

School Discipline: Know Your Rights



What does school discipline include?

Schools have the right to set rules to maintain order and safety. When students break these rules, schools have a right to discipline students. Common forms of school discipline include detentions, suspensions, expulsions, and taking away privileges.



What are my rights?

All children between the ages of 5 and 18 have a right to a free public education. This right cannot be taken away without good cause. Before any punishment can be given that would take away a student's right to an education (like a suspension or expulsion), the student has a right to a written notice and a hearing.

In Ohio, school districts can't give out-of-school suspensions for students in pre-K through 3rd grade unless it affects the safety and well-being of classmates, teachers, and other school employees.

If a student gets special education services as part of an IEP or accommodations as part of a 504 plan, additional disciplinary protections exist in addition to the ones listed on this flyer.



Loss of privileges and detentions

Schools often use informal disciplinary methods like loss of privileges (like recess for younger children or unsupervised study hall for older students) or after school or weekend detentions for breaking small rules. Because these are usually short term and do not take away a child's right to a public education, students have very limited rights to dispute them. If it seems like the punishment lasts too long, parents might consider speaking with the school.



Suspensions

In Ohio, a suspension is a removal from school for ten days or fewer. Only a school principal or district superintendent can give a suspension. Before a student can be suspended, they must be given the reasons for the suspension in writing. The student then has the right to an informal hearing where they can challenge the allegations or explain their actions. Since this is an informal hearing, the student is not entitled to representation and does not have a right to challenge witnesses or present their own witnesses. If the hearing results in a suspension, the student's parents must be notified in writing and given information about their right to appeal. In-school suspensions are excluded from the notice and hearing requirements.



Expulsions

In Ohio, an expulsion is a removal from school for ten to eighty days. An expulsion can be extended up to one year if the student brings certain weapons to school, makes a bomb threat, or commits a crime that causes serious harm to a person or property. A school can also try to permanently exclude a student from school for these actions if they are over 16 and convicted criminally for the action. Only the school district's superintendent or designee can expel a student.

Students are entitled to a hearing before being expelled. Both the student and their parents must get written notice of the recommendation to expel, the reasons for the expulsion, and, if applicable, notice that the school might try to permanently expel them. The notice should have the date of the hearing and tell the student that they have a right to legal representation. At the hearing, the student can challenge witnesses and present their own witnesses.

If the student is expelled, the school must notify their parents and the treasurer of the Board of Education in writing. This notice should include the reason for the expulsion and the right to appeal to the Board of Education. If the expulsion is for more than 20 school days, the notice should have information on services or programs to help improve the student's behavior. If a student is expelled for more days than are left in the school year, they must have a chance to work off the rest of the expulsion over the summer through community service.



Emergency Removal

A student can be removed from school before a hearing if the student causes an imminent danger to people or property or could disrupt others from learning. The school must give the student the reasons for the emergency removal in writing as soon as possible. The school also must hold a hearing no later than the next school day (unless the student is removed for less than 24 hours).



Appeal to the Board of Education and Court of Common Pleas

If a student or parent disagrees with the hearing decision, they can appeal to the Board of Education. The appeal must be filed within a time limit set by the school. The student and the school have the chance to give their arguments. If the parent disagrees with the Board of Education's decision, they can also appeal to the Court of Common Pleas.



How can a lawyer help?

For financially eligible families, Southeastern Ohio Legal Services can advise families on their rights and/or assist in negotiating a resolution with the school. The services are always free.

The information on this flyer is not legal advice. If you are seeking representation or legal advice, please contact SEOLS or LASC. An attorney-client relationship does not exist between you and SEOLS or LASC.

How to contact SEOLS:



844.302.1800

www.seols.org

How to contact LASC:



844.302.1800

www.columbuslegalaid.org

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