— KNOW YOUR RIGHTS —

Suspensions

What is a suspension?
A suspension is school discipline that removes a student from class or school temporarily.
Suspensions can be “in-school,” where a student is placed in a supervised classroom away from other students, or “out-of-school,” where a student is sent home for the suspension period.

What are your rights before, during, and after suspension?

• A school must try other interventions first, unless the behavior is serious or dangerous. Other interventions can include parent conferences and counseling referrals.
• Right to an informal pre-suspension conference (unless there is an emergency).
• Right to tell your side of the story and present evidence before suspension.
• Right to have your parents get written notice of the school’s final decision on a suspension.
• Right not to have your suspension last for more than 5 days in a row or for more than 20 days total in one school year (or 30 days if the student transfers schools).
• You may have the right to appeal the school’s final decision if your district has a suspension appeals policy.

When can a school suspend you?

• A school can only suspend you for behavior listed in the California Education Code.
• A school can only suspend you for behavior that happened at or on the way to/from a school activity.

When can’t a school suspend you?

• Your school cannot suspend you for absences or tardiness.
• Your school cannot suspend you if you are in grade 8 or below for willful defiance.

For free legal help, please contact NLSLA:
NLSLAEducationTeam@nlsla.org | (888) 907-0444 | nlsla.org/services/education-rights
All Services are Free of Charge
### Suspension Process Timeline

<table>
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<tr>
<th>Offense committed</th>
<th>Informal conference</th>
<th>Notice to parents</th>
<th>Parent conference</th>
<th>Suspension</th>
<th>(Possible) appeal</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Before suspension</strong></td>
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<td><strong>Suspension</strong></td>
<td><strong>After suspension</strong></td>
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<td>• Broken rule must be listed in §48900 of the Education Code</td>
<td>• The school must make a “reasonable effort” to contact the parent/guardian to discuss the suspension or invite them to a conference.</td>
<td>• The school must also report the suspension to the school board, so they are informed of the school’s proposed actions.</td>
<td>• School must send written notice of suspension to parents.</td>
<td>• The Education Code does not include a right to appeal a suspension, BUT local school districts often have their own appeal procedures.</td>
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<td>• School may only suspend a student for breaking a rule while:</td>
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<td>• A student cannot be suspended for more than 5 days in a row or 20 days in one school year (or 30 days if the student is transferred).</td>
<td>• The appeal process in many districts usually involves a first appeal to the local school district and a possible second appeal to the Board of Education.</td>
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<td>o On school grounds</td>
<td>o During or traveling to/from school or school activity</td>
<td>o During on- or off-campus lunch</td>
<td>o During off-campus lunch</td>
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<td>• Before the student is suspended, Principal will hold an informal conference with the student to hear their side of the story.</td>
<td>• Parents should respond quickly to a conference request to discuss the student’s behavior and the disciplinary action.</td>
<td>• BUT schools cannot refuse to reinstate a student after the suspension if parents do not attend the conference.</td>
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<td>o BUT, if it is shown that the student is a “clear and present danger” to health and safety, the conference may be held within 2 days.</td>
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