

**SUBJECT: SUSPENSION & TEACHER REMOVAL OF DISRUPTIVE STUDENTS
FROM THE CLASSROOM**

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

- a) A student who is insubordinate or disorderly.
- b) A student whose physical or mental condition, or whose conduct endangers the health, safety or morals of himself/herself or of other students.

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

The principal of the school where the student attends is empowered to suspend a student for a period not to exceed five (5) school days. In the absence of a principal, the "Acting Principal", who is designated by the Board, may then suspend a student for a period of five (5) days or less.

When a student is suspended from school for a period of five days or less, administration shall immediately notify the parents/guardians in writing that the student has been suspended. Notice will be sent to the last known address of the student's parents/guardians in such manner as to assure receipt of the notice within 24 hours of the student's suspension. Where possible, notification shall also be provided by telephone.

The notice shall describe the incident(s) which resulted in the suspension and shall inform the parents/guardians of their right to request an immediate informal conference with the principal in accordance with the provisions of Education Law, Section 3214(3)(b).

Suspension: More Than Five Days

The Superintendent may suspend a student for a period in excess of five school days. Such student and the person in parental relationship to such student, upon reasonable notice, shall have had an opportunity for a hearing. The student has the right of representation by counsel, with the right to question witnesses.

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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 School Conduct and Discipline Code and in conjunction with the administration of the Committee on Special Education. (Refer to Policy #7310, School Conduct and Discipline.) In the case of suspension of a student who has been identified as having a disability, determination has to be made regarding whether or not the suspension is related to the disability. If so, a referral must be made to the Committee on Special Education for a consideration for change of placement. The District must ensure that no student with a disability is suspended in excess of ten (10) cumulative days without a referral to the Committee on Special Education. Suspension includes both in-school and out-of-school suspension.

Suspension From BOCES

The Board of Education empowers the BOCES principal to suspend South Huntington Union Free School District students from BOCES classes for a period not to exceed five (5) 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.

After-School Detention

Although most infractions of school rules are dealt with immediately, there are occasions when unacceptable student behavior requires detaining the student after the regular school day.

Should the need arise at the elementary level, students are not detained after school unless arrangements have been made with the parents.

At the secondary level, after-school detention is provided for those students who violate school rules, but do not warrant suspension. During the period of time assigned to after-school detention, students, where appropriate, may be required to complete assignments.

Secondary school detention is scheduled outside the normal school day and is supervised by the teaching staff. When a student receives an after-school detention assignment, the parents will be notified and their assistance requested.

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Students

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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 South Huntington Union Free School District itself.

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

Disruptive Students

In accordance with Education Law, Commissioner's Regulations and the District's Code of Conduct, teachers shall have the power and authority to remove disruptive students from their classrooms consistent with discipline measures contained in the Code of Conduct. The term "disruptive student" as defined pursuant to law, shall refer to an elementary or secondary student under twenty-one (21) years of age who is substantially disruptive of the educational process or substantially interferes with the teacher's authority over the classroom.

Further, teachers shall abide by the provisions of the District's Code of Conduct with regard to the utilization of alternative classroom management techniques and student intervention services, as may be applicable and appropriate to the specific circumstances, prior to removal of the student from the classroom. Additionally, teachers shall have the authority to remove disruptive students from the classroom for each incident for a period of time no greater than as enumerated in the Code of Conduct.

Teachers must inform the student and the school principal/designee of the reasons for the removal.

- a) In most instances, the teacher shall, prior to removing the disruptive student from the classroom, provide the student with an explanation of the basis for the removal and allow the student to informally present the student's version of relevant events.
- b) If the teacher finds that the disruptive student's continued presence in the classroom poses a continuing danger to persons or property or presents an ongoing threat of disruption to the academic process, the teacher shall provide the student with an explanation of the basis for the removal and an informal opportunity to be heard within twenty-four (24) hours of the student's removal.

No disruptive student shall return to the classroom until the principal/designee makes a final determination regarding the discipline imposed by the teacher as outlined in administrative

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regulations and pursuant to the provisions enumerated in Education Law Section 3214 (3-a) or the period of removal expires, whichever is less. The District will ensure the provision of continued educational programming and activities for students removed from the classroom by a teacher.

The principal/designee shall inform the parents/person in parental relation to such student of the removal and shall, upon request, provide the student and the parent/person in parental relation an opportunity for an informal conference to discuss the reasons for the removal in accordance with the procedures enumerated in law. As applicable, the principal/designee shall render a determination regarding the discipline imposed by the teacher in accordance with the requirements mandated pursuant to law and or regulation.

This policy, in accordance with statutory mandates, does not authorize removal of a student in violation of any state or federal law or regulation (e.g., IDEA, Section 504 of the Rehabilitation Act of 1973). It shall be the responsibility of the building principal/designee to ensure that teacher removal of students from the classroom complies with applicable laws and regulations.

Violent Students

Teachers are required to immediately report and refer a violent student, as defined pursuant to Education Law, to the principal or Superintendent for a violation of the District's Code of Conduct and a minimum suspension period as determined by such Code, unless otherwise reduced by the suspending authority on a case-by-case basis to be consistent with any other state and federal law.

Education Law Sections 2801 and 3214
8 New York Code of Rules and Regulations
(NYCRR) Section 100.2 (2) and Part 201
Individuals with Disabilities Education Act (IDEA),
20 United States Code (U.S.C.) Sections 1400-1485
34 Code of Federal Regulations (CFR) Part 300
Section 504 of the Rehabilitation Act of 1973,
29 United States Code (U.S.C.) Section 794 et seq.

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