

# MY SCHOOL THINKS I AM IN A GANG

## Know Your Rights

### At School, You Have the Right to:

#### Remain Silent

---

If a principal, teacher, or school police officer asks you questions about gangs, your clothes, your social media, or people you are friends with, you do not have to answer those questions. You can calmly say, "I am not comfortable answering that question."

#### Ask if you can return to class

---

If a principal, teacher, or school police officer asks you questions you are not comfortable answering, calmly ask if you are free to go back to class or, if school is over, if you can leave the school.

#### Ask to call your parent or legal guardian

---

If you are not allowed to go back to class or leave the school, and the school official continues to ask you questions, politely request that you be allowed to call your parent, legal guardian, or an adult you trust before they ask you any more questions.

#### Do not sign any written statements!

---

If a school official asks you to sign a piece of paper after they ask you questions, you do not have to sign the paper. This statement can be used against you in a suspension hearing or in later criminal or immigration proceedings.

#### Don't answer questions about your immigration status

School officials and police in schools cannot ask about the immigration status of students, parents, or family members. Do not answer questions about your immigration status.

*Disclaimer: This brochure provides general information and summarizes some local law. It is not legal advice.*

# MY SCHOOL THINKS I AM IN A GANG

## Know Your Rights

### At a Suspension Hearing, You Have the Right to:

#### Receive notice of your suspension

---

You must receive written notice within 24 hours of your suspension and it must include the charges against you, the date, time, & location of the suspension hearing or information of the right to request an immediate informal conference.

#### Do not sign any written statements!

---

If a school official asks you to sign any piece of paper before you are suspended, you do not have to sign the paper. Signed statements can be used against you in a suspension hearing and in later proceedings. If the school submits a written statement against you that is not signed, you can ask the Hearing Officer or Superintendent to not use it at the hearing.

#### Have an attorney, parent, and translator at your hearing

---

You have the right to have an attorney, student advocate, parent or legal guardian, and translator present at your hearing.

#### Receive evidence before the hearing

---

You have the right to receive all evidence the school will present against you before the hearing. You can ask the Hearing Officer not to use any evidence the school did not give you before the hearing.

#### Present and cross examine witnesses

---

You have the right to have witnesses testify for you. You have the right to ask questions of anyone the school calls to testify against you. Unless the accused student admitted to the incident, someone with firsthand knowledge of the incident must testify at the hearing. If the school official that recommended your suspension is not at the hearing to testify, you can ask for immediate reinstatement (to end your suspension).

#### Appeal your suspension

---

If you are suspended and think the suspension was wrong or too long, you can ask that it be reconsidered by appealing it within a certain number of days after you receive the suspension decision. The timeline for appeals varies by school district on Long Island (e.g. 10 days, 30 days).

#### Receive an education during your suspension

---

You must receive an education while you are suspended, meaning that the district must take immediate steps to secure continued education programming for you.

---

**Phone:** (718) 340-4300

**Website:** <http://www.law.cuny.edu/academics/clinics/immigration.html>

**IMMIGRANT & NON-CITIZEN  
RIGHTS CLINIC**

MAIN STREET  
LEGAL SERVICES

CUNY SCHOOL OF LAW