

## **SUBJECT: SUSPENSION OF STUDENTS ATTENDING BOCES PROGRAMS**

### **Suspension from School**

Suspension from school is a severe consequence, 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 self or others.

The Board retains its authority to suspend students, but places primary responsibility for the suspension of students with the principal (the building principal or “acting principal” supervisor) for a short term suspension or the home school district for a long-term suspension. All students who are under suspension in their home school shall be automatically suspended by BOCES during the time of their home school suspension. Administrators of the home districts will be requested to inform BOCES of student suspensions.

Any staff member may recommend to the principal that a student be suspended. All staff members must immediately report and refer a violent student to the principal for 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 report is to be prepared as soon as possible by the staff member recommending the suspension.

The 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.

### **Short –term (5 school days or less) Suspension**

BOCES shall initiate the suspension of a disruptive student from one of its programs when other forms of behavior intervention and disciplinary action have failed unless circumstances otherwise warrant. The process for such suspensions is as follows:

- a) BOCES administrator will contact home district administrator to determine number of days of suspension, not to exceed five school days.
- b) The student being suspended must be told of the suspension and the reason for the proposed suspension by the BOCES Administrator.
- c) The parents/guardians of the student will be notified in writing by the home district within 24 hours with notification by telephone, where possible.

(Continued)

## **SUBJECT: SUSPENSION OF STUDENTS ATTENDING BOCES PROGRAMS (Cont'd.)**

- d) The student and parent(s) or guardian(s) shall, on request, be given an opportunity for an informal conference with the building administrator and complaining witnesses. Such notice and opportunity for an informal conference shall take place prior to the suspension of the student unless the student's presence in the school poses a continuing danger to persons or property or an ongoing threat of disruption to the academic process, in which case the notice and opportunity for an informal conference shall take place as soon after the suspension as is reasonably practicable.
- e) A copy of the suspension letter shall be placed in the student's file.

### **Long-term (more than 5 school days) Suspension from School**

When serious infraction(s) of the code of conduct warrant the consideration of a long term suspension, the matter will be referred to the home school district. In order to facilitate review and action according to the disciplinary procedures established within the home district's code of conduct or, in the case of a student with disabilities, by a manifestation determination as required by state and federal law, the BOCES principal shall provide appropriate documentation to the appropriate school official of the student's home school district.

### **Minimum Periods of Suspension**

Pursuant to law, Commissioner's Regulations and *Code of Conduct*, minimum periods of suspension shall be provided for the following prohibited conduct, subject to the requirements of federal and state law and regulations.

- a) Consistent with the federal Gun-Free Schools Act, any student who is determined to have brought a weapon to school shall be suspended for a period of not less than one calendar year. However, the suspending authority may modify this suspension requirement on a case-by-case basis.
- b) For acts that would qualify the student to be defined as a violent student pursuant to Education Law Section 3214(2-a)(a), provided that the suspending authority may reduce such period on a case-by-case basis to be consistent with any other state and federal law.

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**SUBJECT: SUSPENSION OF STUDENTS ATTENDING BOCES PROGRAMS (Cont'd.)**

- a) For students who repeatedly are substantially disruptive of the educational process or substantially interfere with the teacher's authority over the classroom, provided that the suspending authority may reduce such period on a case-by-case basis to be consistent with any other state and federal law. The definition of "repeatedly and substantially disruptive of the educational process or substantially interferes with the teacher's authority" shall be determined in accordance with the Regulations of the Commissioner.

**Suspension of Students with Disabilities**

The home district administrator, or District Superintendent may order the Suspension of a student with a disability for a period not to exceed five (5) consecutive school days and not to exceed the amount of time a non-disabled student would be subject to suspension for the same behavior unless the particular suspension would result in a disciplinary change of placement. Any student with a disability who has been suspended for any ten (10) days within a school year must be referred to the Committee on Special Education of the home school district for a manifestation determination hearing. Students with disabilities and their parents should be aware that there are special protections surrounding disciplinary actions which may warrant a manifestation determination and should request specifics of these legal protections from the Committee on Special Education of their home school district.

**In-School Suspension**

In-school suspension may 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.

**Exhaustion of Administrative Remedies**

The filing of an appeal will not postpone the implementation of the suspension during the appeal process. If a parent/person in a parental relation wishes to appeal the decision of to suspend a student from school, the parent/person in parental relation must appeal in writing within ten (10) days of the suspension decision to the home District Superintendent. The District Superintendent will render a decision to the appeal within ten (10) days of receipt of the request for an appeal. If a parent/person in parental relation wishes to appeal the decision of the District Superintendent, the parent/person in parental relation must appeal in writing within ten (10) days of the District Superintendent's appeal decision to the Board of Education prior to commencing an appeal to the Commissioner of Education. The Board of Education will review the appeal at its next regular Board meeting and render a decision in writing within ten (10) days of such meeting. In accordance with law, an appeal to the Commissioner of Education must be filed in writing within thirty (30) days of the Board of Education's written decision.

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**SUBJECT: SUSPENSION OF STUDENTS ATTENDING BOCES PROGRAMS (Cont'd.)**

Education Law Sections 2801 and 3214  
8 New York Code of Rules and Regulations  
(NYCRR) Section 100.2(2) and Part 201  
18 United State Code (U.S.C.)  
Sections 914 and 921  
20 United States Code (U.S.C.) Section 8921  
20 Unites States Code (U.S.C.) Sections 1400-1485,  
Individuals with Disabilities Education Act (IDEA)  
34 Code of Federal Regulations (CFR) Part 300

Adopted: 7/2002

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