



Advocates for Justice and Education, Inc.

The federally designated Parent Training and Information Center for Washington DC

Know Your Rights:

What to Do If Your Student Is Suspended or Expelled from a D.C. Public Charter School

School suspensions and expulsions cause many negative outcomes for students and their families. Suspended and expelled students tend to fall behind on schoolwork, receive lower grades, and can be more likely to drop out of school. Parents and guardians can limit the damage of suspensions, or prevent it from happening, by knowing and applying the following information when advocating for their child:

1. Familiarize yourself with the charter school's handbook. Know the rules.

- Charter school discipline procedures differ from the procedures for D.C. public schools (DCPS); however, the recently passed Student Fair Access to School Amendment Act of 2018 places restrictions on how long any public school can suspend students, and applies to charter schools. The procedures also differ from charter school to charter school.
- Your charter school must follow the discipline procedures listed in its handbook. Ask staff to identify and explain all rules and procedures they are relying on to suspend or expel the student. You can oppose suspensions and expulsions on the grounds that they are not carried out in accordance with the procedures in the handbook.
- To learn about your school's discipline procedures, go to your charter school's website. You can also request a hardcopy directly from your charter school or by contacting the DCPCSB at (202) 328-2660 or dcpubl@dcpcsb.org.

2. While each charter school has its own specific discipline procedures, all students facing suspension or expulsion are legally entitled to notice of the suspension and an opportunity to be heard.

- Every school must provide a suspended student with written notice of the suspension or expulsion.
- Always ask for written notice if your student is being suspended or expelled, and any incident reports, witness statements or other records related to the suspension.
- The notice should clearly identify what a student is accused of, provide as many details about the incident as are available, explain any proof that school has that the accusation is true, and explain your right and the process for appealing the decision, whether through a hearing or other means.
- The school should provide a copy of all of the records and evidence relating to the disciplinary incident prior to the hearing including statements and incident reports or other evidence.
- If the student denies the allegations, the school must allow the student to present his or her side of the story. The school may refer to this as a suspension hearing, suspension conference, expulsion hearing, or expulsion conference.
- The notice and the hearing should occur before the student is removed from the school. But, a student whose presence creates a dangerous or disruptive situation at the school may be removed immediately, and the notice and hearing should follow shortly after.
- It is the school's responsibility to provide proof that the allegations are true and the suspension is justified.

3. Be an advocate for your student. Attend any and all hearings and request available appeals.

- Know how long you have to request a suspension or expulsion hearing or appeal. Keep proof that you requested a hearing or appeal by keeping a written copy of your request or sending it by email or fax.

- When the school schedules a hearing, you should make every effort to attend the hearing. If you cannot make the scheduled hearing, ask the school to reschedule it. If it cannot be rescheduled, arrange for another adult to attend to advocate for the student.
- You can challenge a suspension or expulsion because: the student didn't do it; of the circumstances that lead to the student's behavior (e.g., bullying, wrongful action of staff); the school didn't follow procedures; the school alleged wrong violation, etc.
- Make recommendations about alternative discipline that you might feel is more appropriate under the circumstances. Examples of alternatives to suspensions or expulsions are: restorative justice practices, restitution, in-school behavioral responses, behavior interventions plans, behavior contracts, parent/teacher conferences, bullying prevention plans, and attendance intervention plans.
- Request and advocate for your student in suspension or expulsion appeals. Appeal procedures should be listed in the school handbook and on written notice regarding the disciplinary action.

4. Your student should be allowed to remain in school until the conclusion of the hearing and appeal process.

- The charter school cannot put the student out of school prior to their hearing unless...
 - a. their presence is a continuing danger to people or property, or
 - b. their presence is an ongoing threat to disrupt the academic process.
- The school should explain their reason(s) for deciding that the student cannot attend school before their hearing.
- If the student is suspended, request that the student have access to instruction and schoolwork until the end of the suspension and make sure that the student is not penalized for work that they were not given during a suspension. Students should have the opportunity to make up any work or tests missed while suspended.

5. If a student is expelled, he or she still has the right to attend their DCPS neighborhood school or another charter school with open seats.

- There is no required wait time before the student is allowed to enroll into another school. It is best to enroll the student in another school as soon as possible to minimize the academic disruption of the expulsion.
- Make sure that the charter school promptly provides school records to allow enrollment in another school.
- Make sure that the charter school does not penalize the student for work the student did not have a chance to complete. Ask the charter school to modify the final grades listed in the student's transcript to take out work that the student did not have a fair chance to complete.
- Enroll the student in another school as soon as possible to minimize the academic disruption of the expulsion.
- If a student is not enrolled in another school after an expulsion or withdrawal, they may violate compulsory school attendance laws. This may lead to civil and criminal penalties for the student or their parent/guardian.

6. There are limits on how many days your student can be suspended.

- For a single incident, students in grades K-5 cannot receive an out-of-school suspension for longer than five consecutive school days. Additionally, students in grades 6-12 cannot receive an out-of-school suspension for a single incident longer than ten consecutive school days.
- Generally, a student cannot be suspended for more than twenty cumulative school days during an academic year. The exception requires a written justification from the head of the charter school explaining why the discipline was more appropriate than alternative responses.

7. Contact Advocates for Justice and Education (AJE)

If you have questions or would like to request our assistance in challenging a suspension or expulsion: Call, email or visit AJE: (202) 678-8060 • information@aje-dc.org • 25 E Street, NW 3rd Floor • Washington, D.C. 20001. Mary's Center Intake on Tuesdays and Thursdays at 3912 Georgia Avenue, NW, Washington, DC 20011.