

Educational Advocacy Resource Manual

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Overview of this guide

This guide is designed to help you prepare to advocate for students facing 10 or more days of suspension or expulsion and/or referral to the alternative school. Advocates may but need not be attorneys. The information provided should prepare you to effectively advocate for your student in a disciplinary hearing. Many of the suggestions provided in this guide may be helpful in advocating against shorter suspensions; however, due to the extensive preparation suggested, this guide is more suitable for advocating against harsher punishments.

This guide provides an overview of the laws, policies, procedures, and rights of students in school discipline hearings. The information provided is not meant to be and should not be taken as legal advice. This guide is for informational purposes only and does not substitute for consultation with an attorney.

Things to Keep In Mind

Remember that the goal is to keep the student in school as much as possible. Do your best to advocate for options that keep the student in school and push for suspension or expulsion as an absolute last resort. Work with the school to come up with a discipline plan for the student that adequately addresses the student's conduct and meets the student's needs. Remind the school administration that disciplinary actions should help the student to learn from his or her mistakes and should have the least possible detrimental impact on the student's education.

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I. Introduction

Providing an education to children and youth is a big job that requires cooperation from students, families, and school officials; in effect, the entire community plays a role. Teachers have a duty to educate students and principals must manage schools responsibly and fairly. Students are expected to do their best to learn. Families should support the students and school when appropriate.

Also, schools have rules that students must follow. If a student violates the rules, schools are allowed to discipline students. It is important for students, their families, and school officials to understand the rules so that everyone knows what is expected of them.

Sometimes there is a misunderstanding between the school and the students. In some cases, students face punishment over things that seem unfair. School discipline hearings provide an opportunity for students to give their side of the story to school officials.

Families can also use discipline hearings for other important discussions. When students get accused of misbehaving, discipline hearings can lead to talks about other problems the student may be having. For example, if a child is accused of acting out in class, but you think they have a learning disability, then this hearing is an opportunity to request that your student be tested. If your student has been diagnosed with a learning disability, you can use discipline hearings to discuss changes to your child's Individual Education Plan (IEP), or even discuss removing your child from a particular teacher's classroom.

Before you walk into a discipline hearing, know what to expect. Decide before the hearing date whether your role as an advocate will be a primary role or more of an advisory role during the proceedings. Prepare to help your student as much as possible. This guide will help you with that!

II. Understanding School Discipline Policies and Procedures

State law requires that each school district publish and make accessible a discipline plan and distribute a code of student conduct to all students and parents at the beginning of the school year. The discipline plan and code of conduct includes a description of the behaviors that call for disciplinary action and the procedures to be followed in disciplining students. If you feel that something in the discipline plan or the code of conduct should be changed, attend your school board meeting and let them know. Make sure to explain exactly what provision you want changed and why the school board should make that change. Do your homework. Find examples of other districts that have effectively implemented the rule the way you would like to see it and present them to the school board. The school board just might decide to follow your advice. For more information about how to work with the school board on policy change see the Mississippi Center for Justice's *Making Changes: The School Board and You! The Community Guide to School Advocacy in Mississippi*.

Make sure that you are familiar with the parts of the discipline plan and code of conduct that are relevant to your student's case. Both will be essential to your successfully advocating for your student. If you do not have a copy of the discipline plan or code of conduct, request a copy as soon as you become involved in a student's disciplinary process. You can obtain a copy from the school district.

Discipline Procedures Required by Federal Law

Federal law requires that, at the very minimum, students facing suspension or expulsion must receive notice of the accusations against them and an opportunity to present their side of the story during some kind of hearing. For suspensions less than ten days, an informal hearing may be held; however, for suspensions or expulsions greater than ten days, a more formal hearing is usually held. Educational advocacy becomes critical at this point because the student's long term absence from school could have severe

consequences on the student's future. The student has a greater chance of being allowed to stay in school if he or she has a strong advocate on his or her side.

General Discipline Procedures in Mississippi

Disciplinary procedures within the state of Mississippi vary with each school district, so you should check the district's code of conduct and school board discipline policies for procedures specific to your student's district. However, there are some commonalities of which you should be aware.

Generally, when a student is accused of misconduct, he or she is referred to the principal's office. The principal then recommends a disciplinary action to be taken against the student, and the student's parents are notified of the alleged conduct and the recommended disciplinary action. If the principal recommends 10 or more days of suspension or expulsion, then the student is scheduled to appear before a disciplinary hearing officer or committee. The disciplinary committee then determines what disciplinary action will be taken against the student, based on the principal's recommendation and the evidence brought forth in the hearing. If the student and his or her parents are dissatisfied with the decision, then they have a right to appeal to the school board. The school board's decision is final, unless the student and his or her parents make an additional appeal to the Chancery Court. (See flow chart on page 14).

Infractions and Consequences¹

The code of conduct should outline a list of offenses that may lead to a student being disciplined as well as the discipline procedures that apply to each offense. The offenses may be divided into categories based on how severe they are and should be accompanied by disciplinary actions that are appropriate to the severity of the offense.

Remember that even though the code of conduct identifies certain disciplinary actions that accompany each offense, the school administration usually has the discretion to adjust disciplinary actions brought against the student. Be sure to advocate for alternative disciplinary actions that may be more suitable for your student's situation.

Advocating for Less Severe Consequences²

The code of conduct may offer several different options for disciplining a student for the same conduct. Oftentimes the school may opt for a certain disciplinary action when there is a less severe one available. Check your district's code of conduct to see if there are alternative and less severe consequences available. Be creative! If the code of conduct doesn't offer an alternative that you feel would be best for your child, try suggesting some alternatives of your own. Some possible alternatives are:

1. Creation of a behavior contract between the student and the school administrators
2. Adjusting the student's schedule
3. Loss of class privileges
4. Letter to the parent or guardian about the behavior

¹ *Educational Advocacy: Resource Manual for Advocates*, Juvenile Justice Project of LA at 9.

² *Id.*

5. Conference with the student, administrator, counselor, guardian, and/or parent of the child about the behavior
6. In-school counseling
7. Supervised work assignments
8. Before school, after school, or Saturday detention
9. In school suspension
10. Short term placement in the alternative school

III. Students with Disabilities³

If the student has a disability then additional rights and discipline procedures may apply. The Individuals with Disabilities Education Act (IDEA) is a Federal law that requires that students with disabilities continue to receive educational services if they are suspended for more than ten days in a school year. This means that if a student with a disability is recommended for more than ten days of suspension in a year, then the student must be placed in another educational setting that would still allow the student to participate in the general education curriculum and progress toward meeting the goals set out in his or her **Individualized Education Program (IEP)**. However, if the school recommends the student for suspension for less than ten days in the school year, the same discipline procedures would apply as with a student that doesn't have a disability. If you have a hearing involving a student with a disability, you might want to take an expert with you who can explain the student's special needs.

In addition to placing the student in another educational environment, the school must conduct a **Manifestation Determination Review (MDR)**, within ten days of a recommendation to suspend or expel the student. An MDR is a meeting between the members of the student's IEP team to determine (1) whether the student's behavior was caused by or had a relationship to the student's disability, or (2) whether the student's behavior was the direct result of the school's failure to implement the student's IEP. If either of the above two circumstances apply, then the student's behavior is considered a "Manifestation of the Disability." If the behavior is determined to be a manifestation of the student's disability, then the school must:

- (1) Conduct a **Functional Behavioral Assessment (FBA)**;
- (2) Implement a **Behavioral Intervention Plan (BIP)** for the student; and
- (3) Return the student to his or her home school.

If the student has brought a weapon or drugs to school or seriously injured another person, the school officials may remove the student to another educational setting for less than 45 days without regard to whether the behavior was a manifestation of the disability.

*Please see the glossary for definitions of the terms in **bold**.*

IV. Preparing for a Disciplinary Hearing⁴

³ 20 U.S.C. 1415(k)

⁴ *Supra* note 1 at 17-18.

When preparing for a disciplinary hearing, follow these three steps: (1) Gather Evidence; (2) Develop A Strategy; and (3) Advocate Your Position.

STEP ONE: Gather Evidence

When preparing for a disciplinary hearing, gather as much information as you can. When possible, get both sides of the story, from the student's and the school's perspective. The more information you have to support the student's side of the story, the greater chance the student has of not being suspended or expelled. You can take the following steps to collect the information that you need to effectively advocate for your student and hopefully keep him or her in school.

1. Interview the Student

First ask the student to tell you what happened in his or her own words. Ask the student to explain who was involved, when and where the incident took place, and who witnessed it take place. Find out whether the student admits the conduct or feels wrongly accused. If the student admits some responsibility, consider asking the student what portion of the incident he or she feels responsible for.

Find out what the student has already told school officials, school security, or police. Ask the student if he or she has written any statements about the incident and make sure to get a copy of it. Be sure to write down all information that the student tells you. (You can use the "Get the Facts" form on page 15 as a guide for collecting information.)

2. Get the Student's Records

Request a copy of the student's entire school record, especially information about past suspensions and expulsions. Your request for these documents may have to be accompanied by a signed release from the parent. If the child has a disability or receives special education services, be sure to obtain a copy of the student's special education records. (If the student has a disability or if you suspect that the student might have a disability, see page 11 and contact the Mississippi Training and Information Center for more information).

3. Determine the Grounds for the Disciplinary Action

Find out from the student, teachers, and administrators what the student is accused of doing, what rule the student is accused of breaking, and who is making the accusations against the student. Ask the school to show you, in writing, the rule that the student is accused of breaking. The rule should be published in the code of conduct. If it is not, make note of this as a possible argument for your case. Additionally, find out who allegedly saw and reported the incident. Take note of whether the individual is a student or a teacher and whether anyone else was present at the scene.

If there is disagreement about what happened, find and talk to other people who witnessed the incident. Be sure to get the witnesses' first and last names, addresses, and phone numbers. When obtaining witness statements from minors, make sure you get permission from the school and the parents first. Take good notes and, if

possible, get the witnesses to write a statement and sign it. If you plan to interview people at the school, make sure to sign in with the school and tell an administrator what you are doing.

Finally, make a written request to the school for any videotapes, photographs, or other physical evidence from the incident. If the school refuses to share the information, keep a copy of the request for use at the hearing.

4. Determine What Disciplinary Action the School Wants to Take

Find out what disciplinary action the school wants to take against the student. Make sure that the disciplinary action is listed in the code of conduct and that it goes with the conduct the student is accused of.

5. Identify the Consequences the Disciplinary Action May Have on the Student's Future

Understand how the recommended disciplinary action may impact the student. For example, know whether a student's suspension or expulsion may result in his or her failing the entire school year.

See if the alternative school may be a viable option for the student if he or she is facing a long-term suspension or expulsion. Find out how the disciplinary action may impact the student's ability to graduate from school, change their diploma type, and/or attend college.

Sometimes school discipline cases are referred to Youth Court. If the case is referred to Youth Court, the student could face criminal charges and possibly be sent to training school. At this point, you should find and work closely with an attorney to protect the student's rights.

6. Make a Paper Trail

Save all of the paperwork about your client and all the information that the school sends you. Make copies of everything that you send in the mail or give to the school. Maintain a file of these documents in case you might need them later on.

7. Keep a Contact Log

Keep a record of every person you call, when you called them, and what you were told. Obtain the full name, position, and phone number of anyone you speak with. (See page 18 for a sample contact log.)

8. Write Down the Procedures Followed

Keep track of the procedures that the school followed to suspend or expel the student. Consult the code of conduct to identify what procedures should have been followed and make note of those that the school did or did not follow.

9. Focus on the Positives

Provide the hearing officers with good reasons why the student should be allowed to return to school. Have the student write a letter in his or her own words to the

hearing officers entitled, “Why I Want to Go Back to School.” If the student admits to the conduct, have him or her include an apology recognizing why the conduct was wrong. Additionally, ask the student to identify one person at the school or in the community that can write a “Letter of Support” focusing on the positive traits of the student. Use these letters to strengthen your case for why the student should be allowed to return to school. (See pages 24 and 25 for sample letters.)

10. Consider Alternative Consequences for the Student

Make a list of alternatives to suspension or expulsion that you and the student’s family think would be best for the student. Student discipline should help the student learn from his or her mistake and make better decisions in the future. First look to the code of conduct to determine whether it provides alternate and more appropriate consequences for the student’s conduct. Next, work with the student and the student’s family to come up with a less severe consequence that addresses the conduct and keeps the student in school. Present this to the hearing officer as an alternative to the recommended disciplinary action. (See page 3, “Advocating for Less Severe Consequences,” for ideas.)

STEP TWO: Develop a Strategy

Now that you have collected a lot of information, it is time to make your argument. Review the facts of what happened and prepare to explain your student’s side of the story. School administrators cannot do what you want unless they can clearly understand what you are asking for and why you believe your student deserves a different outcome. Use the information below to make an outline to prepare for your time before the discipline hearing committee.

1. Identify your goal.

- a. Do you want the school to reverse the disciplinary action or take a more appropriate disciplinary action?
- b. Do you want to keep the same disciplinary action, but take steps to reduce the academic impact?
- c. Do you want the school to reduce the length or severity of the punishment?
- d. Do you want the student placed in a different class?
- e. Do you want the school to reevaluate the student’s IEP?
- f. Do you want the student transferred to another school?

2. Provide reasons why the school should change its decision.

In order to change the school’s discipline decision for the student, you have to convince the administration that their decision was wrong or that a more appropriate disciplinary action is available. Depending on the specific circumstances, one or more of the reasons below may be helpful to use. You should use the information that you gathered before to strengthen your arguments. The following are a list of reasons that you can use:

The student is innocent.

It is possible that the student was wrongly accused, wrongly identified or misunderstood. You may be able to challenge the school’s decision if you have

witnesses who can back up your student's side of the story. If the school must choose one side of a "he-said-she-said" dispute, they will likely side with the staff, unless there is more evidence to support your student's side.

The student did not violate any school rule.

Make sure the school shows you the written rule in the code of conduct that the student is accused of breaking. If there is no written rule, the student's action did not violate any school rule and no disciplinary action should be taken.

The rule or policy is legally invalid.

Even if the rule is written, it may be invalid because of vagueness or because it covers activities that happen off of school property. If you think the rule is unfair, invalid, or vague, make sure to tell the school board at meetings and in writing. This will help you in case you decide to appeal the student's case.

The punishment is excessive.

Check the code of conduct for a list of disciplinary actions that should be taken for certain behaviors. With a few exceptions, a student should not be suspended or expelled for a first offense. You are always in a position to request that the school reduce your student's punishment, and if your student has never been in trouble before, make sure to bring it up at the hearing.

The student was unfairly singled out or targeted.

It may be possible that your student was unfairly singled out because of his or her race, ethnicity, assumed sexuality, or other factors. This can be very difficult to prove because school staff cannot give you information about other student's disciplinary records. If you believe the student may have been singled out, make sure you talk about specific facts that led to your concerns, and be clear about the actions you would like the school to take.

The school did not follow proper procedure.

If you feel the school violated the procedures identified in the code of conduct, be sure to mention it verbally and in writing. Check the code of conduct for the proper procedures to be followed in discipline cases.

The student is sorry and ready to apologize.

If the student broke a rule and wants to take ownership and apologize, the school may be more likely to reduce the punishment. Explain to school officials that the student has learned a lesson and agrees to avoid the behavior in the future. **However, if there is a chance your student may face criminal charges you should consult an attorney before the student makes ANY statement about the incident.**

Refer to the list of resources in the back of this guide for potential avenues for finding an attorney.

3. Think long-term.

Help the student and his or her family to maintain an ongoing and positive relationship with the school administration. Avoid taking an aggressive or antagonistic position that might negatively affect the student and his or her family in the long run. While you may get frustrated, school officials may offer help and resources when you need to get better educational services for the student. Always be reasonable and fair when speaking. Remember to be respectful to everyone – you never know when you'll need something from a teacher or administrator in the future.

STEP THREE: Advocate Your Position

1. Discipline hearings

When a student is recommended for suspension or expulsion, the student and his or her parent may be asked to attend a hearing regarding the recommended disciplinary action. Parents are often allowed to invite a community member or attorney to assist as an advocate. In addition to attending the required hearing, it may also help to meet with the school's superintendent; although the school board makes the final decision, the superintendent may make recommendations to the board. Remember, to stay polite and respectful. You don't want the school officials to resist changing their decision because they feel as though they are being personally attacked or insulted.

The discipline hearing is an opportunity to work with the school to create a discipline plan upon which you can all agree. This is your opportunity to present your arguments that you developed in STEP TWO and advocate against your student's removal from school. Make sure you work with the school to set a time you know you can make – in some school districts you can be charged with a misdemeanor and fined up to \$250 if you schedule but do not attend this meeting.

2. Possible outcomes at the hearing

There are several potential outcomes to discipline hearings. They include:

- a. Refusing the suspension or expulsion recommendation and allowing the student to return to school.
- b. Upholding the suspension or expulsion recommendation and suspending or expelling the student from school.
- c. Creating an alternate discipline plan.

3. How do you appeal the school's decision?

If the student and/or parents of the student are not satisfied with the school's discipline decision, they may appeal the decision. The appeals process varies with each school district, so be sure to consult with the code of conduct for your student's district to determine the appeal process.

Things to remember when deciding to appeal

- a. The school should provide the student's parents with oral and/or written notice of the recommended disciplinary action against the student.

- b. The notice should include information on how to appeal a disciplinary action. Appeals usually occur during school board meetings, which are held at least once a month.
- c. Submit your notice of appeal usually within 5 days of receiving the hearing decision and put your notice in writing.
- d. **PAY ATTENTION TO DEADLINES.** You may lose your right to appeal if you miss a deadline.

4. What if the student's case has been sent to court?

If the student's case has been sent to Youth Court, or if there is a possibility the student may be tried as an adult, you need to contact a lawyer. This case now has the potential to leave a lasting mark on your student's record and impact his or her life even after graduation from high school. Collect the crucial information and seek out an attorney who can represent the student.

Refer to the list of resources at the end of this document for potential avenues for finding an attorney.

Final Thoughts

Many of the cases you face may be the results of Zero-Tolerance policies. Several groups and organizations are advocating against the use of these policies. (You can contact the organizations on page 11 to see what their standpoint is on the subject and how to get involved in advocating against these policies.)

Excerpts of viewpoints on Zero Tolerance:

From *Mapping the Schoolhouse to Jailhouse Track* (Advancement Project):

“Zero tolerance school disciplinary policies and practices exclude students from the educational process through suspensions and expulsions for misconduct; these practices also lead to unnecessary arrests or ticketing of students. Often zero tolerance policies are rigid and unthinking...where subjectivity leads to punishment that does not fit the conduct.

...Nationally, zero tolerance disciplinary practices have disproportionately impacted students of color for minor acts.”

From *Parent's Guide to Public School Discipline in Washington* (ACLU):

“Some districts have ‘zero tolerance’ policies for certain offenses, like bring firearms or drugs to school. They are called zero tolerance policies because they establish standard punishments regardless of individual circumstances. These punishments are often severe, even for first-time offenses.”

V. Resources for information and/or legal assistance:

Mississippi American Civil Liberties Union
(601) 355-6465
www.msaclu.org

Mississippi Center for Justice
(601) 352-2269
www.mscenterforjustice.org

Mississippi Department of Education
(601) 960-8700
<http://www.mde.k12.ms.us>
http://www.mde.k12.ms.us/Special_education/

Mississippi Parent Training and Information Center
(601) 969-0601
www.mscoalition.com

Mississippi Youth Justice Project
(601) 984-8882
www.splcenter.org/legal/myjp.jsp

VI. Appendices

- A. Glossary of Terms
- B. Flow Chart
- C. Investigation Sheet: Get the Facts
 - 1. Sample form for recording information
- D. Contact Log
- E. Case Study
- F. Sample Letters
 - 1. Why I Want to Go Back to School
 - 2. Letter of Support
- G. Works Cited Credits

Appendix A⁵

GLOSSARY OF TERMS ON SCHOOL DISCIPLINE & SPECIAL EDUCATION

Behavior Management Plan (BMP) – is the result of a Functional Behavioral Assessment (FBA). The BMP should be part of your child's IEP or as an attachment to the IEP.

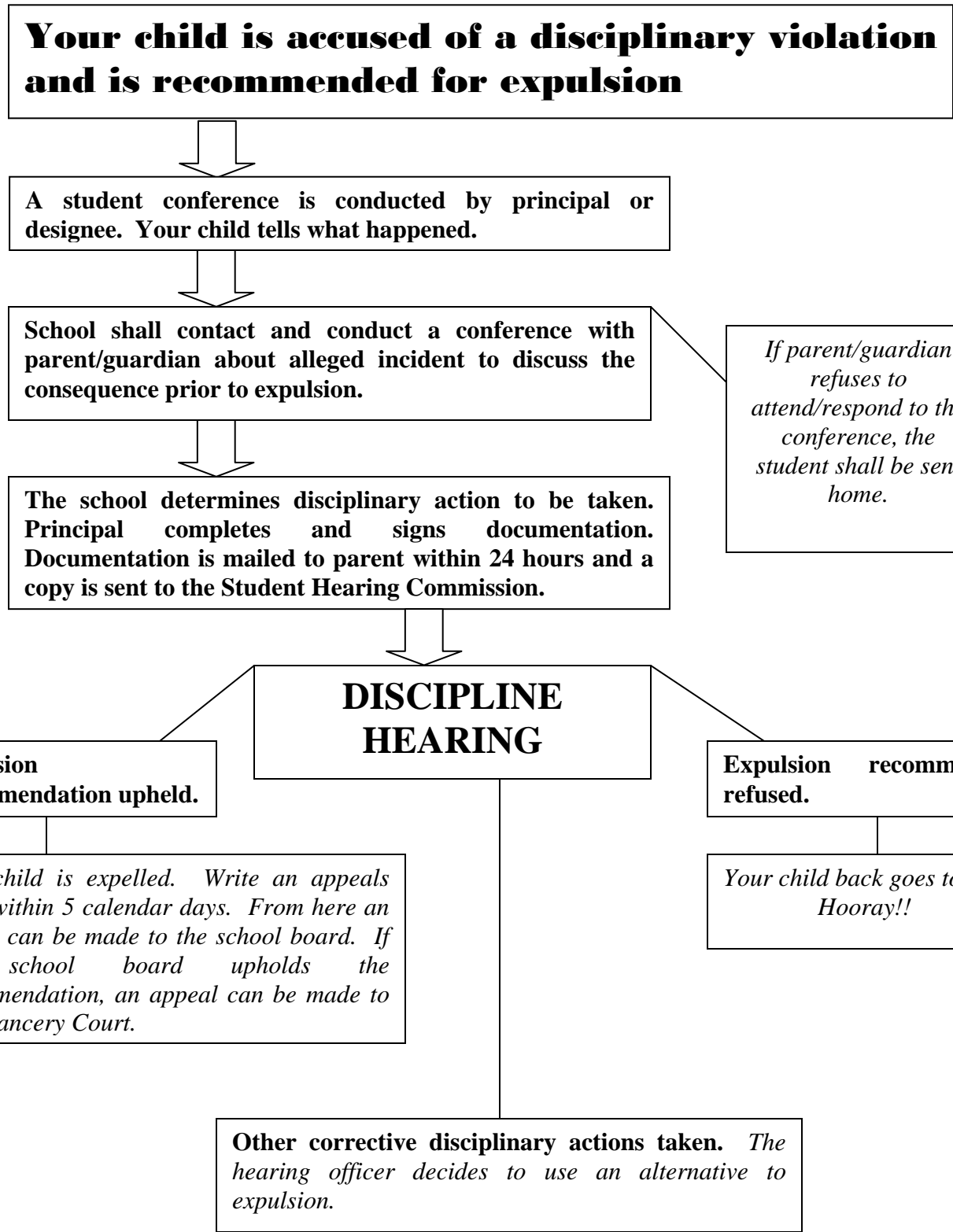
Functional Behavioral Assessment (FBA) – a process of examining the function that a particular behavior plays for a student that includes an analysis of the frequency, intensity and duration of a behavior. The end result of the FBA is a Behavior Management Plan (BMP) – a plan to implement intervention for specific behaviors as identified.

Individualized Educational Program (IEP) – Under federal special education law (IDEA), all children identified as having special learning needs must have an IEP. This is a document that sets out a specific plan for educating children with special needs.

Manifestation Determination Review (MDR) – is a safeguard to ensure that students are not being punished because of their exceptionality. An MDR examines the child's behavior and previously documented information about the student in an effort to determine whether the behavior for which the student is being disciplined is not a manifestation of the student's disability. The MDR Committee consists of the parent and at least two people, one who is familiar with the student's behavioral patterns and one who is knowledgeable of the student's exceptionality.

⁵ *Educational Advocacy: Resource Manual for Advocates*, Juvenile Justice Project of LA at 36-38.

Appendix B⁶



⁶ *Id.* at 11.

Appendix C⁷

GET THE FACTS

STUDENT INFORMATION	
<i>Name</i>	
<i>Gender</i>	
<i>Race</i>	
<i>Age</i>	
<i>DOB</i>	
<i>Receiving Special Ed Services?</i>	YES NO
PARENT/GUARDIAN INFORMATION	
<i>Name</i>	
<i>Relationship</i>	
<i>Address</i>	
<i>Phone</i>	
SCHOOL INFORMATION	
<i>Name</i>	
<i>Address</i>	
<i>Principal</i>	
INCIDENT INFORMATION	
<i>Specific location of incident</i>	
<i>Time of Incident</i>	
<i>Witnesses to incident</i>	

⁷ *Id.* at 50-52.

<i>Recommended for Expulsion? By whom?</i>	
<i>Expulsion Hearing Date</i>	<i>YES NO Name & position at school</i>

INCIDENT DESCRIPTION:

<i>Did the school notify you that your child was recommended for expulsion?</i>	
<i>Did the school tell your child why he/she is being recommended for expulsion?</i>	

<i>Did the school hold a conference to hear your child's side of the story before recommending expulsion?</i>	
<i>Have you ever been suspended before? How many times and when?</i>	
<i>Was a security guard involved in your incident? Who?</i>	
<i>Was a police officer involved in your incident? Who?</i>	
<i>Was physical force used? By whom? (Were you hit, or did someone put their hands on you?)</i>	
<i>Was there any verbal abuse? By whom? (Did someone insult you or curse at you?)</i>	
FOR SPECIAL EDUCATION STUDENTS ONLY	
<i>Does the school have an IEP in place?</i>	YES NO
<i>Did the school do a Manifestation Determination Review, with your input within 10 days of the recommendation for expulsion?</i>	YES NO Date:
<i>Did the school do a Functional Behavioral Analysis and a Behavior Management Plan?</i>	YES NO Date:
<i>If your child has a history of behavior problems, was there a Behavior Management Plan in place?</i>	YES NO Date:
<i>Is there is any service in your child's IEP that he/she is not receiving, i.e. counseling or accommodations?</i>	YES NO List services not received:

Appendix D⁸

CONTACT LOG

Date:		
Time:		
Important Phone Numbers		
I spoke to...		
Notes on our conversation		
Follow up Call(s)		

Date:		
Time:		
Important Phone Numbers		
I spoke to...		
Notes on our conversation		
Follow up Call(s)		

⁸ *Id.* at 54.

Appendix E⁹

Advocacy Case Study

Karran Smith is a 16 year old African American girl who is in the 9th grade. Karran is an outgoing young woman who loves to be with her friends, but is also very sensitive. Her teachers consider Karran to be a great student, who is polite and helpful in class and has never had a discipline problem.

During the last school year, Karran and her friends were involved in several disagreements with another group of girls at the school. Both groups of girls lived in the same neighborhood and have had a history of conflict, which resulted in two fights off campus and a fight on a school bus.

After an off-campus fight, Karran and her friends were arrested and charged with simple battery. Afterwards, Karran was recommended for expulsion. Karran and her mother first heard of the recommendation from Karran's cousin, who goes to the same school. Karran and her mother went to the school to meet with the Principal who only told them of the recommendation; notice of the expulsion hearing was postmarked 2 days before the scheduled hearing and received one day before the hearing.

⁹ *Id.* at 21-31.

ADVOCACY INCIDENT REPORT

STUDENT INFORMATION	
<i>Name</i>	Karran Smith
<i>Gender</i>	Female
<i>Race</i>	African American
<i>Age</i>	16
<i>DOB</i>	05-25-1991
<i>Receiving Special Ed Services?</i>	<i>YES</i> <u><i>NO</i></u>
PARENT/GUARDIAN INFORMATION	
<i>Name</i>	Dana Smith
<i>Relationship</i>	Mother
<i>Address</i>	1600 Oretha Castle Haley Blvd., JACKSON, MS 39212
<i>Phone</i>	601-522-5437 (home) 601-522-5430 (cell)
SCHOOL INFORMATION	
<i>Name</i>	John Julius High School
<i>Address</i>	555 Canal Avenue, JACKSON, MS 39212
<i>Principal</i>	Dr. Johnson-Smith
INCIDENT INFORMATION	
<i>Specific location of incident</i>	
<i>Time of Incident</i>	
<i>Witnesses to incident</i>	
<i>Recommended for Expulsion? By whom?</i>	<u><i>YES</i></u> <i>NO</i> <i>Name & position at school</i>
<i>Expulsion Hearing Date</i>	
INCIDENT DESCRIPTION:	

<i>Was there notification of the</i>	Yes, in person at the school by the Principal to
--------------------------------------	--

<i>recommendation for expulsion?</i>	the mother	
<i>Did the school inform your client why he/she is being recommended for expulsion?</i>	Yes	
<i>Did the school hold a conference to hear your client's side of the story before recommending expulsion?</i>	Yes	
<i>Has your client ever been suspended before? How many times and when?</i>	No	
<i>Was a security guard involved in the incident? Who?</i>	No	
<i>Was a police officer involved in the incident? Who?</i>	No	
<i>Was physical force used? By whom?</i>	No	
<i>Was there any verbal abuse? By whom? (did someone insult or curse at your client?)</i>	No	
FOR SPECIAL EDUCATION STUDENTS ONLY		
<i>Does the school have an IEP in place?</i>	YES	NO
<i>Did the school do a Manifestation Determination Review, with parental input within 10 days of the recommendation for expulsion?</i>	YES	NO
	Date:	
<i>Did the school do a Functional Behavioral Analysis and a Behavior Management Plan?</i>	YES	NO
	Date:	
<i>If your client has a history of behavior problems, was there a Behavior Management Plan in place?</i>	YES	NO
	Date:	
<i>Is there any service in your client's IEP that he/she is not receiving, i.e. counseling or accommodations?</i>	YES	NO
	List services not received:	

Needed additional information (if any)

Alternatives to Expulsion

Making the argument: MAIN POINTS

1.

2.

3.

4.

5.

6.

7.

8. *Because every child deserves an opportunity to get an education!!!*

Appendix F¹⁰

Why I Want to go Back to School: Example

January 27, 2009

To Whom It May Concern:

My name is Karran, and I have been recommended for expulsion. I really want to go back to school. I want to go back because I want to get an education and become a computer technician. I also want to go back to school because I like my teachers and my friends. I understand what I need to do to stay out of trouble. I am sorry for any trouble I caused everyone here, especially my mother, and you too. Please give me another chance.

Thank You,

Karran

¹⁰ *Id.* at 58-59.

Letter of Support: Example

January 27, 2009

To Whom It May Concern:

My name is Albert Martin. I am the computer graphics teacher at John Julius High School. I am writing in support of Karran Smith who appears before you today. Karran is in my fourth period class and is currently earning a "B".

Karran's hard work in computer graphics has been consistent throughout this school year. In fact, I have asked Karran on several occasions to assist me in taking care of the equipment in the computer lab after school. Karran is extremely helpful in class and often assists other students in their efforts to learn class material. In addition, Karran is always respectful in my class.

I urge you to give Karran a chance to return to John Julius and prove that she can maintain her usual positive attitude.

Thank you for your time,

Albert Martin
Teacher, John Julius High School
601-555-1212

Appendix G

Works Cited

1. *Educational Advocacy: Resource Manual for Advocates*, Juvenile Justice Project of Louisiana.
2. 20 U.S.C. 1415(k) (2004).

The Mississippi Center for Justice (MCJ) would like to thank the Juvenile Justice Project of Louisiana for their generosity in allowing us to model this guide after their work; the hard work of MCJ intern and Duke University Law School student Veronica Allen and Mississippi Youth Justice Project (MYJP) intern and Loyola University Chicago student Jerica Arents for writing the manual; MYJP organizer Lara Law for her contributions; and last but not least MYJP for partnering with us to make this manual and this important work in education possible.