



TIP SHEET FOR PARENTS

Long-term Suspension and Expulsion Tribunal Hearing

Children are entitled to due process when long-term suspensions (10 days or more out of school) and expulsions are being recommended by a school. This tip sheet explains the disciplinary hearing, also known as a tribunal process. Expulsion and Long-term suspensions are serious, and you should fight as hard as you can to keep your child in school.

Tip 1: Your child is entitled to a hearing if long-term suspension or expulsion is the school's recommendation. Georgia law requires schools to notify parents **and** students personally or by mail when scheduling any required school disciplinary hearing. The notice should include, time, location, nature of the hearing, what the child is accused of and your ability to present witnesses and evidence.

Tip 2: The school may ask you to waive your child's right to a hearing. This may not be in your child's best interest because your child will lose the right to appeal if the school decides to suspend or expel. The hearing **must** be held no later than 10 school days after the beginning of a suspension, unless the parents or guardian and the school agree to an extension. The hearing can be heard in front of a group of school officials or a single hearing officer.

Tip 3: Think of this hearing as a trial. You have the right to call witnesses, present evidence, question all witnesses, and respond to evidence presented. The hearing must be recorded. You are entitled to see and receive a copy of any documents presented at the hearing as evidence. The transcript will be made available to you after the hearing. Try to get an advocate or attorney who specializes in school discipline. Understand that you do have the right to have a lawyer at the hearing, but the school or district does not have to pay for one. Request an interpreter if you need one.

Tip 4: Listen carefully and take notes at the hearing. The school presents its witnesses and evidence first. You and your child can then tell your story and call witnesses or submit other evidence to support your story. You can call character witnesses like a pastor or youth leader in the community.

Tip 5: Present your case including any documents, concerns, records, videos, etc., even if they don't believe you. It is important to insist on telling your side of the story because this will be the last time you will be able to present any evidence. State on the record that your due process rights are being denied if you are not allowed to submit your evidence, voice your concerns, or question a witness.

Tip 6: When the hearing is over: Hand the hearing officer a written request for the electronic or written recording of the hearing and copies of all documents presented at the hearing. **Prepare request in advance.**

Tip 7: Some arguments to challenge the school's case against your child include:

- The child did not violate school rules (not in the Student Handbook or Code of Conduct)
- Punishment is extreme and does not fit the situation (e.g., first offense or not progressive in nature).
- School did not follow the Individualized Education Plan (IEP) in managing student's behavior.
- School did not follow the procedures in its own Student Handbook or Code of Conduct

Tip 8: For assistance with school suspensions and expulsion matters contact: Georgia Legal Services (404) 206-5175; Parent to Parent of Georgia (770) 458-4091; NAACP (404)577-8977; AVLf (404) 521-521-0790; Gwinnett SToPP <https://www.gwinnettstopp.org/about-us/contact-us/>; Georgia Coalition for Equity in Education leslie@lipsonadvocacy.com; or the GA Appleseed toolkit. <https://gaappleseed.org/initiatives/toolkit>

<https://www.emiganetwork.org/breaking-the-preschool-to-prison-pipeline>

emiganetwork@gmail.com

Tip sheet authored by Dr. Bridgett E. Ortega, J.D. bortega@johnmarshall.edu & Ms. De'Aysia Barner, Cornell University Intern
EMI Tip sheets are not a substitute for legal advice. Please consult a licensed attorney for legal advice.