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| Spencerport Central School District | Students | |

**SUBJECT: SUSPENSION OF STUDENTS**

The Superintendent and/or the principal may suspend the following students from required attendance upon instruction:

a) A student who is insubordinate or disorderly; or

1. A student who is violent or disruptive; or

c) A student whose conduct otherwise endangers the safety, morals, health or welfare of others.

When a student has been suspended and is of compulsory attendance age, immediate steps shall be taken to provide alternative instruction which is of an equivalent nature to that provided in the student's regularly scheduled classes.

**Suspension: Five Days or Less (Short-term)**

The Superintendent and/or the principal of the school where the student attends shall have the power to suspend a student for a period not to exceed five (5) school days. In the absence of the principal, the designated "Acting Principal" may then suspend a student for a period of five (5) school days or less.

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 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.

Written notice shall be provided by personal delivery, express mail delivery, or equivalent means reasonably calculated to assure receipt of such notice within 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 of contacting parents/persons in parental relation.

The notice 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 their right to request an immediate informal conference with the principal in accordance with the provisions of Education Law Section 3214(3)(b). 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 ask questions of the complaining witnesses.

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 persons or property or an ongoing threat of disruption to the academic process, 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.

**Suspension: More Than Five School Days (Long-term)**

In situations where the Superintendent determines that a suspension in excess of five (5) school days may be warranted, the student and parent/person in parental relation, upon reasonable notice, shall have had an opportunity for a fair hearing. At the hearing, the student shall have the right of representation by counsel, with the right to question witnesses against him/her, and the right to present witnesses and other evidence on his/her behalf.

Where the basis for the suspension is, in whole or in part, the possession on school grounds or school property by the student of any firearm, rifle, shotgun, dagger, dangerous knife, dirk, razor, stiletto or any of the weapons, instruments or appliances specified in Penal Law Section 265.01, the hearing officer or Superintendent shall not be barred from considering the admissibility of such weapon, instrument or appliance as evidence, notwithstanding a determination by a court in a criminal or juvenile delinquency proceeding that the recovery of such weapon, instrument or appliance was the result of an unlawful search or seizure.

**Minimum Periods of Suspension**

Pursuant to law, Commissioner's Regulations and the District's Code of Conduct, minimum periods of suspension shall be provided for the following prohibited conduct, subject to the requirements of federal and state law and regulations:

a) Consistent with the federal Gun-Free Schools Act, any student who is determined to have brought a weapon to school shall be suspended for a period of not less than one calendar year. However, the Superintendent has the authority to modify this suspension requirement on a case-by-case basis.

b) A minimum suspension period for students who repeatedly are substantially disruptive of the educational process or substantially interfere with the teacher's authority over the classroom, provided that the suspending authority may reduce such period on a case-by-case basis to be consistent with any other state and federal law. The definition of "repeatedly is substantially disruptive of the educational process or substantially interferes with the teacher's authority" shall be determined in accordance with the Regulations of the Commissioner.

c) A minimum suspension period for acts that would qualify the student to be defined as a violent student pursuant to Education Law Section 3214(2-a)(a), provided that the suspending authority may reduce such period on a case-by-case basis to be consistent with any other state and federal law.

**Suspension of Students with Disabilities**

Generally, should a student with a disability infringe upon the established rules of the schools, disciplinary action shall be in accordance with procedures set forth in the District’s Code of Conduct and in conjunction with applicable law and the determination of the Committee on Special Education.

Generally, if suspension or removal from the current educational setting is in excess of ten (10) cumulative school days and/or otherwise constitutes a disciplinary change in educational placement of a student with a disability or a student presumed to have a disability for discipline purposes as defined in law and regulation, the Committee on Special Education (CSE) shall, to the extent required by current applicable federal and state law, conduct a review of the relationship between the child’s disability and the behavior subject to the disciplinary action. If it is determined, as a result of this review, that the student’s behavior is not a manifestation of his/her disability, the relevant disciplinary procedures applicable to students without disabilities may be applied to the student in the same manner in which they would be applied to students without disabilities, subject to the right of the parent/person in parental relation to request a hearing objecting to the manifestation determination and the District’s obligation to provide a free, appropriate public education to such student.

Additionally, the District may seek an order from a hearing officer for a change in placement of a student with a disability to an appropriate interim alternative educational setting for up to forty-five (45) days if the District establishes, in accordance with law, that such student is substantially likely to injure himself/herself or others.

If it is determined that the student’s behavior is a manifestation of his/her disability, the student may not be removed from the current placement unless in accordance with law. The student shall be referred to the CSE for program modification.

**Suspension From BOCES**

The BOCES principal may suspend School District students from BOCES classes for a period not to exceed five (5) school days when student behavior warrants such action.

**In-School Suspension**

In-school suspension will be used as a lesser discipline to avoid an out-of-school suspension. The student shall be considered present for attendance purposes. The program is used to keep each student current with his/her classwork while attempting to reinforce acceptable behavior, attitudes and personal interaction.

**BOCES Activities**

BOCES activities, like field trips and other activities outside the building itself, are considered an extension of the school program. Therefore, an infraction handled at BOCES is to be considered as an act within the School District itself.

A student who is ineligible to attend a District school on a given day may also be ineligible to attend BOCES classes. The decision rests with the Superintendent or his/her designee.

**Exhaustion of Administrative Remedies**

If a parent/person in parental relation wishes to appeal the decision of the principal and/or Superintendent to suspend a student from school, regardless of the length of the student’s suspension, the parent/person in parental relation must appeal to the Board of Education prior to commencing an appeal to the Commissioner of Education.

Education Law Sections 2801 and 3214

8 New York Code of Rules and Regulations

(NYCRR) Section 100.2(l) and Part 201

18 United States Code (U.S.C.)

Sections 914 and 921

20 United States Code (U.S.C.) Section 8921

20 United States Code (U.S.C.) Sections 1400-1485, Individuals with Disabilities Education Act (IDEA)

34 Code of Federal Regulations (CFR) Part 300

NOTE: Refer also to Policy #7316 - Teacher Removal of Disruptive Students from the Classroom

Adopted 12/11/01