
Parent's/Guardian's Name

Address

Telephone Number

Principal's Name

Superintendent's Name

School Name

School Address

Date _____

Request for Expungement or Correction of Education Records – Expulsion (Parent)

Dear Principal/Superintendent _____,

I am writing on behalf of my child to request that certain expulsion(s) be removed from my child's student 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) as I am the child's biological parent, guardian, foster parent, caregiver with whom the child lives, or appointed educational decision maker.

☐ (*check if applicable*) I communicate in the following native language

_____ and require interpretation and translation services in accordance with my rights under state and federal law. Districts are required to provide all important information to parents who are not proficient in English in a language or mode of communication that they understand. The relevant law and guidance includes:

- **Title VI of Civil Rights Act**, 42 U.S.C. § 2000d
- **Equal Education of Opportunities Act**, 20 U.S.C. § 1703(f)
- **Individuals with Disabilities Education Act**, 20 U.S. C. § 1400
- **Pennsylvania School Code**, Chapter 12, Students and School Services, 22 PA Code §12.4. Discrimination
- **Basic Education Circular: Educating English Learners**, Pennsylvania Department of Education (July 1, 2017)

Name of Student: _____.

Date of Birth: _____.

School: _____.

Grade Level: _____.

Student ID Number (*if known*) _____.

I hereby request that the following expulsion(s) recorded on or about the dates below be removed (expunged) from my child's records: _____ (*dates*).

These disciplinary records should not continue to be part of my child's education records.

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

☐ The school has failed to keep accurate records regarding my child's disciplinary record, as required.

Under the Family Educational Rights and Privacy Act (FERPA), a federal law, schools have the legal obligation to maintain accurate education records, including disciplinary records.¹ Under Pennsylvania law, schools are also required to keep "complete, accurate and detailed records of each individual student."²

☐ My child's records are inaccurate because they state that my child was expelled on the following date(s) _____ when they were not. This must be corrected. I believe these inaccuracies can be found by checking the following record(s): _____.

☐ The school failed to provide adequate notice of prohibited behavior that could result in an expulsion.

Schools have a legal obligation to provide adequate notice about what behaviors are against the rules and what punishments, such as expulsions, can be imposed if rules are broken.³ My child's rights were violated in the following way(s):

☐ My child was expelled for _____ (*add reason[s] listed on the expulsion 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 expelled for this reason and the expulsion(s) they received should be expunged.

☐ My child was expelled for _____ (*add reason[s] listed on the expulsion notice[s]*), but the rules do not specify that this behavior can result in expulsion as listed on page(s) _____ (*if applicable*). Therefore, my child cannot be expelled for these reasons, and the expulsion(s) they received should be expunged.

☐ **The school imposed a punishment that illegally discriminated against my child on the basis of their disability, race, sex, religion and/or another protected class in violation of their rights. The expulsion should be expunged for this reason.**

☐ **Disability discrimination**

As the school knows, my child has a disability/disabilities, namely _____. Under the law, my child cannot be discriminated against or disciplined on the basis of their disabilities.⁴ However, my child was disciplined in violation of their rights because (*check all that apply*):

☐ *My child was disciplined in response to conduct resulting from or related to their disability or the school's failure to follow my child's Individualized Education Program (IEP).*

☐ *The school excluded my child for more than 10 days without conducting a Manifestation Determination Review (MDR).*

☐ *The MDR was improper because:*

☐ *I was not included in the MDR meeting.*

☐ *I was not provided with interpretation and translation services during the MDR.*

☐ *The majority of participants in the MDR meeting agreed that my child's behavior was a manifestation of their disability.*

☐ *The meeting failed to consider all information relating to my child's disabilities. In addition, my child did not present special circumstances such as a safety threat or danger to others.*

☐ **My child HAS A DISABILITY and is ELIGIBLE for SPECIAL EDUCATION, and their rights were violated.**

☐ *My child, who is eligible for special education and does NOT have an Intellectual Disability (ID), was expelled without a Manifestation Determination Review being conducted within 10 calendar days of the expulsion decision.*

In general, a school must conduct an MDR within 10 calendar days of a school's decision to expel a child who is eligible for special education and does not have intellectual disabilities.⁵ This process determines whether the behavior took place

due to the school's failure to follow the child's IEP as required or is related to the student's disability (often called a "manifestation" of the student's disability).⁶

Generally, when a child's behavior IS a manifestation of their disability, they cannot be expelled for those behaviors.⁷ The only narrow "special circumstances" exemptions to this are in cases where a child (1) carries or possesses a weapon; (2) knowingly possesses, uses, or sells illegal drugs or a controlled substance; or (3) inflicts "serious bodily injury" on another as defined in the law.⁸ A child experiencing one of these narrow exemptions can still challenge being excluded through an expedited due process hearing.⁹

☐ *My child is eligible for special education and HAS AN INTELLECTUAL DISABILITY (ID), and was expelled in violation of their rights, as no exemption, as outlined below, applies.*

Children who have Intellectual Disabilities have even more protections.¹⁰ No child who has ID may be expelled *unless* their parent agrees, the Pennsylvania Department of Education agrees, or the expulsion is ordered by a hearing officer or judge.¹¹

☐ *My child has NOT YET been identified as having a disability and eligible for special education but the school was required to conduct an MDR within 10 calendar days of the school's decision to expel my child to determine whether the behavior leading to the potential expulsion is a "manifestation of their disability" because their school was **ON NOTICE that my child may be a child with a disability PRIOR to the behavior at issue taking place.***

A school must conduct an MDR¹² within 10 calendar days of a school's decision to expel a child who is not yet identified as eligible for special education when their school had "knowledge that a child is a child with a disability" before the behavior leading to disciplinary action, because **one or more** of the following circumstances took place:¹³

- ☐ The child's parents have shared concerns in writing with the school that their child needs special education.
- ☐ The parent has requested that their child be evaluated to determine their eligibility for special education.
- ☐ The child's teacher or school staff has expressed concern about the child's behavior to special education officials.

Children in these circumstances may assert that they are entitled to such protections before a school seeks to impose an expulsion.¹⁴ This process determines whether the behavior is related to the student's disability (often called a "manifestation" of the student's disability).¹⁵

Generally, if a child's behaviors are a manifestation of their disabilities, they cannot be expelled for those behaviors.¹⁶ The only narrow exemptions to this are in "special circumstances" cases where a child 1) carries or possesses a weapon; 2) knowingly possesses, uses, or sells illegal drugs or a controlled substance; or 3) inflicts "serious bodily injury" on another as defined in the law.¹⁷ In those very limited cases, a child can be transferred to an alternative education setting for 45 days, which is a decision that can be challenged by filing an expedited due process hearing.¹⁸ A child experiencing one of these narrow exemptions can still challenge being excluded through an expedited due process special education hearing.¹⁹

☐ My child HAS A DISABILITY and is ENTITLED TO A § 504 PLAN, and therefore the school was required to conduct an evaluation to determine whether my child's behavior was caused by their disabilities BEFORE expelling them, which did not happen in my child's circumstance.

Schools must conduct an evaluation to determine whether a child's behavior that led to the possible expulsion was caused by their disabilities, prior to expelling a child.²⁰ My child was entitled to such protections, of which they were deprived.

☐ *The school excluded my child illegally by conditioning their return to school on getting a psychological evaluation.*

☐ *Other:*

☐ Race discrimination

My child cannot be discriminated against on the basis of their race.²¹ My child was disciplined in a way that discriminated against them on the basis of their race, in violation of their rights. This occurred in the following way(s) (*e.g., being excluded from school due to wearing their hair in braids, twists, or other protective hairstyles*):

☐ **Sex discrimination**

My child cannot be discriminated on the basis of their sex, gender identity, gender expression, or for being pregnant.²² My child was disciplined in a way that discriminated against them on the basis of their sex, gender identity, gender expression, or being pregnant, in violation of their rights. This occurred in the following way(s) (*e.g. a female student cannot be excluded from school for refusing to abide by a school rule “[requiring] female students. . . to wear a ‘skirt,’ ‘jumper,’ or ‘skort’*”)²³:

☐ **Religious discrimination**

My child cannot be discriminated against based on their religion or beliefs, including wearing religious head coverings or hairstyles.²⁴ My child was disciplined in a way that discriminated against them in violation of their rights. This occurred in the following way(s) (*e.g. a student cannot be excluded from school for wearing a religious head covering, such as a hijab, niqab, kippah, yarmulke, or headscarf, to school as part of their expression of their religious creed*):

☐ **The school expelled my child by EXCLUDING THEM FOR MORE THAN 10 SCHOOL DAYS IN A ROW, without the required due process, and that violated their rights. The expulsion should be expunged for the reason(s) below:**

Schools are legally obligated to provide adequate notice and due process when imposing expulsions.²⁵ Pursuant to 22 Pa. Code §12.6(b)(2), any punishment in which a child is excluded from school for more than 10 school days in a row is an expulsion, even if a school calls it something else.²⁶

☐ The school told me that my child was “suspended” for _____ (*add the total number of school days of the exclusion, e.g. 14 school days*) days in a row; however, this punishment is legally considered an expulsion as defined by 22 Pa. Code § 12.6(b)(2), and the school failed to provide due process required for an expulsion. The expulsion

should be expunged for this reason. *(Example: My child's school informed me that my child was "suspended" for 15 days in a row. This punishment is legally an expulsion, because it is an exclusion that is longer than 10 school days in a row.)*

☐ The school failed to notify me of my child's rights to a due process hearing and/ or I was not fully informed of all circumstances relating to the proposed expulsion before signing a waiver, and therefore was unable to give informed consent.

☐ The waiver was only provided to me and explained to me in English, which violated my rights as I require interpretation and translation.

☐ The school failed to follow required due process procedures BEFORE expelling my child, violating their rights. The expulsion should be expunged for the reasons below:

☐ **The school failed to provide proper notice of the FORMAL EXPULSION hearing as required by state law.**

Certain important procedural protections must be afforded to students BEFORE the required formal expulsion hearing takes place.²⁷ As the student's parents, guardians, or other educational decision maker, I should have been notified of the "charges" or reasons for the expulsion in writing by certified mail.²⁸ The student's parents/guardians must be provided with "at least 3 days' notice" of the time and the place in which the hearing will be held.²⁹ Students are permitted to request that a formal expulsion hearing be rescheduled "when the student demonstrates good cause for the extension."³⁰

In addition to "at least 3 days' notice" of a formal expulsion hearing, the parents/guardians must also be provided with a written copy of the school's expulsion policy, notice that the student may bring a lawyer to the hearing, and the hearing procedures,³¹ as required in all such actions.³²

I checked off each of ways that the school failed to provide me with proper notice below:

☐ The school did not notify me of the "charges" against my child in writing by certified mail. Specifically:

☐ I was never notified about the formal expulsion hearing.

☐ I was notified, but the notification did not conform to legal requirements outlined in 22 Pa. Code § 12.8(b)(1)-(2) because:

☐ I was not notified in writing of the "charges" against my child.

☐ The notification was not sent by certified mail.

☐ The school did not provide me with proper notice of the formal expulsion hearing, and I was unable to prepare for the due process hearing.

☐ I did not receive “at least 3 days’ notice” about the time and place of the formal expulsion hearing.

☐ I was never given the following items, as required by 22 Pa. Code §12.8 (b)(2). I have checked off the item(s) that I DID NOT receive:

☐ I did not receive a copy of the expulsion policy.

☐ I was not given notice that legal counsel could represent my child in the formal expulsion hearing.

☐ I was not given a copy of the formal expulsion hearing procedures.

☐ My child was not permitted to request that the formal expulsion hearing be rescheduled, despite demonstrating good cause.

☐ My child requested that the formal expulsion hearing be rescheduled on _____ because of the following reason(s): _____.

☐ The school did not provide me notice of the charges and/or the formal expulsion hearing in a language I understand, as English is not my native language.

☐ A FORMAL EXPULSION HEARING was not held within the required 15 school days from the “notification of charges,” and none of the exemptions that would justify a delay apply to my child’s circumstances.

Generally, formal expulsion hearings must take place within 15 school days of the date that the parent/guardian is “notified of the charges” or reason(s) for the expulsion.”³³

There are only limited exemptions, as outlined below, that would permit a formal expulsion hearing to take place at a later date and still be considered timely.³⁴

Additionally, even if such an exemption applies, the formal expulsion hearing must then proceed “as soon as reasonably possible.”³⁵

- *Formal expulsion hearings can be delayed by agreement.* If the school seeks an expulsion, and the parent/guardian agrees, the formal expulsion hearing can take place at a later time beyond the 15 school days. This is referred to in 22 Pa. Code § 12.8(b)(9) as being “mutually agreed to by the parties.”³⁶
- *Formal expulsion hearings can be held later than “15 school days” without being “mutually agreed to by the parties” and still be considered timely only if any of the following narrow exemptions apply.* In these cases, the formal expulsion hearing must then proceed “as soon as reasonably possible.”³⁷
 - If “[l]aboratory reports are needed from law enforcement agencies.”³⁸

- If “[e]valuations or other court or administrative proceedings are pending due to a student invoking their rights under the Individuals with Disabilities Education Act” (IDEA).³⁹
- If “[i]n cases in juvenile or criminal court involving sexual assault or serious bodily injury, delay is necessary due to the condition or best interests of the victim.”⁴⁰

The following violation(s) occurred regarding the timing of the formal expulsion hearing (*check all that apply*):

- ☐ A formal expulsion hearing has not been held yet, and my child is still not being permitted to return to school, in violation of their rights.
- ☐ A formal expulsion hearing was not held within 15 school days after notifying me about the reasons for my child’s expulsion in writing by certified mail, and no exemptions apply.
 - ☐ I was never notified of the “charges” against my child.
- ☐ The formal expulsion hearing took place more than 15 school days after notifying me of the “charges” against my child. I was notified of the “charges” on _____ (*date*), and I never agreed to postpone the hearing.
- ☐ An exemption MAY have applied in my child’s case, including that I agreed to delay the hearing, but the formal expulsion hearing did not “proceed as soon as reasonably possible,” as required by 22 Pa. Code §12.8(b)(9).
- ☐ My child was undergoing evaluations or court or administrative proceedings relating to their rights under IDEA, which concluded on _____ (*date*). The formal expulsion hearing was not held until _____ (*date*), which is _____ school days since the conclusion of the evaluation/court or administrative proceedings.
 - ☐ Law enforcement needed to provide laboratory reports related to my child, which were provided on or around _____ (*date*). The formal expulsion hearing was not held until _____ (*date*), which is _____ school days since the reports were provided.

☐ There was a court case in juvenile or criminal court involving “sexual assault or serious bodily injury” that would allow for a delay in the proceedings “due to the condition or best interests of the victim,” which:

☐ Was dismissed on _____ (date).

☐ Concluded on _____ (date).

☐ Other: _____.

☐ The formal expulsion hearing was not held until _____ (date), which is _____ school days after the proceeding was concluded/dismissed/or the circumstances described above occurred.

☐ The school failed to follow required due process DURING the FORMAL EXPULSION HEARING, violating my child’s rights. The expulsion should be expunged for the reasons below.

Pursuant to 22 Pa. Code § 12.8(b)(3)-(8), students must be afforded several due process protections during a formal expulsion hearing.⁴¹

☐ The school did not follow proper procedures DURING the FORMAL EXPULSION HEARING, in violation of my child’s rights.

The formal expulsion hearing must be held before the school’s “governing board,” a committee appointed by the board, or a hearing officer.⁴² The term “governing board” is defined as “[t]he board of school directors of a school district, joint school committee of a joint school or joint vocational school, intermediate unit board of directors, or the board of trustees of a charter school or cyber-charter school.”⁴³ Moreover, the formal expulsion hearing must be held in private *unless* the student or parent requests a public hearing.⁴⁴ There must be a written or audio recording of the expulsion hearing.⁴⁵

Each of the violation(s) below apply to my child’s situation (*check all that apply*):

☐ The formal expulsion hearing was not held in front of the school’s governing board, committee of the board, or a hearing officer.

☐ The hearing was not held in private, and we did not agree to a public hearing.

☐ The hearing was not recorded in a written transcript or audio recording.

☐ The school violated my child’s rights DURING the FORMAL EXPULSION hearing.

The student has the right to be represented by a lawyer that their family has retained during the formal expulsion hearing.⁴⁶ A student may also have a parent/guardian present at the hearing.⁴⁷ The student has the right to bring witnesses on their behalf to the hearing.⁴⁸ The student has a right to request that witnesses testifying against them appear in person, answer questions posed to them, and be subject to cross-examination (or

questioning) during the formal expulsion hearing.⁴⁹ The child who is facing a possible expulsion has the right to testify on their own behalf (tell their side of the story about what happened) during the formal expulsion hearing.⁵⁰ A student may also present witnesses on their own behalf.⁵¹

Each of the following concern(s) apply to my child's situation:

- ☐ My child was not permitted to obtain and bring legal counsel to represent them.
- ☐ My child was not permitted to bring a parent/guardian to the hearing.
- ☐ My child was not permitted to have witnesses testify on their behalf.
- ☐ My child was not allowed to request that witnesses appear in person at the hearing.
- ☐ My child was not permitted to cross-examine or question witnesses.
- ☐ My child was not given the opportunity to testify on their own behalf.
- ☐ I did not receive required interpretation and translation services during the formal expulsion hearing, which prevented me from participating and violated my rights.

☐ **My child was not permitted to return to school DURING THE TIME BETWEEN the FORMAL EXPULSION HEARING and the SCHOOL GOVERNING BOARD'S DECISION, as required, and an INFORMAL HEARING was not held that determined that my child's presence "would constitute a threat to the health, safety or welfare of others."**

An *informal hearing* must be held for a child to be excluded during the time between the formal expulsion hearing and the school governing board's decision. Important due process requirements apply to such informal hearings seeking to determine whether the child's presence would constitute such a "threat."⁵²

In accordance with due process requirements outlined in 22 Pa. Code §12.8(c), the student and parent must be given written notice about the reason for the informal hearing to determine whether the child's presence "would constitute a threat to the health, safety or welfare of others,"⁵³ as well as "sufficient" advance notice of the time and place of the informal hearing.⁵⁴ During the informal hearing, a student also has the right to question witnesses as well as speak and produce witnesses on their behalf.⁵⁵

In my case:

- ☐ The school did not hold an informal hearing to determine whether my child could return to school between the formal hearing and expulsion decision being rendered.
- ☐ My child's rights were violated in the following way(s) in relation to the INFORMAL HEARING:

☐ My child's rights were violated BEFORE the informal hearing because the school:

- ☐ Failed to provide written notice about reasons for the informal hearing.
- ☐ Failed to provide sufficient advance notice about the time and/or place of the informal hearing.

☐ My child's rights were violated DURING the INFORMAL HEARING because the school deprived my child of the right to:

- ☐ Testify on their own behalf.
- ☐ Produce witnesses on their own behalf.
- ☐ Cross-examine the witnesses.

☐ My rights were violated DURING the INFORMAL HEARING because I did not receive required interpretation and translation services during the hearing, which prevented me from participating and violated my rights.

For these reasons above, my child's record of being expelled or suspended during this time should be expunged.

☐ The school did not follow required procedures AFTER the FORMAL EXPULSION HEARING and therefore the expulsion should be expunged for the reason(s) below:

Many important protections apply AFTER formal expulsion hearings. The student or parent can request a copy of the written record (transcript) or audio recording of the hearing, at their own expense, unless they are indigent (unable to afford the cost).⁵⁶ A free copy of the written transcript or audio recording of the hearing must be provided to indigent students.⁵⁷ If the child is expelled, a notice of the right to appeal the decision must be provided with the expulsion decision.⁵⁸ Once the student or parent receives the notice of the right to appeal, the student or parent has 30 days from the date of the expulsion decision (occurring after a formal hearing and a vote by the school board) to file an appeal.⁵⁹

☐ My child and I were NOT given:

- ☐ A copy of the hearing's transcript or audio recording despite being indigent.
 - ☐ I did not receive required interpretation and/or translation services regarding the hearing's transcript or audio recording, which prevented me from accessing the transcript or audio recording.
- ☐ The right to request to speak in front of the school board before the expulsion was imposed.

☐ My child was impermissibly deprived of an education AFTER being expelled.

☐ My child was expelled and was not permitted to return to school after the expulsion period concluded, and therefore the following days when my child was illegally prohibited from attending school should be expunged from my child's record:

_____.

☐ **Other:** I believe the expulsion(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)(2). *See* 34 C.F.R. § 99.20(a) (affording parents and eligible students the right to request that a student's academic records be amended if they contain information that is inaccurate, misleading, or in violation of a student's privacy rights).

² 22 PA. CODE § 51.72(a).

³ *City of Chicago v. Morales*, 527 U.S. 41, 56–60 (1999); *Killion v. Franklin Reg'l Sch. Dist.*, 136 F. Supp. 2d 446, 458–59 (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 generally prohibiting spoken or written abuse of staff as being unconstitutionally vague because it did not define “abuse” and didn’t include “any specificity or limitations”); *Schmader ex rel. Schmader v. Warren Cnt’y Sch. Dist.*, 808 A.2d 596, 599 (Pa. Commw. Ct. 2002) (finding “all that is required is that the language convey a sufficiently definite warning as to the proscribed conduct when measured by common understanding and practice”); 22 PA. CODE § 12.3(c); 22 PA. CODE § 12.6(a).

⁴ *See* 20 U.S.C. § 1400; 34 C.F.R. § 300; 34 C.F.R. § 104; 22 PA. CODE § 14; 22 PA. CODE § 15. Pennsylvania Human Relations Act, 43 PA. STAT. ANN. § 953. 43 P.S. § 953 (prohibiting disability discrimination in “public accommodations”). 43 P.S. § 954(l) (defining a public accommodation as including “all educational institutions under the supervision of this Commonwealth”).

⁵ 22 Pa. Code § 14.143(b).

⁶ 34 C.F.R. § 300.530(e).

⁷ *Id.*

⁸ *Id.* at § 300.530(f)(2),(g).

⁹ 34 C.F.R. § 300.532.

¹⁰ 22 Pa. Code § 14.143(b).

¹¹ *Id.*

¹² 34 C.F.R. § 300.530(e) (outlining the procedures for “manifestation determination reviews”).

¹³ 20 U.S.C. § 1415(k)(5) (setting forth protections for children with disabilities who have not yet been determined to be eligible for special education); 34 C.F.R. § 300.534(b) (outlining circumstances in which a child who is not yet eligible for special education and who is suspected of having disabilities may be entitled to a manifestation review because their school had prior knowledge that they were a child with a disability).

¹⁴ *Id.* at § 300.534(b) (setting forth protections for children with disabilities who have not yet been determined to be eligible for special education); 34 C.F.R. § 300.534(b) (outlining circumstances in which a child who is not yet eligible for special education and who is suspected of having disabilities may be entitled to a manifestation review because their school had prior knowledge that they were a child with a disability).

¹⁵ 34 C.F.R. § 300.530(e).

¹⁶ *Id.*

¹⁷ *Id.* at § 300.530(f)(2), (g).

¹⁸ 34 C.F.R. § 300.532.

¹⁹ 20 U.S.C. § 1415(k)(5); 34 C.F.R. § 300.534(b).

²⁰ Section 504 of the Rehabilitation Act, 29 U.S.C. § 794, 34 C.F.R. Part 104; see also *Washington (CA) Unified Sch. Dist.*, 29 IDELR 486 (OCR 1998).

²¹ 42 U.S.C. § 2000d (Title VI of the Civil Rights Act of 1964). 43 P.S. § 953 (prohibiting racial discrimination in “public accommodations”); 43 P.S. § 954(bb) (amending the Pennsylvania Human Relations Act to include protections for “traits historically associated with race,” such as hair texture or protective hairstyles such as braids); 43 P.S. § 954(l) (defining a public accommodation as including “all educational institutions under the supervision of this Commonwealth”).

²² 20 U.S.C. § 1681 (Title IX). 43 P.S. § 953 (prohibiting discrimination based on sex in “public accommodations”); see PA. HUM. REL. COMM’N, PENNSYLVANIA HUMAN RELATIONS COMMISSION GUIDANCE ON DISCRIMINATION ON THE BASIS OF SEX UNDER THE PENNSYLVANIA HUMAN RELATIONS ACT 2–3 (Mar. 2021) (guidance from the PHRC confirming that sex discrimination complaints are accepted for complaints “arising out of the complainant’s sex assigned at birth [including pregnancy], sexual orientation, transgender identity, gender transition, gender identity, and gender expression,” <https://www.pa.gov/content/dam/copapwp-pagov/en/phrc/non-discrimination/APPROVED%20Sex%20Discrimination%20Guidance%20PHRA.pdf>).

²³ See *Peltier v. Charter Day Sch., Inc.*, 37 F.4th 104, 130–31 (4th Cir. 2022) (ruling that a school that implemented a dress code rule requiring female students to wear skirts, skorts, or jumpers based on gender stereotypes violated the Equal Protection Clause).

²⁴ Title IV of the Civil Rights Act of 1964, 42 U.S.C. § 2000c-6(a) (prohibiting discrimination in schools on the basis of race, color, religion, sex, or national origin); 43 P.S. § 953 (prohibiting discrimination based on religious creed in “public accommodations” such as public schools); 43 P.S. § 954(dd) (West 2026) (amending the Pennsylvania Human Relations Act’s definition of “religious creed” to include protections for “head coverings and hairstyles historically associated” with religious creed, such as head coverings such as hijabs or hairstyles).

²⁵ 22 PA. CODE § 12.6(b)(2) (defining expulsion and requiring a formal expulsion hearing be convened before a child can be expelled from school). See also 22 PA. CODE § 12.8(b) (outlining required due process and procedural rights before, during, and after the formal expulsion hearing).

²⁶ 22 PA. CODE § 12.6(b)(2). See also *In re JAD*, 782 A.2d 1069, 1071 (Pa. Commw. Ct. 2001) (defining “expulsion” as “exclusion from school by a board of education for a period exceeding ten school days...”).

²⁷ 22 PA. CODE § 12.8(b)(1)–(2).

²⁸ 22 PA. CODE § 12.8(b)(1).

²⁹ *Id.* at (b)(2); *Minnicks v. McKeesport Area Sch. Dist.*, 74 Pa. D. & C.2d 744 (1975) (holding that a school failed to provide proper notice of a disciplinary hearing by providing a hearing date that was to take place less than 24 hours after the notice was issued and did not comport with the due process requirements outlined in 22 PA. CODE § 12.8(b)(2) requiring “at least 3 days’ notice”).

³⁰ *Id.* at (b)(2).

³¹ *Id.*

³² *Id.* at § 12.8(b).

³³ 22 PA. CODE § 12.8(b)(9). The term “notification of charges” refers to the reasons behind the child’s expulsion. ELC-PA recognizes that the language of “charges” is highly stigmatizing against children experiencing expulsions.

³⁴ *Id.*

³⁵ *Id.*

³⁶ *Id.*

³⁷ *Id.*

³⁸ *Id.* at § 12.8 (b)(9)(i).

³⁹ *Id.* at § 12.8 (b)(9)(ii).

⁴⁰ *Id.* at § 12.8 (b)(9)(iii).

⁴¹ *Id.* at § 12.8(b)(3)–(8).

⁴² *Id.* at § 12.8(b).

⁴³ 22 PA. CODE § 12.16.

⁴⁴ 22 PA. CODE § 12.8(b)(3).

⁴⁵ *Id.* at § 12.8(b)(8).

⁴⁶ *Id.* at § 12.8(b)(4).

⁴⁷ *Id.*

⁴⁸ *Id.* at § 12.8(b)(7).

⁴⁹ *Id.* at § 12.8(b)(6).

⁵⁰ *Id.* at § 12.8(b)(7).

⁵¹ *Id.*

⁵² *Id.* 22 PA. CODE § 12.8(b)(7). *ELC-PA staunchly opposes the use of criminalizing, stigmatizing, and adultifying language used to describe students and their conduct. We have used the term “threat” in this letter to reflect the specific terms reflected in the law.*

⁵³ 22 PA. CODE § 12.6(d); 22 PA. CODE § 12.8(c)(2)(i).

⁵⁴ *Id.* at § 12.8(c)(2)(ii).

⁵⁵ *Id.* at § 12.8(c)(2)(iii–iv).

⁵⁶ *Id.* at § 12.8(b)(8).

⁵⁷ *Id.*

⁵⁸ *Id.* at § 12.8(b)(10).

⁵⁹ 22 PA. STAT. AND CONS. STAT. ANN. § 555 (West) (“All adjudications of a local agency shall be in writing, shall contain findings and the reasons for the adjudication, and shall be served upon all parties or their counsel personally, or by mail.”); 22 PA. STAT. AND CONS. STAT. ANN. § 752 (West) (“Any person aggrieved by an adjudication of a local agency who has a direct interest in such adjudication shall have the right to appeal therefrom”); 42 PA. CONS. STAT. § 5571(b) (“an appeal from a tribunal or other government unit to a court or from a court to an appellate court must be commenced within 30 days after the entry of the order from which the appeal is taken”).