



A Parent's Guide to a Student Discipline Tribunal

The Purpose of this Guide

This short guide helps families through the process of a school disciplinary Tribunal when a student is facing an out-of-school suspension of ten days or more. It reviews the student's rights, the timeline of steps and more.

My child faces suspension from school for more than 10 days. What are his/her rights?

If your school intends to suspend your child for more than 10 school days, the law requires that a **hearing** be held. This hearing may be held in front of a group of school officials or in front of a single hearing officer. This hearing is sometimes called a "**Tribunal.**"

What happens at the Tribunal? School officials will explain at the Tribunal why they believe your child should be suspended. You and your child have the right to present information (including witnesses) on why you believe that your child should not be suspended or to suggest other types of discipline. A decision is then made. If you do not agree with that decision, you have the right to appeal to the Local School Board and to the State Board of Education, and even to court, if you do so on time.

Do we need a lawyer? If possible, try to get a lawyer, especially if your child must also go to juvenile court. While your student has a right to have a lawyer at the Tribunal, the school system will not pay for your lawyer. If you cannot afford a lawyer, you can check with your local legal aid office to see if a lawyer could represent your student without a fee. If you do get a lawyer, you or your lawyer

should let the school know as soon as possible that you will have a lawyer at the Tribunal.

If you do not have a lawyer, you still can and should speak up for your child at the hearing. This guide will help you through the Tribunal process.

For more detailed information, read [When My Child is Disciplined at School: A Guide for Families](#), published by Georgia Appleseed (2009) and available in [English](#) and [Spanish](#) versions on our website. Or click on the blue highlighted links throughout this guide.

What to do before the Tribunal

When You Learn that Your Child May Be Suspended or Expelled

- You should **immediately** begin **gathering information** and make sure to keep a record of everything (documents, conversations, witnesses, the disciplinary process, and etc.). Start asking your child and the school:
 - How long does the school plan to suspend your child?
 - What does your child say happened?
 - What does the school (teachers, assistant principals, and/or the principal) say happened?
 - Was anyone else involved?
- **Discuss with the school other ways to deal with your child's behavior**, rather than Out of School Suspension, such as: Saturday school, detention, volunteer work, or a behavioral contract. A behavioral contract for your child could involve other disciplinary actions, instead of removal from the classroom. Try to work with the school to figure out a plan where your child can stay in the classroom.
- If you believe that your child's behavior was caused by a disability and your child does not already have an IEP, let the school know **in writing** as soon as possible and ask that your child be tested.
- Make sure to **ask the school for your child's work assignments**. It is best to avoid having your child fall behind while you are waiting for the Tribunal.
- Remember to **remain calm and work politely** with school officials.

When You Receive Written Notice

- You should receive a **letter giving you notice of the hearing**. Record when you got the written notice. The notice should tell you when and where the hearing will be held and the reasons why the school intends to suspend your child.
- Next, figure out if you have enough time to prepare for the Tribunal. You can ask for a delay, but your child will most likely not be allowed back to school until the Tribunal is held.

Prepare for the Tribunal Hearing:

- Write down your reasons for challenging the suspension. If you feel it is too severe, think of what outcome you would find acceptable.
- Build a convincing argument and gather any supporting documents.
- If there are witnesses you want to call to support your child, let them know when the hearing will be held and let the school know that you will be calling witnesses. If a person that you want to call as a witness will not come voluntarily, you can ask the District Superintendent to help by issuing a written document called a “subpoena.” You will need to deliver this document to the witness as quickly as you can before the date of the hearing.
- Request an interpreter if you are not fully able to understand and be part of the Tribunal hearing using English.

What to do at the Tribunal

1. The hearing officer or one of the Tribunal members will explain how the hearing is going to work. Listen carefully and take notes. If you do not understand any of the instructions, ask questions.
2. The school system presents its evidence and witnesses first. Listen closely so that you can respond to any arguments that you may not have thought of before.
3. You and your child will be able to tell your story at the hearing. You can call witnesses to support your arguments. It may be helpful to have your pastor, or some other adult who knows your child, speak on their behalf.

4. Present all of your concerns, records, and documents even if the hearing officer, tribunal or panel does not believe it is important to your child's case. **Once the hearing is over you will not be able to add any more evidence.**

What to Do After the Tribunal

If You Do Not Agree with the Tribunal Decision, You Can:

- **Appeal** the Tribunal decision to the **Local School Board of Education** by filing a written notice of appeal **within 20 DAYS** of the date the decision was made (INCLUDING holidays and weekends. For example, if the 20th day is on a Sunday, you will need to deliver the appeal letter no later than the Friday before that.) You will receive a written notice of the decision. It should explain your appeal rights. A form to use to make the appeal will be attached. To be safe, you should deliver the letter of written notice to the office of the District Superintendent in person, if possible.
 - Remember: The local school board will **only consider** information that was put on the official record during the Tribunal. The local school board is REQUIRED to provide you notice as to the date, time, and location of your appeal hearing. Some school districts will allow you to speak at the meeting where your appeal will be considered. You should contact the District Superintendent and ask for an opportunity to talk to the School Board about your child's appeal.
- **Other Options:**
 - File a grievance with the school district's school board.
 - If you believe that your child's behavior problems result from a disability or special need and the local school district has not evaluated your child for special education services, you may file a complaint with the [Georgia Dept. of Education](#) (you have one year to file a complaint).
 - If you believe your child has been discriminated against based on race, color, national origin, sex, disability or age, contact the [Office of Civil Rights of the U.S. Dept. of Education](#) (you must file the complaint within 180 calendar days from the last act of discrimination).

If You Do Not Agree with the Local School Board Decision, You Can:

- Make an **appeal** of a local school board decision to the **Georgia State Board of Education**. The appeal must be filed **within 30 DAYS** from your local school board's final decision. To submit your appeal request, you **MUST** file it with the superintendent of your local school district.
- The local school superintendent has 10 DAYS to transmit your request to the state school superintendent.
- The Georgia State Board of Education is **REQUIRED** to provide you notice of the date, time, and location of your appeal proceeding. Generally this meeting will be held in Atlanta. If you would like to speak on behalf of your child at the appeal proceeding, you **MUST** notify the state within 10 days of the date the Georgia State Board of Education places your appeal date on its calendar.

If You Do Not Agree with the State Board of Education Decision, You Can:

- **Appeal** the decision to state **Superior Court** where your school is located.



Legal Disclaimer

The information in this manual is provided as a matter of public service and is for informational use only. The information does not constitute legal advice and should not be used as such. Parents, guardians and other users of this guide are strongly urged to confer with legal counsel in matters involving their students and student discipline.