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Using Your Legal Plan

What to Do When Your Child Faces Disciplinary Action at School

Real Life

3-minute read



Do you know what your legal rights are if something happens to your child at school due to behavior issues or conflict with classmates?

While parental rights vary by state and even school district, the first thing to keep in mind is that you and your child do have rights when a school wants to take disciplinary action such as suspension or expulsion. Keep the following things in mind as you navigate the situation.

1. **Ask your child to write down a detailed account of what happened from their perspective.** This will be valuable if you need to take legal action down the road. It will also help your child if they are struggling to piece together their side of the story for you due to anger or fear.

2. **Review the school's disciplinary policy.** Most schools have a handbook or code of conduct that outline what actions and activities are grounds for suspension and expulsion. Review this first to see if the actions in regard to your child are in line with the policy.
3. **Meet with the appropriate officials.** As you talk with the teacher, principal, assistant principal or any other school administrator involved, keep an open mind. Ask them to talk you through exactly what happened and which rule(s) your child violated. Have them explain the immediate disciplinary action, along with any ramifications this might have on your child's record for the year or even their future education.

If you do not believe the action taken by the school is justified, you should appeal the decision. This may involve meeting with the superintendent or a formal hearing in front of the school board. Many states have laws requiring that those hearings take place within a certain time period after the disciplinary action is first proposed.

Most hearings where expulsion is at stake involve questioning witnesses. If this is the case in your school district, consider hiring an attorney. Be sure to use someone who has dealt with similar cases before.

The earlier in the process you can find an attorney who has experience working with schools and juvenile cases, the more guidance you will receive about what you and your child need to do and what your rights are every step of the way. Then – if a hearing is necessary – the attorney can handle preparing witnesses for your side and cross-examining witnesses that the school brings forward.

If Your Child Is Arrested

A disciplinary situation at school can become even more serious if school administrators feel the need to involve law enforcement. A child arrested on school grounds has the same rights as anyone who is arrested off them, including the right to remain silent and the right to an attorney.

If you receive a phone call letting you know that your child has been arrested, tell them that your child will be consulting with an attorney before speaking to the school or law enforcement. You'll then immediately want to find an attorney to represent your child or call your attorney if you already have one.

Keep in mind that a legal incident can redefine your child's future and follow them all the way into adulthood. An experienced attorney with knowledge of the juvenile justice system will be able to advocate for your child's best present and future interests.

Not Sure Where to Turn?

For access to nationwide networks of attorneys and legal resources, consider a legal plan that can help protect you and your children. These types of plans give members peace of mind knowing that they'll have immediate access to professional services and resources when a legal need arises. If you have ARAG[®] coverage, call us for help with any legal needs you may be face.

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