



How to Prepare for a Disciplinary Hearing

A Guide for Parents and Advocates

Gather Evidence

You will be going to a hearing to decide if your child will be put out of school. This hearing is basically an opportunity for your child to tell his/her side of the story. The more information you have to support your child's side of the story, the better chance your child has of **not being expelled**. The following are steps to gather the information you can use to win your child's expulsion hearing and keep him/her in school.

Interview your Child:

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| 1. Get the facts. Ask your child what happened. Find out what your child has already told school officials, school security, or police. |
| 2. Ask your child if they have written any statements about the incident. If your child has written a statement, make sure you get a copy of it. |
| 3. Write down your child's version of the incident. You can use the "Get the Facts" form to guide you. |
| 4. Be sure to write down your child's discipline history. Use the "Get the Facts" form to help you get the necessary information. |

Get your Child's Records:

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| 1. By law you can look at any documents that will be used in the hearing. As soon as you find out that your child is recommended for expulsion, ask the school or the school district for your child's entire file. Ask the school in writing . |
| 2. Sometimes documents are in various files around the school. Make sure to ask for <u>all documents</u> about your child's discipline history. Information about past suspensions and expulsions is important. |

Make a Paper Trail:

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| 1. Get a folder, envelope or box that you can use to keep any papers about your child. |
| 2. Save all papers the schools sends you in the mail or sends home with your child. Make a copy of anything you send in the mail or give to the school. Save all requests for information in your child's file. |

Keep a Contact Log:

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| 1. Keep track of every person you call, what day you called them, and what they tell you. Make sure you get the full name, position, and phone number of anyone you talk to. Write all of this information on one sheet of paper and put the paper in your child's folder. You can use the "Contact Log" included in the green section of this binder. |
| 2. Bring this contact log to the expulsion hearing. |

Write Down the Process:

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| 1. Keep track of how the school goes about trying to put your child out. This can become evidence that your child should not be put out. |
| 2. Use the "Get the Facts" form to help you identify procedures the school did or did not follow. |

Find Witnesses and Visual Evidence:

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| 1. Witnesses are very important! Go to the school and talk to people that saw the incident. Take notes on what folks saw. Try to get witnesses to write a statement and sign it. Make sure you sign-in at the school and tell an administrator what you are doing. |
| 2. If you can find witnesses who agree with your child's side of the story, especially adults, ask them to attend the hearing. They will have a chance to tell the hearing officer what they saw. Make an attempt to contact witnesses off-campus. |
| 3. Know the names of any witnesses, even if you are unable to find them. At the hearing you should state the names of any witnesses you were unable to contact. |
| 4. Any visual evidence you have to support your argument is very helpful. If you know of any pictures or videos that would support your side, make sure to get them! |

Focus on the Positives:

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| 1. Ask your child to write a statement to the hearing officer entitled “Why I Want to go Back to School”. (See example on page 7) |
| 2. Ask your child to identify one person at his/her school who is on their side. Ask this individual to write a “Letter of Support” for your child, outlining your child’s positive traits. (See example on page 7) |

Make your Case

Now that you have a lot of information, it is time to make your argument. Review the facts of what has happened. Look at the laws below that outline what the school should have done before, during, and after your child was recommended for expulsion. Is there anything the school did not do? If so, make sure to put this on your list entitled, “Reasons My Child Should not be Expelled”.

Know Your Rights:

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| 1. The school must make a reasonable effort to notify you that your child has been recommended for expulsion. |
| 2. The school must inform your child of the “particular misconduct of which he/she is accused”. |
| 3. The school is supposed to hold a conference conducted with the principal or designee within a reasonable time unless your child’s actions were dangerous or interrupt the learning process. |
| 4. The school is supposed to give the your child an opportunity to present his/her version of the incident. The principal or designee may call witnesses requested by your child. |
| 5. Your child has a right to be represented by a person of his/her choice! |

Additional Rights for Students Receiving Special Education Services:

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| 1. The school must have a current IEP in place. |
| 2. The school must perform a Manifestation Determination Review (MDR) after your child has been removed for ten days or has been recommended for expulsion. The MDR must include a review of all the student’s educational records. |
| 3. A Functional Behavior Analysis (FBA) must be done after the student has been removed for 10 days. |
| 4. A Behavior Management Plan (BMP) must be developed by a team, including the parent and the IEP team, after the student has been removed for ten days. |
| 5. A BMP must be in place for a student with behavioral goals on their IEP. |

Identify Your Main Arguments:

1. Use the “Reasons My Child Should not be Expelled” form to gather your thoughts.
2. Make sure to write down any of the rights your child has that the school violated. These are called “procedural violations”. If there was no parent conference, you should make a big stink about it. If the school never told your child why he/she is recommended for expulsion, make sure to bring it up. Often times, expulsions are thrown out because the school did not follow the law.
3. Read any statements in our child’s file about the incident. Look for inconsistent statements. If one security guard contradicts another, you can use this to get the expulsion thrown out.
4. Look to see if the school did a thorough investigation. If your child says that five other students witnessed the incident, and the school never talked with those students, the expulsion could also be thrown out.

Prepare an Alternative:

1. Use the information in your child’s “Letter of Support” and “Why I Want to go Back to School” statement to show the positive things about your child.
2. Some alternatives to expulsion that you can advocate for include: change of school placement, referrals to intervention services, in-school suspension, before and after school detention, Saturday detention, supervised academic work assignments.
3. Choose the alternative to expulsion you think is best for your child, discuss the choice with your child ahead of time, and fight for the alternative.

Hearing Day

Now it is time to show the school district that they are picking on the wrong child. You are now prepared to get your child **back into school!** Your child’s hearing will be in front of either a hearing officer or a hearing board. Some school districts have very formal hearings. Hearings in New Orleans tend to be more like a meeting than a formal proceeding.

Remember:

1. Make sure to bring everything on your “Expulsion Hearing Checklist.”

2. Be ready to explain your child's side of the story, the main arguments you have against expulsion, and the alternative to expulsion you have discussed with your child.
3. Make sure the expulsion hearing is audio taped. You need this tape in the event that you appeal the decision. If you have a recording device, bring it with you. This recording will be useful to you.
4. Keep your Cool: Chances are that someone will make you very mad during this process. You have every right to be upset. Use your anger to be strong and clear and you will have a better chance of getting what you want. If you get angry and curse someone out, you may make the situation worse.
5. Make sure you state all your arguments. If the hearing seems to be moving too fast, slow things down, speak up, and make sure your voice is heard.
6. Good Luck! You are a wonderful advocate!

Possible Outcomes:

There are several decisions the hearing officer, or hearing board could make.

1. Expulsion recommendation refused: Your child will be able to go back to school. Hooray!!!!
2. Expulsion recommendation upheld: Your child is expelled and it is time to appeal the decision. You will have another chance to fight the decision.
3. Other corrective disciplinary actions taken: The hearing board has decided to use an alternative to expulsion. There should be a conversation about the nature of the alternative.