

Year: 2013	
Policy Number: 6210	
Section:	
<input type="checkbox"/> Community Relations <input type="checkbox"/> Administration <input type="checkbox"/> Business Procedures <input type="checkbox"/> Community Operations <input type="checkbox"/> Personnel <input checked="" type="checkbox"/> Students <input type="checkbox"/> Instruction	

SUBJECT: Student Disciplinary Code

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.

Health Sciences Charter School (“HSCS”) retains its’ authority to suspend students and places primary responsibility for the suspension of students with the Principal for a short term or a long-term suspension. All students who are under suspension at HSCS shall be automatically suspended by BOCES during the time of their suspension. The Principal will be responsible 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 Suspension from School (5 school days or less)

HSCS 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. Suspension may be made by the Principal for a period of time not to exceed five school days. Suspensions may not be approved by any other staff member.
- b. The student being suspended must be told of the suspension and the reason for the proposed suspension by the Principal. If the student denies the misconduct, the suspending authority shall provide an explanation of the basis for the suspension.
- c. The parents/guardians of the student are to be notified in writing with notification by personal delivery, express mail delivery, or equivalent means reasonably calculated to assure receipt of such notice within 24 hours of the decision to propose suspension at the last known address or

addresses of the parent/person in parental relation. Where possible, notification shall also be provided by telephone.

- d. The student and parent(s) or guardian(s) shall, on request, be given an opportunity for an informal conference with the Principal 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 Suspension from School (more than 5 school days)

When serious infraction(s) of the Code of Conduct warrant the consideration of a long term suspension, the matter will be referred to the Principal in order to facilitate review and action according to the disciplinary procedures established within the HSCS Code of Conduct or, in the case of a student with disabilities, by a manifestation determination as required by state and federal law.

Minimum Periods of Suspension

Pursuant of the HSCS Code of Conduct, minimum periods of suspension shall be provided for the following prohibited conduct:

- 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.
- c. For students who repeatedly are substantially disruptive of the educational processor 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 HSCS Code of Conduct.

Suspension of Students with Disabilities

The Principal 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 Principal for a manifestation determination hearing.

In-School Suspension

In accordance with the HSCS Code of Conduct, 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.

Supporting Procedures:

Student Handbook

Staff Handbook

Related Laws, Regulations & Acts:

Education Law Sections 2801 and 3214

8 New York Code of Rules and Regulations (NYCRR)

Section 100.2(2) and Part 201

18 United States Code (USC) Sections 914 and

921 20 United States Code (USC) Section 8921

20 United States Code (USC) Sections 1400-

1485, Individuals with Disabilities Education

Act (IDEA) 34 Code of Federal Regulations

(CFR) Part 300

Adopted: 5/9/2013

Revised: 5/6/2021