
Name

Address

Telephone Number

Principal's Name

Superintendent's Name

School Name

School Address

Date _____

Request for Suspension Expungement and Education Records Correction
("Eligible Student")

Dear Principal/Superintendent _____,

I am writing to request that certain suspensions be removed from my student records in accordance with the explanation below. I qualify as an "eligible student" under the Family Educational Rights and Privacy Act (FERPA) 20 U.S.C. § 1232g(a)(2). An eligible student is a student who has reached 18 years of age or is attending an institution of postsecondary education.¹

I am an eligible student because:

- ☐ I have reached 18 years of age.
- ☐ I am attending an institution of postsecondary education.

Below is my information:

Name: _____

Date of Birth: _____

School: _____

Grade Level: _____

I hereby request that the following suspension(s) recorded on or about the dates below be removed (expunged) from my records: _____ (add dates)

These disciplinary records should not continue to be part of my education records. Schools are legally obligated to provide adequate notice and due process when imposing suspensions under federal and state law.² Schools must also keep accurate education records, including information about school discipline.³

For the reasons identified below, I request that the suspension(s) listed above be expunged from my record because they violated my rights in one or more ways:

☐ **My disciplinary records are inaccurate:** Under FERPA, schools have the legal obligation to maintain accurate records of their students, including their disciplinary records.⁴ Under Pennsylvania law, schools are also required to keep “complete, accurate and detailed records of each individual student.”⁵

☐ My records are inaccurate because they state that I was suspended on the following date(s) _____ when I was not. This must be corrected. I believe the record(s) are inaccurate because:

☐ **The school failed to provide adequate notice of prohibited behavior:** Schools have a legal obligation to provide adequate notice about what behaviors are against the rules and what punishments can be imposed if rules are broken.⁶ My rights were violated in the following way(s):

☐ I was suspended for _____ (add reasons listed on the suspension notice[s]). This behavior is not outlined in the _____ (district or charter school) Code of Conduct or Family and Student Handbook as being against the rules. Therefore, I cannot be suspended for this reason, and the suspension(s) that I received should be expunged.

☐ I was suspended for _____ (add reasons listed on the suspension notice[s]), but the rules do not specify that this behavior can result in suspension, as listed on page(s) _____ (if applicable). Therefore, I cannot be suspended for these reasons, and the suspension(s) I received should be expunged.

☐ **The school imposed an IN-SCHOOL SUSPENSION without due process** in violation of my rights. The IN-SCHOOL SUSPENSION should be expunged for this reason.

Pursuant to state regulations, an in-school suspension is an exclusion from a classroom for disciplinary purposes where the student remains under direct supervision of school personnel and

the school has “the responsibility to make provision for the student’s education”⁷ during this period of exclusion. An in-school suspension cannot be imposed before the student has been informed of the reason for it⁸ and given an opportunity to respond.⁹ The parent/guardian then must be notified.¹⁰

If an in-school suspension exceeds 10 consecutive days, an informal hearing must be offered *before* the 11th day of the in-school suspension, in accordance with state law.¹¹ The student and parent must be informed in writing about the reasons for the suspensions¹² and must be given sufficient notice of the time and place of the hearing.¹³ During the hearing, a student has the right to question witnesses¹⁴ and speak and produce witnesses on their behalf.¹⁵

☐ **(All IN-SCHOOL SUSPENSIONS)** My IN-SCHOOL SUSPENSION violated my due process rights and should be expunged for the following reason(s):

☐ I was never informed of the reason for the IN-SCHOOL SUSPENSION(s) *before* being issued the in-school suspension(s).

☐ I was never given the opportunity to respond to the suspension *before* it became effective.

☐ My parent/guardian was not notified about the suspension.

☐ **(IN-SCHOOL SUSPENSIONS lasting 11 or more days)** The school did not offer me or my parent/guardian the required INFORMAL HEARING *before* the 11th day of the IN-SCHOOL SUSPENSION.

☐ The school did not hold an INFORMAL HEARING.

☐ The school did not hold the required INFORMAL HEARING *before* the 11th day of the IN-SCHOOL SUSPENSION. It was held on

_____.

☐ The INFORMAL HEARING violated my rights in the following way(s):

☐ The school did not give written notice to me or my parent/guardian about the reasons for the IN-SCHOOL SUSPENSION.

☐ The school did not provide advance notice of the time and place of the INFORMAL HEARING.

☐ My rights were violated *during* the INFORMAL HEARING:

☐ The school deprived me of the right to speak and/or produce witnesses on my behalf.

☐ The school deprived me of the right to question the witnesses present at the INFORMAL HEARING.

☐ **The school imposed an OUT-OF-SCHOOL SUSPENSION in violation of my due process rights.** The OUT-OF-SCHOOL SUSPENSION should be expunged from my records for this reason.

Pursuant to 22 Pa. Code §12.6(b)(1), out-of-school suspensions are exclusions from the school for disciplinary purposes.¹⁶ Generally, schools cannot impose an out-of-school suspension without first informing the student of the reason for the punishment¹⁷ and giving the student the opportunity to respond.¹⁸ The school must also immediately notify the parent or guardian in writing when the child is issued an out-of-school suspension.¹⁹

For suspensions lasting 4 to 10 consecutive days, a student is also entitled to an informal hearing in accordance with the requirements set forth in 22 Pa. Code § 12.8(c).²⁰ Informal hearings must be held within the first 5 days of an OUT-OF-SCHOOL suspension lasting 4 to 10 consecutive days.²¹ The student and parent must be given written notice about the reason for the suspension²² and sufficient notice of the time and place of the hearing.²³ During the hearing, a student has the right to question witnesses²⁴ and speak and produce witnesses on their behalf.²⁵

☐ **(All OUT-OF-SCHOOL SUSPENSIONS)** The OUT-OF-SCHOOL SUSPENSION violated my due process rights and should be expunged for the following reason(s):

☐ I was not informed of the reason for the OUT-OF-SCHOOL SUSPENSION before the school imposed it.

☐ I was not given a chance to respond before the school imposed the OUT-OF-SCHOOL SUSPENSION.

☐ My parents/guardians were not immediately notified of the OUT-OF-SCHOOL SUSPENSION in writing.

☐ **(4-10 Day OUT-OF-SCHOOL SUSPENSION)** I was not given the required due process regarding the INFORMAL HEARING *within the first 5 days*:

☐ The school did not hold an INFORMAL HEARING.

☐ The school did not hold the required INFORMAL HEARING *within the first 5 days* of the OUT-OF-SCHOOL SUSPENSION. It was held on _____.

☐ The INFORMAL HEARING violated my rights in the following way(s):

☐ The school did not provide advance notice of the time and place of the INFORMAL HEARING.

☐ My rights were violated **during** the INFORMAL HEARING:

☐ The school deprived me of the right to speak and/or produce witnesses on my behalf.

☐ The school deprived me of the right to question the witnesses present at the INFORMAL HEARING.

☐ Suspension was imposed due to absences in **violation of Act 138**: I was suspended for attendance-related reasons, including “truant behavior,” in violation of my rights under Act 138. Act 138 explicitly prohibits schools from imposing out-of-school suspensions for unexcused absences or because a student is considered to be truant or habitually truant under the law.²⁶ The suspension should be expunged for this reason.

☐ **Unlawful disability discrimination**: Students with disabilities have additional rights in the school discipline context and cannot be discriminated against or disciplined on the basis of their disabilities.²⁷ As the school knows, I have a disability/disabilities, namely _____, and was disciplined in violation of my rights in the following ways (*e.g., being disciplined on the basis of a student’s disability; changing a student’s placement before a Manifestation Determination Review (MDR) when no special circumstances were present; or excluding a student illegally when the school conditioned their return upon getting a psychological evaluation.*):

☐ **Other**: I believe the suspension(s) issued on the following date(s) _____ should be expunged for the following reasons:

Please reach out to me if you have any questions. I can be reached by email at _____ and by phone at _____. I look forward to promptly resolving my concerns with the school.

Sincerely,

Signature

Date

¹ 20 U.S.C. § 1232g(a)(4).

² *Goss v. Lopez*, 419 U.S. 565, 581 (1975) (holding that students facing a suspension of 10 days or less are entitled to due process that includes notice of the charges, an explanation of the evidence the authorities have and an opportunity to present the student's version to school authorities); Pa. Code § 12.6(b)(ii).

³ 20 U.S.C.A. § 1232g(a)(2); C.F.R. § 99.20(a).

⁴ *Id.*

⁵ 22 Pa. Code § 51.72(a).

⁶ *Chicago v. Morales*, 527 U.S. 41, 56 (1999); *Killion v. Franklin Regional School District*, 136 F. Supp. 2d 446, 459 (W.D. Pa. 2001) (finding that a school must specifically define prohibited conduct in their code of conduct or student handbook and striking down a rule prohibiting “verbal/written abuse of a staff member” as being unconstitutionally vague because it did not define “abuse” and didn't include “any specificity or limitations.”); *Schmader v. Warren County School District*, 808 A.2d 596, 599 (Pa. Commw. Ct. 2002); 22 Pa. Code § 12.3(c); 22 Pa. Code § 12.6(a).

⁷ 22 Pa. Code § 12.7(d).

⁸ 22 Pa. Code § 12.7(a).

⁹ *Id.*

¹⁰ 22 Pa. Code § 12.7(b).

¹¹ 22 Pa. Code § 12.8(c).

¹² 22 Pa. Code § 12.8(c)(2)(i).

¹³ 22 Pa. Code § 12.8(c)(2)(ii).

¹⁴ 22 Pa. Code § 12.8(c)(2)(iii).

¹⁵ 22 Pa. Code § 12.8(c)(2)(iv).

¹⁶ 22 Pa. Code § 12.6(b)(1).

¹⁷ 22 Pa. Code § 12.6(b)(1)(ii).

¹⁸ *Id.*

¹⁹ 22 Pa. Code § 12.6(b)(1)(iii).

²⁰ 22 Pa. Code § 12.6 (b)(1)(iv).

²¹ 22 Pa. Code § 12.8(c)(2)(v).

²² 22 Pa. Code § 12.8(c)(2)(i).

²³ 22 Pa. Code § 12.8(c)(2)(ii).

²⁴ 22 Pa. Code § 12.8(c)(2)(iii).

²⁵ 22 Pa. Code § 12.8(c)(2)(iv).

²⁶ 24 P.S. § 13-1333(c) (Establishing that “schools shall not expel or impose out-of-school suspension, disciplinary reassignment or transfer for truant behavior.”).

²⁷ *See* 20 U.S.C. § 1400; 34 C.F.R. § 300; 34 C.F.R. § 104; 22 Pa. Code § 14; 22 Pa. Code § 15.