



School Hearing Checklist

The next few pages include tips, important information, and a list of questions you should ask if your student is disciplined for a school-based offense. You can tear these pages out and bring them with you to a school hearing!

Are you going to a suspension hearing?

1. Find out why. Before the hearing, your school must tell you why—and for how long—it plans to discipline your student. Families—find out from your student what happened. Take notes before and during the hearing.

2. Consider alternatives. Before it can suspend, your school must use discretion and consider ways to re-engage your student in learning. You know your student. Would any of the **alternative disciplinary responses** on page 22 be a better solution than suspension? Help your school understand why.

3. Know your rights. Review this booklet, and read your local code of conduct—it can give you more rights than our state law,

but it cannot give you fewer. **Bring these next pages with you to make sure your rights are followed.** If not, you can file a complaint with the MA Department of Elementary and Secondary Education. (See page 18.)

4. Don't stop learning. Students have the right to make academic progress during discipline. The longer the consequence, the stronger this right. If your student is suspended, do not leave the hearing without a plan for them to continue their work. (See pages 2-12.)

5. Disagree? Appeal. If you disagree with the outcome, you can appeal longer suspensions and expulsions. (See pages 2-12.)



If you think your student is eligible for special educational services, they have additional disciplinary rights. Learn more: <http://www.doe.mass.edu/sped/links/Advocacy.html>.

Want more tips? Read *When My Child Is Disciplined at School* by Massachusetts Appleseed: http://www.massappleseed.org/projects/parent_guide.php.

Alternative Disciplinary Responses

As the old saying goes, “the punishment must fit the crime.” The more a consequence addresses the actual harm or behavior, the better it works. Here are some examples of alternative disciplinary responses that you can ask your school to consider:

Restorative justice: Support the student and those harmed by her actions in identifying solutions together (See page 15)	Written reflection and apology	
Loss of a privilege at school and/or home	Caregiver and student/ teacher conference	Community service
Schedule adjustment	Referral to community-based organizations for additional support	
Meeting with school counselor/ psychologist	Written warning	Mentoring program inside or outside of school
Daily/weekly check-ins between student and an adult mentor at school	Behavioral contract/plan between student and teacher	

Type of Consequence	Questions to Ask
<p>In-school suspension:</p> <p>A student is removed from her regular classroom, but not from school, for more than half the school day.</p>	<ul style="list-style-type: none"> <input type="checkbox"/> Did the school tell your student the reason it thought she broke the rules? Did she get to tell her side of the story? <input type="checkbox"/> Did the school notify you—orally and in writing—of your student’s in-school suspension on the day your student broke the rules? In your preferred language? <input type="checkbox"/> Did the principal invite you to discuss the incident and the best ways to engage your student? On the same day as the in-school suspension? <input type="checkbox"/> Was your student allowed to make up work, quizzes or tests that she missed during suspension? <input type="radio"/> Has your student received more than 10 days of in-school suspension this school year? If yes, it should be treated as a long-term suspension (next page).
<p>Short-term suspension:</p> <p>A student is removed from school for 10 days or fewer.</p>	<ul style="list-style-type: none"> <input type="checkbox"/> Did the school tell you—orally and in writing—why it planned to suspend your student? Did it tell you when it would hold a hearing? In your preferred language? <input type="checkbox"/> <i>Before</i> the suspension, did the school hold a hearing? Did it tell you why it thought your student broke the rules? Were you allowed to tell your student’s side of the story? Did it provide an interpreter for you? <input type="checkbox"/> If the school decided your student broke the rules, were you allowed to tell the school more about your student and suggest other ways to discipline her besides suspension? Did the school consider other ways to re-engage your student in learning? <input type="checkbox"/> If suspended, was your student allowed to make up work and take quizzes/tests that they missed during the suspension? <input type="checkbox"/> Did the school send you a letter with how long the suspension lasts and the day it starts? <input type="radio"/> Has your student received more than 10 days of out-of-school suspension this school year? If yes, it is a long-term suspension (next page).

Long-term suspension.

An in-school or out-of-school suspension for more than 10 total days in any school year.

- Did the school tell you—orally and in writing—why it planned to suspend your student? In your preferred language?
- Were you invited to a hearing to discuss the incident before your student was suspended?
- Before the hearing, were you allowed to review your school's evidence for why it thought your student broke the rules?
- At the hearing, were you allowed to bring an attorney or advocate? Were you allowed to present your own evidence, bring your own witnesses, and question the school's witnesses? Did the school provide an interpreter?
- Did the school try other alternatives, like mediation or conflict resolution, before suspending? By law, **the school must show that it tried alternatives** before issuing a long-term suspension.
- If your student was suspended, did the school give you a letter that says how long the suspension lasts, the day it starts, and information on how to appeal it if you disagree?
- Did the school let you pick an option from its Education Service Plan to ensure your student makes academic progress during the suspension?

Emergency removal:

A student is removed from school before a hearing for no more than 2 consecutive days because:

1) the student poses a danger to school safety or materially and substantially disrupts school, **and**

2) there is no way to stop the danger or disruption in school.

- Did your student pose a danger or substantial disruption to the school? Did the school consider other options before sending your student home?
- Did the school make sure there was a safe way for your student to get home?
- Did the school immediately try to notify you of the removal and the reasons for it?
- Did the school schedule a suspension hearing during the removal? If your student was suspended for *10 days or fewer* during the year, did you receive your **short-term suspension** rights (page 23)? If your student was suspended for *more than 10 days* during the year, did you receive your **long-term suspension** rights (above)?
- On the same day as your hearing, did the school decide if your student broke the rules? Did they tell you why in writing?

Expulsion:

A student is removed from school for more than 90 days, only for possession of a dangerous weapon, possession of a controlled substance, or assault on school staff.

- Did the school tell you why it planned to expel your student? In writing?
- Were you invited to a hearing to discuss the incident *before* your student was expelled?
- At the hearing, were you allowed to bring an attorney or advocate? Were you allowed to present your own evidence, bring your own witnesses, and question the school's witnesses?
- If your student was expelled, did the school give you a letter that says how long the expulsion lasts, the day it starts, and information on how to appeal it if you disagree?
- Did the school let you pick an option from its Education Service Plan to ensure your student makes academic progress during the expulsion?

Is your student being disciplined in a way that's not on this list? Is your school violating your student's due process rights? **Call the Lawyers' Committee:**

617. 482.1145

