

SCHOOL HOUSE LEGAL SERVICES

Maryland Disability Law Center
Legal Aid Bureau, Inc.
Maryland Volunteer Lawyers Service

What is School House Legal Services?

The School House Legal Services (SHLS) Project:

- Provides information to students and their families when a student is experiencing discipline problems in school,
- Recruits and trains attorneys to provide free legal representation to students who are from low-income families, and
- In certain cases, may provide direct representation to students or refer families to a pro bono or volunteer attorney.

SHLS used to be part of Advocates for Children and Youth. SHLS is now a joint project of the Maryland Disability Law Center (MDLC), the Legal Aid Bureau (LAB), and Maryland Volunteer Lawyers Services (MVLS).

What rights do students have when they are being recommended for suspension or expulsion?

Whether enrolled in regular or special education classes, students have rights when they are removed from school due to suspension or expulsion.

When a student is suspended for less than 10 days, there will be a meeting within 3-5 days with the principal to discuss the suspension. During the suspension, the student should be given the opportunity to make up the work missed.

What if the suspension is for more than 10 days?

If the principal is recommending that a student be suspended for more than 10 days it is considered to be a long-term suspension. An expulsion is when a student is removed from school for a longer period of time, such as for a school year.

Whether the principal is recommending long-term suspension or expulsion, the same due process procedures must be followed.

- Within **10 school days** of the student's first removal from school, a meeting will be held between the Superintendent's Designee, the student and the parents. (If this meeting is not held within the first 10 days, the suspension must be withdrawn.)
- Notice of the meeting with the Superintendent's Designee must be in writing and inform the parents and student of the charges and the policy allegedly violated.
- Parents and the student have the right to have witnesses present and to bring an advocate or attorney to the meeting with the Superintendent's Designee.
- The Superintendent's Designee will make a decision whether the student will be suspended long-term or expelled.
- Parents have the right to appeal the decision, and must do so within **10 days**. The appeal is usually heard by the school board. (Baltimore City has a different appeal process.) For more information regarding the appeal process, contact the resources below.

Can students with disabilities be suspended or expelled?

- A student with a disability may be suspended for less than 10 days in the same manner as regular education students. However, when the school system seeks to suspend a student with disabilities receiving special education services for more than 10 days, certain additional procedures must be followed.
- Within **10 school days** of the first day of removal, the IEP (special education) team, which includes the parent, must meet. This is called the **manifestation or causal** meeting. At this meeting, the IEP team determines if the alleged behavior is related to the child's disability or not.
- If the IEP team determines that the behavior **is** related to the student's disability, the student should return to school immediately.

- If the IEP team determines that the conduct is **not** related to the disability, the student is subject to the regular discipline procedures explained above.
- Regardless of whether the conduct is related to the disability, if the incident for which the student is being disciplined involves a dangerous weapon or a controlled substance, the school system can automatically place a special education student in an alternative education setting for up to 45 calendar days.
- During any term of exclusion that exceeds 10 days, a special education student must be provided educational and related services that are set forth in the student's IEP.
- Parents have the right to request mediation or a due process hearing if they disagree with any decision by the IEP team, including the manifestation or causal decision.

Do you suspect your child has a disability?

If the student has not been previously identified as eligible for special education, the parents may request an evaluation and that evaluation must take place as soon as possible during the suspension or expulsion period.

Resources

This brochure is only intended to provide brief information regarding the discipline process. For more information contact the agencies below.

<i>Students without disabilities contact:</i>	<i>Students with disabilities contact:</i>
Legal Aid Bureau, Inc.	Maryland Disability Law Center
500 E. Lexington Street	1800 N. Charles Street, Suite 400
Baltimore, Maryland 21202	Baltimore, Maryland 21201
(410) 539-5340	(410) 727-6352
(800) 999-8904	(800) 233-7201
Maryland Volunteer Lawyers Service	
16 S. Calvert Street, Suite 700	
Baltimore, Maryland 21202	
(410) 547-6537	
(800) 510-0050	

