

LONG-TERM SUSPENSION CHECKLIST

A CHECKLIST FOR FAIR AND JUST LONG-TERM SUSPENSIONS

IMPORTANT! STUDENTS AND FAMILIES SHOULD BE AWARE THAT ANY STATEMENTS MADE TO THE SCHOOL COULD BE USED AGAINST THE STUDENT IN A COURT OF LAW IF THERE ARE POSSIBLE CRIMINAL CHARGES

This checklist provides a sequence of steps that schools should follow to ensure students are treated fairly during the Long-Term suspension process. A Long-Term Suspension is a suspension of **6 or more days**.

If a student was suspended for **5 or fewer days**, please refer to the [Short-Term Suspension Checklist](#) linked [HERE](#).

If you would like information about how to advocate for your student at a hearing, please see the handout linked [HERE](#), or contact the suspension hotline at (716) 220-7081

STEP 1: FOLLOW ALL STEPS IN THE SHORT-FORM SUSPENSION CHECKLIST

The steps in the Short-Term Suspension Checklist also apply to Long-Term Suspensions. Schools should follow these steps to ensure that students receive a fair and just suspension process. The steps in the Short-Term Suspension Checklist can be found in the handout linked [HERE](#).

STEP 2: NOTIFICATION OF THE LONG-TERM SUSPENSION HEARING

Before a Long-Term Suspension, a student is entitled to a hearing. The family of the student should promptly receive a letter with information about the student's Long-Term Suspension hearing. The letter should specify:

- ☐ The date of the hearing, which should be held no later than the 5th day of the suspension
- ☐ The time of the hearing
- ☐ The place of the hearing
- ☐ The BPS code of conduct section that was allegedly violated
- ☐ The charges that led to the suspension
 - ☐ When it occurred
 - ☐ Who was involved
 - ☐ Where it occurred
 - ☐ What occurred
- ☐ The family's rights, including:
 - ☐ Right to an attorney
 - ☐ Right to question the school's witnesses
 - ☐ Right to an orderly hearing with fair & impartial decision based on evidence on the record
 - ☐ Right to present witnesses & evidence
 - ☐ Right to testify on your own behalf, or not to testify at all
 - ☐ Right to an interpreter, if English is not the family's dominant language
- ☐ The letter should be in the family's dominant language
- ☐ The letter should be delivered by express mail, personal delivery, or equivalent means
- ☐ The school should provide the letter at least 48 hours before the hearing

STEP 3: IF THE SCHOOL DOES NOT HOLD THE HEARING BY THE 5TH DAY OF SUSPENSION OR THE SCHOOL REQUESTS AN ADJOURNMENT, THE STUDENT SHOULD RETURN TO SCHOOL IN THE INTERIM

STEP 4: ALTERNATE INSTRUCTION

Schools should promptly schedule alternative instruction for students, no later than the 3rd day of a suspension. This instruction should be substantially equivalent to in-school instruction

STEP 5: LONG-TERM SUSPENSION HEARING

Students facing Long-Term Suspensions must receive a Long-Term Suspension hearing. This hearing must:

- ☐ Occur within 5 days of the start of the suspension
- ☐ Have a translator if the parent or guardian's home language is not English
- ☐ Be recorded
- ☐ The student should be advised of a determination of innocence or guilt by the Hearing Officer at the Conclusion of the presenting of evidence
- ☐ If the student is innocent or the charges are dismissed, the student should be returned to school

The hearing **SHOULD NOT:**

- ☐ Use the statements of witnesses who were not available for the parent or guardian to question
- ☐ Use anecdotal/disciplinary records to determine if the student is innocent or guilty of the current charge

STEP 6: SCHEDULING AN MDR IF A STUDENT HAS AN IEP/504

Students with an IEP/504 Plan are entitled to a Manifestation Determination Review (MDR) prior to a Long-Term Suspension if the student has been suspended in excess of 10 cumulative school days of suspension during the current school year.

- ☐ This SPECIAL EDUCATION meeting should determine if the behavior is result of the student's disability or if the behavior was caused by failing to properly implement the IEP/504 Plan
- ☐ The family is entitled to notice of this meeting
- ☐ The student should be allowed to remain in school until the meeting is held
- ☐ If the MDR team finds there was a manifestation of the student's disability, should remain in school or be returned to school

STEP 8: LONG-TERM SUSPENSION PENALTY PHASE

If the student has been found guilty and does not require an MDR or the MDR team did not find a manifestation of the student's disability:

- ☐ Hearing officer may consider documents the student and/or the school submits (i.e. academic records, prior incidents, letters in support of the youth)
- ☐ The parents and students should be allowed to provide input into how long the student will be suspended

STEP 9: POST-HEARING

After the hearing, the school should notify the parents of the result

- ☐ In writing
- ☐ Include reasoning and factual findings
- ☐ Explain how to appeal the decision
- ☐ Hearing officer findings are available upon request
- ☐ The school should maintain a legible disciplinary record
- ☐ Avoid sentences of excessive length



Long-Term Suspension Process

Start



INCIDENT OCCURS

School determines the student's action warrants disciplinary action

Within 24 Hours



NOTIFICATION TO PARENT

- By personal delivery or express mail
- Include opportunity to request an informal conference

Within 24 Hours of Parent Request

PRINCIPAL'S CONFERENCE

Happens on parent, guardian, or student's request, upon receipt of notification

- Opportunity to review evidence and question witnesses.
- Principal must provide written notice of final decision
- Discussion of what penalties other than suspension were attempted, and why they did not work



Immediately after conference

SUSPENSION BEGINS

- If the decision after conference is to suspend.
- If the student's presence in the school posed an immediate danger, then suspension can begin before the conference.



Within 5 Days of Suspension

HEARING

Parent/Guardian and student have the right to:

- Have an attorney
- bring witnesses and evidence
- examine and cross examine evidence
- question witnesses
- have a record of the hearing



APPEAL TO THE BOARD

- Review record and make fresh decision in writing
- the board can overturn if they find that there was no evidence supporting suspension, that the behavior did not warrant a suspension according to the matrix, or that procedures were not followed

