**A Primer on Traditional Public School Expulsion/Suspension Policies**

A student may only be discharged from a New York City public school if he/she is over 17 years of age and is a general education student (although special education students are allowed to leave at any time with parental consent). The reasons for the dismissal [may include](http://docs.nycenet.edu/docushare/dsweb/Get/Document-15/A-240.pdf):

* An absence of twenty consecutive days. Students may not be discharged as “Over 17” until the end of the school year in which their 17th birthday occurs. (Rule 1.9)
* Full time employment, as long as parental consent is given and an employment certificate is presented. (Rule 1.12)
* A superintendent’s hearing for behavior that is dangerous to oneself or others in the school or for behavior that significantly disrupts and hampers the learning environment of the school. (Rule 1.14)

For a student to be discharged under the last rule, it is typically for infractions that have to do with violent or dangerous behavior or possession of drugs or alcohol (Level 5 offenses).

If a student commits one of the above infractions but is under the age of seventeen, the typical recourse is to pursue a superintendent’s suspension. Principals in New York City public schools only have the right to suspend a student for five days or less—anything more than that and a regional superintendent’s approval must be sought. A regional superintendent has the ability to suspend a student from anywhere between six days to one year. Typically, a regional superintendent’s suspension must be sought if a student is caught doing any of the following:

* Using any weapon to inflict or attempt to inflict injury upon anyone
* Selling or distributing illegal drugs
* Using extreme force or attempting to inflict serious injury upon students or others
* Engaging in behavior which presents a “clear and present danger” to the student, other students, or school personnel
* Engaging in behavior which is so disruptive as to prevent the orderly operation of the school
* Engaging in any Level 3, Level 4, or Level 5 violation listed in the [NYC DOE’s Discipline Code](http://docs.nycenet.edu/docushare/dsweb/Get/Document-101/Disc%20Code%202006.pdf)

Superintendent’s suspensions CANNOT be used to punish bad behavior and must include a description, backed up with witnesses, of a specific incident that warrants punishment. (Let me know if you’d like me to go into the suspension procedure here and I will.)

The most severe form of suspension is an [extended suspension](http://docs.nycenet.edu/docushare/dsweb/Get/Document-22/A-443.pdf) for one year, which may or may not include the possibility to be evaluated for reinstatement after six months. While under an extended suspension, a student is assigned to a Second Opportunity School (SOS) (if in grades 6-12) or an Alternative Instruction Site (if in grades K-5). At the end of the period, the student will be reinstated to the school from which he/she was suspended unless the principal of the school has requested either a voluntary or an involuntary transfer.

The [involuntary transfer procedure](http://docs.google.com/gview?a=v&q=cache:XgpIjVQRxokJ:docs.nycenet.edu/docushare/dsweb/Get/Document-23/A-450.pdf+Chancellor%E2%80%99s+Regulation+A-450.&hl=en&gl=us&pid=bl&srcid=ADGEESgRIfbaGqZ2nz1M99i8hAVae9vtUaErL_0CzDE8SzzYq2EROmX_0Jv6p7Dmv1Ani7EL3lrvuVH) occurs when a principal believes that the reinstatement of a student in general education would not be appropriate because of the student’s academic or behavioral difficulties and that the student would benefit from a transfer or receive an appropriate education elsewhere (Regulation A-450). An involuntary transfer can only occur after a variety of documented in-school measures have been tried, and only after a principal has requested a voluntary transfer with the parent of the student. If these measures fail, the principal must first consult with the Director of Suspensions (DOS) and the DOS must agree that the school has done everything in its power to accommodate the student. After this, there is an informal principal’s conference in which parents, teachers, and other school officials assess the facts surrounding the principal’s decision to consider the student’s transfer. After this, the DOS will notify the student and parent of the right to a hearing, which the parent can waive by waiting ten days. If a hearing does happen, a decision must be reached within ten days of the hearing. During this entire process, the student in question will remain in his/her school unless he/she is serving a suspension sentence elsewhere.

According to NYU’s Suspension Representation Project, the number of superintendent’s suspensions increased by more than 76 percent between 2000 and 2005, from 8,567 to 15,090.