



Suspension Notice: You should have already received the information on pages 1-10; if any of these pages are missing from the notice you received, let SRP know

Mark Rampersant, Senior Executive Director
Senior Executive Director of the Office of Safety and Youth Development

NOTICE OF SUPERINTENDENT'S SUSPENSION

October 8, 2019

[Redacted]

Your name and address

Dear [Redacted]

Your child

Alternate Learning Center Location

This is to inform you that at the request of the Principal, your child, [Redacted] has been suspended from school by the Senior Executive Director of the Office of Safety and Youth Development starting on, **10/10/2019**.

Your child is being removed from school prior to the suspension hearing because your child's continued presence in school poses a continuing danger to persons or property or an ongoing threat of disruption to the academic process. If you would like to meet with the principal prior to the suspension hearing to discuss this incident, please contact the school.

During the suspension, your child is to report to the following alternate placement site: **79X996 ALC - Stevenson Campus (718) 239-7510 x1152 located at 1980 Lafayette Avenue BRONX, NY 10473**. During the suspension, your child has the right to receive homework and class work assignments. Furthermore, your child will be permitted to take any Citywide or State examinations that are administered during the suspension period for which no make-up examination is permitted by the testing authority, as well as to make up school examinations that may affect your child's academic record. Please contact the Dean(s)/Assistant Principal at your child's school to arrange to do so.

This letter contains critical information about the reasons for the proposed suspension, as well as key dates on which meetings will occur that will affect the outcome, length and services your child may receive if your child is suspended following the hearing.

Suspension Hearing

A Suspension Hearing Officer will conduct a hearing, after which the Hearing Officer will make findings of fact regarding the charges that appear below. A suspension hearing has been scheduled for:

DATE: **10/17/2019**
TIME: **9:00 AM**
PLACE: **Bronx Office of Student Suspensions**
501 Courtlandt Avenue, Room 202
Bronx, New York 10451-5027
(718) 742-6550

Hearing Date and Location

It is very important that you and your child attend the hearing. If you are unable to attend, you must contact the hearing office immediately to request an adjournment. If you do not wish to contest the charges, and want to waive your right to a hearing, you may do so by calling the Student Suspension Office at (718) 742-6550.

PLEASE BE ADVISED THAT HEARINGS MAY TAKE PLACE BETWEEN THE HOURS OF 8:30 A.M. - 5 P.M. Your child's hearing will be scheduled when both sides are present.

Additional Information Regarding Legal Protections

If you believe your child has a disability and school officials had knowledge that your child was a child with a disability before the incident occurred, you may ask for the protections that the Individuals with Disabilities Education Act provides. Under the law, you have certain protections prior to the imposition of discipline, including the right to a Manifestation Determination Review meeting to determine whether the incident for which discipline is being imposed is related to your child's disability. It is your responsibility to request IDEA protections if you think your child is entitled to them. The determination as to whether your child is entitled to IDEA protections will be made by the Senior Executive Director in accordance with the law.

For more information, refer to the Procedural Safeguards Notice, <http://www.p12.nysed.gov/specialed/formsnotices/documents/PSGN-RevisedJune2016.pdf>. If you have any questions regarding the Procedural Safeguards Notice, please contact your school's CSE.

Sincerely,

Mark Rampersant
Senior Executive Director

Charge(s) for Superintendent's Suspension of [REDACTED]

On 10/4/19 at approximately 11:18 AM, [REDACTED]

[REDACTED] engaged in an incident of group violence in that he was among a group of 15-20 students that were kicking and punching student [REDACTED] while he was on the floor. [REDACTED] was observed by two students stomping on [REDACTED]'s head as [REDACTED] was on the floor. EMS transported [REDACTED] to a hospital.

[REDACTED] intimidated students [REDACTED] and [REDACTED] in that he went to their class and threatened them not to say anything that would get him in trouble or he was going to get them jumped.

This behavior constitutes a danger to the health, safety, welfare and morals of your child and others at the school.

Enclosures: Notice of Student Rights
Non-Binding Witness List
Community/Legal Services

List of the
charges
against your
student

NOTICE OF STUDENT RIGHTS

Please read the following points very carefully in order to fully understand the suspension process and what is expected of you and your child.

Attendance: Suspension is a serious step which may significantly affect your child's educational future. It is important that you and your child attend the hearing.

Your child must be offered a hearing within five (5) school days of the date of the suspension. You have the right to ask for an adjournment of the hearing and to have it rescheduled within five (5) school days of your request. If you wish to ask for an adjournment, please contact the Hearing Office immediately. If you are unable to attend the hearing with your child, you may designate an adult to represent you. This designation must be in writing and signed by you. It must be brought to the hearing by your representative. If you fail to appear at the hearing on the scheduled dates, the hearing may be held in your absence.

If the school requests an adjournment, your child has the right to reinstatement on the sixth day following the suspension until the hearing decision is rendered (and accompanying MDR if required) if the hearing has not yet been conducted.

No contest plea: If you do not wish to contest the charges, and want to waive your right to a hearing, you may do so by calling the Hearing Office. You may withdraw your no contest plea within three (3) days from receipt of or seven (7) days from the date of the letter confirming the plea and containing the Senior Executive Director's decision, whichever is later.

Representation: You have the right to be represented by counsel at the hearing. Because of the seriousness of this matter, it is advisable that you seek the assistance of an attorney or advisor. A list of free and low cost legal advocacy services that you may contact is included with this letter. If you choose to be represented by counsel or an advisor, you must notify the Hearing Office at least twenty-four (24) hours (one school day) prior to the hearing.

Interpretation Services: You have the right to have an interpreter present at the hearing. If you will need interpretation services, please contact the Hearing Office immediately upon receipt of this letter. Every attempt will be made to provide the requested services. However, please note that the provision of this service is dependent upon advance notice and the availability of interpreters on the date and time of your hearing. The Hearing Office will notify you prior to the date of the hearing as to whether or not it is able to provide the requested service. You may also bring your own interpreter. If the Hearing Office is unable to provide an interpreter and/or you are unable to bring an interpreter on the scheduled date of the hearing, you may seek an adjournment.

Obtaining Written Records: Prior to the hearing, you or your representative have the right to go to the school to view and obtain a copy of your child's school records, including the IEP and other Special Education records, the anecdotal, permanent and guidance records, report card, transcript and all written statements relating to the incident which led to the suspension. It is recommended that you obtain these records to prepare for the hearing. Your representative must have your written permission to obtain your child's records. You also have the right to obtain a copy of the Bill of Student Rights and Responsibilities, K-12.

Video: You may view, in person at the school, and obtain a copy of, any video recording of the incident if the school shows you or your child a video recording of the incident prior to the suspension and/or the school intends to introduce the video recording at the hearing.

Evidence at the Hearing: Your child's records, including written statements and video recordings of the incident leading to the suspension, may be introduced as evidence at the hearing. Your child's permanent, guidance and anecdotal records may not be used as evidence to prove the charges. If the charges are upheld, however, these records may be considered in determining the duration of the suspension and how it will be noted in your child's records (the records may not contain material relating to the underlying incident unless such material has otherwise been introduced into evidence). You may bring to the hearing any material (letters of reference/recommendation) that you would like the Senior Executive Director to review.

Challenging Records: Pursuant to Chancellor's Regulation A-820, you have the right to challenge any information contained in your child's records that is inaccurate, misleading, or otherwise in violation of his/her privacy rights. If you

11-1652.277
1703.99
1712.00
seek to challenge an entry that may be used by the Senior Executive Director in making his/her decision, the Senior Executive Director will make a preliminary decision with respect to the contested entry as part of the suspension decision. This process is not intended to substitute for the full appeal procedures outlined in Chancellor's Regulation A-820.

Witnesses: A list of witnesses the school may ask to testify at the hearing is attached (see attached witness list). This list is not binding. The school may choose not to call all those individuals or to call other witnesses to testify. At the hearing, you or your representative will have the right to question the school's witnesses, introduce evidence, and present your own witnesses. If you wish to call a witness and you are unable to arrange for that person to attend the hearing, you may contact the Hearing Office to have a subpoena issued. Any requests for students or other witnesses to be subpoenaed must be made at least two (2) school days before the hearing.

Hearing Outcomes: There are several possible outcomes from the hearing.

1. If the suspension is not upheld by the Senior Executive Director, the suspension will be immediately expunged from your child's record and they will be immediately reinstated to their regular program at school.
2. If the suspension is upheld, or if you plead no contest to the charges, the following dispositional responses, where authorized by the Discipline Code, are available to the Senior Executive Director, depending upon the totality of the circumstances surrounding the conduct, including consideration of the student's age and maturity; the student's disciplinary record (including the nature of any prior misconduct, the number of prior instances of misconduct, and the disciplinary responses and guidance intervention measures applied for each); the nature, severity and scope of the behavior; the circumstances/context in which the conduct occurred; the frequency and duration of the behavior; the number of persons involved in the behavior; the social emotional status/needs of all persons involved in the behavior; and the student's Individualized Education Program, Behavioral Intervention Plan and/or 504 Accommodation Plan, if applicable. Supports and interventions are also an essential adjunct to disciplinary responses.

Dispositional options include:

- Immediate reinstatement;
 - Continued suspension for a fixed period of 6-10 school days;
 - Continued suspension for a fixed period of 11-15 school days;
 - Continued suspension for a fixed period of 16-20 school days;
 - Extended suspension for a fixed period of 21-39 school days, only with the approval of the Senior Executive Director of the Office of Safety and Youth Development or other designee of the Chancellor or the Community Superintendent;
 - Extended suspension for 40-180 school days with an automatic review at 30 school days and every 15 school days thereafter, only with the approval of the Senior Executive Director of the Office of Safety and Youth Development or other designee of the Chancellor or the Community Superintendent;
 - One-year suspension with an automatic review for early reinstatement at 60 school days and every 30 school days thereafter, only with the approval of the Senior Executive Director of the Office of Safety and Youth Development or other designee of the Chancellor or the Community Superintendent;
 - Expulsion (only for general education students who turned 17 prior to the beginning of the school year, which is July 1), only with the approval of the Senior Executive Director of the Office of Safety and Youth Development or other designee of the Chancellor or the Community Superintendent.
3. If you believe your child has a disability and school officials had knowledge that your child was a child with a disability before the incident occurred, you may ask for the protections that the Individuals with Disabilities Education Act provides. Under the law, you have certain protections prior to the imposition of discipline, including the right to a Manifestation Determination Review meeting to determine whether the incident for which discipline is being imposed is related to your child's disability. It is your responsibility to request IDEA protections if you think your child is entitled to them. The determination as to whether your child is entitled to IDEA protections will be made by the Senior Executive Director in accordance with the law.

For more information, refer to the Procedural Safeguards Notice, [here](#). If you have any questions regarding the Procedural Safeguards Notice, please contact your school's CSE.

4. The suspension may be noted permanently on your child's school records, or the Senior Executive Director may decide to seal that notation and/or expunge it upon your child's graduation or permanent departure from the New

York City public school system, or at some event in the future (e.g., the end of the school year) if your child has no further suspensions that are ultimately sustained.

Hearing Follow-Up: You have the right to be informed of the outcome of the suspension within two (2) days of the completion of the hearing. You also have the right to have a written decision issued within five (5) school days of the suspension hearing. You have the right to obtain a copy of the tape or transcript of the hearing.

Appeal: You have the right to appeal the suspension decision. An appeal from the findings and the decision of the Senior Executive Director may be made to:

The Chancellor of the New York City Department of Education
c/o The Office of Legal Services
52 Chambers Street, Room 308
New York, NY 10007

The appeal must be made in writing within 20 days after the Senior Executive Director's written decision is received by you, or within 10 days of receipt of the record of the hearing, whichever is later. The appeal should explain the grounds for appeal and the relief requested. You may request a temporary decision from the Chancellor concerning the suspension at any time pending determination of the appeal.

NON-BINDING WITNESS LIST FOR SUPERINTENDENT'S SUSPENSION HEARING FOR [REDACTED]

1 [REDACTED]

2 [REDACTED]



List of witnesses the
school intends to bring
to the hearing; you may
bring your own
witnesses

COMMUNITY/LEGAL SERVICES

You may want to speak to an attorney or a trained lay advocate before the suspension hearing or bring an attorney or advocate to the hearing to represent you. The following organizations may be able to provide such representation at low or no cost to you. Please note the restrictions on eligibility.

Location	Agency	Telephone/Fax
Citywide	Advocates for Children Call Helpline toll free Mon. - Thurs. 10 am - 4 pm 151 West 30th Street, 5th Floor, New York, NY 10001	(p) 866-427-6033 (f) 212-947-9790
Serves:	All boroughs Education Rights Project Call Hotline Tues. and Thurs. 10 AM – 1 PM Queens Legal Services 89-00 Sutphin Blvd., Suite 206 Jamaica NY 11435	(p) 347-592-2173
Serves:	All Boroughs; must meet financial eligibility.	
	John Morris, Esq. 427 Morningstar Road, Staten Island, NY 10303	(p) 718-897-5939
Serves:	All boroughs	
Serves ONLY:	Legal Aid Society-Juvenile Rights Division (1) Students who have active cases in Family Court; they should contact their law guardians directly; OR (2) Students who have been arrested for the suspension incident, have appearance tickets for Family Court AND meet requirements for financial eligibility.	(p) 718-250-4510
Serves:	All boroughs	
Serves ONLY:	Legal Aid Society - Criminal Defense Division Students who have active cases in criminal Court; they should contact their attorneys directly. DC 37 Municipal Employees Legal Services (M.E.L.S.) 125 Barclay Street, Room 1000, New York, NY 10007	(p) 212-815-1111
Serves ONLY:	DC 37 members with coverage New York Legal Assistance Group 130 East 59th Street, New York, NY 10022	(p) 212-613-5000
Serves:	All boroughs. Suspension Representation Project suspension.representation@gmail.com Legal Services NYC Citywide Legal Assistance Hotline	(p) 212-998-6753 (f) 646-219-6052 (p) 917-661-4500
Serves:	All boroughs. Education Law Clinic New York Law School (NYLS) Legal Services Office of Clinical and Experiential Learning c/o Caitlin McGuire 185 West Broadway, New York, NY 10013-2960 EducationLaw@nyls.edu	(p) 212-431-2892 x5 (p) 212-431-2100 x4324 (f) 212-324-7912
Serves:	Residents of NYC; Income eligibility requirement	

Bronx: Bronx Legal Services

349 East 149th Street, 10th floor, Bronx, NY 10451

(p) 718-928-3700

(f) 718-402-7585

Serves: Residents of the Bronx; Income eligibility requirement

Brooklyn: Brooklyn Legal Services

105 Court Street, 3rd Floor, Brooklyn, New York 11201

(p) 718-237-5500

Serves: Residents of Brooklyn; Income eligibility requirement

(f) 718-855-0733

Manhattan: Manhattan Legal Services (Upper Manhattan)

1 West 125th Street, 2nd Floor, New York, New York 10027

(p) 646-442-3100

Manhattan Legal Services (Lower Manhattan)

40 Worth Street, Suite 606, New York, New York 10013

(p) 646-442-3100

Serves: Residents of Manhattan; Income eligibility requirement

Parents or students may call 646-442-3117 at any time and leave a message. Office operating hours are Monday through Friday 9am through 5pm. General office telephone number is 646-442-3100, fax number is 212-348-4093

Serves: Manhattan, services include free representation at suspension hearings, clients must meet financial eligibility.

Youth Justice Clinic Cardozo School of Law

55 Fifth Avenue, Suite 1115, New York, NY 10003

(p) 212-790-0386

(f) 212-790-0256

East Harlem Legal Services (Mobilization for Youth)

299 Broadway, New York, NY 10007

(p) 212-417-3700

(f) 212-417-3812

Serves ONLY: Students/families must meet financial eligibility. Call for appointment Mondays, Wednesdays, and Thursdays 1:00 – 3:00 PM

Serves: All boroughs

Lawyers for Children

110 Lafayette St. 8th Floor, New York, NY 10013

(p) 212-966-6420

Serves ONLY: Students who have active cases in Family Court and are represented by Lawyers for Children; the student should contact their attorney or social worker directly.

Serves: All boroughs

Suspension Representation Project

suspension.representation@gmail.com

Legal Services NYC

Citywide Legal Assistance Hotline – (We accept calls 24 hours a day/7 days a week)

(p) 212-998-6753

(f) 646-219-6052

(p) 917-661-4500

Queens: Queens Legal Services

89-00 Sutphin Boulevard, Jamaica, New York 11435

(p) 347-592-2200

Serves: Residents of Queens; Income eligibility requirement

(f) 718-526-5051

Staten Island: Staten Island Legal Services

36 Richmond Terrace, Suite 205, Staten Island, NY 10301

(p) 718-233-6480

Serves: Residents of Staten Island; Income eligibility requirement

(f) 718-448-2264



Insert Fax This Way Do not send cover sheets
Do not write on back Do not send multiple sheets at one time



New York City Department of Education WRITTEN STATEMENT FORM

FAX completed forms to (718) 935-5860
Created by: CENTRAL/MGoitia
ATS: 07X600

Witness Name and
Identifying Information

Witness Statement
Form: You will have
to ask the school to
provide you with all
statements

NAME [REDACTED]		GENDER MALE
STATUS [REDACTED]	DATE OF BIRTH [REDACTED]	OSI/OSCI CASE # [REDACTED]

STATEMENT

After lunch OTHER STUDENT PLAY A
Dollar game where you play a dollar inside
of the circle and who ever picks up the
dollar gets jumped AND [REDACTED]
did not know the game so I told
him not to ~~grab~~ grab the DOLLAR
AND other kids encouraged him to pick
up the dollar. Then someone behind
me continued to touch me inappropriately
then pushed me down the stairs. [REDACTED]
did not know the idea of the game so
I was trying to protect [REDACTED] Because
He isn't fully mentally stable AND I consider
him my friend.

You should also request
copies of your student's
school records and any
photos, video, or physical
evidence of the incident as
soon as possible. Your SRP
advocate can assist you.

Witness Name, Signature,
and Telephone

PREPARATION STATEMENT

Statement by: [REDACTED]

Signature: [REDACTED]

Date: 10/4/19

Telephone Number:

Date statement
was taken

Form/Revision Date 7/26/2001

10/4/19