

In disciplinary situations, students shall have the opportunity to present their version of the facts and circumstances, and students will not be suspended unless their rights to due process, as identified in Education Law section 3214, have been observed. The Building Principals may suspend a student for a period of up to five days. In cases of this type, upon request, the Superintendent will conduct an informal hearing with the student and other individuals who may have information concerning the situation. When a suspension is imposed the student and parent(s) will be notified and a written record of the case will be made.

If a suspension of more than five days is being considered, a hearing will be held. The student and his/her parents will be notified of the time and place of the hearing. The Superintendent or his/her designee shall serve as hearing officer. At the hearing, the student will have the following rights: to examine evidence and question witnesses; to present evidence and witnesses; and to be represented by counsel. A record of the hearing will be made by tape recording. The hearing officer will make a decision regarding guilt based on the information presented at the hearing. An appeal of the Superintendent's decision can be made by the student/parent(s) to the Board of Education.

School personnel will pursue appropriate, reasonable measures to identify and resolve student disciplinary problems. Parents, student and school personnel should work together to ensure the maintenance of the proper atmosphere for learning. The Board's objective is to provide all students an equal opportunity to grow intellectually, ethically, socially, emotionally and physically.

The disciplinary measures are designed to be fundamentally fair. General requirements in all instances include:

1. oral or written notice of the nature of school rules, violation of which will result in disciplinary action;
2. an opportunity for the accused student to "tell his/her side of the story" to the person whose responsibility it is to assign discipline; and
3. explanation of the evidence of violation upon which action is being taken, should the student deny the infraction has occurred.

When a student is referred to an administrator/designee for appropriate action, that person will investigate the incident by meeting with the student and/or staff member, and additional students/staff as deemed necessary.

Parental involvement ranges from written notification of the offense and disciplinary reaction, to parent conferences with staff, student, and if need be, outside agencies/ authorities.

A proper and accurate record of the offense and response will be maintained for all incidents.

Cross-ref: 5310, Student Discipline
5313, Penalties
5313.3, Student Suspension

Ref: Education Law §3214
US Constitution, 14th Amendment
NYS Constitution, Article 11, §1
8 NYCRR Part 200 et seq.

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