Important Sections from Chancellor’s Regulation A-443

- III.B - Suspension Procedures begins on page 19
- III.B.1 - Alternative Instruction, pages 19-20

(a) Students may not be penalized academically during the suspension or removal period. Students must be permitted to take any Citywide or State examinations that are administered during the period of their removals or suspensions for which no make-up examination is permitted by the testing authority, as well as to make up school examinations, such as midterms or finals, which may affect their academic records.

(b) During the period of their removal or suspension, students must be provided with alternative instruction, which includes, but is not limited to, class work and homework assignments. The instruction must provide the student with an opportunity to continue to earn academic credit and must be appropriate to the individual needs of the student.

... 

(e) An elementary or middle school student (grades K-8), who is awaiting his/her superintendent’s suspension hearing, must be provided with a full-time instructional program. A high school student (grades 9-12), who is awaiting his/her superintendent’s suspension hearing, must be provided with a minimum of two hours per day of instruction. The instruction may be provided before school hours, after school hours or during school hours.

- III.B.3(e) - Pre-suspension Procedures, page 31

Where a student engages in conduct for which a Regional Superintendent’s suspension may be warranted, it is the responsibility of the principal or his/her designee to take the following investigative steps:

1. Question the victim and any other witnesses to the incident and obtain their signed written statements.
2. Question the accused student and inform him/her of the misconduct of which he/she is being accused.
3. Provide the accused student with an explanation of the evidence and an opportunity to present his/her side of the event, unless it is not feasible to do so.
4. Provide the accused student with an opportunity to prepare a signed, written statement.

- III.B.3(n) - Notice, pages 33-37

The school shall give immediate written notice of the suspension to the student’s parent. Such notice shall be provided by personal delivery, express mail delivery, mailgram or any other equivalent form of communication reasonably calculated to assure receipt of such notice within 24 hours of the suspension (e.g., via facsimile or e-mail). (See sample
24-hour Notice in Appendix D.) The notice shall provide a description of the incident which resulted in the suspension and advise the parent of the alternative instruction site to which the student must report and that a suspension hearing will be scheduled within five (5) school days of the date of the suspension. The school also shall give immediate notice of the suspension to the parent by telephone. (Emphasis in original)

On the same day as the suspension, the Regional Superintendent/designee also must send a letter by first class mail informing the parent of:

(6) the right to view and obtain in person at the school a copy of the student’s records, including the IEP and other special education records, if applicable, the anecdotal, permanent and guidance records, report card, transcript and all written statements relating to the incident which led to the suspension;

- III.B.3(q) - No Contest Plea, page 38

The parent of a suspended student may decide to waive his/her right to a suspension hearing and plead no contest to the charges by telephone. Parents who want to do so must contact the Suspension Hearing Office. Parents may also plead no contest to the charges in person when they appear for the hearing. The effect of a plea is that the charges are sustained. Therefore, all the dispositional options available to the Regional Superintendent in sustaining the charges after a full hearing apply to cases where pleas are entered. A plea of no contest may be withdrawn within three (3) days of receipt of the mailgram/letter confirming the plea and containing the Regional Superintendent’s decision or seven (7) days of the date of the mailgram/letter, whichever is later.

- III.B.3(s) - The Hearing, pages 39-45

(10) School officials are responsible for proving by direct or circumstantial evidence the student’s involvement in the incident(s) charged. A finding that the student committed the act(s) charged may not be based exclusively on hearsay evidence.