
Name

Address

Telephone Number

Principal's Name

Superintendent's Name

School Name

School Address

Date _____

Request for Expungement and Education Records Correction - Suspension
(Eligible Student)

Dear Principal/Superintendent _____,

I am writing to request that certain suspensions be removed from my student records in accordance with the explanation below. I qualify as an "eligible student" under the Family Educational Rights and Privacy Act (FERPA) 20 U.S.C. § 1232g(a)(2). An eligible student is a student who has reached 18 years of age or is attending an institution of postsecondary education.¹

I am an eligible student because:

- ☐ I have reached 18 years of age.
- ☐ I am attending an institution of postsecondary education.

Below is my information:

Name: _____

Date of Birth: _____

School: _____

Grade Level: _____

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

These disciplinary records should not continue to be part of my education records. Schools are legally obligated to provide adequate notice and due process when imposing suspensions under federal and state law.² Schools must also keep accurate education records, including information about school discipline.³

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

☐ **My disciplinary records are inaccurate:** Under FERPA, schools have the legal obligation to maintain accurate records of their students, including their disciplinary records.⁴ Under Pennsylvania law, schools are also required to keep “complete, accurate and detailed records of each individual student.”⁵

☐ My records are inaccurate because they state that I was suspended on the following date(s) _____ when I was not. This must be corrected. I believe the record(s) are inaccurate because:

☐ **The school failed to provide adequate notice of prohibited behavior:** Schools have a legal obligation to provide adequate notice about what behaviors are against the rules and what punishments can be imposed if rules are broken.⁶ My rights were violated in the following way(s):

☐ I was suspended for _____ (*add reasons listed on the suspension 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, I cannot be suspended for this reason, and the suspension(s) that I received should be expunged.

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

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

☐ **Disability discrimination**

As the school knows, I have a disability/disabilities, namely _____. Under the law, I cannot be discriminated against or disciplined on the basis of my disabilities.⁷ However, my child was disciplined in violation of their rights because (*check all that apply*):

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

☐ *I am eligible for special education, I have AN INTELLECTUAL DISABILITY (ID), and I was suspended in violation of my rights, as no exemption, as outlined below, applies.*

Students who have Intellectual Disabilities have even more legal protections.⁸ No student who has ID may be suspended for even one day *unless* their parent agrees, the Pennsylvania Department of Education agrees, or the exclusion is ordered by a hearing officer or judge.⁹

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

☐ *Other:*

☐ **Race discrimination**

Students cannot be discriminated against on the basis of their race.¹⁰ I was disciplined in a way that illegally discriminated against me on the basis of my race, in violation of my 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**

Students cannot be discriminated against on the basis of their sex, gender identity, gender expression, or for being pregnant.¹¹ I was disciplined in a way that discriminated against me on the basis of my sex, gender identity, gender expression, or being pregnant, in violation of my 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’”)¹²:

☐ **Religious discrimination**

Students cannot be discriminated against based on their religion or beliefs, including wearing religious head coverings or hairstyles.¹³ I was disciplined in a way that discriminated against me on the basis of my religion in violation of my 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 imposed an IN-SCHOOL SUSPENSION without due process** in violation of my rights. The IN-SCHOOL SUSPENSION should be expunged for this reason.

Pursuant to state regulations, an in-school suspension is an exclusion from a classroom for disciplinary purposes where the student remains under direct supervision of school personnel and the school has “the responsibility to make provision for the student’s education”¹⁴ during this period of exclusion. An in-school suspension cannot be imposed before the student has been informed of the reason for it¹⁵ and has been given an opportunity to respond.¹⁶ The parent/guardian then must be notified.¹⁷

If an in-school suspension exceeds 10 consecutive days, an informal hearing must be offered **before** the 11th day of the in-school suspension, in accordance with state law.¹⁸ The student and parent must be informed in writing about the reasons for the suspensions¹⁹ and must be given sufficient notice of the time and place of the hearing.²⁰ During the hearing, a student has the right to question witnesses²¹ and speak and produce witnesses on their behalf.²²

☐ **(All IN-SCHOOL SUSPENSIONS)** My IN-SCHOOL SUSPENSION violated my due process rights and should be expunged for the following reason(s):

☐ I was never informed of the reason for the IN-SCHOOL SUSPENSION(s) **before** being issued the in-school suspension(s).

☐ I was never given the opportunity to respond to the suspension **before** it became effective.

☐ My parent/guardian was not notified about the suspension.

☐ **(IN-SCHOOL SUSPENSIONS lasting 11 or more days)** The school did not offer me or my parent/guardian the required INFORMAL HEARING *before* the 11th day of the IN-SCHOOL SUSPENSION.

☐ The school did not hold an INFORMAL HEARING.

☐ The school did not hold the required INFORMAL HEARING *before* the 11th day of the IN-SCHOOL SUSPENSION. It was held on _____ (*add date*).

☐ The INFORMAL HEARING violated my rights in the following way(s):

☐ The school did not give written notice to me or my parent/guardian about the reasons for the IN-SCHOOL SUSPENSION.

☐ The school did not provide advance notice of the time and place of the INFORMAL HEARING.

☐ My rights were violated *during* the INFORMAL HEARING:

☐ The school deprived me of the right to speak and/or produce witnesses on my behalf.

☐ The school deprived me of the right to question the witnesses present at the INFORMAL HEARING.

☐ **The school imposed an OUT-OF-SCHOOL SUSPENSION in violation of my due process rights.** The OUT-OF-SCHOOL SUSPENSION should be expunged from my records for this reason.

Pursuant to 22 Pa. Code §12.6(b)(1), out-of-school suspensions are exclusions from the school for disciplinary purposes.²³ Generally, schools cannot impose an out-of-school suspension without first informing the student of the reason for the punishment²⁴ and giving the student the opportunity to respond.²⁵ The school must also immediately notify the parent or guardian in writing when the child is issued an out-of-school suspension.²⁶

For suspensions lasting 4 to 10 consecutive days, a student is also entitled to *an informal hearing* in accordance with the requirements set forth in 22 Pa. Code § 12.8(c).²⁷ Informal hearings must be held within the first 5 days of an OUT-OF-SCHOOL suspension lasting 4 to 10 consecutive days.²⁸ The student and parent must be given written notice about the reason for the suspension²⁹ and sufficient notice of the time and place of the hearing.³⁰ During the hearing, a student has the right to question witnesses³¹ and speak and produce witnesses on their behalf.³²

☐ **(All OUT-OF-SCHOOL SUSPENSIONS)** The OUT-OF-SCHOOL SUSPENSION violated my due process rights and should be expunged for the following reason(s):

☐ I was not informed of the reason for the OUT-OF-SCHOOL SUSPENSION before the school imposed it.

☐ I was not given a chance to respond before the school imposed the OUT-OF-SCHOOL SUSPENSION.

☐ My parents/guardians were not immediately notified of the OUT-OF-SCHOOL SUSPENSION in writing.

☐ **(4-10 Day OUT-OF-SCHOOL SUSPENSION)** I was not given the required due process regarding the INFORMAL HEARING *within the first 5 days*:

☐ The school did not hold an INFORMAL HEARING.

☐ The school did not hold the required INFORMAL HEARING *within the first 5 days* of the OUT-OF-SCHOOL SUSPENSION. It was held on _____ (date).

☐ The INFORMAL HEARING violated my rights in the following way(s):

☐ The school did not provide advance notice of the time and place of the INFORMAL HEARING.

☐ My rights were violated *during* the INFORMAL HEARING:

☐ The school deprived me of the right to speak and/or produce witnesses on my behalf.

☐ The school deprived me of the right to question the witnesses present at the INFORMAL HEARING.

☐ Suspension was imposed due to absences in **violation of Act 138**: I was suspended for attendance-related reasons, including “truant behavior,” in violation of my rights under Act 138. Act 138 explicitly prohibits schools from imposing out-of-school suspensions for unexcused absences or because a student is considered to be truant or habitually truant under the law.³³ The suspension should be expunged for this reason.

☐ **Other:** I believe the suspension(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)(4).

² *Goss v. Lopez*, 419 U.S. 565, 581 (1975) (holding that students facing a suspension of 10 days or less are entitled to due process that includes notice of the charges, an explanation of the evidence the authorities have, and an opportunity to present the student’s version to school authorities); Pa. Code § 12.6(b)(ii).

³ 20 U.S.C.A. § 1232g(a)(2); C.F.R. § 99.20(a).

⁴ *Id.*

⁵ 22 Pa. Code § 51.72(a).

⁶ *Chicago v. Morales*, 527 U.S. 41, 56 (1999); *Killion v. Franklin Regional School District*, 136 F. Supp. 2d 446, 459 (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 prohibiting “verbal/written abuse of a staff member” as being unconstitutionally vague because it did not define “abuse” and didn’t include “any specificity or limitations.”); *Schmader v. Warren County School District*, 808 A.2d 596, 599 (Pa. Commw. Ct. 2002); 22 Pa. Code § 12.3(c); 22 Pa. Code § 12.6(a).

⁷ 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”).

⁸ 22 Pa. Code § 14.143(b).

⁹ *Id.*

¹⁰ 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”).

¹¹ 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>).

¹² 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).

¹³ 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).

¹⁴ 22 Pa. Code § 12.7(d).

¹⁵ 22 Pa. Code § 12.7(a).

¹⁶ *Id.*

¹⁷ 22 Pa. Code § 12.7(b).

¹⁸ 22 Pa. Code § 12.8(c).

¹⁹ 22 Pa. Code § 12.8(c)(2)(i).

²⁰ 22 Pa. Code § 12.8(c)(2)(ii).

²¹ 22 Pa. Code § 12.8(c)(2)(iii).

²² 22 Pa. Code § 12.8(c)(2)(iv).

²³ 22 Pa. Code § 12.6(b)(1).

²⁴ 22 Pa. Code § 12.6(b)(1)(ii).

²⁵ *Id.*

²⁶ 22 Pa. Code § 12.6(b)(1)(iii).

²⁷ 22 Pa. Code § 12.6 (b)(1)(iv).

²⁸ 22 Pa. Code § 12.8(c)(2)(v).

²⁹ 22 Pa. Code § 12.8(c)(2)(i).

³⁰ 22 Pa. Code § 12.8(c)(2)(ii).

³¹ 22 Pa. Code § 12.8(c)(2)(iii).

³² 22 Pa. Code § 12.8(c)(2)(iv).

³³ 24 P.S. § 13-1333(c) (Establishing that “schools shall not expel or impose out-of-school suspension, disciplinary reassignment or transfer for truant behavior.”).