

Tips

- You have a right to a lawyer at an expulsion hearing, find one!
- Unless the student has a disability, schools do not have to provide education during suspensions/expulsions, but **always** ask for homework, make-up work, and tutoring!

Students with Disabilities

- Cannot be suspended for more than **10 days** in a row or in a year, unless the school:
 - ⇒ Reevaluates the student
 - ⇒ Conducts a hearing to figure out if the behavior is related to the disability
- School must provide adequate educational services!

Students in Transition or Experiencing Homelessness

- Schools cannot have policies that punish students **because of** homelessness
- Schools cannot have policies that prevent homeless students from going to school
- For help, contact Vermont Legal Aid at **1-800-889-2047**

Education and Youth Law Project

**ACCESS
STABILITY
EQUITY**

A Project of:

Vermont Legal Aid

The Vermont Poverty Law
Fellowship

For information, advice, or to seek representation, call Vermont Legal Aid or visit our website:

1-800-889-2047

www.vtlawhelp.org

**FACING
SUSPENSION
OR
EXPULSION?**



**A GUIDE FOR
VERMONT
STUDENTS FACING
SCHOOL DISCIPLINE**



SUSPENSION AND EXPULSION

- **Suspension:** Up to **10 days**
- **Expulsion:** 11-90 days or until the end of the school year, whichever is *longer*
- **Mandatory 1-Year Expulsion:** Your school board may expel for up to a year if a student:
 - ⇒ Brings a gun or knife to school or a school activity
 - ⇒ Brings an explosive device to school or a school activity
 - ⇒ Makes a bomb threat to the school or school activity

IMMEDIATE SUSPENSION or EXPULSION

- If you are an immediate threat to yourself, others, property, or the educational environment, the school can suspend or expel without procedures
- BUT, you still have rights!
- For help, contact Vermont Legal Aid at **1-800-889-2047**

Students in



**Can Fight
Suspension or Expulsion!**

Student and Parent Rights

Due Process: Schools must follow certain procedures when they suspend or expel students, such as:

- ⇒ Give information to parents
- ⇒ Offer hearings before discipline
- ⇒ Offer schoolwork, mental health, or substance abuse help
- ⇒ Give written decisions

Privacy: Schools must respect students' privacy

- ⇒ In certain situations, schools can search students, bags, phones, electronics, and lockers

Before **SUSPENSION**, the School Must:

- Explain the charges to the student and parent
- Explain the evidence
- Give students and parents a chance to tell their story
- Give written decision to parent

Before **EXPULSION**, the School Must:

- Explain in writing:
 - ⇒ Charges against student
 - ⇒ Date, time, place of hearing
 - ⇒ Right to have a lawyer present
 - ⇒ Possible penalties involved
- Give students and parents a formal hearing with the school board to:
 - ⇒ Present evidence
 - ⇒ Question witnesses
- Give student and parent its decision in writing

If you don't request or attend a school board exclusion hearing, you may lose your right to one!