

FAQs for Parents of Children under Suspension or Expulsion

My child was suspended/expelled when schools closed. All the other students are getting online instruction or had work sent home. Can the school treat my child differently?

It depends on the terms of your child's suspension/expulsion. If your child was suspended/expelled without educational services before schools closed, they are not entitled to educational services until the end of the suspension or expulsion. If your child was enrolled in alternative school, they should still be permitted to continue with the alternative school's curriculum. Contact your child's school if they are not receiving any educational services. Lastly, if your child has a 504 plan or an IEP plan, your child is entitled to receive educational services even during a suspension, expulsion, or school closure.

When schools closed, my child was serving a suspension that was supposed to end. Does the school have to do anything now that my child's suspension is over?

After your child's suspension is over, the school district has to treat them the same as any other student. As an example, say your child was suspended for five days on Wednesday, March 11, and schools closed for COVID-19 that Friday, March 13. Your child's suspension should be over on Wednesday, March 18, five school days from the initial suspension. If, after March 18, all students at your child's school are receiving educational services (e.g. online instruction/work sent home), your child is entitled to those same services. If your child is not receiving services, contact your child's school to request that they be able to participate in the same remote learning as their classmates.

My child was suspended pending a hearing right before schools closed. Does the school have to do anything?

Yes. Under Georgia law, schools have to hold a hearing anytime a child is out of school for more than 10 days. If your child has not received educational services for more than 10 school days, you should (1) contact your child's school to request a hearing, and (2) ask that they be allowed to participate in the same online instruction as their classmates pending the hearing. Hearings may be held remotely over the phone or video conference. You are allowed to have an attorney present with you at your hearing. Georgia Legal Services Program represents low-income Georgians in special education matters, school discipline, and are still accepting cases. Contact 1-833-GLSPLAW to see if you are eligible for assistance.

My child is assigned to alternative school. Will my child's assignment to alternative school be extended once schools reopen?

In most cases, it shouldn't. If your child was assigned to alternative school after a waiver or a disciplinary hearing, review the waiver or the decision of the hearing officer. Most decisions will specify a date for the end of the assignment to alternative school, and your child's school must follow that decision. Even if the waiver or decision does not specify a date, if your child is receiving different educational services than what students in his/her home school are receiving, the alternative school assignment cannot be extended.