

# SHORT-TERM SUSPENSION CHECKLIST

## A CHECKLIST FOR FAIR AND JUST SHORT-TERM SUSPENSIONS

**IMPORTANT! STUDENTS AND FAMILIES SHOULD BE AWARE THAT ANY ADMISSIONS TO THE SCHOOL COULD BE USED AGAINST THE STUDENT IN A COURT OF LAW**

### STEP 0: INCIDENT OCCURS

#### STEP 1: NOTIFICATION OF THE SHORT-TERM SUSPENSION

Before a Short-Term Suspension, the principal must send a letter regarding the proposed suspension. The letter should specify:

- The 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 proposed length of the suspension
- The letter should be delivered within 24 hours of the alleged incident
- The letter should be delivered by express mail, personal delivery, or equivalent means
- If the student's parent or guardian has a phone, the school should notify by phone as well
- The letter should indicate that the parents have the right to request an informal principal's conference
- The letter should be in the family's dominant language
- If the school asserts that the suspension must begin immediately, the school must include an individualized explanation based on the alleged incident why the student is "an ongoing danger to persons, property or an ongoing threat of disruption to the academic process."

#### STEP 2: IF REQUESTED, THE SCHOOL MUST PROVIDE AN INFORMAL PRINCIPAL'S CONFERENCE

Families have the right, upon request, to receive an Informal Principal's Conference to discuss the suspension. The conference should:

- Occur within 24 hours of the parent/guardian's request
- Be attended by:
  - The principal
  - The person who alleges the student's misconduct
  - An interpreter, if the family's dominant language is not English
- During an Informal Principal's Conference the family has the right to :
  - question witnesses of the students misconduct
  - Present the student's side of the events leading up to the incident
  - Discuss alternatives to a suspension

This checklist provides a sequence of steps that schools should follow to ensure students are treated fairly during the Short-Term Suspension process. A short-term suspension is a suspension of **5 or fewer days**.

If a student was suspended for **6 or more days**, please refer to the [Long-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 3: 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 Short-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 that 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 4: ALTERNATE INSTRUCTION

Schools should promptly schedule alternative instruction for students who receive **any** suspension of 3 or more days. This instruction should be substantially equivalent to in-school instruction. This instruction must:

- Occur within 3 days of the start of the suspension.
- Consist of 1 hour of instruction for students in grades K through 6, 5 days a week
- Consist of 2 hours of instruction for students in grades 7 through 12, 5 days a week.

# Short-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

24 Hours After Decision



## 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 30 days of Suspension



## APPEAL TO COMMISSIONER OF EDUCATION

Must be submitted to the Commissioner of Education within thirty (30) days of the decision to suspend