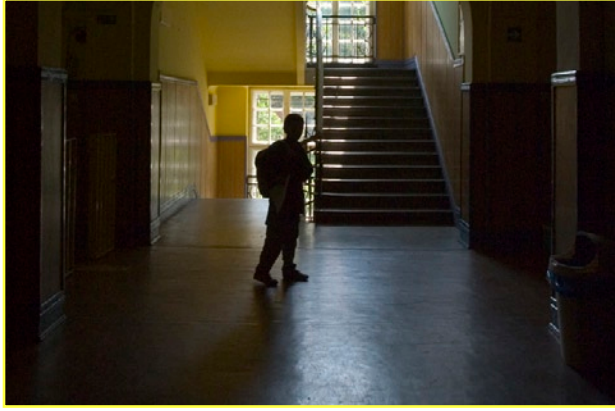


Pro Bono Attorney Program for School Discipline



The Need

Thousands of children who attend public schools in the District of Columbia (“D.C.”) are subjected to school discipline each year. Many students are suspended for long periods of time or are expelled without the benefit of legal representation to assist them through the disciplinary process.

Children in D.C. have a right to public education. Public schools in D.C. cannot terminate students’ right to public education without first affording them with due process. However, too often schools do, failing to provide notice, a hearing, additional protections under the Individuals with Disabilities Education Improvement Act (2004) (“IDEA”) for students with disabilities, etc.

Families cannot afford to retain attorneys and there are no attorneys’ fees available that would attract private attorneys to represent families at no cost. In addition, there are very few legal services organizations that provide free representation in disciplinary proceedings without precondition requirements.

Education is a key foundation to a student’s future success in life. Having legal representation is therefore critical in a process that can determine a child’s continued right to public education. Volunteer attorneys can and should play an integral role in this process.

What Volunteer Attorneys Can Do To Help

Volunteer attorneys can provide much-needed assistance to students who are facing long-term suspension or expulsion from school to ensure they are afforded due process and that their right to public education is protected.

In D.C. Public Schools (“DCPS”), attorneys are needed to represent students/parents at school disciplinary hearings (suspension and expulsions) before a hearing officer, and/or before an assistant superintendant for an expulsion conference. The rules/regulations governing discipline procedures are outlined in the D.C. Municipal Regulations Title 5 Chapter B25.

In D.C. Public Charter Schools (“DCPCS”), attorneys are needed to represent students/parents at disciplinary hearings before a hearing officer or the charter school’s board of trustees, or on appeal before the charter school’s board of trustees. Each charter school has its own discipline policy and procedures that are usually located in the student/parent handbook provided by the charter school or located in the school’s charter on file with the D.C. Public Charter School Board.

Volunteer Attorneys are Offered the Following Support

Free training and materials on the relevant laws and procedures governing school discipline, including, DCPS school discipline regulations, legal requirements under IDEA for disciplining a student with a disability or suspected of having a disability, general administrative law practice, best practices and practical approaches for successful case resolution.

Ongoing, as needed, consultation and technical assistance, including legal guidance and suggested strategies, through AJE’s attorneys.

Recognition of the volunteer attorney’s work through AJE’s newsletter publication and/or through other media.

Representation

Representation in either DCPS or DCPCS could include:



- Fact gathering
- Obtaining records, including specific records of the alleged code violation
- Reviewing of video tapes, or other documented evidence
- Witness identification and preparation
- Legal research
- Preparation of case theory, opening statement, direct and cross examinations and closing statement
- Review of a hearing officer’s decision and providing advice to student/parent on next steps

**In some cases there may be an opportunity to file a civil court complaint with a request for injunctive relief for a school’s wrongful expulsion of a student.*

Time Commitment

Time commitment varies with each discipline case, but in comparison to other types of cases, **time commitment is minimal with maximum impact.**



In a standard DCPS discipline case it can take an average of 10- 25 hours from client meeting, to hearing preparation, hearing, and review and advice following receipt of the hearing officer’s decision.

In discipline cases involving charter schools the time commitment will depend not only on the particulars of the case but also depend on the charter school involved. Some charter schools have straightforward discipline procedures and systems in place to carry out a hearing, while other charter schools do not. Time commitment may therefore average between 10 – 45 hours from start of case to completion.



How the Program Works

AJE conducts the initial intake of clients through its current intake process and screens cases to determine the issue(s), posture of the case and whether it is suitable for referral.

Once AJE identifies a suitable case for referral it presents the referral to an available volunteer attorney by telephoning, faxing or e-mailing the volunteer attorney a brief description of the case.

When a case referral is accepted, AJE forwards written confirmation of the referral to the client and to the volunteer attorney. The client is informed that the volunteer attorney will call to schedule an appointment.

Retainer agreements are signed between the volunteer attorney and the client. However, to provide on going protected technical assistance to the volunteer attorney there must be a provision in the retainer agreement that indicates representation is part of the pro bono program partnership with AJE.

In conjunction with providing ongoing technical assistance, AJE will monitor case progress through contact with the volunteer attorney and/or case update check list. At the conclusion of the representation, AJE will obtain from the pro bono attorney a copy of any closing letter, case outcomes, and whether there are any follow-up issues to be addressed by AJE (e.g., attend a multidisciplinary team (“MDT”) meeting to begin the special education evaluation process for the student.)

About AJE

In 1996, Advocates for Justice and Education, Inc. (AJE) was created to increase parental involvement in the education of their children. AJE uses parent empowerment as a model to address the injustice of failing to provide appropriate educational options for all children.



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Advocates for Justice and Education, Inc.
The Parent Training and Information Center for the District of Columbia

***PRO BONO ATTORNEY
PROGRAM FOR
SCHOOL DISCIPLINE***

