

WHAT HAPPENS TO MY RIGHT TO RECEIVE AN EDUCATION IF I AM SUSPENDED FOR A LONG PERIOD OF TIME?

You are still entitled to receive an education under those circumstances. Local education agencies must keep in mind that the long-term suspension of a student from the regular school setting and moving the student to an alternative education program in a separate setting should be used as the last resort — and only when other interventions have not been successful in correcting unacceptable behavior. These situations include when the student's behavior is so disruptive that the resources and interventions at the regular school setting have been unsuccessful in addressing the behavior or if the student is a danger to self or others.

IS MY SCHOOL ALLOWED TO TRANSFER ME TO AN ALTERNATIVE SCHOOL FOR DISCIPLINARY REASONS?

Yes, Missouri law allows for students with serious disciplinary infractions (usually offense involving violence or bringing weapons to school) to be placed in an alternative education program.

VIRTUAL DISCIPLINE

On the horizon is the rise of virtual learning as an alternative to out-of-school suspension. Currently, we are monitoring this and will keep you updated as developments occur in this space.

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outreach@aclu-mo.org

FILE A COMPLAINT

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Project Against Unjust
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KNOW YOUR RIGHTS: STUDENT DISCIPLINE RIGHTS



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WHERE CAN I FIND MY SCHOOL'S DISCIPLINE POLICY?

Discipline policies are usually spelled out in the student handbook, which the school should provide to each student at the beginning of the school year. Many student handbooks are available online. Every school district must have a written discipline code, so if you can't find it, ask for a copy.

ARE THERE RESTRICTIONS ON HOW THE SCHOOL CAN DISCIPLINE ME?

Schools are generally limited to discipline you for activities that take place at school or that directly affect school activities. There are also limits on the types of discipline that can be imposed. The policy and procedures for discipline should be outlined in the Student Handbook.

ARE THERE DIFFERENT RULES FOR DISCIPLINING STUDENTS WITH DISABILITIES?

Everyone is required to follow the same rules at school, but sometimes students with disabilities have additional rights relating to school discipline. School officials are required to follow through with a 'manifestation determination' if a child with a disability is facing more than ten days of school suspension within an academic year. This means that it must be determined if the student's behavior was in any way linked to their disability or if the behavior was a result of the school's failure to implement the student's

Individual Education Plan or IEP. The results of this determination may have an impact on the punishment that can be imposed on the student.

WHAT ARE THE REASONS MY SCHOOL CAN DISCIPLINE ME?

The purpose of school rules is to create a safe and effective learning environment for all students. You can be disciplined for a number of things. Infractions can be related to disrupting the learning environment or violating the law itself (such as assault, theft, or the possession of alcohol, illegal drugs, or weapons).

SUSPENSION

ARE THERE ANY STANDARDS FOR DECIDING WHAT MISCONDUCT CAN GET ME SUSPENDED?

Yes, your school district's handbook lays out the discipline procedures for offenses. Refer to your handbook for specifics.

I WAS SUSPENDED. IS MY SCHOOL ALLOWED TO KEEP ME FROM PARTICIPATING IN EXTRACURRICULAR ACTIVITIES?

Within reason, your school has the right to use exclusion from extracurricular activities or events, such as athletic games, academic clubs, class trips, prom, or graduation. However, they cannot withhold your diploma nor can the punishment be excessive in relation to the offense.

IF MY SCHOOL WANTS TO SUSPEND ME, DO I GET A HEARING FIRST?

Generally, yes. In 1974, the U.S. Supreme Court ruled that students are guaranteed certain "due process" rights when facing suspension from school, even for short periods of time. If your suspension is for ten days or less, your school must, at the very minimum, inform you of the rule they are accusing you of breaking, provide an explanation of the evidence they have against you if you deny the charge, and offer you an opportunity to tell your side of the story. These minimal rights must be provided to you except in very limited emergency circumstances. The same Supreme Court decision also mandated that more detailed procedures be followed for longer-term suspensions.

Your student handbook should outline the procedure for appealing a suspension. Schools generally do not have to give you a hearing, formal or informal, for minor punishments such as after-school detention.

DOES THE SCHOOL HAVE TO TELL MY PARENT OR GUARDIAN THAT I AM BEING SUSPENDED?

If you are under the age of 18 and are being suspended, your school is required to notify your parents or guardians of your punishment and the reason for your punishment.