Student Rights and Discipline

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Education Law

Discrimination in Education

Special Education, IEP and 504 Plans

Student Rights and Discipline

Student Rights and School Policy Disputes

Overview

A suspension notice can arrive with little warning and even less explanation. For parents, the instinct is to cooperate and trust that the process will be fair. That instinct is often misplaced. Zero-tolerance policies give the appearance of consistency, but they frequently produce outcomes disproportionate to the conduct involved. Students facing long-term suspension or expulsion have due process rights that many administrators either do not fully understand or do not consistently follow. A discipline hearing is not a formality. It is a proceeding with lasting consequences for your child's academic record, college prospects, and future opportunities. Consulting a student due process lawyer before that hearing is often the difference between a defensible outcome and one that follows a student for years. Cohen Cleary represents families in school discipline matters across Massachusetts and Rhode Island, ensuring that students receive the protections the law requires.

How We Help Students Facing School Suspension and Expulsion

School discipline proceedings move quickly. We work with families from the moment a notice is issued, building a defense strategy before the first hearing date.

Pre-hearing preparation and evidence review

We examine the school's stated basis for discipline, identify procedural deficiencies, gather witness statements, and prepare students and parents for what to expect at the hearing.

Expulsion hearing representation

We serve as your child's expulsion hearing representative, presenting evidence, cross-examining witnesses where permitted, and making legal arguments grounded in due process requirements under Massachusetts General Laws Chapter 71, Section 37H and 37H½.

Manifestation determination advocacy

For students with IEPs or 504 Plans, federal law requires schools to determine whether the behavior was caused by or substantially related to the student's disability before imposing discipline beyond ten cumulative days. We ensure these determinations are conducted properly and challenge findings that disregard documented disabilities.

Emergency removal challenges

Massachusetts law permits emergency removal only when a student's continued presence poses a danger. We challenge removals that fail to meet this threshold and advocate for immediate reinstatement.

Discipline appeals and record remediation

When initial outcomes are unjust, we pursue appeals to the superintendent and, where warranted, to the courts. We also work to ensure that disciplinary records are corrected or

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sealed to protect long-term academic and professional prospects.

Why Students and Families Choose Cohen Cleary

At Cohen Cleary, our practice teams combine deep subject-matter experience with disciplined execution and responsive client service. We do not take a one-size-fits-all approach. Every matter is handled with careful preparation, clear communication, and a strategy tailored to the client's goals and the realities of the forum.

Clients choose Cohen Cleary because we deliver:

Practice-Focused Legal Experience

Our attorneys work in defined practice areas, allowing us to develop practical insight into the legal, procedural, and regulatory nuances that matter most in each case. This focus allows us to anticipate issues, avoid unnecessary delays, and position matters for efficient resolution.

Clear Guidance and Proactive Communication

We prioritize clarity at every stage. Clients receive straightforward explanations of their options, timely updates on developments, and practical advice grounded in real-world outcomes.

Strategic Advocacy with Trial Readiness

Whether a matter calls for negotiation, mediation, or litigation, our attorneys prepare every case with discipline and foresight. We pursue efficient resolution when possible and are fully prepared to advocate aggressively when necessary to protect our clients' interests.

Regional Knowledge and Local Presence

With offices throughout Massachusetts and experience across New England courts and agencies, we bring local insight and regional reach to every matter.

Client-Centered Service

We treat every matter with urgency and respect. Our clients rely on us for responsive service, sound judgment, and steady counsel through complex legal challenges.

In our education law practice, this approach helps families navigate student discipline proceedings with clarity, efficiency, and confidence.

Our Approach to Student Due Process Defense

Massachusetts distinguishes between short-term suspensions (ten days or fewer) and long-term suspensions or expulsions, with different procedural safeguards for each. Under M.G.L. c. 71, §37H½, students facing suspension for more than ten days are entitled to a hearing before the principal, the right to present witnesses, and a written decision with findings of fact. We tell our clients that understanding which statutory framework applies is the single most important step in any discipline defense, because the wrong procedural posture can waive rights that cannot be recovered later. Our preparation begins with that analysis and extends through every stage of the proceeding, from informal resolution to formal appeals.

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Serving Families Across Massachusetts and Rhode Island

Cohen Cleary represents students and families in discipline matters before school districts throughout Massachusetts and Rhode Island. With offices in Taunton and Plymouth, our attorneys handle suspension and expulsion cases across southeastern Massachusetts, Bristol County, Plymouth County, and Norfolk County. Whether families need a school suspension attorney to challenge a short-term removal or an expulsion lawyer to defend against permanent exclusion, we bring familiarity with local hearing procedures and district-level practices to every case. We also have the capacity to serve families throughout New England in education law matters.

Protect Your Child's Educational Future With Guidance From Cohen Cleary

If your child is facing suspension, expulsion, or an emergency removal, the time to act is before the hearing, not after. Contact Cohen Cleary to speak with a student discipline attorney who can evaluate your situation and advise on next steps.

Frequently Asked Questions About Student Discipline in Massachusetts

What rights does my child have before being suspended or expelled?

Under Massachusetts law, the process depends on the length of the suspension. For short-term suspensions of ten days or fewer, students are entitled to notice of the charges and an opportunity to respond before the suspension takes effect. For long-term suspensions exceeding ten days or expulsions, students have the right to a formal hearing, the right to present witnesses, and the right to a written decision explaining the basis for the discipline. These are legal requirements, not discretionary courtesies.

Can a school suspend a student with an IEP or 504 Plan differently?

Yes. Federal law under the Individuals with Disabilities Education Act (IDEA) and Section 504 imposes additional protections. If a student with a disability faces suspension beyond ten cumulative school days, the school must conduct a manifestation determination to assess whether the behavior was caused by or substantially related to the disability. If it were, the school generally cannot impose discipline and must revisit the student's educational plan.

Will a school suspension affect college applications?

It can. Many college applications ask whether the student has been suspended, expelled, or placed on disciplinary probation. A long-term suspension or expulsion can raise serious questions during admissions. Contesting unfair discipline matters not only for the immediate disruption to education but for opportunities years down the road.

What if my child was also charged with a crime related to the school incident?

When school discipline and criminal charges arise from the same incident, coordination between the proceedings is critical. Statements made during a discipline hearing can potentially be used in a criminal case. Our firm handles both education law and criminal defense, allowing us to develop a strategy that protects the student's rights in both forums without compromising

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either defense.

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