

School Discipline in California

Frequently Asked Questions

California youth have many legal rights when it comes to school discipline. The “California Education Code” is the section of our state’s law that includes all the rights below.

Q: My teacher sent me to the office during class and said I couldn’t come back. Is that a suspension?

A: Yes, this is called a teacher suspension. Your teacher can suspend you from class for many types of behavior. If your teacher suspends you from class repeatedly and you suspect bias, you can file a written “uniform complaint” with your principal. The school district will investigate. If you’re in special education and facing frequent suspensions from the same class, please contact us for more support.

Q: My principal told me I was suspended. What does that mean?

A: Your school can suspend you for up to five school days for certain behaviors. During suspension, you cannot be on school property or at school-related activities unless your principals allows it. Ask for schoolwork, either online or on paper, to do while you’re suspended. Your principal should give you a suspension form stating when you can return and why you were suspended.

Q: My principal suspended me for more than five schooldays. Is that allowed?

A. Your school can extend your suspension beyond five days, but usually no more than 20 days a year. They’ll have a “extension of suspension” meeting with you and your guardian to discuss it. At the meeting, the school must show that that you being at school is dangerous or disruptive. They’ll give you a form stating when you can return and why you were suspended for longer. Often, your school extends your suspension when they are considering expelling you (removing you from the entire school district). If they haven’t mentioned expelling you after a five-day suspension, contact us for more support.

Q: My principal is recommending me for expulsion. What does that mean, and what can I do?

A. Expulsion means you cannot attend any school in the district (alternative or independent study included), possibly for a year. If your school mentions expulsion, contact us for help. You have the right to defend yourself. We can act as your lawyers at the hearing and support you in telling your side. If you don’t want a lawyer or can’t find one, you can choose someone you trust to help you at the hearing, like a family member, counselor, or any other person who you trust to help you.



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Frequently Asked Questions, Continued

Q: I have been expelled. Do I still get any type of schooling?

A: Yes. Even if you've been expelled, you still have the right to attend school. The district should refer you to a "county community school", run by your County Office of Education, where you can start learning soon after expulsion. You can also opt for a charter, private, or different public school, but you must disclose your expulsion when enrolling. If you need assistance getting back into school after expulsion, contact us.

Q: I have been expelled. Is that a final decision?

A: No, the decision isn't always final. If you've been expelled in the last 30 days, you can file an "appeal" with the county board of education. The county board works for the county, not the school district. They'll decide if your expulsion stays or reverse it so you can return to school. Contact us if you want help with an appeal.

Q: I have been expelled, and I don't want to or cannot appeal. How do I go back to my school district?

A: You can go back to school when you complete most or all of your "rehabilitation plan." The rehabilitation plan is a list of things your school district wants you to do before you can come back to school. They should have given you a letter or an email with that list of things to do when they decided to expel you. Examples include counseling, writing an apology letter, getting good grades at your new school, and more. If you do not have that rehabilitation plan, contact your district's superintendent's office and tell them you need it. If you need help understanding or completing your rehabilitation plan, contact us for support.

Q: I have a disability, and I have been suspended or expelled. Is that allowed?

A: Students with disabilities facing school discipline, whether they have a "Section 504 plan" or an "Individualized Education Program (IEP)" or are in the process of getting either, may have more rights. For example, if suspended for more than 10 days in the school year, you should have a special meeting with school staff and your family to decide whether your actions are related to your disability or to the school's failure to follow your special education plan. If either of those things is true, you cannot be suspended anymore and must be allowed to come back to school. Contact us for support if you have a disability and want more support with school discipline.

For More Information...

- Call or email our East Bay Community Law Center youth program intake line at (510) 982-7695 or email us at EDJYintake@ebclc.org.
- American Civil Liberties Union My School, My Rights website: <https://www.myschoolmyrights.com/>
- Disability Rights California Special Education Rights and Responsibilities website: <https://serr.disabilityrightsca.org/>