

STUDENT SUSPENSION

The Superintendent of Schools will prepare and issue such regulations (consistent with the laws, statutes and regulations of the State of New York) as necessary to establish procedures for the suspension of students.

The Board of Education, the Superintendent and Building Principals will have the power to suspend students for serious infractions of rules of conduct for periods not to exceed five school days. The Board and/or Superintendent may also suspend a student for longer than five (5) days. In such cases, the Superintendent and/or Building Principal will immediately provide written notification of the suspension to the student's parent(s) or guardian(s) and will afford the opportunity for a hearing with respect to the basis of such suspension. The notice and hearing will comply with the Education Law and Commissioner's Regulations as outlined in the related regulation, 5313.3-R.

A student of compulsory attendance age will be offered alternative instruction in the event that he/she is suspended from regular instruction.

Ref: Education Law §3214

ADOPTED: 12/13/93

STUDENT SUSPENSION REGULATION

The following procedural elements are applicable to the initiation and processing of student suspensions:

1. The Board of Education retains its authority for the suspension of students. The Board places the prime responsibility for such suspension(s) with the Superintendent of Schools, and to the Building Principals in cases of suspension for up to five days. Any professional staff member may, however, initiate a recommendation for suspension to the Superintendent or Building Principal. Such a recommendation shall be in writing unless the conditions underlying the recommendation warrant immediate and expeditious attention. Even in such cases a written report is to follow.
2. The Superintendent or Building Principal, upon receipt of a recommendation for suspension, or in processing a case for suspension, shall gather the facts relevant to the matter and shall record them for subsequent presentation, if necessary.
3. If a suspension of five days or less is determined to be the appropriate form of disciplinary action, the Superintendent or Building Principals shall immediately notify the student orally or in writing, and shall immediately notify the student's parent(s) or guardian(s) in writing that the student has been suspended from school. Written notice shall be provided by personal delivery, express mail delivery, or equivalent means reasonably calculated to assure receipt of the notice within 24 hours of the suspension at the last known address(es) of the parent(s) or guardian(s). If possible, such notice will also be provided by telephone. The notice shall provide a description of the charges against the student, and the incident(s) which resulted in the suspension, and shall inform the parent(s) or guardian(s) of their right to request an immediate informal conference with the Superintendent or Building Principals. Both the notice and informal conference shall be in the dominant language or mode of communication used by the parent(s) or guardian(s). At this conference, the parent(s) or guardian(s) shall be permitted to ask questions of complaining witnesses under such procedures as may be established by the Superintendent or Building Principal. After the conference, the Superintendent or Building Principal shall promptly advise the parent(s) or guardian(s) of his/her decision and that they may appeal the decision to the Board.
4. When the Superintendent determines that a suspension for more than five days is warranted, he/she shall give reasonable notice to such pupil and the parent(s) or guardian(s) of their right to a fair hearing. At this time the pupil shall have the right of representation by counsel, with the right to question witnesses against him/her and present witnessed and other evidence on his/her behalf. The Superintendent shall personally hear and determine the proceeding or may, in his/her discretion, designate a hearing officer to conduct the hearing. The hearing officer shall be authorized to administer oaths and to issue subpoenas in conjunction with the proceeding before

him/her. A record of the hearing shall be maintained, but no stenographic transcript shall be required and a tape recording shall be deemed a satisfactory record. The hearing officer shall make findings of fact and recommendations as to the appropriate measure of discipline to the Superintendent. The report of the hearing officer shall be advisory only, and the Superintendent may accept all or any part thereof. An appeal of the decision of the Superintendent may be made to the Board which will make its decision solely upon the record before it. The Board may adopt in whole or in part the decision of the Superintendent.

5. The Superintendent may suspend a student from school attendance who, in the judgment of the Superintendent, is insubordinate or disorderly, or whose conduct otherwise endangers the health, safety, morals or welfare of others, or whose physical or mental condition endangers the health, safety or morals of himself/herself or others. In such case, the student will be provided with alternative instruction off campus or on campus under the in-school suspension program according to the regulations approved by the Superintendent.

6. If a student under the age of 16 is suspended for over 5 days, alternative means for instruction will be provided for such student. As a general rule, an alternative program of instruction will also be sought for any pupil 16 years of age or older who presents a sincere desire to complete his/her high school education.

Suspension Procedures for Students with Disabilities

Students with disabilities should not be disciplined if their inability to conform to the school's code of conduct is due to their disability.

With the exception of the five day or less suspension, this regulation does not apply to a student identified as having a disability(ies). All matters of discipline in cases of suspensions of more than five days will be immediately referred to the CSE for review and modification, if appropriate, of such student's individualized education program. If there is any doubt as to whether the behavior is directly related to the student's disability, the case will be referred to the CSE immediately. The CSE will decide if counseling or disciplinary action will be taken and/or if a change of placement is appropriate.

Pending the outcome of appeal procedures related to such modification, if the behavior of a student endangers the health and safety of himself/herself or others, the Superintendent will seek parental consent or, if appropriate, a court order for immediate alternative placement of the student.

Ref: Education Law 3214
8 NYCRR 100.2(1)(iv)
Honig v. Doe, 108 S. Ct. 592 (1988)

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