



**EAST BAY
COMMUNITY**
LAW CENTER

School Discipline

EDUCATION DEFENSE AND JUSTICE FOR
YOUTH PROGRAM

Types of School Discipline

1. Loss of Privileges: When a student is deprived of something as a form of punishment for any violation of a school's code of conduct
2. Detention: When a student is required to stay after class as a form of punishment
3. Behavior Contract: When a student agrees in writing to certain ways of how to behave
4. Office Referral: When a student is sent to the principal's office to discuss certain behavior
5. Classroom Suspension: Temporary removal (1-2 days) of a student from a specific regular classroom by that classroom's teacher (ex. sending a student to the hall or to the principal's office)
6. In-School Suspension: Temporary removal of a student from regular classroom settings to an alternative "supervised" space within the school
7. Out-of-School Suspension: Temporary removal (5 consecutive days/20 total days per school year) of a student from their school
8. Suspended Expulsion: student must complete certain conditions, but may remain in school unless they violate one of the conditions at which point they may be expelled.
9. Expulsion: Removal of a student from all comprehensive schools within a school district, for a period of time lasting generally no longer than one calendar year

Suspension/Expulsion Timeline

- Initial Suspensions: up to 5 school days
- Extended Suspensions: if a student is referred for expulsion or if school determines they need to be out of school for longer. No time limit!
- Expulsion Hearing: unless the school or student requests extension, within 30 school days of the initial suspension
- If a student with disabilities has been suspended for more than 10 school days, they have a right to a Manifestation Determination Review (MDR)
 - The IEP team decides if the behavior is related to the disability or related to the school's failure to implement the IEP

Expulsion Hearing Rights

Written notice

Right to inspect
and present
evidence

Right to
question
witnesses

Attorney or
non-attorney
advisor

Record of
hearing

Quick decision

Non-Attorney Advocacy: Before Suspension/Expulsion Hearing

- Join suspension conference and extension of suspension conference and advocate for alternatives, such as:
 - Restorative justice
 - Parent/guardian conference
 - Behavior plan
- Ask in writing to postpone expulsion hearing so EBCLC can get involved
- Ask for discipline records and, if needed, translated versions
- Ask for and join an MDR, if it needs to happen



Non-Attorney Advocacy: At Expulsion Hearing


- If you were unable to get an attorney in time, act as the student's "non-attorney advisor" and help them put on a defense:
 - Opening statement (explain why the student shouldn't be expelled)
 - Ask questions of the school's witnesses
 - Help the student provide a written or verbal statement explaining their side of the story
- Testify as a witness or provide a signed letter of support



Non-Attorney Advocacy: After Expulsion Hearing

- If an attorney was not already involved with the hearing, contact an attorney to file an appeal
 - This must be filed within 30 days of the school board decision to expel
- Help the student enroll in a different district, Alameda County Office of Education, or a charter school while they are expelled
- Help them stay on top of their "readmission plan" so they can go back to their district as soon as the expulsion is over
 - EBCLC can help with readmission challenges!





Additional Problems With Discipline

Call EBCLC about issues in red

- “Shadow Suspension”: schools call parents/guardians to pick up students but don’t follow the process we just discussed (no notice, meeting, or record of suspension)
- Overuse of discipline against students of color, students with disabilities, and LGBTQ+ students
- Schools not using alternatives before resorting to suspension/expulsion
- Students not receiving any education during extended suspensions
- Stipulated expulsions
- Transfers instead of expulsion