

KNOW YOUR RIGHTS SCHOOL DISCIPLINE

SUSPENSIONS
EXPULSIONS
INVOLUNTARY TRANSFERS

A GUIDE FROM THE ACLU OF CALIFORNIA

KNOW YOUR RIGHTS: SCHOOL SUSPENSIONS

WHAT IS SUSPENSION?

Suspension is a form of school discipline which temporarily removes you from a class or from school. Your school may prohibit you from school grounds, a classroom, or place you in a supervised (“in-school”) suspension classroom separate from other students.

1. WHEN CAN MY SCHOOL SUSPEND ME?

- ♦ **Your school cannot suspend you for just anything.** It can suspend you only for behavior explicitly listed in the California Education Code.
- ♦ **Your school cannot suspend you for school absences or tardiness.**
- ♦ **A school cannot suspend students below the fourth grade from school or place them in “in-school” suspension for “willful defiance.”**
- ♦ **Your school may only suspend you for conduct related to a school activity or school attendance.** This includes conduct at school, during school-sponsored activities, and on your way to and from school.

2. WHAT MUST MY SCHOOL DO BEFORE IT SUSPENDS ME?

- ♦ **Your school must first try other interventions to change your behavior.** Your school may only suspend you after other interventions fail, unless your behavior is serious, violent, or dangerous to others.

- ♦ Other interventions can include conferences with your parents, referrals to counselors or psychologists, or anger management programs. School districts should also document the interventions they use.

3. WHAT ARE MY RIGHTS DURING THE SUSPENSION PROCESS?

- ♦ **You have the right to an informal pre-suspension conference** with school or district staff, unless there is an emergency situation.
- ♦ **You have other rights during the process** including the right to tell your side of the story and present evidence in the conference before you are suspended.

4. WHAT ARE MY RIGHTS AFTER A FINAL DECISION OF SUSPENSION?

- ♦ Your school must send a written notice of its decision to your parents/guardians.
- ♦ Your school cannot suspend you for more than five days in a row or for more than 20 total school days in one school year.
- ♦ You may have the right to appeal your school's final decision.



KNOW YOUR RIGHTS: SCHOOL EXPULSIONS

WHAT IS EXPULSION?

Expulsion means your school district prevents you from attending traditional schools in your school district.

1. WHEN CAN MY SCHOOL EXPEL ME?

- ♦ **Your school is required to expel you only for the following behaviors:** possessing or selling firearms, threatening another person with a knife, selling a controlled substance, attempting or committing a sexual assault, possessing an explosive, or inflicting serious bodily injury.
- ♦ **Your school may choose to expel you for other behavior, but only behaviors explicitly listed in the California Education Code.**
- ♦ Your school may expel you only for conduct on school grounds or at a school related activity off school grounds.
- ♦ **You cannot be expelled from your school for “willful defiance.”**

2. WHAT MUST MY SCHOOL DO BEFORE IT EXPELS ME?

- ♦ **You have the right to an expulsion hearing within 30 school days of the proposed expulsion.** Prior to your hearing, your district must continue to offer you an educational program. Your school district will make its final expulsion decision at your hearing.
- ♦ Your school district must provide you written notice of your expulsion hearing date at least ten days prior to your hearing.
- ♦ You have the right to request your student records and inspect evidence to be used against you before your expulsion hearing.

3. WHAT ARE MY RIGHTS DURING & AFTER THE EXPULSION PROCESS?

- ♦ You have rights during your expulsion hearing, including the right to bring advocates to help tell your side of the story.
- ♦ You have rights after an expulsion hearing, including the right to a written final decision, and the right to an appeal.
- ♦ If you win your hearing, you almost always have the right to return to your school.
- ♦ You may be eligible to return to your school district after expulsion. Check with your district for its process.

KNOW YOUR RIGHTS: INVOLUNTARY TRANSFERS

WHAT IS AN INVOLUNTARY TRANSFER?

An involuntary transfer is when a school district transfers a student to an alternative school against the wishes of the student or their parent/guardian. Schools have a lot of discretion in transfers, but there are important limits on their discretion.

WHAT ARE ALTERNATIVE SCHOOLS?

Alternative schools include county community schools, community day schools, and continuation schools. These schools may be beneficial for some students, but they often do not provide the same educational or extra-curricular opportunities as traditional schools.



WHAT ARE MY RIGHTS IN INVOLUNTARY TRANSFERS TO COUNTY COMMUNITY SCHOOLS?

- ♦ **You may be involuntary transferred to a county community school if you are expelled, referred by a School Attendance Review Board (SARB), or referred under court order.**
- ♦ You may not be transferred to a county community school solely because you are homeless or a foster youth.
- ♦ **You have the right to object to your transfer to a county community school** if the school cannot meet your educational needs, you have safety concerns, or if the school is geographically inaccessible.
- ♦ Your school district may not transfer you to a county community school that does not have enough space for you.
- ♦ If you are transferred to a county community school based on a SARB referral, you have the right to return to your original school or another traditional school at the end of the transfer period.

WHAT ARE MY RIGHTS IN INVOLUNTARY TRANSFERS TO COMMUNITY DAY SCHOOLS?

- ♦ **Your school district may only involuntary transfer you to a community day school if you are expelled, on probation, referred by a SARB, or referred through a district-level referral process.**
- ♦ You do not have a right to appeal your transfer to a community day school, but you can always appeal an expulsion that led to your transfer.

WHAT ARE MY RIGHTS IF I AM INVOLUNTARILY TRANSFERRED TO A CONTINUATION SCHOOL?

- ♦ **Your district may only involuntarily transfer you to a continuation school if you have committed a violation in the California Education Code, or you have had irregular attendance in your required classes.**
- ♦ Your district may not transfer you to a continuation school unless other attempts to change your behavior fail or your presence at school causes a danger to others or disrupts the instructional process.
- ♦ Your district may only transfer you to a continuation school in the semester when the act occurred or in the semester after.

WHAT ARE MY RIGHTS BEFORE AND AFTER A FINAL DECISION TO INVOLUNTARILY TRANSFER ME TO A CONTINUATION SCHOOL?

- ♦ **You have the right to request a meeting with a representative of your superintendent before your involuntary transfer to a continuation school.** You have the right to present your side of the story with evidence, advocates, and witnesses.
- ♦ No one from your school may be involved in the final decision to transfer.
- ♦ You have the right to receive a written notice of your district's final transfer decision.
- ♦ You have the right to return to a traditional high school the following school year with consent of your school district superintendent.

**For more detailed information on your
rights and responsibilities during suspension,
expulsion, and involuntary transfers, visit:
www.aclunc.org/kyr**

If you are an English language learner, foster youth,
or a student with a disability you have additional
rights and protections.

If you think your school is not complying with the law,
please contact us:

ACLU of SOUTHERN CALIFORNIA
www.aclu-sc.org
(213) 977-5251

ACLU of NORTHERN CALIFORNIA
www.aclunc.org
(415) 621-2488

ACLU of SAN DIEGO & IMPERIAL COUNTIES
www.aclusandiego.org
(619) 232-2121

