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# SUSPENSION: WHAT ARE MY RIGHTS?



The following information is a summary of R.S. 17:416, the Orleans Parish Student Code of Conduct (2017-2018), and a review of several schools' codes of conduct. If your child has been suspended, please do not rely on this document alone. Review your school's code of conduct in detail!

## **What is suspension?**

- Suspension is school discipline that removes a student from school for less than a semester.
- The school can keep the student off of school grounds and out of school activities. The school can also keep the student in a classroom separate from other students, if someone is there to supervise them. This is called "in-school suspension."
- The rights spelled out below are typical for charter schools in the Orleans Parish School District. But, you should check your student/family handbook for the student's particular school.

## **When can a school suspend a student?**

- The student can be sent to the principal's office for disobeying a school employee, doing things the school employee thinks are disrespectful, fighting, threatening someone, bullying, stealing from the school or a student, and leaving school without permission.
- The principal will decide if the student will be suspended. A student cannot go back to class until the principal decides on a punishment.

- The principal can decide what kind of punishment the student will get, depending on how bad the principal thinks the behavior was and if they have misbehaved before.

## **What must the school do before it suspends a student?**

- The student has the right to a conference with the principal before they are suspended.
- Many schools require the principal talk to the student about the incident by the end of the day or the end of the next school day.
- In the conference, the principal must give the student a chance to tell their side of the story and if they choose, submit it in writing. Students can also bring in documents and/or bring in people to back them up.
- The principal must tell the student what school rule they broke and how they know the student broke the rule.
- The principal must call the student's parent/guardian to tell them about the incident. Most schools will also send a letter to the parent about the rule the student is supposed to have broken.
- A parent and student must receive documentation of the suspension. No student shall be sent home without the school properly documenting the reason for the suspension.





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## What are the student's/parent's rights to appeal a suspension?

- You can appeal a decision to suspend the student within five days of the decision.
- That means if you think the decision to suspend the student was decided the wrong way, you can contact OPSB. Because the student must remain out of school due to the suspension, it is best to submit the appeal as soon as possible.
- The OPSB Superintendent will decide if the school was right or wrong. The decision made by OPSB is final and cannot be changed.

## What are the student's/parent's rights after a final decision of suspension?

- If the student is a minor, the student has the right to remain in school until the end of the school day unless released into the care of their parent/guardian unless the student poses a danger to themselves or others. In that case, the principal may remove the student from the school immediately.
- OPSB's policy is that students suspended three or more consecutive days shall be provided schoolwork during their suspension, which must be picked up by the parent/guardian at the school. A student suspended less than three consecutive days will receive the assignments on return from suspension.

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- State law provides that if the student is suspended for 10 days or less, the school must provide schoolwork during their suspension and give partial or full credit. The parent/guardian must pick up the schoolwork at the school.
- If the student is suspended for more than 10 days, they must be placed in an alternative education program. The alternative education program must assign them schoolwork, so they can still graduate.
- If the student is suspended for damaging school property, the child cannot go back to school until they pay for the damage. But the superintendent can decide payment is not needed.
- If the student is suspended twice during a school year, then the principal can make the student and parent meet with the school counselor/social worker.

## Other things to think about

- Students in Special Education or receiving 504 plan accommodations have additional rights and protections in suspension and expulsion proceedings. See the Advocacy Center's "Education Rights of Children With Disabilities in Louisiana: A Guide For Parents."
- If a student threatened or hurt a school employee, the student will be immediately taken out of school and cannot return until all conferences, hearings, and appeals are finished.