

Students

MOUNT PLEASANT COTTAGE SCHOOL UNION FREE SCHOOL DISTRICT**SUBJECT: SUPERINTENDENT'S HEARING/SUSPENSIONS IN EXCESS OF FIVE (5)
SCHOOL DAYS**

A student may not be suspended for a period in excess of five (5) school days unless he/she and the parent/person in parental relation to him/her shall have had an opportunity for a Superintendent's Hearing at which the student shall have the right to be represented by an attorney, the right to present witnesses and other evidence on his/her own behalf and the right to cross-examine witnesses against him/her. The notice of the hearing should advise the student of the grounds for the charges in specific enough terms to enable him/her to anticipate reasonably the subject content of the proposed hearing and to prepare a defense. The administrator bringing the charges must furnish the Superintendent of Schools with all records and written report on the facts and charges.

The student may bring a parent/person in parental relation with him/her to the hearing, and both the student and the person invoking the hearing procedure may be represented by counsel. An interpreter should be available, if needed.

At the hearing, persons having direct knowledge of the facts should be called to testify. Hearsay evidence may be admitted but alone is not sufficient, notwithstanding the administrative nature of the proceeding. There must be some direct evidence of guilt of the charges. The burden of proving guilt rests upon the person making the charge, and the student is entitled to a presumption of innocence of wrongdoing unless the contrary is proved. The student may testify in his/her own behalf and is free to cross-examine witnesses against him/her.

Both the Superintendent of Schools and the Board of Education are authorized to appoint a Hearing Officer to conduct student disciplinary hearings. The Hearing Officer shall make findings of fact and recommendations as to the appropriate measure of discipline. The report of the Hearing Officer is advisory only, and the Superintendent of Schools or Board may accept or reject all or any part of such report.

Where the basis for a suspension is, in whole or in part, the possession on school grounds or school property by the student of any firearm, rifle, shotgun, dagger, dangerous knife, dirk, razor, stiletto or any of the weapons, instruments or appliances specified in Penal Law Section 265.01, the Hearing Officer or Superintendent shall not be barred from considering the admissibility of such weapon, instrument or appliance as evidence, notwithstanding a determination by a court in a criminal or juvenile delinquency proceeding that the recovery of such weapon, instrument or appliance was the result of an unlawful search or seizure.

A record of the hearing shall be maintained, but no stenographic transcript shall be required and a tape recording shall be deemed a satisfactory record.

(Continued)

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**SUBJECT: SUPERINTENDENT'S HEARING/SUSPENSIONS IN EXCESS OF FIVE (5)
SCHOOL DAYS (Cont'd.)**

Any decision by the Superintendent of Schools can be appealed to the Board of Education, and from the Board of Education to the Commissioner of Education, or through the courts.

NOTE: Refer also to Regulation #7313R -- Guidelines for Student Suspensions