

FACING SUSPENSION OR EXPULSION? KNOW YOUR RIGHTS

The ACLU wants students and their parents to know their rights
When it comes to discipline in schools.

In this guide, we cover what rights you should expect when facing
discipline and give tips on how to ensure your school has a thorough
due process policy in place.

If you are involved in an incident, you have the right to fair
treatment. Use this guide along with your school's discipline policy
and discuss any questions with your school administrators. If you
think your rights have been violated, contact the ACLU of Michigan.



2966 Woodward Ave. Detroit, MI
313-578-6800
aclumich.org
facebook.com/ACLUofMichigan

YOUR RIGHTS WHEN FACING SCHOOL DISCIPLINE

Before you can be removed from school you have a right to due process.
Unless it will be dangerous or disruptive, before you're suspended or
expelled, your school must:

- **Give you notice of the charges.** The school must tell you, either verbally or in writing, what you are being accused of.
- **Provide an explanation of the evidence against you.**
- **Give you a chance to tell your side of the story.** The school must give you an opportunity to respond to any charges. This chance **may or may not** come during a formal hearing, so think before you speak.

YOUR RESPONSIBILITIES

Take responsibility for knowing your school's discipline policy and how
it should be enforced. If your school doesn't have a thorough due
process policy in place, demand that one be drafted and followed.

TAKE OUR ADVICE: ASK FOR YOUR PARENTS

If you are being questioned, we recommend you ask the school to
call your parent or guardian, and then wait until they get there
before you answer any questions.

DEMAND A CHANCE TO BE HEARD

If you are facing suspension or expulsion, you are entitled to a fair
hearing. A hearing provides all sides a chance to tell their story.
However, school policy varies from district to district when it
comes to hearings and appeals.

Check your student code of conduct, student handbook or school
district policy. If you don't know where to look, ask an
administrator for a copy of your school policy.

If the procedures for your school or school district have not been
properly followed in your case, you should consult a lawyer
immediately.

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WHAT DOES ZERO TOLERANCE MEAN?

Zero tolerance refers to disciplinary policies that are meant to keep students and teachers safe, but which sometimes result in unnecessary expulsions. Under these policies, students who commit serious offenses like arson, criminal sexual conduct or possession of a gun or other dangerous weapon must be expelled immediately.

Unfortunately, many schools have begun using similar one-strike policies to punish minor misbehavior like loitering or disrespect. Used like this, zero tolerance punishments don't make schools safer and can push students out of the educational system completely.

For minor offenses, alternative discipline programs like peer mediation, positive behavior supports and restorative practices have been proven to improve the school climate, reduce the need for suspensions and keep students in school.

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EXCEPTIONS TO THE ZERO TOLERANCE LAW

Michigan's zero tolerance law does allow schools to use their own judgment in some cases, but many administrators are unaware of these exceptions.

Under Michigan law, a dangerous weapon is defined as: a gun, a knife with a blade over 3 inches, an iron bar, or brass knuckles. Zero tolerance policies may not apply to items not on the list.

A student DOES NOT have to be expelled if they can clearly prove at least one of the following:

- The object was not possessed by the student for use as a weapon, nor was it to be given to another person for use as a weapon.
- The weapon was not knowingly possessed by the student.
- The student did not know the object or instrument was a dangerous weapon.
- The weapon was in the student's possession with the permission or at the direction of school or police authorities.

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HELP CREATE SAFE AND FAIR SCHOOLS

Speak up and demand that every school provides students with:

- A clear, thorough due process policy to follow.
- A fair hearing where students can tell their side of the story and which involves the student, the administrator who will decide what punishment is appropriate, a parent or guardian, and an advisor or lawyer for the student.
- An opportunity to present evidence, question witnesses, and challenge any evidence against them at hearings.
- Alternative programs like peer mediation, positive behavior supports, or restorative practices for minor offenses.

Students, parents, teachers and administrators all want to create safe schools that respect students' rights. Make your voice heard and reach out to school districts and elected officials.

Get more information and help keep students in school by emailing us at education@aclumich.org

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