



**KNOW YOUR RIGHTS**

**SCHOOL**

**DISCIPLINE**

**IN MICHIGAN**

**SUSPENSIONS**

**EXPULSIONS**

**SPECIAL EDUCATION**

**A GUIDE FROM THE STUDENT RIGHTS PROJECT &  
THE ACLU OF MICHIGAN**

# TABLE OF CONTENTS

## KNOW YOUR RIGHTS: **SCHOOL DISCIPLINE IN MICHIGAN**

OVERVIEW OF THE SUSPENSION/ EXPULSION PROCESS.....	3
KNOW YOUR RIGHTS: SCHOOL SUSPENSIONS.....	4
KNOW YOUR RIGHTS: SCHOOL EXPULSIONS.....	6
KNOW YOUR RIGHTS: SUSPENSIONS AND EXPULSIONS OF STUDENTS WHO RECEIVE SPECIAL EDUCATION SERVICES.....	8
PREPARING FOR A SUSPENSION OR EXPULSION HEARING.....	10

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**P**roject

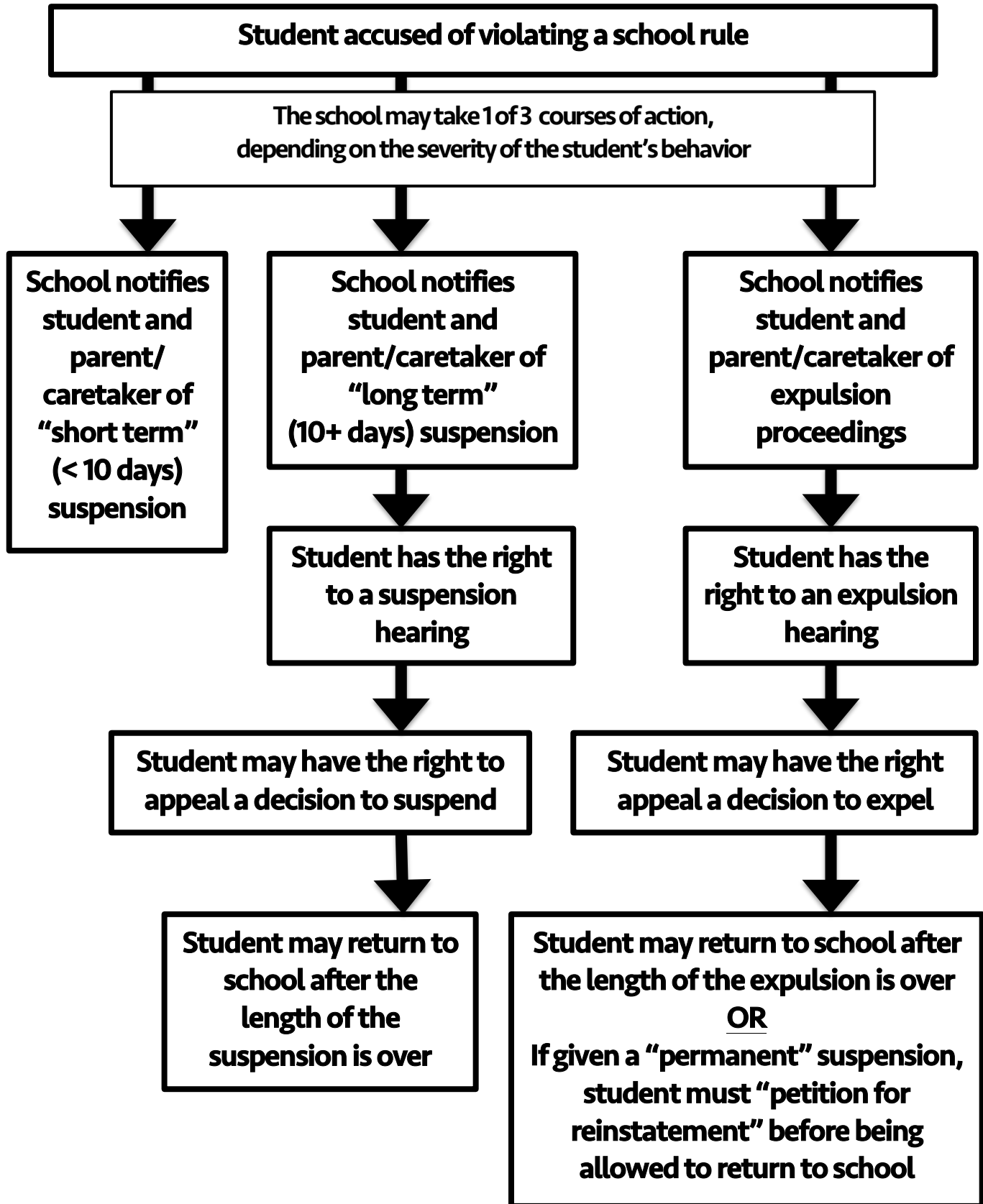
a project of law and social work students  
from the University of Michigan



**ACLU**

**AMERICAN CIVIL LIBERTIES UNION  
of MICHIGAN**

# OVERVIEW OF THE SUSPENSION/ EXPULSION PROCESS



# KNOW YOUR RIGHTS: SCHOOL SUSPENSIONS

## WHAT IS SUSPENSION?

*Suspension is a form of school discipline which temporarily removes you from a class or from school. Your school may prohibit you from school grounds, a classroom, or place you in a supervised (“in-school”) suspension classroom separate from other students.*

## 1. WHEN CAN MY SCHOOL SUSPEND ME?

- **Your school cannot suspend you for just anything.**
  - All Michigan school districts are required to have a “Student Code of Conduct” that lists the misbehaviors that can lead to a suspension.
  - A teacher may suspend you from the classroom for up to one day if you create a “safety threat,” as defined by school policy. If you are given an “in-school” suspension, you must be under appropriate supervision.
- **Your school may only suspend you for conduct related to a school activity or school attendance.**
  - This includes conduct in the classroom, elsewhere on school premises, on a school bus or other school-related vehicle, or at a school-sponsored activity or event.

## 2. WHAT MUST MY SCHOOL DO BEFORE IT SUSPENDS ME?

- **You get minimal due process protections for a suspension of less than 10 days.**
  - You have the right to oral or written notice of the accusations.
  - You have the right to know what disciplinary measures are being proposed.
  - You have the right to respond to the accusations.
  - If the school decides that you pose a danger to other people or property at school, you can be removed before given notice and an opportunity to respond to the accusations.
  - You have the right to ask for a parent to be present before answering any questions asked by an administrator or police.

### **3. WHAT ARE MY RIGHTS DURING THE SUSPENSION PROCESS?**

- **Suspensions of 10 days or more (“long-term suspensions”) require more formal due process protections.**
  - You have the right to a hearing before the school board or a committee of administrators.
  - The hearing must be held within 10 days of the first day you were suspended.
  - You have the right to ask for the evidence that the school has against you.
  - If you or your parent/guardian cannot speak English, the school must provide a translator during the hearing and for all communications between the school and home.
  - You and your parent/guardian have the right to give a statement about the behavior and challenge the seriousness of the discipline.
  - If you think you are falsely accused of breaking a school rule, you have the right to bring witnesses to the hearing and the right to question school officials why you are being accused.
  - The person conducting the disciplinary hearing must be impartial.
  - You have the right to have an advocate or lawyer help you through the hearing process.

### **4. WHAT ARE MY RIGHTS AFTER A FINAL DECISION OF SUSPENSION?**

- Your school must send a written notice of its decision to your parents/guardians.
- You may have the right to appeal your school’s final decision (check your district’s “Student Code of Conduct”).

# KNOW YOUR RIGHTS: SCHOOL EXPULSIONS

## WHAT IS EXPULSION?

*Expulsion is a form of school discipline which can remove you from school for a set number of days or “permanently” removes you from a school at any time in the future unless your parent or guardian re-applies for you to be reinstated.*

## 1. WHEN CAN MY SCHOOL EXPEL ME?

- **Your school is required to expel you only for the following behaviors:**
  - Knowingly possessing a weapon (guns, pellet guns, knives, clubs, bombs) on school grounds.
  - Committing arson on school grounds.
  - Committing criminal sexual conduct (unwanted touching, sexual assault).
  - Committing verbal assault against an employee or volunteer of a school district.
    - “Verbal assault” must be defined by your school’s policies.
  - Making a bomb threat or similar threat at a school building or school-related event.
  - Committing physical assault against another student (requires suspension or expulsion for up to 180 school days).
    - “Physical assault” means “intentionally or causing or attempting to cause physical harm to another through force or violence.”
  - Committing a physical assault against an employee or volunteer of a district at school or on school grounds (results in “permanent” expulsion).
- **Your school is not required to expel you for having a weapon if:**
  - You didn’t intend to use it as a weapon.
  - You didn’t know you possessed the weapon.
  - You didn’t know or have reason to know that the object you possessed was a “dangerous weapon.”
  - Police or a school staff member gave you permission to have the weapon.

## 2. WHAT ARE MY RIGHTS DURING THE EXPULSION PROCESS?

- You have the right to a hearing before the school board or a committee of administrators within 30 school days of the proposed expulsion.
- You have the right to ask for the evidence that the school has against you.
- If you or your parent/guardian cannot speak English, the school must provide a translator during the hearing and for all communications between the school and home.
- You and your parent/guardian have the right to give a statement about the behavior and challenge the seriousness of the discipline.
- If you think you are falsely accused of breaking a school rule, you have the right to bring witnesses to the hearing and the right to question school officials why you are being accused.
- The person conducting the disciplinary hearing must be impartial.
- You have the right to have an advocate or lawyer help you through the hearing process.

## 3. WHAT ARE MY RIGHTS AFTER A FINAL DECISION OF EXPULSION?

- You may have the right to appeal your school's final decision (check your district's "Student Code of Conduct").
- **You may be eligible to return to your school district after expulsion by petitioning for reinstatement.**
  - You (if you are at least 18 years old) or a parent/guardian may start a petition for reinstatement **after 150 school days** following the date of expulsion.
    - Note: If you were in **Grade 5 or below** and were expelled for possessing a firearm or threatening another person with a dangerous weapon, you can petition for reinstatement after **60 days** after the date of the expulsion.
  - You may then be reinstated 180 school days following the date of the expulsion.
  - Your school may include conditions in a petition for reinstatement.
  - If the school that expelled you denies the petition for reinstatement, you can petition a different school board for reinstatement.

# KNOW YOUR RIGHTS: SUSPENSIONS OR EXPULSIONS OF STUDENTS WHO RECEIVE SPECIAL EDUCATION SERVICES

*Students receiving special education services are guaranteed additional protections when facing school discipline. Descriptions of your disability and the accommodations, modifications, and services your school must provide should be listed in an Individualized Education Plan (IEP) or a 504 Plan.*

## 1. CAN I BE SUSPENDED OR EXPELLED IF I HAVE AN IEP OR A 504 PLAN?

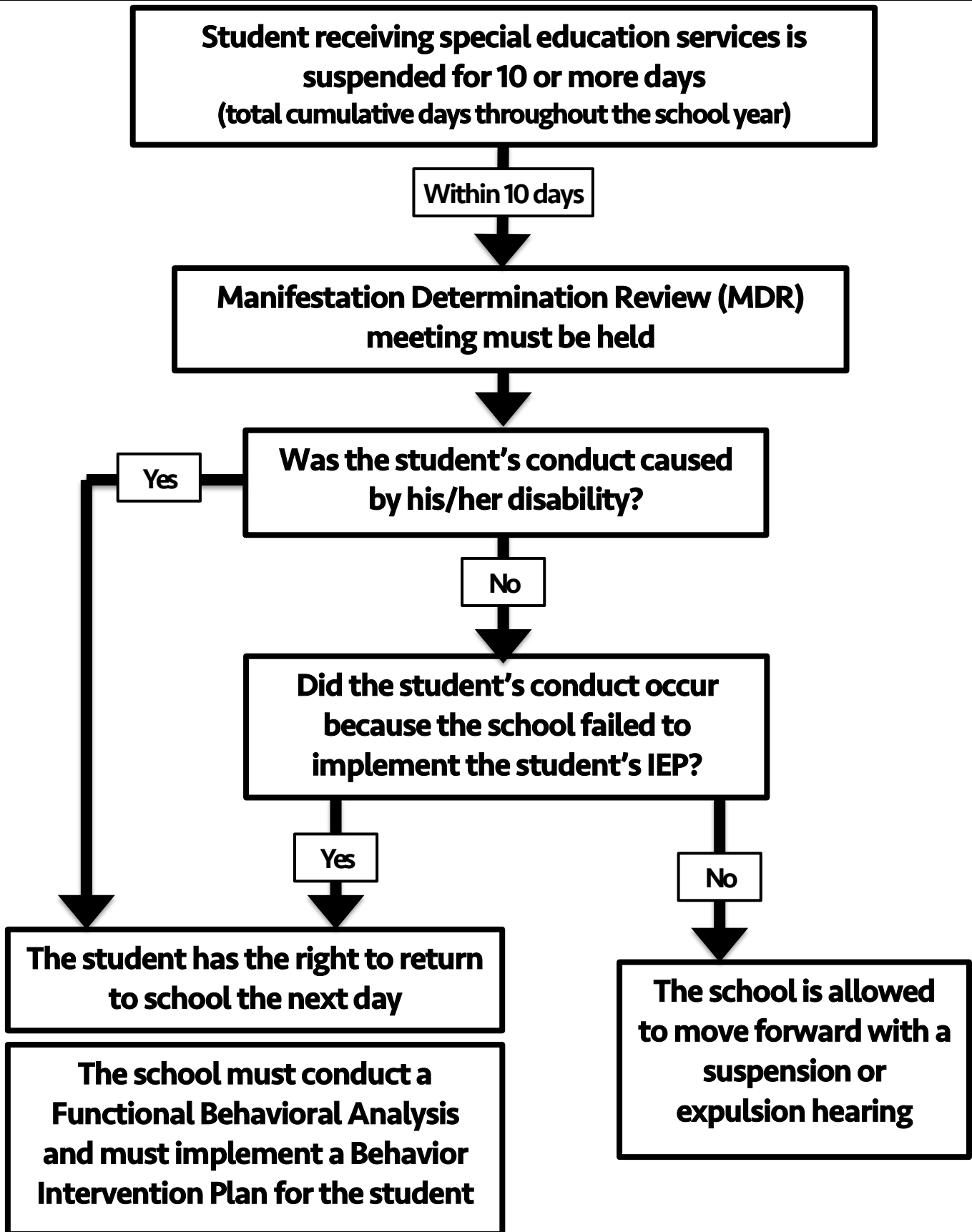
- According to federal disability law, if the conduct that violated a school rule was caused by your disability, you may not be suspended or expelled for more than 10 cumulative days throughout the school year.
- If the conduct that violated a school rule occurred because your school did not properly follow your IEP or 504 Plan, you may not be suspended or expelled for more than 10 cumulative days throughout the school year.
- If you are facing suspension for more than 10 days (total throughout the school year), your school **must** hold a **Manifestation Determination Review (MDR)** before any suspension/expulsion hearing may take place.

## 2. WHAT HAPPENS AT AN MDR MEETING?

- At the MDR, a special education teacher, an administrator, the student's parent/caretaker, and other IEP team members answer two questions:
  - 1) Did the student's behavior that violated a school rule have a **direct and substantial relationship to the student's disability**?
  - 2) Did the student's behavior that violated the school rule occur because the **school failed to follow the student's IEP**?
- If the answer is **YES** to one or both of those questions:
  - You cannot be suspended or expelled, and you must be allowed to return to school the following day.
  - The school must conduct a Functional Behavioral Analysis (FBA).
  - The school must implement a Behavior Intervention Plan (BIP) to prevent misbehaviors in the future.



# The MDR Process



# PREPARING FOR A SUSPENSION OR EXPULSION HEARING

## HEARING PREPARATION CHECKLIST:

- ✓ Get a copy of your school's Student Code of Conduct.
- ✓ Ask the school for a copy of any documents, photos, or video evidence they will use at the hearing.
- ✓ Contact an advocate to represent you during the hearing process (see back cover of this pamphlet for advocate contact information).
- ✓ Prepare a statement to make during the hearing:
  - Share your name, age, grade, interests, activities, hobbies.
  - Explain your understanding of what happened.
  - Apologize and take responsibility for what happened.
  - Explain why the event took place. What was going through your mind. What else was going on in your life at the time?
  - Explain what you learned from the whole experience. How would you handle the same situation if it happened again?
  - Share ideas for how you can repair the harm of the mistake you made.
  - Share why being in school is important to you. What do you want to be when you grow up?
- ✓ Have your parent/ caregiver prepare a statement:
  - Introduce your child.
  - Explain what you know about the incident.
  - Explain how the incident impacted your child and family.
  - Explain what your child learned from the incident.
  - Describe what you want the school board/administrators to do.
  - Describe your hopes and dreams for your child's future.
- ✓ Get letters of support from people in the community to share with school board members or administrators at the hearing.
- ✓ If you receive special education services:
  - Notify the school that a Manifestation Determination Review (MDR) meeting **must** be held before you are suspended or expelled for more than 10 total days throughout the school year.
  - Get a copy of your most recent IEP or 504 Plan, Behavior Intervention Plan, assessments, and/or any other special education documents.

# Are you facing suspension or expulsion? Contact a free advocate right away:

## Student Advocacy Center & Student Rights Project

Call (734) 482-0489 or  
1 (855) 688-1916

## Michigan Children's Law Center

Call (734) 281-1900

