

# UNDERSTANDING TYPES OF DISCIPLINE

The amount of due process a student is entitled to receive before a penalty is imposed depends on the penalty. In all cases, the school personnel who is authorized to impose the penalty, must inform the student of the alleged misconduct and must investigate the facts surrounding the alleged misconduct. All students will have an opportunity to present their version of the facts to the school personnel imposing the disciplinary penalty in connection with the imposition of the penalty. Students who are to be given penalties other than an oral warning or written notification to their parents are entitled to additional rights before the penalty is imposed.

## DETENTION

Teachers, principals, other school administrators, designees and the superintendent may use lunch, before-school and after-school detention as a penalty for student misconduct in situations where removal from the classroom or suspension would be inappropriate.

Detention is imposed only after the student's parents have been notified and arrangements for appropriate post-detention transportation home have been made.

In elementary or middle school, the teacher and/or administrator is responsible for notifying the parent of the detention and for ensuring that the parent makes arrangements for appropriate transportation home, following detention.

The school will provide a late bus to ensure appropriate transportation home following the detention.

## SUSPENSION FROM TRANSPORTATION

If a student does not conduct him or herself properly on a bus, the bus driver is expected to bring the misconduct to the school principal's attention.

Students who exhibit dangerous or chronically problematic behavior on the bus may have their riding privileges suspended by the school principal, superintendent or their designees. In such cases, the student's parent will become responsible for getting their child to and from school safely. Should the suspension from transportation lead to school absence, the district will make appropriate arrangements to provide for the student's education. The student suspended from transportation is not entitled to a full hearing pursuant to Education Law 3214. The student and parent, however, will be provided with a reasonable opportunity for an informal conference with the school principal or the principal's designee to discuss the conduct and the penalty. An SBST meeting will be conducted to develop an intervention plan.

## TEACHER DISCIPLINARY REMOVAL OF DISRUPTIVE STUDENTS

A student's behavior can affect a teacher's ability to teach and make it difficult for other students in the classroom to learn. In most instances, the classroom teacher can control a student's behavior and maintain or restore control over the classroom by using good classroom management techniques such as a brief calming/sensory break in the classroom or an alternative setting. The goal is to give the student an opportunity to regain his or her self-control in order to return and be ready to learn. **These actions do not constitute a disciplinary removal.**

In the event that a student is removed, the teacher should provide the student and parent with an explanation as to why he or she is being removed and an opportunity to explain his or her version of the relevant events.

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## TEACHER DISCIPLINARY REMOVAL OF DISRUPTIVE STUDENTS—CONTINUED

If the student poses a danger to self or others, the teacher may order the student to be removed immediately. In the case of serious misconduct, the teacher may request that the principal exclude the student from class pursuant to subdivision 3 of Section 3214 of the Education Law—and not be re-admitted until after the principal, parents and teacher have conferred jointly.

The teacher must complete the district’s “Disciplinary Removal” form and meet with the school principal or designee as soon as possible—**but no later than the end of the school day**—to explain the circumstances of the removal and present the removal form. The school principal or designee may overturn the removal of a student from class if:

- The charges against the student are not supported by substantial evidence.
- The student’s removal is otherwise in violation of law, including the code of conduct.

The principal or designee may overturn a removal at any point between receiving the referral form issued by the teacher and the close of business on the day following the 48-hour period for the informal conference, if one is requested.

No student removed from the classroom by the teacher will be permitted to return to the classroom until the principal makes a final determination or the period of removal ends, whichever comes first.

Any student removed from the classroom by the teacher shall be offered continued educational programming and activities until he or she is permitted to return to the classroom.

The principal will keep a record—on the district form—of all student removals and ensure the SBST has the opportunity to evaluate the root cause and intervene.

## IN-SCHOOL SUSPENSION

School principals and the superintendent are authorized to place students, who would otherwise be suspended from school as a result of a code of conduct violation, in “in-school suspension.” A student subjected to in-school suspension is not entitled to a full hearing, pursuant to Education Law 3214. The student and parent, however, will be provided with a reasonable opportunity for an informal conference with the principal imposing the in-school suspension, to discuss the conduct and penalty involved. They will also be provided with academic work, from their classroom teachers, to complete.

## STRICT SUPERVISED STUDY

Strict supervised study may be used when a student is sent to an alternative location for half a day or less for a time out period. The location must be staffed with a certified staff member such as a teacher, teaching assistant or social worker.

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## OUT-OF-SCHOOL SUSPENSION

- Suspension from school shall be imposed in accordance with the requirements of applicable law and this code of conduct.
- Suspension from school is a severe penalty which may be imposed only upon students whose violent actions or whose conduct otherwise endangers the safety, moral character, physical or mental health or welfare of others. The board of education retains authority to suspend students, but places primary responsibility for the suspension of students with the superintendent and school principals.
- All staff members must immediately report and refer violent incidents to the school principal or the superintendent as a violation of the code of conduct. All recommendations and referrals shall be made in writing unless the conditions underlying the recommendation or referral warrant immediate action.
- The superintendent or principal, upon receiving a recommendation or referral for suspension, shall gather the facts relative to the matter and record them for subsequent presentation, if necessary.

## SHORT TERM (5 DAYS OR LESS) SUSPENSION FROM SCHOOL

- When the superintendent or principal proposes to suspend a student for misconduct, for 5 days or less, pursuant to Education Law 3214(3), the suspending authority must immediately notify the student orally.
- If the student denies the misconduct, the suspending authority must provide an explanation of the basis for the proposed suspension. The suspending authority must also notify the student's parents, in writing, that the student may be suspended from school. The written notice must be provided by personal delivery, express mail delivery, or some other means that is reasonably calculated to assure receipt of the notice within 24 hours of the decision to propose suspension—at the last known address for the parent. Whenever possible, the notice should also be provided by telephone if the school has been provided with a telephone number for the purpose of contacting the parent.
- The notice shall provide a description of the charges against the student and the incident for which the suspension is proposed, and shall inform the parent of the right to request an immediate informal conference with the principal.
- Translation services will be offered at all stages of the process.
- The notice and opportunity for an informal conference shall take place **before** the student is suspended, unless the student's presence in school poses a continuing danger to persons, property or an on-going threat of disruption to the academic process. If the student's presence does pose such a danger or threat of disruption, the notice and opportunity for an informal conference shall take place as soon after the suspension as is reasonably practical.

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## SHORT TERM (5 DAYS OR LESS) SUSPENSION FROM SCHOOL—CONTINUED

- After the conference, the principal shall promptly advise the parent in writing of the decision.
- The principal shall advise the parent that if they are not satisfied with the decision and wish to pursue the matter, they must file a written appeal to the superintendent within five (5) business days, unless they can show extraordinary circumstances precluding them from doing so.
- The superintendent shall issue a written decision regarding the appeal within thirty (30) business days of receiving the appeal.
- If the parent is not satisfied with the superintendent's decision, the parent must file a written appeal to the board of education with the clerk of the board within ten (10) business days of the date of the superintendent's decision, unless they can show extraordinary circumstances precluding them from doing so. Only final decisions of the board may be appealed to the commissioner within thirty (30) days of the decision. The district may, in its discretion, continue to impose the suspension during the pendency of any appeal.

## LONG-TERM (MORE THAN 5 DAYS) SUSPENSION FROM SCHOOL

- When the superintendent or principal determines that a suspension for more than five (5) days may be warranted, he or she shall give reasonable notice to the student and the student's parent of the right to a fair hearing.
- At the hearing, the student shall have the right to be represented by counsel, the right to question witnesses against him/her and the right to produce witnesses and other evidence on his/her behalf.
- The superintendent shall personally hear and determine the proceeding, or may, in his/her decision, 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 them. A record of the hearing shall be maintained but no stenographic transcript should be required. 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.
- The superintendent shall render a written decision.
- Appeal of the decision of the superintendent may be made to the board of education. The board will make its decision based solely upon the record before it. All appeals to the board must be in writing and submitted to the clerk of the board within thirty (30) business days of the date of the superintendent's decision, unless the parents can show extraordinary circumstances precluding them from doing so.
- The board may adopt or reject, in whole or in part, the decision of the superintendent.
- Final decision of the board may be appealed to the commissioner within thirty (30) days of the decision. The district may, in its discretion, continue to impose the suspension during the pendency of any appeal.

NOTE: When a student of any age is removed from class by a teacher or when a student of compulsory education age is suspended from school pursuant to Education Law 3214, the district will take immediate steps to provide alternative means of instruction for the student.