

**PROCEDURES FOR DEALING WITH PUPILS WHO ARE
INSUBORDINATE, DISORDERLY, OR TRUANT, OR WHOSE
CONDUCT ENDANGERS THE SAFETY, MORALS, HEALTH,
OR WELFARE OF OTHERS**

Under New York State Education Law, Section 3202, each minor over five years of age and under twenty-one years of age is entitled to attend the public schools maintained in the district in which the child resides. Each minor must attend school full-time from the first day of session in September of the school year in which the minor becomes six years of age through the last day of the school year in which the minor becomes 17 years of age unless the minor has completed a four-year high school course of study. The minor may attend a school other than a public school or receive home instruction, provided the instruction is equivalent to that given in the public schools.

The Board of Education recognizes that behavioral expectations and responsibilities of students must be developed for elementary, middle and high schools. These expectations and responsibilities will be publicized and explained to all students on an annual basis. (Reference to Section 100.2, I Part 100 Regulations of the New York State Commissioner of Education.)

The Board of Education will provide a program of instruction that is adapted to the individual aptitudes, interests and needs of the wide diversity of pupils in attendance. School authorities will take all appropriate steps to encourage pupils to establish a pattern of school attendance and study that will culminate in high school graduation. Such an effort is in the interest of the individual child and the general interest of society.

I. Procedures relative to pupils whose conduct is insubordinate or disorderly or endangers the safety, morals, health or welfare of others:

- A. Minor infractions of disciplinary procedures can generally best be handled by the classroom teacher involved.
 - 1. The classroom teacher is responsible for pupil discipline, in the first instance, and should use such measures as are provided by building procedures as outlined by the principal in the teacher handbook.
 - 2. Meaningful, well-planned lessons, presented in a classroom environment that is conducive to study, where rules and regulations are reasonable and appropriate, and standards of pupil achievement are geared to the ability of pupils, will be effective in assuring positive response for the very large majority of pupils.

**Procedures for Dealing with Pupils Who Are Insubordinate,
Disorderly, or Truant, or Whose Conduct Endangers the Safety,
Morals, Health, or Welfare of Others (Continued)**

I. Procedures relative to pupils whose conduct is insubordinate or disorderly or endangers the safety, morals, health or welfare of others: (continued)

- B. If pupil misbehavior becomes excessive in spite of the teacher's informal attempts at correction, the case will be referred by the teacher to the principal or the assistant principal. If, in the judgment of the principal, the pupil has been guilty of gross insubordination or disorderly conduct, the procedure listed below will generally be followed. In the case of exigent circumstances, it may be necessary to make exceptions.
1. On the occasion of the first major violation, the pupil will be summoned to a conference before the principal or assistant principal.
 - a. At this conference, the charges of insubordination or disorderly conduct against the pupil will be presented, explanations will be sought, and plans to rectify the situation will be made.
 - b. Parents or guardians will be notified by mail and/or telephone of such a conference if there is a resulting restriction on pupil behavior that has been imposed. Furthermore, they will be advised that the pupil's behavior will be closely observed, and what steps have been proposed should another violation occur.
 2. If continued violations should occur, the parents or guardians will be notified by registered mail and/or telephone and invited to the school to confer.
 - a. The principal may impose such limitations and conditions on the pupil's continued attendance in a class or in school or on the student's movements in school or school privileges as the principal may deem necessary.

**Procedures for Dealing with Pupils Who Are Insubordinate,
Disorderly, or Truant, or Whose Conduct Endangers the Safety,
Morals, Health, or Welfare of Others (Continued)**

- I. Procedures relative to pupils whose conduct is insubordinate or disorderly or endangers the safety, morals, health or welfare of others: (continued)**
 - b. A statement as to further action should misconduct continue will be made to the pupil and the pupil's parents or guardians, including the possibility of suspension from school.
 - c. A case conference will be held involving some or all of the pupil's teachers, guidance counselor, school psychologist, principal or assistant principal, and other members of the professional staff as may be deemed appropriate. Written recommendations as to steps to be taken to assist the pupil in correction of behavior patterns, will be developed as a result of this conference.
 - d. The principal will consider these recommendations, the reactions of the pupil and the pupil's parents or guardians, and will develop a follow-up program as the principal deems proper.
 - i. Parents or guardians will be advised of such decisions by mail.
 - ii. Members of the professional staff concerned with the behavior of the pupil will be advised of such decisions.
3. If violations persist and/or the infraction was of such a nature that the principal after careful consideration suspends the pupil for five (5) school days or less, the following procedures will be followed:
 - a. The principal shall immediately notify the student's parents or guardians in writing that the student has been suspended from school. Written notice shall be provided by personal delivery, express mail delivery, or equivalent means reasonably calculated to assure receipt of the notice within 24 hours of the suspension at the last known address of the parents or persons in parental relation. If possible, such notice will also be provided by telephone.

**Procedures for Dealing with Pupils Who Are Insubordinate,
Disorderly, or Truant, or Whose Conduct Endangers the Safety,
Morals, Health, or Welfare of Others (Continued)**

- I. Procedures relative to pupils whose conduct is insubordinate or disorderly or endangers the safety, morals, health or welfare of others: (continued)**
 - b. The notice shall provide a description of the charges against the student, and the incidents which resulted in the suspension and shall inform the parents or persons in parental relation of their right to request an immediate informal conference with the building principal. Both the notice and informal conference shall be in the dominant language or mode of communication used by the parents and/or guardians. At this conference, the parents or guardians shall be permitted to ask questions of complaining witnesses under such procedures as may be established by the building principal.
 - c. After the conference, the building principal shall promptly advise the parents or guardians of his/her decision and that they may appeal the decision to the Board of Education.
 - d. The principal may readmit the pupil at any time within or at the end of the five- (5) day period when this appears to be in the best interest of the pupil and the school.
 - e. The parents and/or guardians may be requested to confer again with the principal prior to the student's readmission.
4. If, in the opinion of the principal, the seriousness of the pupil's infraction is such as to warrant a suspension of more than five (5) days, the principal shall so notify the superintendent of schools and request the school superintendent to hold a hearing for purposes of extended suspension and provide for the school superintendent the case folder containing all relevant information. The superintendent of schools shall proceed as follows:

**Procedures for Dealing with Pupils Who Are Insubordinate,
Disorderly, or Truant, or Whose Conduct Endangers the Safety,
Morals, Health, or Welfare of Others (Continued)**

I. Procedures relative to pupils whose conduct is insubordinate or disorderly or endangers the safety, morals, health or welfare of others: (continued)

- a. Reasonable notice (by registered mail or personal delivery) to the pupil affected and to the person or persons in parental relation to the pupil, of the time, date, and place of the school suspension hearing; this notification shall invite the pupil and person in parental relation to such pupil to be present; it shall inform them they have the right to representation at the hearing by counsel, with the right to question witnesses against the pupil and present witnesses and other evidence on his/her behalf, and that they have the right of appeal from the school superintendent's decision to the Board of Education.
- b. 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. All appeals to the Board must be in writing and submitted to the district clerk within thirty (30) business 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) calendar days of the decision.
- c. The superintendent shall notify in writing (by personal delivery or registered mail) the parent and pupil of his/her decision with the period of extended suspension, if any, clearly stated as well as the reasons for such extended suspension stated.
- d. The parent and pupil shall be informed in such notification from the superintendent of schools that they have the right to appeal to the Board of Education.

Procedures for Dealing with Pupils Who Are Insubordinate, Disorderly, or Truant, or Whose Conduct Endangers the Safety, Morals, Health, or Welfare of Others (Continued)

I. Procedures relative to pupils whose conduct is insubordinate or disorderly or endangers the safety, morals, health or welfare of others: (continued)

- e. In the case of a pupil under sixteen years of age who is suspended alternative means for instruction will be provided for such student. As a general rule, an alternative program of instruction will also be sought for any student 16 years of age or older who presents a sincere desire to complete his/her high school education.
- f. In the case of a minor suspended for reasons other than insubordination and/or disorderly conduct, such suspension may be revoked by the superintendent of schools when it appears that this would be in the best interest of the school and the pupil.

II. Discipline of students with disabilities:

Students with disabilities will not be disciplined if their inability to conform to the school's code of conduct is due to their disability.

With the exception of the five day or less suspension, this policy does not apply to a student identified as having a disability. All matter of discipline in cases of suspensions of more than five days will be immediately referred to the CSE for review and modification, if appropriate, of such student's Individual Education Program (IEP). 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. The CSE will decide if counseling or disciplinary action will be taken and/or if a change of placement is appropriate.

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 a student, or request an expedited impartial hearing.

**Procedures for Dealing with Pupils Who Are Insubordinate,
Disorderly, or Truant, or Whose Conduct Endangers the Safety,
Morals, Health, or Welfare of Others (Continued)**

III. Procedures relative to pupils who are truant or excessively absent:

Under the provisions of Section 3213 of the New York State Education Law, the Board of Education has appointed supervisors of attendance. These supervisors shall fulfill the duties and responsibilities, as established under this section, and shall have all of the powers outlined in this section.

When questionable patterns of attendance, known cases of truancy, or excessive absences are noted by any member of the professional staff, the case will be referred to the attendance teacher.

- A. The attendance teacher will confer with the pupil and make every attempt to ascertain the causes contributing to the pupil's poor attendance. The attendance teacher will attempt to work out with the pupil steps to be taken to improve school attendance.
 - 1. Whenever appropriate, assistance will be sought from teachers having an influence or concern relative to the pupil's attendance, building administrators, professional staff and community agencies providing special services.
 - 2. The parents or guardians will be notified, by mail, of the pupil's poor attendance. The parents or guardians will be invited to assist in the resolution of the difficulties contributing to the pupil's poor attendance. This assistance may be facilitated by written correspondence, telephone conferences, or meetings with the school authorities involved.
 - 3. The pupil will be placed on a program of attendance probation. Under the terms of this probation:
 - a. The pupil will be required to present a written justification from the pupil's parents or guardians for each absence upon return to school following such absence.

**Procedures for Dealing with Pupils Who Are Insubordinate,
Disorderly, or Truant, or Whose Conduct Endangers the Safety,
Morals, Health, or Welfare of Others (Continued)**

III. Procedures relative to pupils who are truant or excessively absent: (continued)

- b. The parents will be requested to telephone the attendance teacher any day their child is expected to be absent.
- c. The attendance teacher will:
 - i. Maintain a constant surveillance of the pupil's attendance.
 - ii. Maintain communication with the home as may be necessary to insure improved attendance.
 - iii. Prepare a weekly list of pupils placed on attendance probation and distribute copies to all teachers, counselors and administrators involved.
- d. The building principal or the principal's designee will make routine inquiries into daily absences. The absence or tardiness of a pupil on attendance probation will be reported to the attendance teacher for investigation.

B. In cases of continued truancy or illegal absence:

- 1. After consultation with the principal, the probation period will be extended for an indefinite period.
- 2. The parents or guardians will be requested to confer with the principal or assistant principal and the attendance teacher.
- 3. After this parental conference occurs, an investigation will be made by an Attendance Review Board which will meet regularly in the secondary schools to review cases of pupil truancy.
 - a. The Attendance Review Board will consist of the principal or assistant principal, the attendance teacher and the pupil's guidance counselor. The Review Board members may consult with other appropriate members of the staff.

Procedures for Dealing with Pupils Who Are Insubordinate, Disorderly, or Truant, or Whose Conduct Endangers the Safety, Morals, Health, or Welfare of Others (Continued)

III. Procedures relative to pupils who are truant or excessively absent: (continued)

- b. The Attendance Review Board will plan a positive action program to induce the pupil to attend regularly, as well as disciplinary steps to be taken immediately; or if the problem continues, the pupil will be called before the Review Board to explain the pupil's absences from school.
 - 4. The attendance teacher will counsel with the pupil in light of the findings and recommendations of the Attendance Review Board.
- C. If the truancy persists, the principal may issue a detention or in-school suspension for an appropriate number of days, as well as deny the student the privilege of participating in or attending extracurricular activities.

IV. Using other aids and resources to assure good conduct of pupils and their regular attendance in school:

- A. In the case of any pupil whose conduct or attendance is unsatisfactory and whose parents, in the opinion of school authorities, are not assuming responsibility for the pupil, are disinterested in the pupil's welfare, or have lost control over the pupil's behavior, or are incapable of understanding the pupil's situation in school, and it is evident that some other adult is interested in the pupil's welfare and may exercise a measure of influence or control over the pupil, such a person shall be involved by school authorities in the procedures above.
- B. Both pupils and parents will be periodically apprised of school rules and procedures with respect to conduct and attendance by inclusion in student handbooks and communications to parents of information on these procedures and by scheduling assemblies for pupils and meetings for parents where such standards and procedures are reviewed and explained.

**Procedures for Dealing with Pupils Who Are Insubordinate,
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Morals, Health, or Welfare of Others (Continued)**

IV. Using other aids and resources to assure good conduct of pupils and their regular attendance in school: (continued)

The superintendent of schools shall so notify the Board of Education at its next regular meeting of any pupil whom the school superintendent has suspended from school for more than five (5) days.

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