

The Brill Legal Group Wins Suspension Appeal for Student

New York, New York – In a pivotal decision by the New York State Education Department, the suspension of a student from the East Moriches Union Free School District has been overturned, marking a significant victory for student rights and due process in school disciplinary actions. The appeal, handled by Brill Legal Group on behalf of L.D. and M.D., parents of the student, challenged the board's decision to impose a suspension without providing a proper opportunity for an informal conference.

The case centered on an incident that occurred in October 2023, when a middle school student, referred to as student B, was suspended after sharing a picture of another student holding a BB gun in a group chat. This image, which was originally circulated without any intent of harm, prompted a swift reaction from the school principal, leading to an immediate suspension before an adequate investigation or parental consultation.

The New York State Education Department, in Decision No. 18,502, ruled that East Moriches Union Free School District failed to adhere to the necessary procedural safeguards required by Education Law § 3214. Specifically, the district did not provide student B and their parents with the requisite notice and opportunity for an informal conference prior to the suspension, thus violating the student's rights.

Peter E. Brill, founding attorney of Brill Legal Group, praised the decision. "This ruling underscores the importance of ensuring that students are not deprived of their educational opportunities without due process. The school's actions were precipitous and did not align with legal requirements. We are pleased that the Commissioner recognized the necessity of upholding these standards," said Brill.

This case reflects a broader commitment to ensuring that educational institutions use disciplinary measures fairly and judiciously.

Brill Legal Group's primary defense attorney, Peter Brill, is a former assistant district attorney who knows the law inside and out. His understanding of how prosecutors think and operate gives him a distinct advantage when entering the courtroom or sitting down at the bargaining table. He is supported by the Brill Legal Group's team of highly experienced criminal law attorneys who have tried hundreds of cases. These accomplished lawyers bring a collective wealth of knowledge and experience that is second to none on Long Island or the Five Boroughs.

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