



ADVOCATES FOR JUSTICE AND EDUCATION (AJE)

Know Your Rights: **District of Columbia Public Schools (DCPS)** **Short-Term and Medium-Term Suspensions**

Please note that this resource does not cover public charter schools; it only covers short-term (1-5 days) and medium-term (6-10 days) suspensions in DCPS. Please see our other resource for public charter school suspensions and expulsions.

Right to Due Process Prior to Suspension

Students are entitled to a meaningful public education and students 5-18 years of age are required to attend school. Before students can be suspended from school they are entitled to due process - notice of the charges and a conference.

Except in cases of emergency suspensions, students must remain in their regular assigned classroom or education setting until they receive notice and a conference. Students should not be sent home on emergency suspension unless their presence at school is a very real and immediate threat to school safety or normal operations.

Right to Notice

- DCPS should call a parent or guardian of a student if they decide to propose a suspension.
- DCPS must send written notice to the parent or guardian within one (1) school day after the decision to suspend.
- DCPS must send written notice in a way that would allow verification that the parent or guardian actually received it. Examples of verifiable notification include email, certified mail, or hand delivery with a signature receipt.
***DCPS cannot rely on a minor student to sign for or deliver notice to a parent or guardian.**
- DCPS must include the following in the written notice of suspension:
 - ✓ A summary of the facts that includes a description of the behavior that caused the suspension.
 - ✓ A citation to the rule allegedly violated.
 - ✓ The length of the proposed suspension.
 - ✓ The principal's plan for the student to complete schoolwork during the suspension.
 - ✓ A description of the student's right to appeal.

Right to a Conference

- Prior to the Suspension, any student facing a suspension must be given a conference with the school official responsible for proposing.
- If there is an immediate emergency suspension, the conference must be held no more than three (3) school days after the suspension is proposed. The conference may include the parent or guardian, witnesses, and/or legal representative, but participation by such parties is not required by law.
- The required conference must include a discussion of the following:
 - ✓ The reason for the suspension (including the alleged behavior, the rule allegedly violated and a detailed description of the facts.)
 - ✓ The evidence or facts the school official has relied on to determine that the student committed the violation.
 - Evidence may include statements, incident reports, photos, and even surveillance videos.
 - ✓ A summary of the recommended disciplinary action.
 - ✓ An opportunity for the student to respond and present his or her version of the facts and events.
 - ✓ A decision about the recommended discipline after hearing the student's version of the facts and events.
 - ✓ An explanation of the student's right to appeal the decision of the person conducting the conference.

Right to Appeal

- Short-term suspensions may be appealed to the school principal. Medium-term suspensions may be appealed to the instructional superintendent. The name and contact information of the person who will hear a requested appeal should be listed on the suspension notice.
- All appeals must be made by the parent or guardian or the adult student, either orally or in writing to the appropriate person within two (2) school days after receiving the notice of suspension.
- The principal or instructional superintendent must hear the appeal within one (1) school day after the appeal is requested, but the person requesting the appeal may request an extension up to three (3) school days.
- At the appeal hearing (which may be held by telephone at the parent/guardian's request), the student and his or her parent or guardian may present evidence and ask witnesses to speak in support of their appeal. At the conclusion of the appeal hearing, the principal or instructional superintendent must render a final decision within (1) school day. They must give the student and his or her parent or guardian a written summary of the appeal hearing, including the final decision.

Common Suspension Questions and Answers

For what reasons can DCPS suspend a student?

DCPS can only suspend a student for specified disciplinary infractions. Note: DCPS rules do not allow schools to suspend students for unexcused tardies or absences. Instead of increasing out of school time with suspensions, DCPS schools are required to work with families to increase school attendance. **Although schools cannot suspend for unexcused absences, it can result in serious criminal or civil penalties for a student, parent or guardian.**

How do I stop my child from losing valuable education time while suspended?

A student who has been suspended must have access to an education plan. The principal initiating the suspension must provide an education plan that meets the student's educational needs and allows the student to make up any classwork, homework assignments, and exams without penalty.

Will my child be sent home alone during the school day, if suspended?

Students younger than the age of fourteen (14) who have been suspended should not be told to leave school grounds during school hours unless accompanied by a parent or guardian or other designated adult.

Students older than fourteen (14) who have been suspended should not be told to leave during school hours until a parent or guardian has been contacted and given a reasonable opportunity to arrange for proper supervision of the student. If the parent or guardian of a suspended student cannot be notified by phone or in person, the student must remain at school until the end of the school day.

What should I do once a DCPS school proposes a short or medium-term suspension?

- Find out which staff member is proposing the suspension and ask them to explain the reason(s) for the suspension.
- Obtain written notice and all related records as soon as possible for use in the conference and appeal hearing.
- If possible, attend the conference with the student. If the suspension is finalized, request an appeal hearing.
- Propose in-school alternatives that improve behavior while maintaining academic progress and school engagement. DCPS law requires staff to minimize the disruption of academic instruction and to consider strategies such as:
 - anger management •behavior intervention plans •community service •conflict resolution •individual or group counseling •mediation or mentoring •positive behavior supports •restorative justice practices •other intervention strategies
- Ensure that the school provides an education plan allowing the student to keep up with classwork. Once the student returns to school, ensure that the student has an opportunity to make up any missed work without penalty.

Need Additional Help? Call or visit Advocates for Justice and Education (AJE): (202) 678-8060 • 25 E Street, NW 4th Floor • Washington, D.C. 20001. Mary's Center Intake on Tuesdays and Thursdays at 3912 Georgia Avenue, NW, Washington, DC 20011