Legal Services of Eastern Missouri
Action.Justice.Hope.

Education Justice Program

Advancing education equity and racial justice for all children.

KNOW YOUR RIGHTS: SCHOOL DISCIPLINE AND SAFETY

Did you know? Students have rights under Missouri and federal law when they are disciplined in school. School districts can suspend or expel a student for a wide range of things under Mo. Rev. Stat. § 167.161. But they must establish written policies that notify students and parents of discipline expectations and consequences, found in a Student **Code of Conduct** (sometimes called a Parent/Student Handbook). Your Code of Conduct should be provided to you at the start of each school year, and you can also usually find it online.

Key Terms

Suspension: when a student is removed or "kicked out" of the regular school setting for 1 to 10 school days ("short-term") or 11 to 180 school days ("long-term")

Expulsion: when a student is removed or "kicked out" of school for more than 180 school days or for an unlimited or indefinite period of time

Alternatives to suspension and expulsion: preventative or restorative interventions that schools should consider prior to suspending or expelling a student

Alternative education: what a school must provide to any student removed from the regular school setting for more than 10 days; should be student-centered and high-quality

Due process: a student's right to understand what they are being accused of and to tell their side of the story

Who's Who in School Discipline?



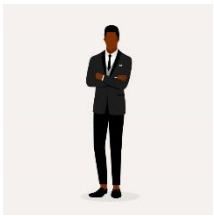
The **principal** is the person in charge of a school building. They can suspend a student for 10 school days or less.



The **Board of Education** is a group of people who are elected to make big decisions about the school district. Only the Board can expel a student after holding a hearing. The Board can also review a suspension given by the superintendent.



A **school resource officer (SRO)** is typically a law enforcement (police) officer assigned to work in a school. Their exact role depends on the school district's policy, but they should never be the one to suspend or expel a student.



The **superintendent** is the person in charge of the entire school district. They (or someone they have designated) can suspend a student for more than 10 school days after getting a referral from the principal and after meeting with the student and their parents.



An **advocate** is a person who can help a family through the school discipline process. Some advocates are attorneys and some are not. You can request to have an advocate with you at school discipline meetings.

Your Rights If You're Given a Short-Term Suspension

- A short-term suspension is 10 school days or fewer, usually for minor infractions.
- Only a principal can remove you from school--even for just part of a day.
- The principal should meet with you and tell you why you were suspended.
- If you are sent home, a note should be sent with you to explain why you were sent home and when you can return.
- Make sure to ask for any homework you might miss.
- The superintendent can shorten or overturn a short-term suspension.

Your Rights If You're Given a Long-Term Suspension

- A long-term suspension is 11 to 180 school days in length.
- First, you are given a short-term suspension, and then the principal makes a referral to the superintendent for a longer suspension.
- You will meet with the superintendent (or someone they designate) and your parents (or other adult).
- If the superintendent decides to suspend you for 11 school days or more, you can write to the Board of Education and ask them to review the suspension.
- You may be able to return to school while the Board decides if you are still suspended. If you plan to return, you should first write to the superintendent. The superintendent may deny you the right to return.
- You cannot be suspended for more than 180 school days.
- Even if you are out of school, an alternative education must be made available to you. Ask the superintendent about those options.

Your Rights If You're Expelled

- An expulsion is a removal for more than 180 school days and is seen as permanent. It should only be used for very serious infractions.
- A superintendent can recommend expulsion, but only the Board of Education can expel you.
- A hearing must be held within 180 school days. At the hearing, you can provide letters of support from teachers, counselors, coaches, and others.
- An alternative education must still be provided to you if you are expelled. If you are not receiving any education, contact a lawyer.
- You can file a request with a court of law to appeal or reverse an expulsion.

FAQs

Q: Do students with disabilities have any special school discipline rights?
A: Yes. A student with an Individualized Education Program (IEP) or a 504 Plan has the right to a manifestation determination review to look at any misconduct and determine whether it is related to the student's disability. This review meeting must occur within 10 school days if a student has been suspended for 10 days in a row or for more than 10 total days in the same school year for similar behaviors.

Q: Does a student have to write or give a statement if accused of an offense?
A: No, but once the student is told what they're accused of, they have the chance to present their version through a statement. Missouri law does not require a parent to be contacted before a student gives a statement to the school district.

Q: Can an SRO arrest a student?
A: Yes, but if an SRO is a law enforcement officer, the SRO must follow the same laws as police officers, including civil rights laws, as well as school policies. They cannot use excessive force, and they cannot search without a reasonable suspicion that a student has violated school rules or the law. If a student is charged with a crime or a violation of the juvenile legal code, that is a separate process from the school discipline process.

Education Justice Program
Tipline: 314-256-8789
EdRights App: edrights.lsem.org

**Do you want to be able to carry information on school discipline rights with you? Ask about our pocket cards, or check out the EdRights App on your phone or computer!*