a final decision within 45 days
 - You can bring a lawyer or other advocate to the hearing

- Ask what **education services** your child will receive during the suspension, and who the contact person at the school is
 - For a suspension of 3 days or less, ask how your child can complete work she missed without penalty
 - For a suspension of more than 3 days, ask if your child will receive daily classwork or be placed in an alternative school
 - For a suspension of more than 10 days, *also* ask what behavioral support services your child will receive

- After a suspension is over, your child has the right to **go back to her regular school**

Red Flags

- If the school system forces your child to **transfer to an alternative school** for disciplinary reasons, that counts as an expulsion

- If your child was arrested or may receive charges for an incident, she should be careful about speaking at the principal meeting or superintendent conference
 - She is not “rejecting” due process by **choosing to stay silent**

- If your child is in **pre-K through 2nd grade**, the school **cannot suspend** her
 - The school can only suspend her for up to 5 days if a mental health professional determines that there is an imminent threat of serious harm that cannot be reduced through interventions or supports

Students with Disabilities (IEPs or 504 plans)

- If the school wants to suspend your child for more than 10 days in a row or more than 10 days in one school year, the IEP or 504 team must hold a **manifestation meeting** within 10 school days
 - At the manifestation meeting, explain why your child’s behavior was caused by her disability or by the school’s failure to follow her IEP or 504 plan
 - If the IEP or 504 team agrees, your child can go back to school. If they disagree, your child can be suspended.
 - If your child has an IEP, ask what **educational services** she will receive during the suspension to enable her to make progress toward her IEP goals

Call the Maryland Suspension Representation Project (MSRP)

443-873-3531

www.mdsuspensionrep.org

MSRP can provide information and may be able to provide an advocate to represent your child at any stage of the suspension process, free of charge