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