

DISCIPLINARY PROCEDURES AND PENALTIES

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 student's 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

Depending upon the nature of the violation, it is the desire of the Board of Education that student discipline is progressive. This means that a student's first violation will usually merit a lighter penalty than subsequent violations.

It is also the desire of the Board of Education that staff members imposing such penalty take into account all other relevant factors in determining the appropriate penalty. The appropriate building administrator may impose the above penalties either alone or in combination.

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. A student identified as having a disability shall not be disciplined for behavior related to his/her disability.

DISCIPLINARY PROCEDURES AND PENALTIES

This policy and the rules and regulations for the maintenance of public order on school property established by Policy 5330.11 will be publicized and explained by the teaching staff to all students and provided in writing to all parent(s) or guardian(s) on an annual basis. In order to ensure the effectiveness of this student discipline code, the Board of Education requests the continuing assistance of parent(s) or guardian(s) in explaining and enforcing the code.

The Board of Education recognizes a student's right to a superintendent's hearing before a suspension from attendance in excess of five (5) days and the right to an appeal of such a suspension to the Board of Education pursuant to Education Law §3214.

A. PENALTIES

A range of penalties may be imposed for violations of the student disciplinary code. Violations may subject the student to one or more of the following:

1. Verbal warning
2. Written warning
3. Written notification to parent(s) or guardian(s)
4. Reprimand
5. Detention
6. Suspension from transportation
7. Suspension from athletic participation
8. Suspension from social or extracurricular activities
9. Suspension of other privileges
10. Exclusion from a particular class
11. In-School Suspension
12. Involuntary transfer
13. Suspension

Counseling, although not considered a penalty, may be an alternative to the imposition of a penalty, provided that such counseling is formally procured through the counseling office.

Initiation of a Student Disciplinary Proceeding

Any teacher, administrator, employee, Board of Education member, or other person may report a violation of the student disciplinary code to the building principal or his/her designee. S/he may then make an investigation of the charges as deemed appropriate and institute an informal or disciplinary proceeding, and/or make a referral to the Committee on Special Education, as deemed necessary.

When discipline administered by a classroom teacher does not result in acceptable student behavior, the teacher should file a *written* report with the building principal.

DISCIPLINARY PROCEDURES AND PENALTIES

Initiation of a Student Disciplinary Proceeding (continued)

Depending on the severity of the matter, the building principal may take any of the following actions:

1. *Initial Infraction*: Conference with building principal and teacher concerned
2. *Repeated Referral to Building Principal*: Conference with building principal, teacher, student and student's parent/guardian
1. *Suspension*: If the severity of the situation warrants, or the student is a habitual offender, the school authorities may suspend the student(s) involved

Student Suspension

All infractions of the student discipline code and/or public law will be subject to disciplinary proceedings outlined in this policy and *Code of Conduct*.

Law Enforcement Personnel

If a criminal offense has been committed (*i.e.*, false fire alarm, vandalism, use and possession of weapons), law enforcement personnel will be notified. (See Policy 5330.9, Student Searches and Interrogations.)

B. PROCEDURES

The amount of due process to which a student is entitled before a penalty is imposed will depend on the type of penalty being imposed. In all cases, regardless of the penalty imposed, school personnel authorized to impose the penalty must let the student know what misconduct the student is alleged to have committed, and must investigate the facts surrounding the alleged misconduct. All students will have an opportunity to present their version of the facts to the school personnel imposing the disciplinary penalty in connection with the imposition of the penalty.

Students who are to be given penalties other than a verbal warning, written warning, written notification to their parents, or detention are entitled to additional rights before the penalty is imposed. These additional rights are explained below.

DISCIPLINARY PROCEDURES AND PENALTIES

C. PROCEDURES (continued)

1. Detention

The Board of Education believes that detention is an effective deterrent for inappropriate student conduct. Teachers or administrators may detain a student after school or on a Saturday. In order for a student to be placed on detention, the building principal and the parent(s) or guardian(s) must be notified.

Detention will be imposed as a penalty the day after the infraction in order to allow for home notification and so that the student has appropriate transportation home following detention.

2. Suspension from Transportation

The Board of Education believes it is crucial for students to behave appropriately while riding on district buses, to ensure their safety, that of other passengers and the fewest possible distractions for bus drivers.

Some students are eligible for district transportation. While the law requires the district to furnish transportation for such students, it does not relieve parent(s) or guardian(s) of the responsibility for supervision until such time as the child boards the bus in the morning and after the child leaves the bus at the end of the school day. Only after a child boards the bus does s/he become the responsibility of the district. Such responsibility shall end when the child is delivered to the regular bus stop at the close of the school day.

Since the school bus may be regarded as an extension of the classroom, children are required to conduct themselves on the bus in a manner consistent with established standards for classroom behavior. Excessive noise, pushing, shoving and fighting will not be tolerated. It is important that those waiting for buses conduct themselves properly in respect to the rights and property of others.

If a child does not conduct himself/herself properly on a bus, the bus driver shall bring such instances to the attention of the appropriate building principal.

Children who become a serious disciplinary problem may have their riding privileges suspended by the appropriate building principal. In such cases, the parent(s) or guardian(s) of the children involved become responsible for seeing that their children get to and from school safely.

Should the suspension from transportation amount to a suspension from attendance, the school district will make appropriate arrangements to provide for the student's education. Any such suspension shall be in accordance with the provisions of the Education Law.

DISCIPLINARY PROCEDURES AND PENALTIES

B. PROCEDURES (continued)

2. Suspension from Transportation (continued)

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 building principal to discuss the conduct and the penalty involved.

C. SUSPENSION FROM ATHLETIC, EXTRACURRICULAR ACTIVITIES & OTHER PRIVILEGES

(1) Philosophy Of Interscholastic Athletic & Extra-Curricular Activities

The Board of Education recognizes that athletic and extra-curricular activity programs are an integral part of the educational process. They support the school district's overall mission to educate the whole child by stimulating the intellect academically and by providing varied common experiences to develop the social, physical, and ethical values that are necessary to become a productive member of society.

Athletic and extra-curricular programs are an extension of the school curriculum. Participation in these activities is a privilege, not a right. They should promote greater desire among the student body and the community to take an active role either as participants or spectators. They occupy a position in the curriculum comparable to that of other subjects or activities and play an important role in the total development of each student and in promoting excellent student morals.

The Board of Education supports a competitive athletic program and varied extra-curricular program which emphasize educational values such as sportsmanship, health, and scholastic attainment. The programs should provide unique experiences where students can develop:

- Good Character
- Self-Discipline
- Teamwork
- Goal-Setting
- Social Skills

As a pre-requisite for participation in athletic and/or extra curricular activities, students, parents and guardians must sign a statement that commits the student to follow this *Code of Conduct* and requires parents and guardians to do everything in their power to make sure the student follows the *Code of Conduct*.

This *Code of Conduct* remains in effect during the entire calendar year and throughout the student's educational career at Wayne Central. Students and parents/guardians will be required to review the *Code of Conduct* and sign a statement each year thereafter. A record that the student and parent or guardian has signed the statement will be on file in the main office of each school building.

DISCIPLINARY PROCEDURES AND PENALTIES

C. SUSPENSION FROM ATHLETIC, EXTRACURRICULAR ACTIVITIES & OTHER PRIVILEGES (continued)

(2) Code of Conduct Interscholastic Athletic/Extra-Curricular Activities Regulations

Students who violate the *Code of Conduct* who are involved in both athletics and extra-curricular activities will face consequences in both areas. The superintendent of schools is directed to assure the development of the *Code of Conduct* to implement this policy and annual review of same prior to June 30th of each year. A student must be given the opportunity to appear informally before the disciplinarian and/or disciplinary committee and present his/her side of the story as a part of a general discussion of the conduct under review. Penalties for violations during the summer recess will be administered during the school year.

I. Substance Use/Abuse/Possession

Students at Wayne Central will refrain, at all times, from use and/or possession of alcohol, tobacco products, and other illegal, non-prescription drugs. If an athlete or member of an extra-curricular activity does not refrain, the following actions will be taken. Should the student be involved in both athletics and extra-curricular activities, actions for both activities will be enforced simultaneously.

INTERSCHOLASTIC ATHLETICS

First Offense

1. Conference among student, school administrator, counselor, and coach
2. Phone call and letter home from athletic director to parents
3. Suspension from practices and competitions equal to 20% of the total season
4. Mandatory drug prevention counseling with a certified substance abuse counselor for a period determined by a school administrator in conjunction with the counselor

**REFUSAL TO PARTICIPATE IN COUNSELING WILL RESULT IN SUSPENSION FROM
INTERSHOLASTIC ATHLETICS FOR THE REMAINDER OF THE STUDENT'S CAREER
AT WAYNE CENTRAL.**

Second Offense

1. Conference among student, school administrator, counselor, and coach
2. Phone call and letter home from athletic director to parents
3. Suspension from practices and competitions equal to 30% of the total season
4. Forfeiture of participation points and all awards for that season
5. Mandatory drug prevention counseling with a certified substance abuse counselor for a period determined by a school administrator in conjunction with the counselor

DISCIPLINARY PROCEDURES AND PENALTIES

C. SUSPENSION FROM ATHLETIC, EXTRACURRICULAR ACTIVITIES & OTHER PRIVILEGES *(continued)*

(2) Code of Conduct - Interscholastic Athletic/Extra-Curricular Activities

*REFUSAL TO PARTICIPATE IN COUNSELING WILL RESULT IN SUSPENSION
FROM INTERSCHOLASTIC ATHLETICS FOR THE REMAINDER OF THE
STUDENT'S CAREER AT WAYNE CENTRAL*

Third Offense

Suspension from participation in interscholastic athletics for the remainder of the student athlete's career at Wayne Central

Possession by Association:

If a student attends (and stays) at an event where alcohol, tobacco products, and other illegal, non-prescription drugs are in evidence, the student is deemed to be in possession by association. If substantiated by investigation by the school administrator, the following sanctions will be invoked:

1st Time: Parent informed; meeting with student, coach and school administrator; letter of reprimand in athletic record

2nd Time: Parent informed; meeting with parent, coach, school administrator, student and counselor; suspension from competition and practices equal to 15% of total season

3rd Time: Parent informed; meeting held with parent, coach, school administrator, student and counselor; suspension from competition and practices equal to 30% of total season

4th Time: Review Council convened to determine further sanctions

NOTE: In the event that a middle school student is found to be in violation of the substance use/abuse/possession portion of the *Code of Conduct*, disciplinary suspension will not carry over to a student's senior high school experience. Any such student will be given the opportunity to enter the high school with a clean slate (except those students selectively classified as already participating at a JV or varsity level).

Should a student be in violation while not in an athletic season, the suspension will be imposed during the next athletic season in which the student participates. Should the suspension be longer than the remainder of the athletic season, the suspension will be continued during the next athletic season in which the student participates. A student will be permitted to try out for the athletic team. However, once the student has made the team, the suspension will begin.

DISCIPLINARY PROCEDURES AND PENALTIES

C.SUSPENSION FROM ATHLETIC, EXTRACURRICULAR ACTIVITIES & OTHER PRIVILEGES *(continued)*

(2) Code of Conduct - Interscholastic Athletic/Extra-Curricular Activities

EXTRA-CURRICULAR ACTIVITIES

First Offense

1. Conference among student, school administrator, counselor, and advisor
2. Phone call and letter home from school administrator to parents
3. Suspension from meetings (*i.e.* competitions, practices, meetings, rehearsals, performances) of the activity equal to 20% of the total meetings
4. Mandatory drug prevention counseling with a certified substance abuse counselor for a period determined by a school administrator in conjunction with the counselor

**REFUSAL TO PARTICIPATE IN COUNSELING WILL RESULT IN SUSPENSION
FROM EXTRA-CURRICULAR ACTIVITIES FOR THE REMAINDER OF THE
STUDENT'S CAREER AT WAYNE CENTRAL**

Second Offense

1. Conference among student, school administrator, counselor and advisor
2. Phone call and letter home from athletic director to parents
3. Suspension from meetings (*i.e.* competitions, practices, meetings, rehearsals, performances) of the activity equal to 30% of the total meetings
4. Forfeiture of participation points and all awards for that season.
5. Mandatory drug prevention counseling with a certified substance abuse counselor for a period determined by the school administrator in conjunction with the counselor

**REFUSAL TO PARTICIPATE IN COUNSELING WILL RESULT IN SUSPENSION
FROM EXTRA-CURRICULAR ACTIVITIES FOR THE REMAINDER OF THE
STUDENT'S CAREER AT WAYNE CENTRAL**

Third Offense

Suspension from participation in extra-curricular activities for the remainder of the student's career

DISCIPLINARY PROCEDURES AND PENALTIES

C.SUSPENSION FROM ATHLETIC, EXTRACURRICULAR ACTIVITIES & OTHER PRIVILEGES *(continued)*

(2) Code of Conduct - Interscholastic Athletic/Extra-Curricular Activities

Possession by Association:

If a student attends (and stays) at an event where alcohol, tobacco products, and other illegal, non-prescription drugs are in evidence, the student is deemed to be in possession by association. If substantiated by investigation by the school administrator, the following sanctions will be invoked:

1st Time: Parent informed; meeting with student, advisor and school administrator; letter of reprimand in record

2nd Time: Parent informed; meeting with parent, advisor, school administrator, student and counselor; suspension from meetings (i.e. competitions, practices, meetings, rehearsals, performances) and practices equal to 15% of total meetings

3rd Time: Parent informed; meeting held with parent, coach, school administrator, student and counselor; suspension from competition and practices equal to 30% of total season

4th Time: Review Council convened to determine further sanctions

NOTE: In the event that a middle school student is found to be in violation of the substance use/abuse/possession portion of the *Code of Conduct*, disciplinary suspension will not carry over to a student's high school experience. Any such student will be given the opportunity to enter the high school with a clean slate (except those students selectively classified). Should a student be in violation while not in an extra-curricular activity, the suspension will be imposed during the next extra-curricular activity in which the student participates. A student will be permitted to try out for the activity; however, once the student is accepted, the suspension will begin. Should the suspension be longer than the remainder of the extra-curricular activity, the suspension will be continued during the next extra-curricular activity in which the student participates.

II. Academic Standards

- A. Students who are failing one (1) or two (2) subjects at the end of a ten-week marking period are automatically placed on academic probation for participation in interscholastic athletic/extra-curricular activities for the subsequent five (5) weeks. "Incompletes" will be considered as failing grades until a passing grade is earned.

DISCIPLINARY PROCEDURES AND PENALTIES

C.SUSPENSION FROM ATHLETIC, EXTRACURRICULAR ACTIVITIES & OTHER PRIVILEGES *(continued)*

(2) Code of Conduct - Interscholastic Athletic/Extra-Curricular Activities

II. Academic Standards *(continued)*

- B. A student on academic probation must complete an Academic Contract with a school administrator before s/he will be permitted to continue participation in athletic/extra-curricular activities. Failure to complete the Academic Contract will result in suspension from all participation until the student earns passing grades in **all** subjects at the end of a ten-week marking period or the student shows satisfactory progress toward achieving a sixty-five (65%) average in all of his/her classes.
- C. Students who are failing three (3) or more subjects at the end of a ten-week marking period are automatically ineligible to participate in any athletic/extra-curricular activities until the end of the next ten-week marking period.
- D. If a student drops a course, s/he will be considered having a passing grade if passing at the time the course is dropped. The student will be considered having a failing grade if failing at the time the course is dropped.
- E. Students who fail one (1) or two (2) subjects in the fourth marking period shall be on academic probation for the following fall season. Students who fail three (3) or more subjects in the fourth marking period shall be ineligible for the following fall season.
- F. A student who fails one (1) or more subjects in the fourth marking period of the eighth grade will be given the opportunity to enter the high school with a clean slate (except those students who have already been selectively classified).
- G. Summer school will be considered as an additional marking period, if necessary, and an Academic Contract will need to be completed.

III. School Attendance Standard

A student must be in proper attendance in all scheduled classes for the entire school day in order to participate in extra-curricular/athletic activities on that day (e.g. junior prom, senior banquet, rehearsals, performances, athletic competitions/practices, school dances, club meetings) unless they receive written approval from a school administrator or the absence is due to legal reasons.

DISCIPLINARY PROCEDURES AND PENALTIES

C.SUSPENSION FROM ATHLETIC, EXTRACURRICULAR ACTIVITIES & OTHER PRIVILEGES (continued)

(2) Code of Conduct - Interscholastic Athletic/Extra-Curricular Activities

IV. Behavioral and Citizenship Standards

Students are expected to be good citizens in all areas of the educational process. The following characteristics expected and required of students:

- Demonstrate self-control and respect for others at all times
- Treat all opponents with respect
- Respect the integrity and judgment of officials
- Abide by all rules and laws (both in and out of school)
- Respect the rights of others (including property rights)

Any violations of behavior and citizenship standards could result in a suspension from athletic or extra-curricular participation as determined by a school administrator.

V. Student Appeal Process

A student and his/her parent(s)/guardian(s) shall be given notice of a decision to suspend and/or remove him/her from the team/activity and the reason(s) for such suspension.

Appeals may be made to a review council. The purpose of the review council is to rule on all appeals that deal with infractions of interscholastic athletic/extra-curricular standards.

A decision of the review council may be appealed to the building principal or athletic director. That decision may be appealed to the superintendent of schools with final appeal resting with the Board of Education.

REVIEW COUNCIL MEMBERSHIP

- Two (2) administrators – one functioning as a non-voting meeting facilitator
- Two (2) coaches/advisors (not parties to the complaint)
- School counselor (of the student involved in the complaint)
- One (1) teacher (not the coach or advisor of the complaint))
- Two (2) students in good standing
(from teams/activities other than team/activity involved in the complaint)

DISCIPLINARY PROCEDURES AND PENALTIES

C.SUSPENSION FROM ATHLETIC, EXTRACURRICULAR ACTIVITIES & OTHER PRIVILEGES *(continued)*

(2) Code of Conduct - Interscholastic Athletic/Extra-Curricular Activities

APPEAL PROCESS

- All communication to and from the review council shall be in writing
- All appeals will be scheduled by a school administrator
- The review council will be convened by a school administrator whenever an infraction of the *Code of Conduct* has taken place and the student involved wants to appeal the decision
- All non-designated members will be selected at the discretion of a school administrator
- If a situation exists where students do not want to participate, the hearing will continue without him/her
- A student may appear before the review council for the purpose of presenting his/her case. Students may be accompanied by their parent(s)/guardian(s)

VI. Distribution of the Code of Conduct

The student and his/her parent/guardian shall sign a statement at the beginning of each year to acknowledge that they have received and reviewed the policy and regulations contained in the *Code of Conduct*.

A copy of this *Code of Conduct* shall be given to every teacher and student in grades 6 through 12 at the beginning of each school year. Coaches and advisors will disseminate a copy of the *Code of Conduct* to all students and parents at the start of each school year and explain the scope and application of the standards of conduct. Once the *Code of Conduct* is signed at the beginning of the seventh grade year, it shall be in effect until the student graduates from Wayne Central.

VII. Additional Regulations

1. Team/Activity and Individual Discipline

Each coach/advisor will have discipline rules for minor infractions. These rules shall be made known to the students and will carry the consequences so prescribed.

2. Equipment

The student is responsible for all equipment issued to him/her. The student or his/her parent/guardian must pay for lost, stolen, or damaged equipment before s/he can participate in any further interscholastic athletic/extra-curricular activities.

DISCIPLINARY PROCEDURES AND PENALTIES

C. SUSPENSION FROM ATHLETIC, EXTRACURRICULAR ACTIVITIES & OTHER PRIVILEGES (continued)

(2) Code of Conduct - Interscholastic Athletic/Extra-Curricular Activities

VII. Additional Regulations (continued)

3. Transportation

All team/activity members will travel to and from out-of-town contests/activities by means of the transportation provided or organized by the school district. The only exception to this rule is by pre-approval from a school administrator or if a parent/guardian is in attendance at a contest/activity and asks the coach/advisor (in writing) for permission to transport his/her child home from the contest/activity.

4. Injuries

All injuries should be reported immediately to the coach/advisor and the coach/advisor should file an accident report with the building nurse. The coach/advisor will inform parents immediately either verbally or in writing. If a student is seriously injured or is out because of a prolonged illness (2 weeks), s/he must have a physician's release before s/he can practice or compete in another athletic/extra-curricular activity.

5. Quitting a Team/Activity

Students quitting a team/activity, during the season, make themselves ineligible for any other sport/activity during the season that has already begun. A student who tries out for a sport/activity, but is "cut" or quits before "cuts" are made, would be eligible to try out for, and participate in, another sport/activity that season providing the other team/activity selection has not already been completed.

6. Letters & Awards

Letters and awards will be given as specified by the school awards program. Awards are issued contingent upon the student finishing the entire season/activity in good standing. All participants are expected to attend these programs just the same as they would be expected to attend a practice, meeting, or competition.

DISCIPLINARY PROCEDURES AND PENALTIES

D. TEACHER REMOVAL OF DISRUPTIVE STUDENTS

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 disruptive student can affect a teacher's ability to teach and can make it difficult for other students in the classroom to learn. In many instances the classroom teacher can control disruptive student behavior by using good management techniques. Occasionally, however, it may be necessary for a teacher to remove a disruptive student from the classroom to ensure that the other students continue to learn.

1. Informal Removal

Nothing in this section of the *Code of Conduct* abridges the customary right or responsibility of a principal to suspend a student. Further, nothing in this code abridges the customary right and responsibility of a teacher to manage student behavior in the classroom. Short-term, time-honored classroom management techniques such as "time out" in an elementary classroom or in an administrator's office or sending students briefly into the hallway are not considered *formal* removals from class but rather *informal* removals. The removal process should not become a substitute for good classroom management.

2. Formal Removal

A classroom teacher may *formally* remove a student from class for up to two (2) days if the teacher determines that the student is disruptive. The removal from class applies to the class of the removing teacher only.

If the student does not pose a danger or ongoing threat of disruption to the academic process, the teacher must provide the student, before the student is removed, with an explanation for why s/he is being removed. The student must also be given the opportunity to present his or her version of the relevant events. Only after this informal discussion may a teacher remove *formally* a student from class.

If the student does pose a danger or ongoing threat of disruption, the teacher may order the student to be removed immediately. 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.

The teacher must, however, explain to the student why s/he was removed from the classroom and give the student a chance to present his or her version of the relevant events within one (1) full school day.

DISCIPLINARY PROCEDURES AND PENALTIES

D. TEACHER REMOVAL OF DISRUPTIVE STUDENTS - Formal Removal (continued)

It is also recommended that the teacher makes contact with the parents within 24 hours of the incident. This contact does not take the place of administrative notification.

The teacher must complete a district-established referral form and meet with the building principal or another district administrator designated by the building principal 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 referral forms. If the building principal is not available by the end of the same school day, the teacher must leave the forms with the secretary and meet with the principal prior to the beginning of classes on the next school day.

Within the school day after the student's removal, the building principal, or another district administrator designated by the building principal, must notify the student's parent(s) or guardian (s), in writing, that the student has been removed from the class and why. The notice must also inform the parent that s/he has the right, upon request, to meet informally with the building principal or the principal's designee to discuss the reasons for the removal and behavior modification(s) to remedy the cause for the removal. The written notice must be provided by personal delivery, express mail delivery, or some other means that is reasonably calculated to assure receipt of the notice by the day after the student's removal at the last known address for the parent.

If at the informal meeting the student denies the charges, the building 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 two (2) school days of the student's removal. The timing of the informal meeting may be extended by mutual agreement of the parent, teacher, and principal.

The building principal or his/her designee may overturn the removal of the student from class if s/he finds any one of the following:

1. The charges against the student are not supported by substantial evidence
2. The student's removal is otherwise in violation of law
3. The conduct warrants suspension from school pursuant to Education Law §3214 and a suspension will be imposed

The building principal or his/her designee must make a determination as to whether to overturn the removal before the close of business on the day after the day of the informal hearing. No student removed from the classroom by the classroom teacher will be permitted to return to the classroom until the building principal makes a final determination, or the period of removal expires, whichever is less. At the teacher's discretion, s/he may rescind the removal prior to the expiration of the full period of removal.

DISCIPLINARY PROCEDURES AND PENALTIES

D. TEACHER REMOVAL OF DISRUPTIVE STUDENTS - Formal Removal (continued)

Any disruptive student removed from the classroom by the classroom teacher shall be offered continued educational programming and activities until s/he is permitted to return to the classroom.

Each teacher must keep a complete log (on a district provided form) for all cases of removal of students from his/her class. The building principal must keep a log of all removals of students from class. Removal of a student with a disability may, under certain circumstances, constitute a change in the student's placement. Accordingly, no teacher may remove a student with a disability from his or her class until s/he has verified with the building 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.

E. IN SCHOOL & OUT OF SCHOOL SUSPENSION

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 of Education also recognizes the need to remove unruly or disruptive students from the regular class so that learning can take place in the classrooms.

The superintendent of schools will prepare and issue such regulations (consistent with the laws, statutes and regulations of the State of New York) as necessary to establish procedures for the suspension of students.

The Board of Education, the superintendent of schools, and building principals will have the power to suspend a student who, in their judgement, is insubordinate or disorderly, or whose conduct endangers the safety, morals, health or welfare of others, or whose physical or mental condition endangers the health, safety or morals of himself/herself or of others for periods not to exceed five (5) school days.

A student will be offered alternative instruction in the event that s/he is suspended from regular instruction in or out of school.

Students may not be suspended for more than five (5) school days unless that student and his/her parent or guardian has had an opportunity for a hearing on reasonable notice according to Education Law §3214(3).

POLICY ADOPTED: July 11, 2001

WAYNE CENTRAL SCHOOL DISTRICT
Ontario Center, New York 14520

DISCIPLINARY PROCEDURES AND PENALTIES

E. IN SCHOOL & OUT OF SCHOOL SUSPENSION (continued)

The superintendent of schools shall develop an in-school suspension program. The program should provide appropriate supervision in the in-school suspension rooms and guidelines for the imposition of an in-school suspension.

A student subjected to an in-school suspension 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 to discuss the conduct and the penalty involved.

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 of Education retains its authority to suspend students, but places primary responsibility for the suspension of students with the superintendent of schools and building principals.

Any staff member may recommend to the superintendent of schools or building principal that a student be suspended. All staff members must immediately report and refer a violent student to the building principal or the superintendent of schools 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 of schools or building 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.

(1) Long & Short Term Suspensions

(a) Short Term Suspension from School (Five (5) days or less)

When the superintendent of schools or building principal (referred to as the "suspending authority") proposes to suspend a student charged with misconduct for five (5) days or less pursuant to Education Law §3214(3), the suspending authority must immediately notify the student orally

DISCIPLINARY PROCEDURES AND PENALTIES

(1) Long & Short Term Suspensions (continued)

(a) Short Term Suspension from School (Five (5) days or less) (continued)

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 the school.

The written notice must be provided by personal delivery, express mail delivery, or some other means that is reasonably calculated to assure 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

The notice shall provide a description of the charges against the student and the incident for which suspension is proposed and shall inform the parent of the 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. At the conference, the parents shall be permitted to ask questions of complaining witnesses under such procedures as the building principal may establish.

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 distraction, the notice and opportunity for an informal conference shall take place as soon after the suspension as is reasonably practicable.

After the conference, the building principal shall promptly advise the parents in writing of his or her decision. The building 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 Board of Education with the district clerk within ten (10) business days of the date of the decision, unless they can show extraordinary circumstances precluding them from doing so. Only final decisions of the Board of Education may be appealed to the Commissioner of Education within thirty (30) days of the decision.

DISCIPLINARY PROCEDURES AND PENALTIES

(1) Long & Short Term Suspensions (continued)

(b) Long Term Suspension From School (More Than Five (5) Days)

When the superintendent of schools or building principal determines that a suspension for more than five (5) 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 of schools 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 transcript. The hearing officer shall make findings of fact and recommendations as to the appropriate measure of discipline to the superintendent of schools. The report of the hearing officer shall be advisory only, and the superintendent of schools may accept all or any part thereof.

An appeal of the decision of the superintendent of schools may be made to the Board of Education that will make its decision based solely upon the record before it. All appeals to the Board of Education must be in writing and submitted to the district clerk within ten (10) business days of the date of the decision of the superintendent of schools, unless the parents can show that extraordinary circumstances precluded them from doing so. The Board of Education may adopt in whole or in part the decision of the superintendent of schools. Final decisions of the Board of Education may be appealed to the Commissioner of Education within thirty (30) days of the decision.

(c) Permanent Suspension

Permanent suspension is reserved for extraordinary circumstances such as where a student's conduct poses a life-threatening danger to the safety and well-being of other students, school personnel or any other person lawfully on school property or attending a school function.

DISCIPLINARY PROCEDURES AND PENALTIES

F. MINIMUM PERIODS OF SUSPENSION

1. *Students Who Bring a Weapon to School*

No student shall have in his or her possession upon school property, vehicles or premises any rifle, shotgun, pistol, revolver, other firearm, knives, dangerous chemicals, explosives, or any object that is not necessary for school activities and which could be used as a weapon. A weapon is defined as any instrument capable of firing a projectile, the frame or receiver of any such weapon, firearm muffler or silencer, any explosive device, or any other instrument capable of inflicting bodily harm.

Any student found guilty of bringing a firearm, as defined in §921 of Title 18 of the United States Code onto school property after a hearing has been provided pursuant to §3214 of the Education Law will be subject to at least a one-year suspension from school. However, after this penalty has been determined, the superintendent of schools will review the penalty and may modify such suspension on a case-by-case basis. If the superintendent of schools believes a one-year suspension penalty to be excessive, s/he may modify the penalty based on criteria including but not limited to:

1. the age of the student
2. the student's grade in school; the student's prior disciplinary record
3. the belief of the superintendent of schools that other forms of discipline may be more effective
4. input from parents, teachers and/or others, and
5. other extenuating circumstances

The superintendent of schools shall refer any student under the age of 16 who has been determined to have brought a firearm to school to Family Court; students over the age of 16 will be referred to the appropriate law enforcement authorities.

New York State Peace Officers and Police Officers are the only people permitted to have a weapon in their possession on school property. According to §921 of the Gun Free Schools Act (P.L. 103-227), a firearm includes any weapon which will or is designed to or may readily be converted to expel a projectile by the action of an explosive; the frame or receiver of any such weapon; and any explosive, incendiary or poison gas including bombs, grenades, rockets or similar devices. Not included in this definition are antique firearms, knives, Class-C fireworks and rifles that are used as part of a school's hunting or rifle clubs or military education.

DISCIPLINARY PROCEDURES AND PENALTIES

F. MINIMUM PERIODS OF SUSPENSION (continued)

2. Students Who Commit Violent Acts Other Than Bringing A 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, may be subject to suspension from school from one (1) to five (5) days. If the proposed penalty is a 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 of schools has the authority to modify the minimum five-day suspension on a case-by-case basis. In deciding whether to modify the penalty, the superintendent of schools 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 engages in conduct which results in the student being removed from the classroom by teacher(s) on four (4) or more occasions during a semester, or three (3) or more occasions during a trimester, will be suspended from school for a period up to three (3) to five (5) days.

If the proposed penalty is a 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 short-term suspension. If the proposed penalty exceeds the minimum five-(5) 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 of schools has the authority to modify the minimum five-(5) day suspension on a case-by-case basis. In deciding whether to modify the penalty, the superintendent of schools may consider the same factors considered in modifying a one-year suspension for possessing a weapon.