

## Expulsion for Students with a Disability

### Can my child be expelled if they are in special education or they have a 504 Plan?

It depends. Your child cannot be expelled for behaviors that are caused by a disability. If the school is considering expulsion, it must first hold a special Planning and Placement Team (PPT) or 504 meeting to determine:

- ▶ Was the behavior related to or caused by your child's disability?
- ▶ Did the behavior happen because the school did not follow your child's Individualized Educational Plan (IEP) or 504 plan?

If the answer is **YES** to either of these questions, then the school district cannot expel your child. Instead, the team should look at services that can help with your child's behavior. Usually, your child should be allowed to return to school right away.

But if your child seriously hurt someone or the incident involved a weapon or drugs, the school could place your child in an *interim alternative educational setting* (IAES) for up to 45 school days. This is not an expulsion, but your child may be placed in the same program as expelled students or could receive only tutoring.

### What if the PPT or 504 team decides the behavior was not caused by my child's disability?

If the answer to both questions above is **NO**, your child could be expelled. If you disagree with that decision, you can request a hearing. For sample letters and detailed information about this process, go to [www.CTLaw.Help/expulsions](http://www.CTLaw.Help/expulsions).

For more on the discipline of students who have a disability, or if you think your child has a disability and you want them evaluated for special education services, go to [www.ctlaw.help/special-ed](http://www.ctlaw.help/special-ed).



## Need help?

### Statewide Legal Services

[www.slscct.org](http://www.slscct.org)

1-800-453-3320 or 860-344-0380

SLS provides free advice to low-income people who have legal problems in Connecticut. For some legal problems, they may send you to another legal aid program or to a volunteer attorney.



### Got a housing problem?

1-800-559-1565

[www.EvictionHelpCT.org](http://www.EvictionHelpCT.org)

### How to contact your local legal aid office:

#### New Haven Legal Assistance Association

203-946-4811

#### Greater Hartford Legal Aid

860-541-5000

#### Connecticut Legal Services

##### Bridgeport

203-336-3851

##### New London

860-447-0323

##### Waterbury

203-756-8074

##### New Britain

860-225-8678

##### Stamford

203-348-9216

##### Willimantic

860-456-1761

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# School Expulsions

**Statewide Legal Services**  
1-800-453-3320

## What is the difference between a suspension and an expulsion?

- A **suspension** can only last for up to ten days.
- An **expulsion** can last for up to 1 calendar year.

If your child gets an out-of-school suspension, it means the school thinks your child seriously violated a school rule. You should expect that the school will also try to expel your child.

## Who can decide to expel a student?

If the school thinks your child broke a serious school rule, they can ask the district superintendent to expel your child. The school will send you a notice with a hearing date. **It is very important that you attend the hearing.**

## My child might be expelled. What rights do we have?

- ▶ **A hearing must be held** before an expulsion can happen. The hearing should be held as soon as possible.
- ▶ **You should get written notice from the school** at least 5 business days before an expulsion hearing explaining which rule the school thinks was broken; how they think your child broke it; the hearing date, time, and location; and how to get an attorney.
- ▶ **You have the right to ask for copies of the documents the school will present at the hearing, as well as any records that you think may help you defend your child**, including a list of witnesses and copies of written statements made by teachers, your child, or witnesses.
- ▶ **You have the right to be represented by an attorney.** Call Statewide Legal Services at 1-800-453-3320 right away to see if you qualify for free legal help.
- ▶ **You have the right to ask to postpone the hearing to later date.**
- ▶ **You have the right to explain your child's side of the story and to question the witnesses** that the school brings to the hearing.

**You can give up your right to an expulsion hearing by signing an agreement** allowing your child to be expelled. Read it carefully, make sure you understand it, and ask questions. You may be able to negotiate a better agreement.

## How can I get ready for the hearing?

Expulsions can happen quickly. If your child gets a 10-day suspension, if you think your child might be expelled, or if you get an expulsion notice, you should start preparing for an expulsion hearing right away. Detailed information is available at [www.CTLaw.Help/expulsions](http://www.CTLaw.Help/expulsions).

Expulsion hearings are stressful and a lot is at stake. Talk to an attorney if you can, and consider asking a friend or family member to come with you for support.

## What will happen at the hearing?

The hearing will be recorded or someone will write down everything that is said. Anything that is said at the hearing may be used in a criminal or juvenile case if there is one for this incident. The person making the decision will listen to both sides of the story and decide if your child broke the rules, if your child should be expelled, how long the expulsion will last, and other conditions of the expulsion. Generally, there is no right to appeal the decision.

## What if my child was arrested and has to appear in Juvenile Court?

It is not unusual for a child to face both expulsion and juvenile or criminal charges for the same incident. Expulsion hearings usually take place before the juvenile or criminal case is resolved. The school may expel your child even if a juvenile or criminal case is still going on and your child has not been convicted. Ask the public defender or defense attorney handling the matter if your child should testify at the expulsion hearing.

## Does the school district have to educate my child if they are expelled?

**If your child is under age 16**, they will continue to be offered an education while they are

expelled. This is called an *alternative education*. Depending on the school district, your child may go to a different school or get individual tutoring.

**If your child is between ages 16 and 18, has never been expelled before**, and wants to continue getting an education, alternative education will be offered as long as your child follows any conditions set by the board or school district.

**If your child is 17 or 18 years old**, alternative education may include placement in an adult education program.

## Will the expulsion stay on my child's school records forever?

If the expulsion was for the possession of certain kinds of weapons while your child was in grades 9 through 12, the expulsion will stay on your child's school records. Otherwise, the expulsion is usually erased if they graduate from high school.

Your child will probably be asked on college applications if they were ever suspended or expelled. Your child should answer truthfully.

## Can I stop the expulsion by sending my child to a different school or district?

No, you cannot stop the expulsion. Your child's school records will still contain the notice of the expulsion hearing. A new school district will probably hold its own expulsion hearing for the incident at the old school.

## Can the school withdraw a child from its attendance rolls without going through the expulsion process?

No. Your child cannot be withdrawn or expelled from school without an expulsion hearing.

For detailed information, go to:

[www.CTLaw.Help/expulsions](http://www.CTLaw.Help/expulsions)

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