



# School Discipline



## How can a school discipline my child?

- A school may impose a set of rules to maintain order and safety. If a student breaks these rules, the school has the right to discipline the child, usually in one of the following ways:
  - Loss of Privileges - removal of things like recess, extra curricular activities, etc.
  - Detention - keeping a student after hours or during recess as punishment.
  - In-school Suspension - taking a student out of her ordinary classrooms during school hours.
  - Out-of-school Suspension - removing a student from school for 10 days or less.
  - Expulsion - removing a student from school for more than 10 days.
- A school may not use corporal (physical) punishment against a student.
- A school may also remove a student from a classroom, activity, school building, etc. in certain emergency situations. For example, a school may remove a student if he is posing a danger to others.



## What are my child's rights?

- A child has the right to a free public education that cannot be taken away without good cause. This is why there are special protections when a school tries to remove a child from school.
- For losses of privileges, detentions, or in-school suspensions, students do not have many rights. This is because these discipline methods are short-term and usually do not interfere with the student's right to education. If the punishments seem excessive, parents should consider speaking with the school.
- When a child is given an **out-of-school suspension**, the school must provide written notice to the student prior to removing him from school. The school also must hold an informal hearing with the student. The student has the right to present his side of the story at this hearing.
  - Once a hearing is held, if the school continues with the suspension, it must notify the student's parents within one school day. The notice must include information on appealing the suspension.
- When a child is given an **expulsion**, the school must provide written notice to the student and his parents prior to removing him from school (usually, the child will be suspended prior to a school notifying parent's of its intent to expel). The school must also hold a hearing within 3 to 5 school days of the removal. The student has the right to present his side of the story and has the right to have an attorney represent him at the hearing.
  - Once a hearing is held, if the school continues with the expulsion, it must notify the student's parents and the board of education in writing within one school day.
  - If the expulsion is for more than 20 school days, the notice must include a list of resources for the student and his family.



## What if I disagree with the school’s decision to remove my child from school?

- Parents have the right to appeal the decision made by the school at a suspension or expulsion hearing. The school must notify the parent of her right to appeal the decision in its notice of removal.
- The parent can first appeal to the school’s board of education. The school is required to record the school board appeal. The school is also required to allow the student or parent to present their arguments against the removal at this hearing.
- If a parent disagrees with a decision made by the board of education at the first hearing, she has the right to a second appeal to the Common Pleas Court. The school must provide the recording of the first appeal to the court.

Parents should note that there are special requirements for a school to discipline a student with a disability. A school may not remove a student with a disability from school for more than 10 school days if the behavior causing the removal was a manifestation of the disability.



## When should I contact LASC?

- When you find out that your child’s school wants to out-of-school suspend or expel your child.
- If you believe the school has not appropriately notified you of its intent to remove your child from school, or if it will not provide a hearing for your child on the removal.
- You or your child wish to appeal the out-of-school removal of your child.
- Your child is on an IEP or 504 Plan and is subject to a removal for more than 10 school days.

### How to Contact LASC:

#### FRANKLIN & MADISON

Call (614) 241-2001 or Toll Free 1-888-246-4420  
 1108 City Park Avenue, Columbus, OH 43206  
 Office Hours: 8:30am-5:00pm Monday-Friday

#### DELAWARE, MARION, MORROW, & UNION

Call (740) 383-2161 or Toll Free 1-888-301-2411  
 150 Oak Street, Marion, OH 43302  
 Office Hours: 9:00am-5:00pm Monday-Friday

Request Services Online at [www.columbuslegalaid.org](http://www.columbuslegalaid.org)

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