



Know Your Rights: School Discipline A Brief Guide for Parents #7

What is exclusionary discipline?

Exclusionary discipline (or school pushout) includes any type of disciplinary action that removes a student from their usual educational setting. This includes when students are sent home from in-person school, put into waiting rooms alone during virtual learning, sent to the office, told they cannot come to school or be in the classroom (physically or virtually), or when you are asked to pick your child up from school because they are having a “bad day.”

Types of Removal:

1. Suspension
 - A. Short term (1-3 days)
 - B. Long Term (4-10 days)
 - C. Extended (11-44 days)
2. Expulsion (45+ days)
3. Illegal Send Homes: any removals that are undocumented

School removals should be used as a last resort. Documentation should be provided for formal removals. If a student is transferred to another school for disciplinary reasons, that transfer counts as an expulsion. Students cannot be suspended for:

1. Skipping class
2. Being late
3. Not wearing a uniform

Discipline has appeared different since virtual learning began, and as students start to return to schools in-person either on a hybrid or full-time status, students should not be removed for:

1. Removing their mask
2. Not social distancing
3. Keeping their cameras off during virtual learning

What happens when your child gets suspended, expelled, or removed?

1. Your child should receive oral or written notice explaining why they are suspended and when they can return to school.
2. You or your child must be given a conference with the principal. At this meeting, your child should have the opportunity to share why they should not be suspended and tell their side of the story.
3. Students with disabilities cannot be suspended for more than 10 days (cumulatively or consecutively) for behavior related to their disability.

- A. If your child has an IEP or Section 504 Plan is suspended for more than ten days, the IEP team has to hold a manifestation meeting to determine whether the behavior was caused by or substantially related to their disability, or whether the behavior was caused by the school's failure to implement your child's IEP. If the answer to either of these questions is yes, then the suspension is terminated and your child is immediately returned to school.
 - B. If your child's behavior is related to their disability, their IEP should be revised to address the behavior and to put in supports to prevent it from happening again.
 - C. If your child's behavior is not related to their disability, a suspension conference will be held at the district level.
4. Decisions regarding extended suspensions and expulsions can be appealed to your local school board within 10 calendar days of the decision.

What should I do if my child is removed from school?

1. Document the date and reason for your child's removal.
2. Contact the school and ask the principal for a conference to discuss the reason for your child's removal and ask for what evidence they have to support the removal.
3. Ask for paperwork for your child's removal, how many days your child will be removed, and what behavior in the Code of Conduct has caused the removal.
4. Check for any appeal deadlines of disciplinary decisions.
5. Save all paperwork and document everything!

For more information on school discipline, see [DRM's School Discipline Handbook](#) and [DRM's Discipline Know Your Rights Booklet](#).

This is the seventh in a series of brief guides for parents to address education issues during the pandemic. All guides can be found [here](#). If you feel your child with a disability was unfairly suspended, DRM provides representation for students in disciplinary proceedings. Please contact our intake line at 410-727-6352 to request assistance or if you have questions or concerns.

DRM is also part of the [Maryland Suspension Representation Project \(MSRP\)](#). MSRP is a partnership between Disability Rights Maryland, Maryland Office of the Public Defender, the Public Justice Center and the Youth, Education and Justice Clinic at the University of Maryland School of Law. MSRP is committed to protecting the due process rights of Maryland students who face school push out. MSRP's intake line is 443-873-3531.