



Central Islip Union Free School District

Board of Education & School District Policy Book

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| Section | Section Title | Type |
|---------|--|-------|
| 5000 | Student Policies | Local |
| Policy | Policy Title | |
| 5300.40 | Disciplinary Penalties, Procedures and Referrals - Code of Conduct | |

Discipline is most effective when it deals directly with the problem at the time and place it occurs, and in a 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 grow in self-discipline.

Disciplinary action, when necessary, will be firm, fair and consistent so as to be the most effective in changing student behavior. 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 appropriate.
6. Other extenuating circumstances.

As a general rule, discipline will be progressive. This means that a student's first violation will usually merit a lighter penalty than subsequent violations.

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.

Disciplinary Consequences

Students learn socially appropriate behavior by being allowed to experience both positive and negative consequences for their actions. In addressing student behaviors that may impede abilities, the District uses a variety of:

Positive supports, strategies and interventions to improve students' motivation, social skills, problem solving abilities, anger management, and conflict resolution abilities;

Environmental modifications to support students' abilities to maintain attention, stay on task, and control their behavior;

Individual behavior management plans to improve students' abilities to understand the connections between their behavior and desired outcomes.

As a general practice, and whenever possible, these interventions are used in combination prior to imposing more severe disciplinary consequences.

Students who are found to have violated the District's Code of Conduct may be subject to the following consequences, either alone or in combination, based on the severity of the infraction. Authorized school personnel may impose that consequence, consistent with the students' right to due process.

- Oral warning
- Written warning
- Oral communication to parent
- Written notification to parent
- Detention
- Suspension from transportation
- Suspension from athletic participation
- Suspension from social or extracurricular activities
- Suspension of other privileges
- In-school suspension
- Mediation
- Removal from classroom by teacher
- Short-term (five days or less) suspension from school
- Long-term (more than five days) suspension from school
- Permanent suspension from school
- Restitution
- Police referral
- Alternative placement

Procedures

The amount of due process a student is entitled to receive before a consequence is imposed depends on the nature of the incident. In all cases, regardless of the consequence imposed, the authorized school personnel must inform the student of the alleged misconduct and must investigate, to the extent necessary, the facts surrounding the alleged misconduct. Prior to imposing the disciplinary consequence, the authorized school personnel shall provide the student with an opportunity to present his or her version of the facts.

Students who are to be given consequences other than an oral warning, written warning or written notification to their parents are entitled to additional rights before the penalty is imposed.

These additional rights are explained below.

Detention

Teachers, Principals and the Superintendent may use detention as a consequence for student misconduct in situations where removal from the classroom or suspension would be inappropriate. Teachers and administrators shall have the authority to detain students from participating in such activities as recess, play activities, field trips, and after-school activities and co-curricular events. Detention will be imposed as a consequence only after the student's parent has been notified to confirm that there is no parental objection to the penalty and, if necessary, the student has appropriate transportation home following detention. Detention may be assigned before, during, or after the school day.

Suspension from transportation

If a student does not conduct himself/herself properly on a bus, the school bus personnel are expected to bring such misconduct to the Principal's or his/her designee's attention. Students who become a serious disciplinary problem may have their riding privileges suspended by the Principal or the Superintendent or their designees. In such cases, the student's parent will become responsible for seeing that his or her child gets to and from school safely. Should the suspension from transportation amount to a suspension from attendance, the District will make appropriate arrangements to provide for the student's education.

A student subjected to a suspension from transportation is not entitled to a full hearing pursuant to Education Law §3214. However, the student and the student's parent will be provided with a reasonable opportunity for an informal

conference with the Principal or the Principal's designee to discuss the conduct and the penalty involved.

Suspension from athletic participation, extra-curricular activities and other privileges.

A student subjected to a suspension from athletic participation, extra-curricular activities or other privileges is not entitled to a full hearing pursuant to Education Law §3214. However, the student and the student's parent will be provided with a reasonable opportunity for an informal conference with the District official imposing the suspension to discuss the conduct and the penalty involved.

In-school Suspension/Support

The Board of Education recognizes the importance of school attendance. Therefore, suspension from school must be viewed as a last resort in dealing with student disciplinary infractions. The Board also recognizes the need to remove unruly or disruptive students from the regular class so that learning can take place in the classrooms.

In-school suspension/support shall be used as an alternative to suspension from school in order to provide more meaningful discipline and continuity of instruction. As such, the Board authorizes Principals, their designees and the Superintendent to place students who would otherwise be suspended from school as the result of a Code of Conduct violation in "in-school suspension/support." The in-school suspension/support staff will have New York State teaching certification.

A student subjected to in-school suspension/support is not entitled to a full hearing pursuant to Education Law §3214. However, the student and the student's parent will be provided with a reasonable opportunity for an informal conference with the District official imposing the in-school suspension/support to discuss the conduct and the consequence involved.

Formal Removal of Disruptive Students by a Teacher

A student's behavior can affect a teacher's ability to teach and can 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. These techniques may include practices that involve the teacher directing a student to briefly leave the classroom to give the student an opportunity to regain his or her composure and self-control in an alternative setting. Such

practices may include, but are not limited to: 1) short-term "time-out" in an elementary classroom or in an administrator's office; 2) sending a student to the Principal's office for the remainder of the class time only; or 3) sending a student to a guidance counselor or other district staff member for counseling. Classroom management techniques such as these do not constitute disciplinary removals for purposes of this Code.

On occasion, a student's behavior may become disruptive. For purposes of this Code of Conduct, a disruptive student is a student who is substantially disruptive of the educational process or substantially interferes with the teacher's authority over the classroom. A substantial disruption of the educational process or substantial interference

with a teacher's authority occurs when a student demonstrates a persistent unwillingness to comply with the teacher's instructions or repeatedly violates the teacher's classroom behavior rules.

A classroom teacher may remove a disruptive student from class for up to two days. The removal from class applies to the class of the removing teacher only.

- a. If the disruptive student does not pose a danger or ongoing threat of disruption to the academic process, the teacher must provide the student with an explanation for why he or she is being removed and an opportunity to explain his or her version of the relevant events before the student is removed. Only after the informal discussion may a teacher remove a student from class.
- b. If the student poses a danger or ongoing threat of disruption, the teacher may order the student to be removed immediately. The teacher must, however, explain to the student why he or she was removed from the classroom and give the student a chance to present his or her version of the relevant events within 24 hours.
- c. The teacher must complete a disciplinary removal form and meet with the Principal or his or her designee as soon as possible, but no later than the end of the school day, to explain the circumstances of the removal and to present the removal form. If the Principal or designee is not available by the end of the same school day, the teacher must leave the form with another administrative designee and meet with the Principal or designee prior to the beginning of classes on the next school day.
- d. Within 24 hours after the student's removal by a teacher, the Principal or designee must notify the student's parent, in writing, that the student has been removed from class and why. The notice must also inform the parent that he or she has the right, upon request, to meet informally with the

Principal or the Principal's designee to discuss the reasons for the removal. The parent has no right to legal representation.

- e. The written notice must be provided by personal delivery, express mail delivery, or some other means that is reasonably calculated to ensure receipt of the notice within 24 hours of the student's removal at the last known address for the parent. Where possible, notice should also be provided by telephone if the school has been provided with a telephone number(s) for the purpose of contacting parents.
- f. The Principal may require the teacher who ordered the removal to attend the informal conference.
- g. If at the informal meeting the student denies the charges, the Principal or the Principal's designee must explain why the student was removed and give the student and the student's parents a chance to present the student's version of the relevant events. The informal meeting must be held within 48 hours of the student's removal. The timing of the informal meeting may be extended by mutual agreement of the parent and Principal.
- h. The Principal or the Principal's designee may overturn the removal of the student from class if the Principal finds any one of the following:
 - 1. The magnitude of the act does not warrant removal.
 - 2. The charges against the student are not supported by substantial evidence.
 - 3. The student's removal is otherwise in violation of law, including the District's Code of Conduct.
 - 4. The conduct warrants suspension from school pursuant to Education Law §3214 and a suspension will be imposed.
- i. The Principal or his/her 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 a conference is requested. No student removed from the classroom by the classroom teacher will be permitted to return to the classroom until the Principal makes a final determination, or the period of removal expires, whichever is less.
- j. Any disruptive student removed from the classroom by the classroom teacher shall be offered continued educational programming and activities until he or she is permitted to return to the classroom.
- k. The Principal or his/her designee will keep a complete log (on a district-provided form) for all cases of removal of students from classes.
- l. Removal of a student with a disability, under certain circumstances, may constitute a change in the student's placement. Accordingly, no teacher may remove a student with a disability from his or her class until he or she has verified with the Principal or the chairperson of the Committee on

Special Education that the removal will not violate the student's rights under state or federal law or regulation.

Suspension from School

Suspension from school is a severe penalty, which may be imposed only upon students who are insubordinate, disorderly, violent or disruptive, or whose conduct otherwise endangers the safety, morals, health or welfare of others.

The Board retains its authority to suspend students, but places primary responsibility for the suspension of students with the Superintendent and the Principals. The Principal has the authority to suspend students up to 5 days. Students may be suspended for a period longer than 5 days only upon the conclusion of a Superintendent's Hearing.

Any staff member may recommend to the Superintendent or the Principal that a student be suspended. All staff members must immediately report and refer a violent student to the Principal or the Superintendent for 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 attention. In such cases a written report is to be prepared as soon as possible by the staff member recommending the suspension.

The Superintendent or Principal, upon receiving a recommendation or referral for suspension or when processing a case for suspension, shall gather the facts relevant to the matter and record them for subsequent presentation, if necessary.

- a. Short-term (five days or less) suspension from school.

When the Superintendent or Principal (referred to as the "suspending authority") proposes to suspend a student charged with misconduct for five 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 ensure receipt of the notice within 24 hours of the decision to propose suspension at the last known address for the parents. Where possible, notice should also be provided by telephone if the school has been provided with a

telephone number(s) for the purpose of contacting the parents.

The notice shall provide a description of the charges against the student and the incident for which suspension is proposed and shall inform the parents of the right to request an immediate informal conference with the Principal. Both the notice and the informal conference shall be in the dominant language or mode of communication used by the parents. At the conference, the parents shall be permitted to ask questions of complaining witnesses under such procedures as the Principal may establish. Parents have no right to legal representation at this informal conference.

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 or property or an ongoing 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 practicable.

After the conference, the Principal shall promptly advise the parents in writing of his or her decision. The Principal shall advise the parents 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 thirty (30) days, unless they can show extraordinary circumstances precluding them from doing so. The Superintendent shall issue a written decision regarding the appeal within ten (10) business days of receiving the appeal. If the parents are not satisfied with the Superintendent's decision, they must file a written appeal to the Board of Education with the District Clerk within thirty (30) days of the date of the Superintendent's decision, unless they can show extraordinary circumstances precluding them from doing so. Final decisions of the Board may be appealed to the Commissioner of Education within thirty (30) days of the decision of the Board.

- b. Long-term (more than five days) suspension from school, permanent suspension, and removals or suspensions that constitute a disciplinary change of placement for students with disabilities (which could include an alternative special educational setting). When the Superintendent determines that a suspension for more than five days may be warranted, he or she shall give reasonable notice to the student and the student's parents of their 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 or her and the right to present witnesses and other evidence on his or her behalf.

The Superintendent shall personally hear and determine the proceeding or may, in his or 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 or her. A record of the hearing shall be maintained, but no stenographic transcript shall be required. 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 that will make its decision based solely upon the record before it. All appeals to the Board must be in writing and submitted to the District Clerk within thirty (30) days of the date of the Superintendent's decision, unless the parents can show that extraordinary circumstances precluded them from doing so. The Board may adopt in whole or in part the decision of the Superintendent. Final decisions of the Board may be appealed to the Commissioner of Education within thirty (30) days of the decision of the Board.

Minimum Periods of Suspension

1. Students who bring a weapon to school: Any student, other than a student with a disability, found guilty of bringing an illegal weapon onto school property will be subject to suspension from school for at least one calendar year. Before being suspended, the student will have an opportunity for a hearing pursuant to Education Law §3214. The Superintendent has the authority to modify the one-year suspension on a case-by-case basis. In deciding whether to modify the penalty, the Superintendent may consider the following:

1.
 - a. The student's age.
 - b. The student's grade in school.
 - c. The student's prior disciplinary record.
 - d. The Superintendent's belief that other forms of discipline may be more effective.

- e. Input from parents, teachers and/or others.
- f. Other extenuating circumstances.

A student with a disability may be suspended only in accordance with the requirements of State and federal law.

2. Students who commit violent acts other than bringing an illegal weapon to school: Any student, other than a student with a disability, who is found to have committed a violent act, other than bringing a weapon onto school property, shall be subject to suspension from school for up to five days. If the proposed penalty is a minimum five-day suspension, the student and the student's parent will be given the same notice and opportunity for an informal conference given to all students subject to a short-term suspension. The Superintendent has the authority to modify a Principal-determined suspension on a case-by-case basis. In deciding whether to modify the penalty, the Superintendent may consider the same factors considered in modifying a one-year suspension for possessing a weapon.

3. Students who are repeatedly substantially disruptive of the educational process or repeatedly substantially interfere with the teacher's authority over the classroom: Any student, other than a student with a disability, who repeatedly is substantially disruptive of the educational process or substantially interferes with the teacher's authority over the classroom will be suspended from school for at least five days. For purposes of this Code of Conduct, "repeatedly is substantially disruptive" means engaging in conduct that results in the student being removed from the classroom by teacher(s) pursuant to Education Law §3214 (3a) and this code on four or more occasions during a semester. If the proposed penalty is the minimum five-day suspension, the student and the student's parent will be given the same notice and opportunity for an informal conference given to all students subject to a short-term suspension. If the proposed penalty exceeds the minimum five-day suspension, the student and the student's parent will be given the same notice and opportunity for a hearing given to all students subject to a long-term suspension. The Superintendent has the authority to modify the minimum five-day suspension on a case-by-case basis. In deciding whether to modify the consequence, the Superintendent may consider the same factors considered in modifying a one-year suspension for possessing an illegal weapon.

Referrals

1. Counseling: The Guidance Office shall handle all referrals of students to counseling.

2. PINS Petitions The District may file a PINS (person in need of supervision) petition in Family Court on any student under the age of 18 who demonstrates that he or she requires supervision and treatment by:
 - a. Being habitually truant and not attending school as required by part one of Article 65 of the Education Law.
 - b. Engaging in an ongoing or continual course of conduct which makes the student ungovernable, or habitually disobedient, and beyond the lawful control of the school.
 - c. Knowingly and unlawfully possesses marijuana in violation of Penal Law §221.05. A single violation of §221.05 will be a sufficient basis for filing a PINS petition.

School authorities should work closely with the student's parents, to the extent possible, when filing a petition.
3. Juvenile Delinquents and Juvenile Offenders; The Superintendent is required to refer the following students to the County Attorney for a juvenile delinquency proceeding before the Family Court:
 - a. Any student under the age of 16 who is found to have brought a weapon to school, or
 - b. Any student 14 or 15 years old who qualifies for juvenile offender status under the Criminal Procedure Law §1.20 (42).

The Superintendent is required to refer students age 16 and older or any student 14 or 15 years old who qualifies for juvenile offender status to the appropriate law enforcement authorities.

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