



## TIP SHEET FOR PARENTS

### *SCHOOL DISCIPLINE*

---

This tip sheet is designed to give parents information and tools to resist the exclusion of their children from the learning environment due to stern discipline policies. Students of color, especially, are pushed out of class under the guise of controlling student behavior—too often falsely viewed as violent or aggressive. Research shows that being in school is the biggest deterrent of delinquency. Excluding students from school places them on a one-way path towards prison.

**Tip 1: Become familiar with the school's Student Handbook.** These handbooks are usually found on your school's or district's website. The behaviors that result in disciplinary actions and the consequences are outlined in the handbook. Students are disciplined for a variety of reasons. The majority of disciplinary actions are for minor offenses, such as talking back, dress code violation. More serious offenses, such as weapons on campus, occur far less frequently. (Weapons and assaults on teachers and administration almost always result in expulsion.)

**Tip 2: DO NOT PANIC!** If your child gets in trouble in school, it is important that you control your emotions so that you can assess situation and seek the appropriate help.

**Tip 3: Once you are notified that your child is in trouble, gather the facts.** Talk to your child and any witnesses who saw what happened. Write down what you learn and ask the witnesses to write down what they saw. Collect any physical evidence e.g., videos, notes, letters, etc.

**Tip 4: Schedule a meeting to discuss what the school intends to do.** Find out what disciplinary action the school intends to take and whether the school intends to file a complaint with the juvenile court. If your child receives special education services, the school must use your child's Individualized Education Plan (IEP) to address behavioral problems and administer discipline that will not harm your child.

**Tip 5: Georgia state law requires** that school discipline be imposed in proportion to a student's misbehavior, discipline history and other important relevant facts, e.g., acting in self-defense.

**Tip 6: If expulsion is being considered take the following actions:** 1) **Ask** if the school has any discretion in whether to expel your child; 2) **If expulsion is mandated**, consult an attorney, if possible. Expulsion is a serious consequence. If the school has discretion, you may be able to influence the outcome. Long-term suspension and expulsion require a formal disciplinary hearing. The hearing must be held no later than 10 school days after the start of the school suspension. **That is the law.**

**Tip 7: Know this terminology:** ISS – In School Suspension, OSS – Out of School Suspension, Expulsion, Alternative Education or Program Placement, Court Charges. These are the disciplinary procedures that lead to push out. If you hear these words, **get help** as soon as possible.

**Tip 8: Determine whether a juvenile complaint was filed with the courts.** If so, obtain a copy of the complaint and consult a lawyer. Juveniles are entitled to a free attorney, usually a Public Defender.

**Tip 9:** Classroom discipline is largely a **teacher's responsibility** and should, in most instances, be handled by the teacher. Get to know your child's teacher early on. **Develop a relationship.**

**Tip 10: For assistance with school suspensions and expulsion matters contact:** Georgia Legal Services (404) 206-5175; Parent to Parent of Georgia (770) 458-4091; NAACP (404) 577-8977; AVLf (404) 521-521-0790; Gwinnett SToPP <https://www.gwinnettstopp.org/about-us/contact-us/>; Georgia Coalition for Equity in Education [leslie@lipsonadvocacy.com](mailto:leslie@lipsonadvocacy.com); or the GA Appleseed toolkit. <https://gaappleseed.org/initiatives/toolkit>



## TIP SHEET FOR PARENTS

### *Long-term Suspension and Expulsion*

---

While the juvenile delinquency rate has been decreasing, the frequent use of suspensions and expulsions in today's school systems result in higher drop-out rates and, consequently, student involvement in the juvenile justice system—particularly students of color or those who have special needs. This tip sheet explains what needs to happen when your child is facing an out of school suspension of 10 days or more or an expulsion.

**Tip 1: Become familiar with the school's Student Handbook.** These handbooks are usually found on your school's or district's website. The behaviors that result in disciplinary actions and the consequences are outlined in the handbook. Students are disciplined for a variety of reasons. The majority of disciplinary actions are for minor offenses, such as talking back, dress code violation. More serious offenses, such as weapons on campus, occur far less frequently. (Weapons and assaults on teachers and administration almost always result in expulsion.)

**Tip 2: Try to remain calm and polite when dealing with school officials.** Yelling, screaming, and declaring your child's innocence is not helpful. You will have the opportunity to present your side. If your child is facing long-term suspension (10 days or more out of school) or expulsion, state law requires that a hearing be held. The hearing is sometimes called a tribunal.

**Tip 3: Once you are notified that your child may be suspended or expelled.** Talk to your child and any witnesses who saw what happened. Write down what you learn and ask the witnesses to write down what they saw. Obtain a copy of the school's report about what happened and how long they plan to suspend.

**Tip 4: Schedule a meeting to discuss other possible ways to deal with your child's behavior if out of school suspension is proposed.** For example, ask for: Saturday School, behavior contract, counseling, anger management classes, volunteer work, in school suspension, etc. **Anything but removal from the school.**

**Tip 5: Ask if the school has any discretion in whether to expel your child.** If expulsion is mandated, consult an attorney if possible. Expulsion is a serious consequence. If the school has discretion, you may be able to influence the outcome. Long-term suspension and expulsion require a formal disciplinary hearing. The hearing must be held no later than 10 school days after the start of the school suspension. **That is the law.**

**Tip 6: Ask the school for your child's school assignments if you are waiting for a hearing.**

**Tip 7: If your child has a suspected learning disability, let the school know as quickly as possible and request in writing that your child be tested.**

**Tip 8:** If the school decides to proceed, you **should** receive written notice of the hearing telling you when and where the hearing will be held and why the school intends to expel or suspend your child. If possible, consult a lawyer. Be sure to notify the school immediately if you have legal representation.

**Tip 9: For assistance with school suspensions and expulsion matters contact:** Georgia Legal Services (404) 206-5175; Parent to Parent of Georgia (770) 458-4091; NAACP (404)577-8977; AVLF (404) 521-521-0790; Gwinnett STOPP <https://www.gwinnettstopp.org/about-us/contact-us/>; Georgia Coalition for Equity in Education [leslie@lipsonadvocacy.com](mailto:leslie@lipsonadvocacy.com); or the GA Appleseed toolkit. <https://gaappleseed.org/initiatives/toolkit>

---

<https://www.emiganetwork.org/breaking-the-preschool-to-prison-pipeline>

[emiganetwork@gmail.com](mailto:emiganetwork@gmail.com)



## TIP SHEET FOR PARENTS

### *SCHOOL DISCIPLINE & STUDENTS WITH DISABILITIES/SPECIAL NEEDS*

---

Research has consistently shown that minority students and students who receive special education services are disproportionately referred to in-and out-of-school suspensions, expulsions, and Alternative Education Programs compared to their percentages in overall school populations. This tip sheet explains what to do if your child receives special education or other educational services and engages in behavior that results in school disciplinary action.

**Tip 1: If your child is acting out at school, your child may have behavior or learning challenges.** Request a special education assessment or an evaluation for special education services if you feel that your child's behavior is related to a disability or special need that should be addressed by the school. **Make that request in writing.** Your child may need special behavior or learning supports. **The school can help.**

**Tip 2: Make sure the school follows regulations required by federal law under the Individuals with Disabilities Education Act (IDEA).** If your child is receiving special education services, the school **must** use your child's Individualized Education Plan (IEP) to address behavioral problems and discipline in a way that will not harm your child. The school **should not** alter the IEP to place your child in an Alternative Education Program.

**Tip 3: If your child gets in trouble for behavior issues, the first course of action is to establish or modify and Individualized Education Plan (IEP).** You may have to consult with an outside specialist to determine whether a disability or other condition may be impacting your child's behavior. If your child is identified as a Student with Disabilities (SWD), and you are not happy with the school's provision of your child's services or the school is not providing needed services, talk to your district or state special education leaders.

**Tip 4: The school should try to correct the student's behavior by providing supports the child needs.** Research has shown that punishment is not likely to change behavior, especially if the child needs services. Providing needed supports creates better student outcomes. Supports can look like: Student Support Team, Behavior Intervention Plans, Functional Behavior Assessments, Section 504 Plans for children with disabilities, Special Education and Individualized Education (IEPs) for health or emotional challenges, learning disabilities, language or communication impairments or health issues.

**Tip 6: Your child does not have to be in special education to access services such as an assessment or a Behavior Intervention Plan.** If your child is getting in trouble often, tell the school you want a Functional Behavioral Assessment done by a professional who is trained to do it and a behavior intervention plan. **All requests should be in writing. Keep a copy of everything.**

**Tip 7: A school must create a plan to help children with learning disabilities.** The IEP Plan or Individual Education Plan provides services that will help your child learn better at school. You start the process by asking for a **free educational evaluation.** If your child has a learning disability, the IEP tells everyone what services are being provided and instructions on how to help your child learn. If the school says your child does not need an IEP, ask for a Section 504 Plan and a student support team.

**Tip 8: Make sure the IEP or behavior intervention plan spells out clearly how to address your child's behavioral and emotional manifestations.** Be prepared to fight if the school is insisting on long-term suspension or expulsion. The law is on your side.

**Tip 9: For assistance with school suspensions and expulsion matters contact:** Georgia Legal Services (404) 206-5175; Parent to Parent of Georgia (770) 458-4091; NAACP (404)577-8977; AVLf (404) 521-521-0790; Gwinnett SToPP <https://www.gwinnettstopp.org/about-us/contact-us/>; Georgia Coalition for Equity in Education [leslie@lipsonadvocacy.com](mailto:leslie@lipsonadvocacy.com); or the GA Appleseed toolkit. <https://gaappleseed.org/initiatives/toolkit>



## TIP SHEET FOR PARENTS

### *Long-term Suspension and Expulsion Tribunal Hearing*

Children are entitled to due process when long-term suspensions (10 days or more out of school) and expulsions are being recommended by a school. This tip sheet explains the disciplinary hearing, also known as a tribunal process. Expulsion and Long-term suspensions are serious, and you should fight as hard as you can to keep your child in school.

**Tip 1: Your child is entitled to a hearing if long-term suspension or expulsion is the school's recommendation.** Georgia law requires schools to notify parents **and** students personally or by mail when scheduling any required school disciplinary hearing. The notice should include, time, location, nature of the hearing, what the child is accused of and your ability to present witnesses and evidence.

**Tip 2: The school may ask you to waive your child's right to a hearing.** This may not be in your child's best interest because your child will lose the right to appeal if the school decides to suspend or expel. The hearing **must** be held no later than 10 school days after the beginning of a suspension, unless the parents or guardian and the school agree to an extension. The hearing can be heard in front of a group of school officials or a single hearing officer.

**Tip 3: Think of this hearing as a trial.** You have the right to call witnesses, present evidence, question all witnesses, and respond to evidence presented. The hearing must be recorded. You are entitled to see and receive a copy of any documents presented at the hearing as evidence. The transcript will be made available to you after the hearing. Try to get an advocate or attorney who specializes in school discipline. Understand that you do have the right to have a lawyer at the hearing, but the school or district does not have to pay for one. Request an interpreter if you need one.

**Tip 4: Listen carefully and take notes at the hearing.** The school presents its witnesses and evidence first. You and your child can then tell your story and call witnesses or submit other evidence to support your story. You can call character witnesses like a pastor or youth leader in the community.

**Tip 5: Present your case including any documents, concerns, records, videos, etc., even if they don't believe you.** It is important to insist on telling your side of the story because this will be the last time you will be able to present any evidence. State on the record that your due process rights are being denied if you are not allowed to submit your evidence, voice your concerns, or question a witness.

**Tip 6: When the hearing is over:** Hand the hearing officer a written request for the electronic or written recording of the hearing and copies of all documents presented at the hearing. **Prepare request in advance.**

**Tip 7: Some arguments to challenge the school's case against your child include:**

- The child did not violate school rules (not in the Student Handbook or Code of Conduct)
- Punishment is extreme and does not fit the situation (e.g., first offense or not progressive in nature).
- School did not follow the Individualized Education Plan (IEP) in managing student's behavior.
- School did not follow the procedures in its own Student Handbook or Code of Conduct

**Tip 8: For assistance with school suspensions and expulsion matters contact:** Georgia Legal Services (404) 206-5175; Parent to Parent of Georgia (770) 458-4091; NAACP (404)577-8977; AVLf (404) 521-521-0790; Gwinnett SToPP <https://www.gwinnettstopp.org/about-us/contact-us/>; Georgia Coalition for Equity in Education [leslie@lipsonadvocacy.com](mailto:leslie@lipsonadvocacy.com); or the GA Appleseed toolkit. <https://gaappleseed.org/initiatives/toolkit>

<https://www.emiganetwork.org/breaking-the-preschool-to-prison-pipeline>

[emiganetwork@gmail.com](mailto:emiganetwork@gmail.com)

Tip sheet authored by Dr. Bridgett E. Ortega, J.D. [bortega@johnmarshall.edu](mailto:bortega@johnmarshall.edu) & Ms. De'Aysia Barner, Cornell University Intern  
*EMI Tip sheets are not a substitute for legal advice. Please consult a licensed attorney for legal advice.*



## TIP SHEET FOR PARENTS

### *Appealing Long-Term Suspension or Expulsion Decision*

Georgia law allows you to appeal long-term suspensions and expulsions imposed by a disciplinary hearing officer, panel or tribunal. This Tip Sheet walks you through the timeline and rights associated with each phase of the process to overturn an unfavorable decision.

**Tip 1: Deliver your appeal in person when possible.** There are strict deadlines to submit documents before each court or board, so by handing your appeal off to the correct person, you guarantee that you will not forfeit the opportunity to present your case.

**Tip 2: Request a temporary suspension of the school's disciplinary decision.** Georgia law allows a school district superintendent to suspend disciplinary action pending the outcome of an appeal to the local board of education.

**Tip 3: Advocate for your child by contacting the District Superintendent to ask for an opportunity to speak at the Local School Board meeting about your appeal.** Some school districts will allow you to speak at the meeting where your appeal will be considered.

**Tip 4: For assistance with school suspensions and expulsion matters contact:**

Georgia Legal Services (404) 206-5175; Parent to Parent of Georgia (770) 458-4091; NAACP (404)577-8977; AVLf (404) 521-521-0790; Gwinnett SToPP <https://www.gwinnettstopp.org/about-us/contact-us/>; Georgia Coalition for Equity in Education [leslie@lipsonadvocacy.com](mailto:leslie@lipsonadvocacy.com); or the GA Appleseed toolkit <https://gaappleseed.org/initiatives/toolkit>

