

School Discipline of Young Children (PreK-3rd Grade): What is Allowed? What are my Rights?

Can my young child be suspended or expelled from public school?

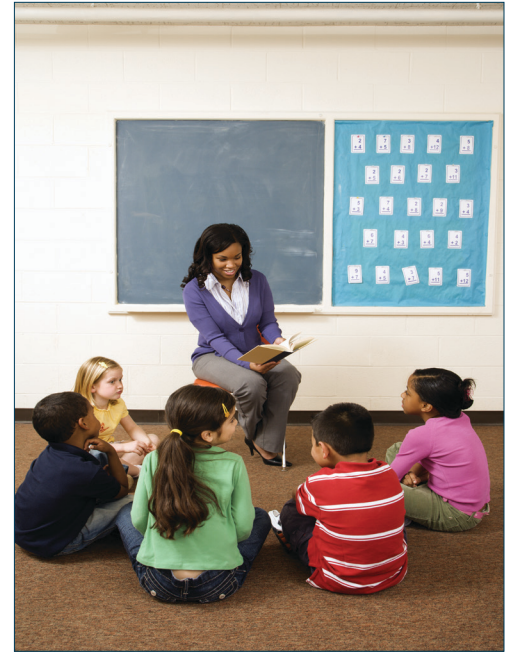
In many cases – NO. In many cases you may:

- continue to send your child to school
- appeal the school's decision

When can the public school suspend my young child?

Your young child may be suspended or expelled if:

- Your child brings a gun or knife onto school district property.
- Your child brings a gun or knife to any school event. (For example: sports games, practices, school plays, field trips).
- Your child causes serious physical harm to a person or property while on school district property or at a school event.
- Your child made a bomb threat to a school building or activity
- The suspension is necessary for the immediate health and safety of self, other children, or staff.



Are the rules different for traditional public schools and public charter (community) schools?

NO. The rules are the same for traditional public schools and public charter (community) schools. However, private schools can make their own rules, so the information on this sheet is only about traditional public schools and public charter schools.

What are my rights if I think my young child was wrongly suspended or expelled from school?

- You have the right to appeal.
- You have the right to a hearing.
- The school must give you a written notice of the suspension or expulsion.
- The written notice must describe the appeal process.

My child's school is telling me to keep my child home for a day because my child is in trouble - but not suspended or expelled. Can they do that?

NO. A direction from a school to keep a child home because of behavior **IS a suspension or expulsion** - even if the school tries to call it something else (a "cool off period," a "break").

What are my rights if the school says to keep my child home for a day?

- Demand paperwork. You should always get a written Notice for a suspension or expulsion.
- If there is no paperwork - send your child to school. If you do not, the school records may say your child has an "unexcused absence."

I am concerned my child might need mental health services. What are my rights?

- Your child's principal must check with a mental health professional before suspending or expelling your child.
- Sometimes the school must refer you outside the school for more mental health services.
- You may wish to ask the school for help. Sometimes, the school district must provide mental health counseling as part of a child's special education services.



Can the school issue an in-school suspension to my young child?

YES, BUT the in-school suspension must be in a learning environment. Your child cannot just be in a hallway or in the school's office.

Can the school tell me to pick up my child early for an “emergency removal?”

YES, BUT the emergency removal should only be used if the school believes your child is a danger to themselves or others. You may ask for written notice of the removal. NOTE: The school does not have to give written notice when the removal is for less than one full day.

How long does a young child's emergency removal last?

An emergency removal lasts less than one full school day for a young child. Your child must be allowed to return to school on the next school day.

Can a school suspend, expel, or remove my child for poor attendance?

NO. Your child may not be suspended, expelled, or removed solely because of absences from school.

Can a public charter school withdraw my child for poor attendance?

Yes. A charter school may withdraw your child after 72 hours of unexcused absences. Get paperwork- such as a doctor's note- to support every absence. Be sure to give it to your child's school. Keep a copy.

What should I do if my child is suspended or expelled?

- **Demand** a written Notice. Do not take your child home without one.
- **Ask** for a hearing with the principal. Put your request in writing. Keep a copy.
- **Ask** for a copy of your child's school records.
- **Advocate** for your child at the hearing. You may bring an attorney with you to the hearing.

If You Need Free Legal Help:



CALL:

Legal Aid Line of Western Ohio:
TOLL-FREE: (888) 534-1432

APPLY ONLINE:

Legal Aid Line website:
www.legalaidline.org

