

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 will afford the opportunity for a hearing with respect to the basis of such suspension. The hearing will comply with the Education Law as outlined in the related regulation, 5313.3-R.

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

Cross-ref: 5300-R, Student Conduct Regulation
5311.1, Student Due Process Rights
5311.3, Student Complaints and Grievances

Ref: Education Law §3214

Adoption date: June 21, 1993

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 (5) days. Any professional staff member may, however, initiate a recommendation for suspension to the Superintendent/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/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. Within two school days after the recommendation is made to the Superintendent/Building Principal, if a suspension of five days or less is determined to be the appropriate form of disciplinary action, the Superintendent shall give the student oral or written notice of the charges against him/her, and if he/she denies them, an explanation of the basis of the evidence against him and an opportunity to present his/her side of the story. Within 24 hours after the student is notified and given his/her informal hearing with the Superintendent/Building Principal, upon request, the pupil and his/her parent(s) shall be given a further opportunity for an informal conference with the Superintendent/Building Principal. At this hearing, the parent shall be permitted to ask questions of complaining witnesses under such procedures as may be established by the Superintendent/Building Principal. After the conference, the Superintendent/Building Principal shall promptly advise the parent of his/her decision. The parent 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/guardian 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 witnesses 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. A student is to remain in school prior to the informal conference or the fair hearing in his/her regular class(es), unless in the judgment of the Superintendent the student's presence in school poses a continuing danger to his/her physical or emotional safety, to the physical or emotional safety of other students and faculty, to school property or to the continuation of the academic process. In such case, the student will be provided with alternative instruction off-campus or will be placed under in-school suspension 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 alternate program will be sought for any pupil 16 years of age or older who presents a sincere desire to complete his/her high school education.

Suspension Policy for Students with Disabilities

With the exception of the five day or less suspension, this policy does not apply to a student identified as having a disability(ies). All matters of discipline in cases of suspensions of more than five (5) 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.

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)

Adoption date: June 21, 1993