

DISCIPLINARY PROCEDURES

P5300.40

Discipline is most effective when it deals directly with the problem at the time and place it occurs, and in a respectful way that students view as fair and impartial. School personnel who interact with students are expected to use disciplinary action only when necessary and to place emphasis on the students' ability to learn from their experience and to grow in self-discipline.

Disciplinary action, when necessary, will be firm, fair and consistent with the goal of being most effective in changing student behavior. As a general rule, discipline will be progressive. In determining the appropriate disciplinary action, school personnel authorized to impose disciplinary penalties will consider the following:

1. The student's age.
2. The nature of the offense and the circumstances which led to the offense.
3. The student's prior disciplinary record.
4. The effectiveness of other forms of discipline.
5. Information from parents, teachers and/or others, as deemed appropriate.

If the conduct of a student is related to a disability or suspected disability, the student shall be referred to the Committee on Special Education and discipline, if warranted, shall be administered consistent with the separate requirements of this code of conduct for disciplining students with a disability or presumed to have a disability. A student identified as having a disability shall not be disciplined for behavior related to his/her disability. (See Board of Education Policy for Students with Disabilities 6480.1)

Process

Students who are found to have violated the district's code of conduct may be subject to the following penalties, either alone or in combination. The school personnel identified after each penalty are authorized to impose that penalty consistent with the student's right to due process.

1. Oral warning – any member of the district staff.
2. Written warning – bus drivers, staff, principal, superintendent or designee.
3. Written notification to parent – transportation director, school personnel not limited to teachers, principal, superintendent, or designee.
4. Classroom detention – assigned by teachers.
5. Suspension from transportation – director of transportation, principal, superintendent or designee.
6. Suspension from athletic participation – athletic director, building administrator, superintendent or designee.
7. Suspension from social or extracurricular activities – athletic director, principal, superintendent or designee.
8. Suspension of other privileges – principal, superintendent or designee.
9. In-school suspension – principal, superintendent or designee.
10. Removal from classroom – teachers, principal.
11. Short-term (five days or less) suspension from school – principal, superintendent, or designee.
12. Long-term (more than five days) suspension from school – superintendent or Board of Education.
13. Permanent suspension from school – superintendent or Board of Education.

TEACHER REMOVAL OF A DISRUPTIVE STUDENT

Defining Language:

As prescribed under New York State Education Law #3214 and Project SAVE Legislation, a teacher may remove a student from class when that student's conduct poses a danger or threat, is substantially disruptive or substantially interferes with the teacher's authority and ability to conduct or control the class.

Teachers are expected to use all reasonable and practical management strategies to maintain an orderly classroom climate. Documentation of interventions taken on individual students must be maintained to demonstrate that progressive, proactive measures have been taken as corrective action. Documented communication with parents must be a consistent component of each student management plan.

For purposes of the Code of Conduct, a disruptive student is one who substantially interferes with the educational process or the teacher's authority by demonstrating a persistent unwillingness to comply with the teacher's instructions or repeatedly violating the teacher's/school's/district's rules of behavior.

Procedures and Process:

Once a teacher makes a judgment that preventative or corrective action has not resulted in student compliance, according to the District's Code of Conduct, the following procedures will occur:

Short Term Removal – One Period:

1. The teacher will send the student to the designated intervention area with accompanying documentation (referral form) as to the nature of the reason(s) for removal from class.
2. The teacher will notify the Principal and/or his designee verbally that the student has been removed and sent to the intervention area.
3. The teacher will be available for an informal conference so the student can be afforded the opportunity to have due process regarding the removal.
4. The teacher will verbally notify the student's parents regarding the removal from class and state the reasons for the removal to them, within 24 hours of the actual infraction. Parents should be afforded the opportunity for a conference, if requested, within two days of the removal to discuss the reasons for the removal.
5. Building administration will determine if the misconduct that warranted the removal is subject to further disciplinary action beyond the one period removal and will notify the parents of that student about the action taken regarding that removal.
6. Students are responsible to make up all missed work incurred during the removal period.

Long Term Removal – More Than One Period:

1. Follow steps 1-6 as stated in the above text "Short Term Removal".
2. In consultation with the teacher, the Principal and/or his designee will determine if the removal from class should be extended beyond one day, but not more than 5 consecutive days. The parents of the student will be notified of the removal by the Principal and/or his designee. Alternative academic programming arrangements will be the responsibility of the teacher and the student during the time of the designated removal period.

Appeals and Waivers:

1. *Appeals:* The student and his/her respective parent or guardian have the right to appeal any and all

decisions regarding the removal from class, as afforded to them by NY State Education Law #3214 and Project SAVE Legislation.

2. *Waivers:* The Principal and/or his designee cannot set aside the removal imposed by the teacher unless:
 - a. The charges against the student are not supported by enough evidence.
 - b. The student's removal is otherwise in violation of the law, including the District Code of Conduct.
 - c. The conduct warrants suspension from school pursuant to Education Law #3214.

No student removed from the classroom under SAVE Legislation shall be permitted to return to class until the Principal and/or his designee makes a final determination, or the period of removal expires, whichever is less; or the teacher agrees to an alternative disciplinary arrangement.

SUSPENSION AND EXPULSION

No student will be suspended longer than five (5) school days or expelled unless afforded a hearing with the Superintendent of Schools or his/her designee in compliance with section 3214 of the Education Law. If the student is not absolved during the hearing of the charged act of misconduct, he/she may appeal the findings and determination of the Superintendent of Schools to the Board of Education.

The Board of Education delegates the power to suspend a student for a period not to exceed five (5) school days to the principal of each school in the district. An informal hearing with the student must be provided prior to suspension.

Students with disabilities may be suspended following the guidelines established in this policy. In addition, a referral must be made to the Committee on Special Education if such a student is suspended for a period in excess of five school days. Handicapped students may not be suspended for behaviors which are directly attributable to their handicapping condition unless they are a direct threat to themselves, other students, or staff.

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