



## Student Suspensions

### What is a suspension?

When a student gets into trouble at school, the school must follow the law. All districts must have a discipline policy. A student can be kept out of class for a class period, the day or many days. If the bad behavior continues, the student could be expelled. Ask your child's school for a copy of their discipline policy. Know what legal rights your child has.

**If your child has a disability or is getting special ed services, additional rules apply to the school. For more information call the Minnesota Disability Law Center at (612) 332-1441 or 1(800) 292-4150.**



### What discipline can the school use?

**Removal:** A student is kept out of a certain class or activity.

**Suspension:** A student is not allowed to go to their school for 1-10 days.

**Expulsion:** A student is not allowed to go to their school, or any other school in the district, for up to 12 months.

**Exclusion:** A student is not allowed to enroll or re-enroll in a school for the rest of the school year.

It is really hard to challenge school suspensions or get them removed. So, it is a good idea to talk with the school to figure out ways that suspensions or other discipline may be avoided in the future. This could be things like, more help for the student, better communication with parents, or different ways of dealing with the behavior.

### What behavior can a student be disciplined for?

There are many types of misbehavior that can lead to discipline. Two of the most common are:

- **Fighting** – Students are disciplined for fighting, pushing or shoving. Two students who get into a fist fight could be suspended. It may not matter who started the fight. A school may move to expel a child who injures another child.
- **Disrespect** – Students can be suspended for disrespecting their teacher. A student who does not do what a teacher asks or talks back to the teacher using bad language can be removed or suspended.

## What must the school do when they suspend my child?

### 1. Hold an informal administrative conference before suspending your child

The school must:

- Have your child meet with a school administrator,
- Tell your child the reason for suspension, and
- Let your child explain their side of the story.

**The school does not have to have a conference if there is an “immediate and substantial danger” to other students or to your child.**

Parents do **not** have a right to attend this conference. Some schools want parents at the conference. Or they may set another meeting with parents to talk about the child’s behavior. Parents can have others who are involved in the child’s life attend the meeting if they make a request in writing.

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### 2. Provide alternative educational services

The school has to give alternative educational services for any suspension that is longer than 5 days. For any suspension, the school should give your child homework so your child does not fall behind in classes.

### 3. Notify you in writing

The school must give your child a written notice that tells:

- The reason for the suspension,
- What happened,
- What your child and any witnesses say about it
- A plan to re-admit your child to school, and
- A statement of your child’s legal rights.

Your child must get this notice before or at the time of suspension. The school must also mail you a copy within 48 hours of the conference. They must also try to phone you as soon as possible following suspension.



#### 4. Take additional steps if your child is suspended often

If your child is removed for more than 10 days in a school year, the school must make reasonable efforts to meet with you before any more suspensions. At the meeting you can talk to the school about whether your child needs additional services or an assessment.

You can also ask for better communication from them, or to come up with different ways of dealing with the behaviors that get your child in trouble.



If your child is disciplined or removed from school, call your legal aid office for help or referrals, or contact the Youth Law Project in Minneapolis at (612) 332-1441 or [youthlawproject@mylegalaid.org](mailto:youthlawproject@mylegalaid.org).

See our fact sheet [When Your Child Gets Kicked Out of School: School Expulsions](#).

**Fact Sheets are legal information NOT legal advice. See a lawyer for advice.**

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