

# REGULATION

Students

**SUBJECT: DISCIPLINE**

- 1) All employees must constantly promote an honest and open communication system which involves students, parents/guardians, all other employees, and the community-at large. Such a system can result in a mutual understanding of the rights and responsibilities which belongs to each and a more pleasant and successful climate can be created.

One means by which communication will be enhanced is through each school distributing handbooks for students, parents/guardians and faculty. Such handbooks clearly define the law, Board of Education policy, and administrative regulations as well as provide guidelines for the development of self discipline and the maintenance of order. The content of such handbooks must be consistent throughout the District, yet recognize the need for which such handbooks are intended. All policy and regulations pertaining to discipline and student behavior must be contained therein and distributed and reviewed annually.

- 2) Students must be properly supervised at all times by the proper individual charged with this responsibility, i.e., teacher, bus driver, etc. If at any time it is necessary for the individual to be away from the students, the responsible individual must make proper arrangements to ensure temporary supervision.
- 3) Building administrators are responsible for enforcing the laws, policies and regulations to ensure appropriate student behavior and a conducive educational climate. In turn, the teachers are responsible to maintain appropriate student behavior in their classrooms and throughout their school. Classrooms and schools should be so administered that at all times the objectives of training for self-discipline, individual responsibility and favorable climate for learning might be realized.
- 4) When a discipline problem occurs, the teacher should exhaust all possibilities and resources available to him/her for its solution. Finding this unsuccessful, the teacher needs to seek further assistance through the administration of the school. All parties to the problem, i.e., student, teacher, parents/guardians, administrators, guidance, must be involved as early and as completely as is necessary to resolve it. All problems are to be dealt with in a firm, fair, legal and timely manner.
- 6) The building administrator may discipline the student directly in relation to the offense; they may call in the parents/guardians for a conference; they may refer the case for the attention of the support personnel; or they may use a combination of these procedures - as well as other resources or techniques - in accordance with their best judgment.

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- 7) Administrators, teachers and counselors are to contact and involve the parents/guardians as early as possible in the resolution of a problem. This is of extreme importance, as parents/guardians can exert the most influence on the student in helping him/her adjust to school. Parents/guardians are expected to cooperate with the schools in working toward a solution to the problem. Parents of students who do not cooperate with the schools to address their child's discipline problems, may be subject to the filing of an educational neglect complaint with Child Protective Services and the Family Court.

Whenever possible, administrators and teachers throughout the District are to adhere to the following for dealing with student misbehavior:

- a. The teacher must exhaust all resources in dealing with a problem. This means that there must be at least one or more private conferences between the teacher, the student, and the parent(s)/guardian(s), to attempt to resolve the problem. The administrator and/or counselor should be informed of the problem.
- b. The teacher may consider detaining the student after school for a conference and assistance, and parents/guardians are to be notified. Such detention may be scheduled for the following day from the infraction in order to inform parents/guardians and provide transportation.
- c. The teacher should refer a student to the administrator and/or counselor for a conference and/or corrective measures. Parents/guardians are to be notified by school authorities and involved in the resolution of the problem.
- d. The continuation of the student's misbehavior may result in the following:
  - (1) Required parent/guardian conference.
  - (2) Teacher removal from the classroom in accordance with law, Commissioner's Regulations and the *District's Code of Conduct*.
  - (3) Placement of student in an alternative program (a program for secondary students who are denied attendance in the regular day school). Parents/guardians must be notified and parent/guardian conference is required.
  - (4) Short-term suspension out of school by the Building Principal for a period of time not to exceed five (5) days or a long-term suspension by the Superintendent of 6 days or more. (see letter "e" below).

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- (5) The option of a **Parental Conference in Lieu of Suspension** must be considered by the principal. The opportunity for such conference may then be provided to the parent/person in parental relation with the goal of addressing concerns related to student conduct in a manner that may allow the student to avoid a suspension and the loss of instructional time. This conference can occur as a part of informal conference specified in subparagraph 6(e) of 7310R.
- e. By application of and in consideration of other subsections in this Regulation, a student may be suspended:
    - (1) Who is insubordinate or disorderly, or violent or disruptive, or whose conduct otherwise endangers the safety, morals, health and welfare of others, OR
    - (2) Whose physical or mental condition endangers the health, safety or morals of himself/herself or of other minors, AND
  - f. Before imposing a suspension, the principal shall determine if a **Parental Conference in Lieu of Suspension** is necessary and/or appropriate by application of or consistent with other subsections in this Regulation. If the principal determines that such a conference is appropriate, such conference shall be scheduled with the goal of addressing concerns related to student conduct in a manner that will allow the student to avoid some or all days of suspension and the consequent loss of instructional time. The principal, at his/her discretion, may include student support staff (psychologists, social workers, school counselors) in the parental conference to discuss intervention strategies on behalf of the student.
    - (1) The Parental Conference in Lieu of Suspension (PCLS) *must* be used for incidents and circumstances described below for students in grades PK-6:
      - a) Student misconduct that is deemed non-violent by application of the definition of a *violent* pupil in Education Law § 3214 (2- a)(a) with the exception of on- or off-campus acts of bullying, harassment, discrimination, or intimidation as described in the Dignity for All Students Act (DASA, 2012). For such acts as described in DASA, state, or district regulation, the principal reserves *discretion* to use the PCLS after considering the severity, circumstances, and nature of the misconduct.
      - b) Student acts of insubordination and disruption that do not directly affect the health and safety of others or themselves.
      - c) Student truancy or tardiness.
      - d) Student violations of the building-based or district-wide dress code.

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- e) Other acts of non-violent student misconduct that may be generally related to items a-d above.
- (2) It is expected that parents will welcome the opportunity to resolve incidents of student misconduct with the PCLS so their child has every opportunity to remain in school. Should parents decline such invitation or not attend the PCLS, as required for the circumstances described above, the principal or superintendent of schools reserve the right to issue a student suspension after consideration of the student misconduct.
- g. When the Superintendent or the Principal (the "suspending authority") proposes to suspend a student for five (5) school days or less, the suspending authority shall provide the student with **notice** of the charged misconduct. If the student denies the misconduct, the suspending authority shall provide an **explanation** of the basis for the suspension. When suspension of a student for a period of five (5) school days or less is proposed, administration shall also immediately notify the parent/person in parental relation in writing that the student *may be* suspended from school. The principal shall provide the parent/person in parental relation with written notice using the *Notice of Proposed Out-of-School Suspension*. This shall constitute the written notification that the student *may be* suspended from school. The *Notice* is delivered to the parent/person in parental relation in order to provide them with opportunity for an immediate informal conference regarding the incident of student misconduct and to present the child's version of events. At this conference, they may also submit questions for the complaining witnesses. In addition to providing the due process rights required by law, the informal conference may be used to address concerns related to student conduct in a manner that will allow the student to avoid a some or all days of suspension and the loss of instructional time.
  - h. Written notice shall be provided by personal delivery, express mail delivery, or equivalent means reasonably calculated to assure receipt of such notice within twenty-four (24) hours of the decision to propose suspension at the last known address or addresses of the parents/persons in parental relation. Where possible, notification shall also be provided by telephone if the school has been provided with a telephone number(s) for the purpose contacting parents/persons in parental relation. The *Notice of Proposed Out-of-School Suspension* shall provide a description of the incident(s) for which suspension is proposed and shall inform the student and the parent/person in parental relation of the right to an immediate informal conference with the Principal in accordance with the provisions of Education Law Section 3214(3)(b). The *Notice* shall include the date and time of the informal conference which shall be scheduled no later than the morning of the next school day. Both the notice and the informal conference shall be in the dominant language or mode of communication used by the parents/persons in parental relation. At the informal conference, the student and/or parent/person in parental relation shall be authorized to present the student's version of the event and to submit questions to the complaining witnesses.

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The notice and opportunity for informal conference shall take place **prior to** suspension of the student unless the student's presence in the school poses a continuing danger to person

or property or an ongoing threat of disruption to the academic process, pursuant to the definitions provided in the district Code of Conduct, in which case the notice and opportunity for an informal conference shall take place as soon after the suspension as is reasonably practical.

Teachers shall immediately report or refer a violent student to the Principal or Superintendent for a violation of the *District's Code of Conduct* and a minimum suspension period.

- (1) Suspension out of school by the Superintendent of Schools may be for a period of time exceeding five (5) school days (long-term suspension or LTS hereafter). Principals shall not request LTS hearings for PK-4 students unless those students have committed an act of misconduct as defined in the District Code of Conduct which involves a weapon, serious bodily injury, an illegal drug or controlled substance, or a threat to place another person in fear of death or physical injury. Additionally, Principals shall not impose short-term suspensions or request long term suspensions for students in grades Pre-Kindergarten or Kindergarten unless those students have committed an act of misconduct as defined in the District Code of Conduct which involves a weapon, serious bodily injury, an illegal drug or controlled substance, or involves a threat to place another person in fear of death or physical injury. Parents/persons in parental relation must be notified, presumably by telephone and registered mail, that prior to the suspension in excess of five (5) school days, the parent/guardian and student shall have the right to a hearing. At such hearing, the student shall have the right to be represented by an attorney, the right to present witnesses and/or other evidence on his/her own behalf, and the right to cross examine witnesses against him/her.
- (2) When a student has been suspended and is of compulsory attendance age immediate steps shall be taken to provide alternate instruction which is of an equivalent nature to that provided in the student's regularly scheduled classes. The instruction shall commence no later than the second day of the student suspension.

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- (a) The principal shall be responsible for the delivery of alternate instruction at the home school location, unless otherwise directed for students on short and long term suspensions. Students who have engaged in misconduct involving a weapon, an illegal drug or controlled substance, serious physical injury, or a threat to place another person in fear of death or physical injury shall be provided with the required instruction in another setting. It shall be the responsibility of the Office of Student Support Services to schedule and arrange for the required instruction.
- (b) The principal shall provide the parent/person in parental relation with the scheduled time and room location of the alternate instruction and transportation arrangement during suspension. Students who have engaged in misconduct involving a weapon, an illegal drug or controlled substance, serious physical injury, or a threat to place another person in fear of death or physical injury shall be provided with the required instruction in another setting. It shall be the responsibility of the Office of Student Support Services to schedule and arrange for the required instruction.
- (c) Additionally, the principal shall provide parents with the scheduled interventions parents may expect their child to receive upon return from suspension.
- (3) The notice of the hearing must advise the student of the grounds for the charges in specific enough terms to enable him/her to anticipate reasonably the subject content of the proposed hearing and to prepare a defense.
- (4) The student should be allowed to remain in school prior to the hearing unless his/her presence in school poses a clear danger to his/her physical or emotional safety, to other students, faculty or institutional property, or to the continuation of the learning process.
- (5) At the hearing, persons having direct knowledge of the facts should be called to testify. Hearsay evidence alone is not sufficient. There must be some direct evidence of guilt of the charges. As in court, the burden of providing guilt rests upon the administrator making the charge, and the student is entitled to a presumption of innocence of wrongdoing unless the contrary is proved. The student may testify in his/her own behalf, and is free to cross-examine witnesses against him/her.
- (6) The administrator bringing the charges must furnish the Superintendent of Schools with all records and written report on the facts and charges.
- (7) Both the Superintendent of Schools and the Board of Education are authorized to appoint a hearing officer to conduct disciplinary hearings. The report of the hearing officer is advisory only, and the Superintendent of Schools or Board of Education may accept or reject all or any part of such report.

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- (8) 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.
- (9) Any decision by the Superintendent of Schools can be appealed to the Board of Education, and from the Board of Education to the Commissioner of Education, or through the courts.
- (10) If a suspended student is under the compulsory attendance age, the Board of Education must provide alternative instruction for him/her.
- (11) Building administrators and/or the Transportation Director are empowered to suspend bus transportation privileges of students who are disorderly or insubordinate. The parents/guardians in these cases are then responsible for the safe transportation of their children to and from school. (Refer also to Regulation #7340R -- Suspension From Bus Transportation.)
- (12) Student discipline records are to be maintained by building administrators.
- (13) The use of the term "corporal punishment" in this regulation shall be defined as any act of physical force upon a student for the purpose of punishing that student. Corporal punishment is prohibited. However, reasonable physical force can be used for any of the following purposes:
  - a. To protect oneself from physical injury;
  - b. To protect another student or teacher or any other person from physical injury;
  - c. To protect the property of the school or of others; or
  - d. To restrain or remove a student whose behavior is interfering with the orderly exercise and performance of School District functions, powers or duties, if that student has refused to comply with a request to refrain from further disruptive acts; provided that alternative procedures and methods not involving the use of physical force cannot reasonably be employed to achieve the purposes set forth above.

Any use of corporal punishment must be reported both verbally and in writing just as soon as possible to the individual's immediate supervisor. Such report must include all necessary facts leading to the use of corporal punishment as the means of correcting the problem. Any use of corporal punishment or any complaint of such use must be investigated by appropriate personnel of the District and written report submitted to the Superintendent.

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**SUBJECT: DISCIPLINE (Cont'd.)**

- (14) Removal of a student with a disability or a student presumed to have a disability for discipline purposes for longer than ten (10) cumulative school days or as otherwise viewed as a disciplinary change in educational placement in accordance with law and/or regulation cannot take place without appropriate involvement of the District Committee on Special Education.

When a student with a disability or a student presumed to have a disability is referred in writing to the District Committee on Special Education for disciplinary infractions which would result in long term suspension, the referral shall document the infractions and request an immediate District Committee on Special Education meeting.

The District Committee on Special Education meeting will be held within ten (10) business days of commencing a removal that constitutes a change in placement in accordance with federal and state law and/or regulation. The Committee must consider, among other factors:

- a. Whether the student's behavior was related to the disability.
- b. Whether the student's behavior presents a serious danger to himself/herself or others.
- c. Whether the student's classification, placement, program, and/or Behavioral Intervention Plan (BIP) needs to be changed to better meet the student's needs.

Where the District Committee on Special Education determines that the student's actions are related to his/her disability, the Committee must provide alternate placement and/or program changes. If the District Committee on Special Education determines that the behavior is not related to the disability, disciplinary action will be determined by normal disciplinary procedures.

In all cases, the due process rights pertaining to the placement of a child with a disability and the due process rights pertaining to suspension of a student will be granted to the student and his/her parents/guardians.

- (15) Smoking in and on school property shall be prohibited. The Board of Education supports a strong anti-smoking program within the school curriculum.
- (16) Board of Education policy, administrative regulations and guidelines are to be given wide dissemination. This is necessary so that all parties involved -- students, parents/guardians, teachers and administrators -- will know what is expected of them.

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# REGULATION

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**SUBJECT: DISCIPLINE (Cont'd.)****Early Identification and Resolution of Student Discipline Problems**

Pupil service personnel, administrators, teachers, and others should communicate about students when they believe such students present a possible discipline problem. Appropriate personnel will conduct an investigation of the reports and/or communicate, which may include conferences with the student, parents/guardians, teachers, other pupil service personnel or others, as he/she deems appropriate for the early identification and resolution of the suspected problem. If an administrator suspects that the problem may be a manifestation of a disability, he/she will refer the matter to the Committee on Special Education in the manner prescribed by 200.4 of the Commissioner's Regulations and by District policy.

The Superintendent will direct the development of any forms necessary for the implementation of this regulation after consulting with each Building Principal.

**Discipline Code for Students**

Students must conduct themselves at all times in the following manner:

- 1) So as not to interfere with the teaching/learning process or the orderly operation of the school;
- 2) So as to obey laws and rules to respect others and the property of others;
- 3) So as to maintain courteous relations with teachers and fellow students;
- 4) So as to assume responsibility for themselves, their conduct and their learning;
- 5) So as to maintain an excellent attendance record to class and school by avoiding unnecessary absence or tardiness;
- 6) So as to make a sincere effort to always perform in the best manner possible.

The following list of student misbehaviors, though not intended to be all-inclusive, is cause for disciplinary action by school authorities:

- 1) Possession, use, distribution or sale of drugs on school grounds or at school events;
- 2) Possession, use, or sale of alcohol on school grounds or at school events;
- 3) Disrespectfulness;
- 4) Physical assault on teachers, students or school employees;
- 5) Vandalism;
- 6) Truancy or excessive tardiness;
- 7) Fighting;
- 8) Stealing;

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- 9) Disobedience;
- 10) Continual disruptive misbehavior;
- 11) Profane and/or obscene language or actions;
- 12) Storing, possessing or carrying dangerous weapons;
- 13) Endangering another or impugning another's rights;
- 14) Continual unexcused absenteeism;
- 15) Intimidation;
- 16) Extortion;
- 17) Immorality;
- 18) Acts of violence;
- 19) Forgery;
- 20) Arson;
- 21) Continual infractions of school rules;
- 22) Dishonesty;
- 23) Insubordination;
- 24) Smoking;
- 25) Misbehavior on school/Metro Bus.

A student may be subject to disciplinary action when the student:

- 1) Engages in conduct which is:
  - a. Disorderly, i.e., intentionally causing public inconvenience, annoyance or alarm, or recklessly creating a risk thereof, by:
    - (1) Fighting or engaging in violent behavior;
    - (2) Making unreasonable noise;
    - (3) Using abusive or obscene language or gestures;
    - (4) Obstructing vehicular or pedestrian traffic; or
    - (5) Creating a hazardous or physically offensive condition by any act which serves no legitimate purpose; or
    - (6) Vandalizing school property or property of others;
    - (7) Stealing.
  - b. Insubordinate, i.e., failing to comply with the lawful directions of a teacher, school administrator or other school employee in charge of the student; or

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- 2) Endangers the safety, morals, health or welfare of others by any act, including but not limited to:
  - \*a. Selling, using or possessing alcohol, drugs, or other controlled substances or drug paraphernalia;
  - \*b. Selling, using or possessing weapons, fireworks, or other dangerous instruments or contraband;
  - c. Selling, using or possessing obscene materials;
  - d. Using profane, vulgar or abusive language (including ethnic slurs);
  - e. Smoking;
  - f. Gambling;
  - g. Hazing;
  - h. Engaging in lewd behavior, or any behavior unbecoming young adults in a public school, i.e., excessive display of affection; or

**\*A violation of this nature is severe enough to automatically warrant a suspension.**
- 3) Engages in any of the following forms of academic misconduct:
  - a. Lateness for, missing or leaving school or class without permission or excuse;
  - b. Cheating (including but not limited to copying, using unauthorized help sheets and the like, illegally obtaining tests in advance, substituting for a test-taker, and other forms of unauthorized collusion), or
  - c. Plagiarism; or
- 1) Engages in conduct violating the Board's rules and regulations, the *District's Code of Conduct* and local laws for the maintenance of public order on school property; or
- 5) Is identified as "violent or disruptive" in accordance with law, Commissioner's Regulations, and the *District's Code of Conduct*.

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The range of disciplinary measures which may be imposed by staff and/or administration for violations of the student disciplinary code include the following:

- 1) Verbal warning;
- 2) Written warning;
- 3) Written notification to parents/guardians;
- 4) Counseling;
- 5) Probation;
- 6) Reprimand;
- 7) Detention;
- 8) Teacher removal from the classroom in accordance with law, Commissioner's Regulations, and the *District's Code of Conduct*;
- 9) In school suspension;
- 10) Suspension from transportation;
- 11) Suspension from athletics participation;
- 12) Suspension from social or extra curricular activities;
- 13) Suspension of other privileges;
- 14) Exclusion from a particular class;
- 15) Involuntary transfer;
- 16) Suspension from school.

Depending upon the nature of the violation, student discipline should be progressive, i.e., a student's first violation should merit a lighter penalty than subsequent violations. It is also the Board's desire that the staff member/administrator take into account all other relevant factors in determining an appropriate penalty. The above penalties may be imposed either alone or in combination.

These regulations and penalties are not considered to be inclusive or to preclude in any way the prosecution and conviction of any person for the violation of any federal or state law or local ordinance and the imposition of a fine or penalty provided for therein.

### **Student Disciplinary Proceedings**

- 1) Any teacher, administrator, Board member, parent/guardian or other person may report a violation of the student disciplinary code (i.e., *Code of Conduct*) to the Building Principal or designee. The Principal or designee will then make an investigation of the charges as deemed appropriate and institute an informal or disciplinary proceeding, and/or make a referral to the Committee on Special Education, as he/she deems necessary.
- 2) Any teacher may detain a student to discuss a disciplinary matter without first referring the case to a building administrator. The teacher must give the student notice of the reasons for the detainment and an opportunity to discuss these reasons.

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- 3) The District's Code of Conduct will be disseminated and publicized to staff, students, parents and the community as enumerated in law, and Commissioner's Regulations. In order to insure the effectiveness of the Code of Conduct, the Board of Education requests the continuing assistance of parents/guardians in explaining and enforcing such Code.

### **Professional Staff Development Opportunities for Effective Application of the Discipline Policy and Regulations**

Continuing professional growth and increasing effectiveness on the part of the entire staff are essential for the success of educational programs and the effective application of the school conduct and discipline policy and regulations. Inservice programs, to familiarize the professional staff with the provisions and purposes of this policy and regulations, shall be conducted in each school of the District by the Principal or other appropriate administrator at least annually. The professional staff shall be encouraged to make use of available inservice opportunities. Such opportunities shall include, within budgetary limitations, special inservice courses and workshops, summer study grants, school visitations, and attendance at professional conferences and meetings.

The Superintendent will have the authority to approve released time for conferences and visitations, and reimbursements for expenses, provided such activities are within budget allocations.

NOTE: Refer also to Regulations #7313R -- Guidelines for Student Suspensions  
#7313R.1 -- Superintendent's Hearing

Revised: February 27, 2012