MOUNT PLEASANT COTTAGE SCHOOL UNION FREE SCHOOL DISTRICT

SUBJECT: GUIDELINES FOR STUDENT SUSPENSIONS

Guidelines for all District staff shall ensure the effective implementation of the School District's policy on school conduct and discipline.

1) Keep careful records of all violations of school regulations. This should include names, dates, circumstances, investigation and disposition.

2) Utilize support personnel to find ways of helping the student and/or parents/person(s) in parental relation to solve the problem (teachers, guidance, psychologists, social worker, attendance officer, etc.).

3) Utilize all school and community agencies which might prove helpful.

4) Record all attempts to deal with problems, including conferences with parents/person(s) in parental relation, teacher observations, record of referrals to other personnel and agencies and their reports.

5) Teachers shall immediately report or refer a violent student to the Principal or Superintendent for a violation of the District's Code of Conduct and a minimum suspension period.

6) A student may be suspended:
   a. Who is insubordinate or disorderly, or violent or disruptive, or whose conduct otherwise endangers the safety, morals, health and welfare of others, OR
   b. Whose physical or mental condition endangers the health, safety or morals of himself/herself or of other minors.

7) When the Principal has exhausted all available alternatives and resources and feels that the student's continued presence in school would constitute a threat or danger to himself/herself or other students or that the student is "violent and/or disruptive" as defined in accordance with law and Commissioner's Regulations, the matter should also be referred to the Superintendent of Schools.
   a. A "violent student" is defined in Education Law as an elementary or secondary student under twenty-one (21) years of age who:
      (1) Commits an act of violence upon a teacher, administrator or other school employee;
      (2) Commits, while on Mount Pleasant Cottage School Union Free School District property, an act of violence upon another student or any other person lawfully upon said property;

(Continued)
SUBJECT: GUIDELINES FOR STUDENT SUSPENSIONS (Cont'd.)

(3) Possesses, while on Mount Pleasant Cottage School Union Free School District property, a gun, knife, explosive or incendiary bomb, or other dangerous instrument capable of causing physical injury or death;

(4) Displays, while on Mount Pleasant Cottage School Union Free School District property, what appears to be a gun, knife, explosive or incendiary bomb or other dangerous instrument capable of causing death or physical injury;

(5) Threatens, while on Mount Pleasant Cottage School Union Free School District property, to use any instrument that appears capable of causing physical injury or death;

(6) Knowingly and intentionally damages or destroys the personal property of a teacher, administrator, other Mount Pleasant Cottage School Union Free School District employee or any person lawfully upon Mount Pleasant Cottage School Union Free School District property; or

(7) Knowingly and intentionally damages or destroys Mount Pleasant Cottage School Union Free School District property.

Teachers are required to immediately report and refer violent students to the Principal or Superintendent for a violation of the District's Code of Conduct and a minimum suspension period pursuant to Education Law Section 2801. However, the suspending authority may reduce such period on a case-by-case basis to be consistent with any other state and federal law.

b. A "disruptive student" is defined in Education Law as 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.

As further enumerated in Commissioner's Regulations, "repeatedly is substantially disruptive of the educational process or substantially interferes with the teacher's authority over the classroom" shall mean engaging in conduct which results in the removal of the student from the classroom by the teacher(s) pursuant to Education Law and the provisions set forth in the District's Code of Conduct on four (4) or more occasions during a semester, or three (3) or more occasions during a trimester, as applicable.

Pursuant to the District's Code of Conduct, a minimum suspension period shall be established for students who repeatedly are substantially disruptive of the educational process or substantially interfere with the teacher's authority over the classroom. However, the suspending authority may reduce such period on a case-by-case basis to be consistent with any other state and federal law.

(Continued)
SUBJECT: GUIDELINES FOR STUDENT SUSPENSIONS (Cont'd.)

Suspension: Five School Days or Less

1) When the Superintendent or the Principal (the "suspension authority") proposes to suspend a student for five (5) school days or less, the suspending authority shall provide the student with notice of the charged misconduct. If the student denies the misconduct, the suspending authority shall provide an explanation of the basis for the suspension. When suspension of a student for a period of five (5) school days or less is proposed, administration shall also immediately notify the parent/person in parental relation in writing that the student may be suspended from school.

2) Written notice shall be provided by personal delivery, express mail delivery, or equivalent means reasonably calculated to assure receipt of such notice within twenty-four (24) hours of the decision to propose suspension at the last known address or addresses of the parents/persons in parental relation.

Where possible, notification shall also be provided by telephone if the school has been provided with a telephone number(s) for the purpose of contacting parents/persons in parental relation.

3) Such notice shall provide a description of the incident(s) for which suspension is proposed and shall inform the student and the parent/person in parental relation of their right to request an immediate informal conference with the Principal in accordance with the provisions of Education Law Section 3214(3)(b). Both the notice and the informal conference shall be in the dominant language or mode of communication used by the parent/person in parental relation. At the informal conference, the student and/or parent/person in parental relation shall be authorized to present the student's version of the event and to ask questions of the complaining witnesses.

4) The notice and opportunity for informal conference shall take place prior to 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 practical.

5) Regardless of the length of a student's suspension, if a parent/person in parental relation wishes to appeal the suspension of such student by the Principal and/or Superintendent, such appeal must be made to the Board of Education, if necessary, prior to commencing an appeal to the Commissioner of Education.
SUBJECT:  GUIDELINES FOR STUDENT SUSPENSIONS (Cont'd.)

Procedure after Suspension

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. Although the alternative instruction need not match in every respect the instructional program previously offered to the student, it must be adequate enough so that the student may complete his/her course work.

When a student has been suspended, the suspension may be revoked by the Board of Education whenever it appears to be for the best interest of the school and the student to do so. The Board of Education may also condition a student's early return to school and suspension revocation on the student's voluntary participation in counseling or specialized classes, including anger management or dispute resolution, where applicable.

Students with Disabilities/Students Presumed to Have a Disability

In the case of a potential long term suspension and/or disciplinary change in educational placement of a student classified as having a disability or a student presumed to have a disability for discipline purposes as defined pursuant to law and regulation, a referral to the manifestation team will be made to determine if the behavior giving rise to the suspension is directly related to the disability. Suspension and/or disciplinary change in educational placement of students with disabilities and students presumed to have a disability for discipline purposes shall be in accordance with federal and state law and due process requirements.

Disciplinary Change in Placement

A disciplinary change in placement means a suspension or removal from a student's current educational placement that is either:

1) For more than ten (10) consecutive school days; or

2) For a period often (10) consecutive days or less if the student is subjected to a series of suspensions or removals that constitute a pattern:

   a. Because they cumulate to more than ten (10) school days in a school year;

   b. Because the student's behavior is substantially similar to the student's behavior in previous incidents that resulted in the series of removals; and

(Continued)
SUBJECT: GUIDELINES FOR STUDENT SUSPENSIONS (Cont'd.)

c. Because of such additional factors as the length of each suspension or removal, the total amount of time the student has been removed and the proximity of the suspensions or removals to one another.

The District determines on a case-by-case basis whether a pattern of removals constitutes a change of placement. This determination is subject to review through due process and judicial proceedings.

Whenever it is determined that a suspension constitutes a change in placement, parents will be sent a notice of procedural safeguards.

Manifestation Determinations

A review of the relationship between the student's disability and the behavior subject to disciplinary action to determine if the conduct is a manifestation of the disability must be made by a manifestation team immediately, if possible, but in no case later than ten (10) school days after a decision is made:

1) By the Superintendent to change the placement to an interim alternative educational setting (IAES);

2) By an Impartial Hearing Officer (IHO) to place the student in an IAES; or

3) By the Board, District Superintendent, Superintendent or Building Principal to impose a suspension that constitutes a disciplinary change of placement.

The manifestation team shall include a representative of the District knowledgeable about the student and the interpretation of information about child behavior, the parent and relevant members of the Committee on Special Education (CSE) as determined by the parent and the District. The parent must receive written notice prior to the meeting to ensure that the parent has an opportunity to attend. This notice must include the purpose of the meeting, the names of those expected to attend and notice of the parent's right to have relevant members of the CSE participate at the parent's request.

The manifestation team shall review all relevant information in the student's file including the student's individualized education program (IEP), any teacher observations, and any relevant information provided by the parents to determine if: the conduct in question was caused by or had a direct and substantial relationship to the student's disability; or the conduct in question was the direct result of the District's failure to implement the IEP.

(Continued)
SUBJECT: GUIDELINES FOR STUDENT SUSPENSIONS (Cont'd.)

Finding of Manifestation

If it is determined, as a result of this review, that the student's behavior is a manifestation of his/her disability, the CSE shall conduct a functional behavioral assessment and implement or modify a behavioral intervention plan. Unless the change in placement was due to behavior involving serious bodily injury, weapons, illegal drugs or controlled substances, the student must be returned to the placement from which the student was removed unless the parent and the District agree to a change of placement as part of the modification of the behavioral intervention plan.

No Finding of Manifestation

If it is determined that the student's behavior is not a manifestation of his/her disability, the relevant disciplinary procedures applicable to students without disabilities may be applied to the student in the same manner in which they would be applied to students without disabilities, subject to the right of the parent/person in parental relation to request a hearing objecting to the manifestation determination and the District's obligation to provide a free, appropriate public education to such student.

Provision of Services Regardless of the Manifestation Determination

Regardless of the manifestation determination, students with a disability shall be provided the services necessary for them to continue to participate in the general education curriculum and progress toward meeting the goals set out in their IEP as delineated below:

1) During suspensions or removals for periods of up to ten (10) school days in a school year that do not constitute a disciplinary change in placement, students with disabilities of compulsory attendance age shall be provided with alternative instruction on the same basis as nondisabled students. Students with disabilities who are not of compulsory attendance age shall be entitled to receive services during such suspensions only to the extent that services are provided to nondisabled students of the same age who have been similarly suspended.

2) During subsequent suspensions or removals for periods of ten (10) consecutive school days or less that in the aggregate total more than ten (10) school days in a school year but do not constitute a disciplinary change in placement, students with disabilities shall be provided with services necessary to enable the student to continue to participate in the general education curriculum and to progress toward meeting the goals set out in the student's IEP and to receive, as appropriate, a functional behavioral assessment, behavioral intervention services and modifications that are designed to address the behavior violation so it does not recur. School personnel, in consultation with at least one (1) of the student's teachers, shall

(Continued)
determine the extent to which services are needed, so as to enable the student to continue to participate in the general education curriculum, although in another setting, and to progress in meeting the goals set out in the student's IEP.

3) During suspensions or other disciplinary removals, for periods in excess of ten (10) school days in a school year which constitute a disciplinary change in placement, students with disabilities shall be provided with services necessary to enable the student to continue to participate in the general education curriculum, to progress toward meeting the goals set out in the student's IEP, and to receive, as appropriate, a functional behavioral assessment, behavioral intervention services and modifications that are designed to address the behavior violation so it does not recur. The IAES and services shall be determined by the CSE.

Interim Alternative Educational Settings (IAES)

Students with disabilities who have been suspended or removed from their current placement for more than ten (10) school days may be placed in an IAES which is a temporary educational setting other than the student's current placement at the time the behavior precipitating the IAES placement occurred.

Additionally, an Impartial Hearing Officer in an expedited due process hearing may order a change in placement of a student with a disability to an appropriate IAES for up to forty-five (45) school days if the Hearing Officer determines that maintaining the current placement is substantially likely to result in injury to the student or others.

There are three specific instances when a student with a disability may be placed in an interim alternative educational setting for up to forty-five (45) school days without regard to a manifestation determination:

1) Where the student carries or possesses a weapon to or at school, on school premises, or to or at a school function under the jurisdiction of the District; or

2) Where a student knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school, on school premises, or a school function under the jurisdiction of the District; or

3) Where a student has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function under the jurisdiction of the District. Serious bodily harm has been defined in law to refer to one of the following:

   a. Substantial risk of death;

(Continued)
SUBJECT: GUIDELINES FOR STUDENT SUSPENSIONS (Cont'd.)

b. Extreme physical pain; or

c. Protracted and obvious disfigurement or protracted loss or impairment of the function of a bodily member, organ or mental faculty.

For purposes of this regulation, school premises shall mean in or within any building, structure, athletic playing field, playground, parking lot or land contained within the real property boundary line of a public elementary or secondary school; a school function shall mean a school-sponsored or school-authorized extracurricular event or activity regardless of where such event or activity takes place, including any event or activity that may take place in another state.

School personnel may consider any unique circumstances on a case-by-case basis when determining whether to order a change in placement for a student with a disability who violates a code of student conduct.

In all cases, the student placed in an IAES:

1) Continue to receive educational services so as to enable the student to continue to participate in the general education curriculum, although in another setting, and to progress towards the goals set out in the student’s IEP; and

2) Receive, as appropriate, a functional behavioral assessment and behavioral intervention services and modifications that are designed to address the behavior violation so that it does not recur.

The period of suspension or removal may not exceed the amount of time a non-disabled student would be suspended for the same behavior.

NOTE: Refer also to Regulation #7313R.1 -- Superintendent's Hearing/Suspensions in Excess of Five (5) School Days