

School Discipline

What is school discipline?

Arkansas state law allows each school district to develop their own student handbook and discipline policies. Once those policies are developed, the school must follow them when administering discipline. Arkansas law also specifically allows for corporal punishment, or paddling. School districts are also responsible for developing their own rules for corporal punishment.

Suspension versus Expulsion

Suspension means that a student is dismissed from school for a time period that lasts ten (10) days or less. A suspension can be in-school or out-of-school. In-school suspension (ISS) usually means that a student is taken out of the classroom and put in a room designated for in-school suspension. Some districts allow students to do work while in ISS, others just require students to sit quietly. ISS usually lasts until the end of the school day. Out-of-school suspension means that the student is sent home and not allowed to return to school until a predetermined number of days have passed.

Expulsion means that a student is dismissed from school for a time period that lasts more than ten (10) days. Expulsion is always out-of-school. Depending on the seriousness of the offense, a student may even be expelled for the remainder of the semester or school year. *The law gives all students a right to a hearing before they are expelled from school. If your child is getting expelled, you should request a hearing.*

My child has an upcoming expulsion hearing

An expulsion hearing gives the student an opportunity to fight the expulsion by giving his or her side of the story and present evidence in his or her favor. Evidence can be virtually anything, including written statements and recommendation letters from teachers, family, clergy, and friends.

The hearing procedure may differ slightly by district, but a student is always allowed to bring someone to represent him or her at the hearing, including an attorney. At the end of the hearing, a neutral decision-maker will decide whether to go through with the expulsion or use a less serious form of punishment.

What if my child is in special education?

A school must fulfill certain requirements before it can remove a child in special education from school. These requirements are designed to protect children in special education from being punished for misbehavior that is a result of their disability.

To qualify, a child must be:

1. In special education
2. Suspended
 - a. For 10 days straight *or*
 - b. Subjected to a series of shorter suspensions for the same or similar behavior problems, for the same or similar behavior problems, that total to more than 10 days out of school

If a child meets the above requirements, the school must conduct a manifestation determination review (MDR) within 10 days of the decision to expel. During an MDR, the child's IEP team, parent(s) and a district representative meet and decide whether the child's misbehavior was related to the child's disability.

If the school decides that the misbehavior was related to the child's disability, the school must let the child back in school. Also, the school must either conduct a behavioral assessment or implement a behavior intervention plan (BIP), or it must review an existing BIP and modify it.

If the school decides that the misbehavior was not related to the child's disability, it will continue with the expulsion as if the student were not in special education. However, the student still has a right to a hearing and should request one.

Where can my child go to school if he or she has been expelled for the rest of the semester/year?

In Arkansas, schools are allowed to refuse to admit students that have been expelled from other school districts until their period of expulsion is over. However, some schools do not have this restriction, and other schools will make exceptions depending on the reason for the expulsion and the student's disciplinary

history. You should contact individual districts to find out their policy on enrolling expelled students.

Alternative Learning Environments

Alternative Learning Environments (ALEs) are also available in some parts of the state. ALEs are special schools that are designed for students who do not do as well in a traditional school environment. They are sometimes referred to as “alternative schools.” ALEs are not exclusively designed for expelled students, but some ALEs will accept students who have been expelled. You should contact individual schools to find out if they enroll expelled students. A listing of ALEs across the state can be accessed at:

http://arkansased.org/about/pdf/directory/10-11_ale_082010.pdf

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The information and statements of law in this fact sheet should not be considered legal advice. This fact sheet is provided as a broad guide to help you understand how certain legal matters are handled in general. Courts may interpret the law differently. Before you take action, talk to an attorney and follow his or her advice. Always do what the court tells you to do.