

## EXPULSION

This should be handled by the full **local school board**.

You have the right to a **hearing**. This hearing will not be in a court.

You and at least one of your parents/guardian should receive a **written notice** saying what the school thinks you did wrong and explaining what **evidence** the school has. This notice must be delivered to you and at least one of your parents/guardian **at least 5 days** before the hearing.

You have the right to bring a **lawyer** with you to the hearing.

The rules about the hearing for an expulsion are the **same** as the rules about the hearing for a long-term suspension. So look under the "long-term suspension" section above for more information about how the hearing should go.

You have the right to a **written decision**. This decision should tell you that you have the right to **appeal** the expulsion to the **New Hampshire Board of Education**.

You must file this appeal within **20 calendar days** of the day you received the written decision.

If you have been expelled, you can ask the local school board to let you back into school before the **start of each school year**.

## TELLING YOUR SIDE

If you decide to tell your side of the story, you need to be **honest**. Think carefully about this decision.

It can be important to defend yourself. But you may be facing a juvenile delinquency charge for the same thing you're facing school trouble for. Keep in mind that things you say in a school meeting or school hearing could possibly be brought up in **court** or otherwise used against you.

If you have a **lawyer** for your court case, talk to your lawyer before any school meetings or school hearings.

## DISABILITY

If you have a disability, you have additional legal protections when it comes to school discipline. You should seek additional information from organizations such as the Disabilities Rights Center, on-line at <http://drcnh.org> or by phone at (603) 228-0432 or (800) 834-1721, or NH Education Law, available on-line at <http://nhedlaw.com> or by phone at (888) 474-3137.

## GETTING A LAWYER

Places to look for a lawyer in school discipline cases include:

Youth Law Project at New Hampshire Legal Assistance,  
(603) 668-2900 or (800) 562-3174  
(\*note: intake closed until October 2009);

Disabilities Rights Center (if you are disabled),  
(603) 228-0432 or (800) 834-1721;

Lawyer Referral Service of the  
New Hampshire Bar Association,  
(603) 229-0002;

Reduced Fee Referral Program for those who qualify at (603) 715-3290.

Prepared by the Youth Law Project  
New Hampshire Legal Assistance - July 2009

## KNOW YOUR RIGHTS:

### School Discipline



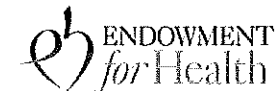
### SCHOOL IS IMPORTANT!

It's where you get the skills you need to build the life you want. It's where your friends are. It's where you need to be. It's important to go and to try your best.

Sometimes you may get in **trouble** at school. Don't worry. Everyone makes mistakes. Try to learn from them. Try not to repeat them.

But if you get in serious enough trouble, the school may want you not to come to school.

This is general information for students at public elementary, middle, and high schools in New Hampshire. It is also for their parents/guardians and other adults in their lives. It is not legal advice. Students with disciplinary matters and their families are encouraged to seek legal counsel about their specific situation.



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## SUSPENSION AND EXPULSION

The school could try to **suspend** you. This means you can't come to school for a certain amount of time. Or the school could try to **expel** you. This is when you aren't allowed back in school—permanently.

A suspension or expulsion is not a vacation. It's a serious situation that you and your family need to deal with **right away**.

### DUE PROCESS

By law, you have the **right to due process** before you are suspended or expelled. This means you have the right to be told when the school wants to suspend or expel you. And you have the right to present your side of the story before the decision to suspend or expel you is made.

Due process looks **different** depending on whether the school is trying to give you a short-term suspension, a long-term suspension, or an expulsion.

This brochure tells you about some important parts of due process. But it doesn't list everything. For a more complete list of the due process requirements in each situation, look at the regulations issued by the **New Hampshire Department of Education**. The section of the regulations with this information is 317.04. You can get this section by going on-line to <http://www.gencourt.state.nh.us/Rules/ed300.html>

You can also call the Department of Education at (603) 271-3494.

## SHORT-TERM SUSPENSION

This is a suspension of **10 school days or less**.

These are usually handled by the school **principal or assistant principal**.

Before you get a short-term suspension, you have the right to a **meeting**. At this meeting, the principal or assistant principal should tell you that the meeting is about a short-term suspension. She or he should let you know what the school thinks you did wrong.

She or he should also explain what **evidence** the school has that you did something wrong. You should have the opportunity to tell **your side of the story** before a decision is made.

You and at least one of your parents/guardian should get a **written statement** after the meeting explaining any punishment you got.

## LONG-TERM SUSPENSION

This is a suspension of **more than 10 school days**.

These are often handled by the **school district superintendent or a committee of the local school board**. Sometimes they are handled by the full local school board.

If you have already been given a short-term suspension for something you did wrong, the school can try to **continue** it as a long-term suspension. But the person or people handling the long-term suspension **can't** be

the same as the person or people who handled your short-term suspension.

You and at least one of your parents/guardian should receive a **written notice** saying what the school thinks you did wrong and explaining what **evidence** the school has.

You have the right to a **hearing** before you get a long-term suspension. This hearing can be **public or private**. It is up to you or your parent/guardian. This hearing will not be in a court.

You have the right to bring a **lawyer** with you to the hearing.

The school must present its **evidence** of what you supposedly did wrong. And you have the right to **reply and defend** yourself. This defense can include asking questions from any **witnesses** the school brings.

At the hearing, you want to **watch out** for witnesses who talk about things they didn't see themselves. This would be like a principal reading a report that a teacher wrote about what you supposedly did wrong. That teacher needs to be at the hearing, in person, so you can ask her or him questions. If that teacher isn't there, you should **object** to the person or people deciding whether to suspend you using the report. It may well be a violation of your **constitutional rights**.

You have the right to a **written decision**.

You can **appeal** a long-term suspension. Make sure to do this **quickly**. The amount of time you have to appeal will depend on who handled the long-term suspension. This will also determine where you send in your appeal.