
Parent's/Guardian's Name

Address

Telephone Number

Principal's Name

Superintendent's Name

School Name

School Address

Date _____

Request for Suspension Expungement and Education Records Correction (Parent)

Dear Principal/Superintendent _____,

I am writing on behalf of my child to request that certain suspensions be removed from this student's records in accordance with the explanation below. I qualify as the child's parent under the Family Educational Rights and Privacy Act (FERPA) 20 U.S.C. § 1232g(a)(2).

Name of Student: _____

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 child's records: _____ (add dates)

These disciplinary records should not continue to be part of my child's education records. Schools are legally obligated to provide adequate notice and due process when imposing suspensions under federal and state law.¹ Schools must also keep accurate education records, including information about school discipline.²

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

☐ **My child's disciplinary records are inaccurate:** Under FERPA, schools have the legal obligation to maintain accurate records of their students, including their disciplinary records.³ Under Pennsylvania law, schools are also required to keep "complete, accurate and detailed records of each individual student."⁴

☐ My child's records are inaccurate because they state that my child was suspended on the following date(s) _____ when they were not. This must be corrected. I believe the following 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.⁵ My child's rights were violated in the following way(s):

☐ My child was suspended for _____ (add reason[s] 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, my child cannot be suspended for this reason, and the suspension(s) they received should be expunged.

☐ My child 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, my child cannot be suspended for these reasons, and the suspension(s) they received should be expunged.

☐ **The school imposed an IN-SCHOOL SUSPENSION without due process** in violation of their 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"⁶ during this period of exclusion. An in-school suspension cannot be imposed before the student has been informed of the reason for it⁷ and given an opportunity to respond.⁸ The parent/guardian then must be notified.⁹

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.¹⁰ The student and parent must be informed in writing about the reasons for the suspensions¹¹ and must be given sufficient notice of the time and place of the hearing.¹² During the hearing, a student has the right to question witnesses¹³ and speak and produce witnesses on their behalf.¹⁴

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

☐ My child was not informed of the reason for the IN-SCHOOL SUSPENSION(s) *before* being issued the in-school suspension(s).

☐ My child was not given the opportunity to respond to the suspension *before* it became effective.

☐ I was not notified about the suspension.

☐ **(IN-SCHOOL SUSPENSIONS lasting 11 or more days)** The school did not offer my child and me 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 child's rights in the following way(s):

☐ The school did not give written notice to me or my child 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 child's rights were violated *during* the INFORMAL HEARING:

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

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

☐ **The school imposed an OUT-OF-SCHOOL SUSPENSION in violation of my child's due process rights.** The OUT-OF-SCHOOL SUSPENSION should be expunged from their 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.¹⁵ Generally, schools cannot impose an out-of-school suspension without first informing the student of the reason for the punishment¹⁶ and giving the student the

opportunity to respond.¹⁷ The school must also immediately notify the parent or guardian in writing when the child is issued an out-of-school suspension.¹⁸

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).¹⁹ Informal hearings must be held within the first 5 days of an OUT-OF-SCHOOL suspension lasting 4 to 10 consecutive days.²⁰ The student and parent must be given written notice about the reason for the suspension²¹ and sufficient notice of the time and place of the hearing.²² During the hearing, a student has the right to question witnesses²³ and speak and produce witnesses on their behalf.²⁴

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

☐ My child and I were not informed of the reason for the suspension before the school imposed it.

☐ My child and I were not given a chance to respond before the school imposed the OUT-OF-SCHOOL SUSPENSION.

☐ I was not immediately notified of the OUT-OF-SCHOOL SUSPENSION in writing.

☐ **(4-10 day OUT-OF-SCHOOL SUSPENSION)** My child 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 child's rights in the following way(s):

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

☐ My child's rights were violated *during* the INFORMAL HEARING:

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

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

☐ Suspension was imposed due to absences **in violation of Act 138**: My child was suspended for attendance-related reasons, including "truant behavior," in violation of their 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.²⁵ 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.²⁶ As the school knows, my child has a disability/disabilities, namely _____, and was disciplined in violation of their rights in the following way(s) (*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 *Goss v. Lopez*, 419 U.S. 565 (1975) (Holding in part that “students facing temporary suspension from public school were entitled to protection under the due process clause and that due process required, in connection with suspensions of up to 10 days, that such a student be given notice of charges and an opportunity to present his version to authorities preferably prior to removal from school, but there were instances in which prior notice and hearing were not feasible and the immediately removed student should be given necessary notice of hearing as soon as practicable.”); Pa. Code § 12.6(b)(ii).

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

³ *Id.*

⁴ 22 Pa. Code § 51.72(a).

⁵ *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).

⁶ 22 Pa. Code § 12.7(d).

⁷ 22 Pa. Code § 12.7(a).

⁸ *Id.*

⁹ 22 Pa. Code § 12.7(b).

¹⁰ 22 Pa. Code § 12.8(c).

¹¹ 22 Pa. Code § 12.8(c)(2)(i).

¹² 22 Pa. Code § 12.8(c)(2)(ii).

¹³ 22 Pa. Code § 12.8(c)(2)(iii).

¹⁴ 22 Pa. Code § 12.8(c)(2)(iv).

¹⁵ 22 Pa. Code § 12.6(b)(1).

¹⁶ 22 Pa. Code § 12.6(b)(1)(ii).

¹⁷ *Id.*

¹⁸ 22 Pa. Code § 12.6(b)(1)(iii).

¹⁹ 22 Pa. Code § 12.6 (b)(1)(iv).

²⁰ 22 Pa. Code § 12.8(c)(2)(v).

²¹ 22 Pa. Code § 12.8(c)(2)(i).

²² 22 Pa. Code § 12.8(c)(2)(ii).

²³ 22 Pa. Code § 12.8(c)(2)(iii).

²⁴ 22 Pa. Code § 12.8(c)(2)(iv).

²⁵ 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”).

²⁶ See 20 U.S.C. § 1400; 34 C.F.R. § 300; 34 C.F.R. § 104; 22 Pa. Code § 14; 22 Pa. Code § 15.