

SUSPENSIONS

Suspension from athletic participation, extracurricular activities and other privileges

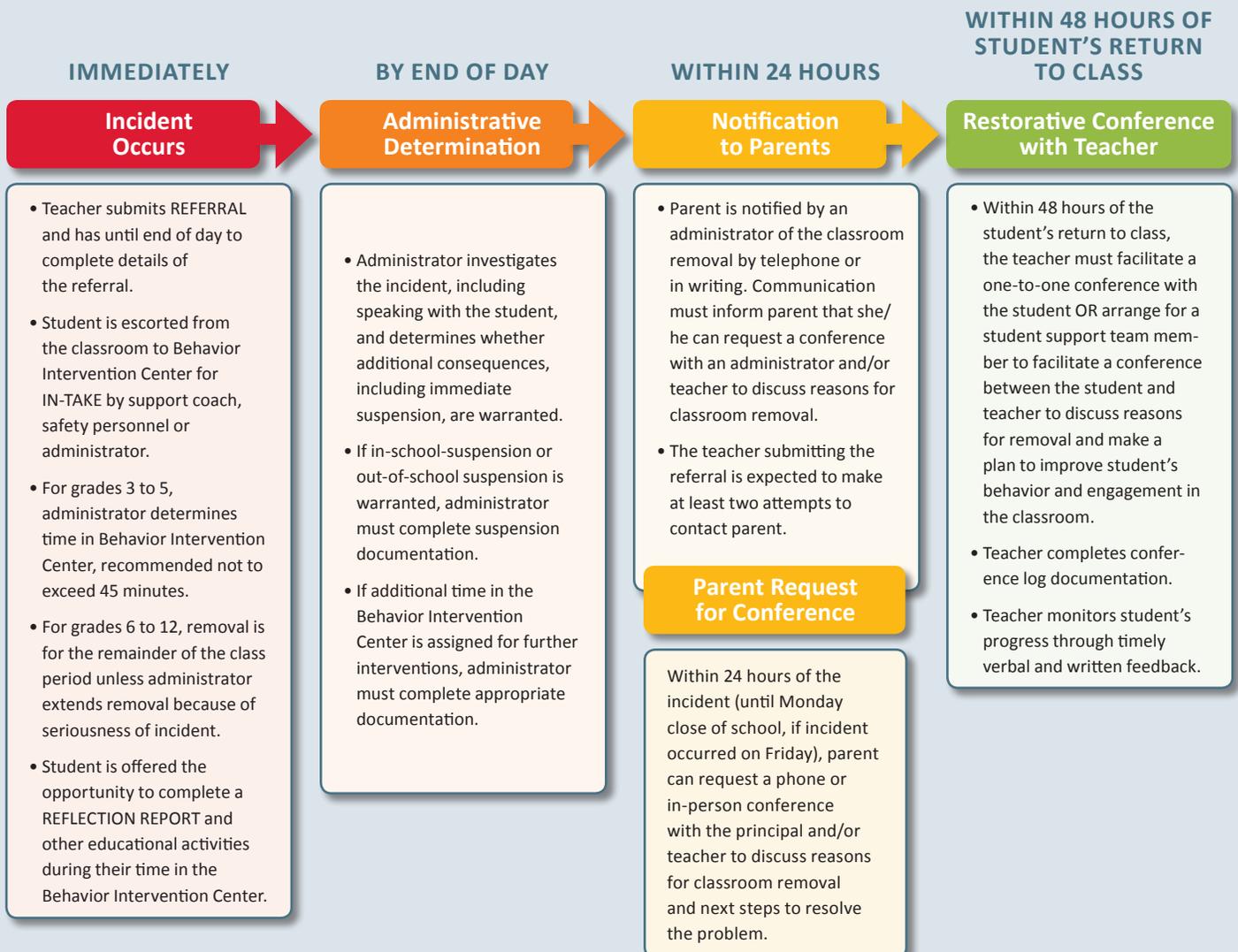
- A student subjected to a suspension from athletic participation, extracurricular activities or other privileges is not entitled to a full hearing pursuant to Education Law §3214. However, the student and the student’s parent/guardian will be provided with a reasonable opportunity for an informal conference with the district official imposing the suspension to discuss the conduct and the assigned consequences involved.

Suspension from Transportation

- The building principal is authorized to suspend a student from transportation. Before the suspension takes place, the principal must offer the student and parent/guardian an opportunity to appear informally before the principal and to discuss the factual situation underlining the threatened disciplinary action. When a suspension from transportation results in a suspension from attendance because of the distance between home and school and the absence of alternative means of transportation, the school district must make arrangements to provide for the pupil’s education.

Why Would a Student be Removed from the Classroom?

If student’s inappropriate, unacceptable or unskillful behavior is identified as a Level 2 violation and jeopardizes students’ safety in the classroom or seriously interrupts learning for a protracted period of time after other interventions have been attempted, the teacher may remove student from the classroom. If student’s inappropriate, unacceptable or unskillful behavior is identified as a Level 3 or 4, the student must be removed from classroom.





In-school suspension

- The Board recognizes the school must balance the need of students to attend school and the need for order in the classroom to establish an environment conducive to learning. As such, the Board authorizes deans of students, administrative interns, vice principals, principals, directors, executive directors, chiefs, assistant Superintendents and the Superintendent to place students who would otherwise be suspended from school as the result of a Code of Conduct, Character and Support violation in “in-school suspension.” The in-school suspension program will be supervised by a staff member designated by the principal.
- 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/guardian will be provided with a reasonable opportunity for an informal conference with the district official with authority to impose the in-school suspension to discuss the conduct involved and the assigned consequences.

Suspension from school

- Suspension from school shall be imposed in accordance with the requirements of applicable law and this Code.
- Suspension from school is a severe assigned consequence, which may be imposed only upon students who are violent or whose conduct otherwise endangers the safety, moral character, physical or mental health, or welfare of others. The Board retains its authority to suspend students, but places primary responsibility for the suspension of students with the Superintendent and the principals.
- Any staff member may recommend to the Superintendent or the principal that a student be suspended. 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 by end of day by the staff member recommending the suspension.
- The Superintendent or 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 days or less) suspension from school

If a student in grades 3-5 engages in pervasive or serious aggressive acts that cause injury or threaten children’s safety in the classroom, the principal can determine the most appropriate interventions up to and including out-of-school suspension. The principal must immediately provide written notification to the Superintendent’s Designee upon suspension. In addition, an intervention plan should be developed. Parents must be invited to be directly involved in the development of the intervention plan to support their child’s success.

For grades 6-12, when the Superintendent or principal (referred to as the “suspending authority”) proposes to suspend a student charged with misconduct for five days or less pursuant to Education Law §3214(3), the suspending authority must immediately notify the student orally. 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 parent/guardian in writing that the student may be suspended from school. Notice should also be provided by telephone if the school has been provided with a telephone number(s) for the purpose of contacting the parent/guardian.

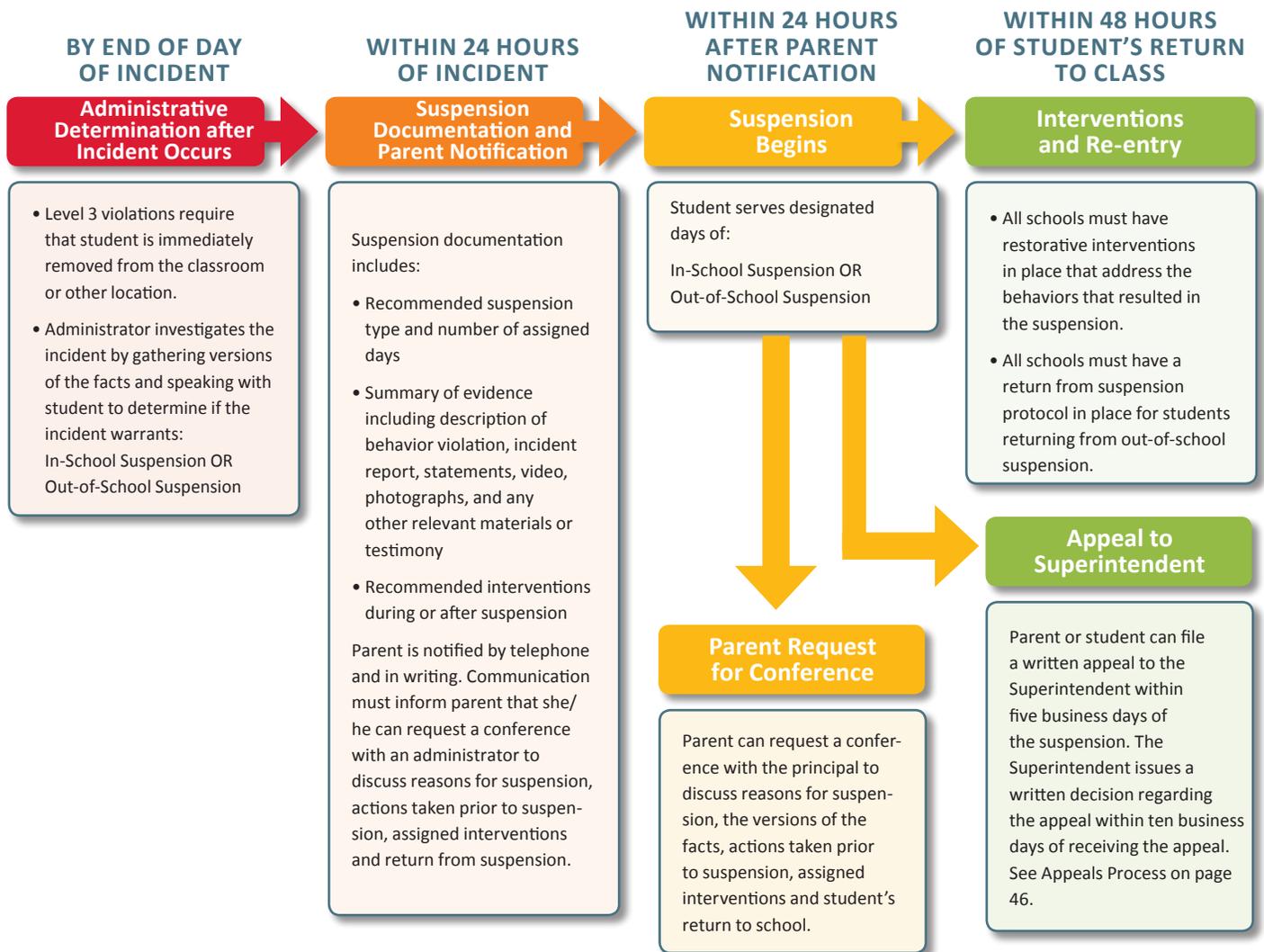
The notice shall provide a description of the charges against the student and the incident for which suspension is proposed and shall inform the parents/guardians of the right to request an immediate informal conference with the suspending authority where the parents/guardians, upon request, shall be permitted to ask questions of complaining witnesses under such procedures as the suspending authority may establish. The notice and opportunity for informal conference shall be provided prior to the suspension unless the student’s continuing presence in the school poses a continuing danger to persons or property, or an ongoing threat of disruption. Where the student’s continuing presence in the school poses a continuing danger to persons or property, or an ongoing threat of disruption, the student may be immediately suspended and the notice and informal conference shall be afforded as soon as reasonably practicable. Both the notice and informal conference shall be in the dominant language or mode of communication used by the parents/guardians. If the informal conference is requested, it will be scheduled at the earliest convenience of the suspending authority.

After the conference, the suspending authority shall promptly advise the parents/guardians of his or her decision, which may be in writing. The suspending authority shall advise the parents/guardians that if they are not satisfied with the decision and wish to pursue the matter, they must file a written appeal to the Superintendent within five business days, unless they can show extraordinary circumstances precluding them from doing so. The Superintendent shall issue a written decision regarding the appeal within 10 business days of receiving the appeal. If the parents/

guardians are not satisfied with the Superintendent's decision, they must file a written appeal to the Board of Education's District Clerk within 10 business days of the date of the Superintendent's decision, unless they can show extraordinary circumstances precluding them from doing so. Final decisions rendered by the Board of Education may be appealed to the New York State Commissioner of Education within 30 days of the decision.

What are the Short-Term In-School or One- to Three-Day Out-of-School Suspension Procedures and Timeline?

If student's inappropriate, unacceptable or unskillful behavior is identified as a Level 2 violation, it may warrant short-term in-school suspension. If student's inappropriate, unacceptable or unskillful behavior is identified as a Level 2 or 3 violation, it may warrant a short-term-in-school or out-of-school suspension.



Alternative Programs

When a student of compulsory attendance age is suspended from school pursuant to Education Law §3214, the principal will take steps to provide continued educational programs and activities, alternative means of instruction, for the student. The alternative instruction may be provided by personnel in the school, or at an alternative site, by home instruction, or by a school suspension instruction program. The alternative instruction shall begin as soon as practicable, but in no event later than the third day of suspension. The method of alternative instruction shall be appropriate to the circumstance (e.g., long-term, short-term, in-school suspension, or removal from class). In all cases, it shall be incumbent on the principal and building staff to ensure that alternative instruction is provided to each eligible student, and that each student has course assignments available for him or her for the period of removal or suspension; and that upon return to regular classes those assignments are turned in, within the same time frames as provided for make-up opportunities in the case of excused absence. When a student of compulsory age is suspended for more than five days, the Superintendent will make a final decision regarding placement in an alternative setting. The District is obligated to provide alternative instruction to students of compulsory attendance age. Alternative Placements will be monitored by an Alternative Placement Committee (APC) which screens requests for Alternative Placements and checks for timely exits from those Placements.

Positive Alternative to Student Suspension (PASS):

- The PASS Program is available on the third consecutive day that he or she has been suspended out of school. Students have the opportunity to make up and complete work while on suspension in the program. In most schools, PASS operates each day after school. PASS is offered two hours per day for secondary students and one hour per day for elementary students. Students are offered the opportunity to attend the PASS Program at the time of suspension.

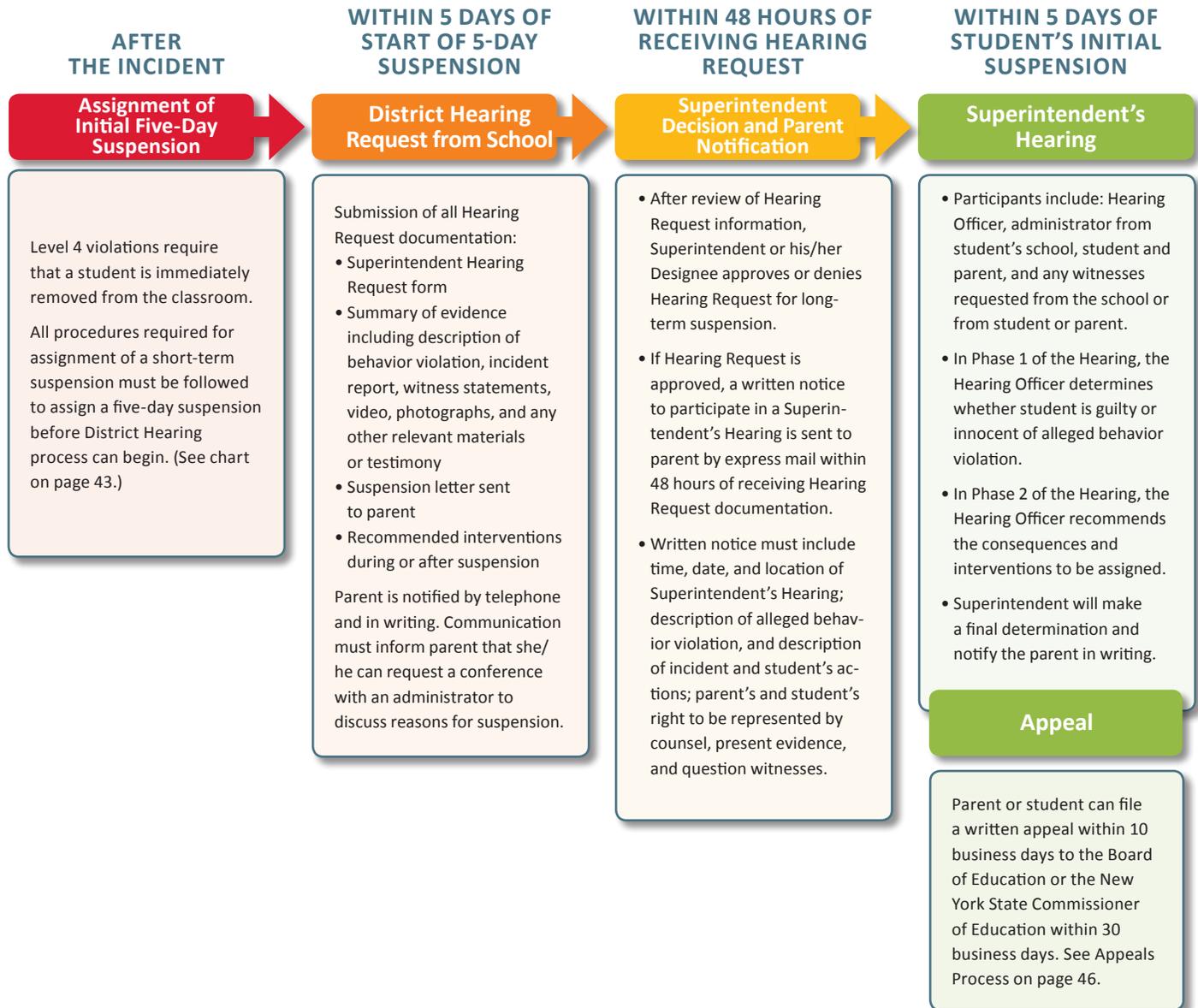
Long-term (more than five days) suspension from school

- When the Superintendent, or his/her designee, determines that a suspension for more than five days may be warranted, he or she shall give reasonable notice to the student and the student's parents/guardians 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. If the Board determines to conduct the fair hearing itself, it must provide the required notice of hearing.
- The Superintendent may 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 record. The hearing officer shall make findings of fact and recommendations as to the appropriate measure of discipline to the Superintendent. The report of the hearing officer shall be advisory only, and the Superintendent may accept all or any part thereof. The Superintendent shall render a written determination.
- An appeal of the decision by the Superintendent may be made to the Board. The Board will make its decision based solely upon the record before it. All appeals to the Board must be in writing and submitted to the District Clerk within 10 business days of the date of the Superintendent's decision, unless the parents/guardians can show that extraordinary circumstances precluded them from doing so. The Board may adopt in whole or in part the decision of the Superintendent. Final decisions of the Board may be appealed to the New York State Commissioner of Education within 30 days of the decision.



What are the Five-Day Suspension and District Hearing Request Procedures and Timeline?

If student's inappropriate, unacceptable or unskillful behavior is identified as a Level 4 violation that warrants possible assignment of long-term suspension of more than five days or other district-assigned consequences, the following procedures and timeline must be followed.



What are the Appeal Process Procedures and Timeline for Superintendent's Hearing Decision?

Parents, guardians, custodians, persons who have the care, custody or control of the child, or students over the age of 18 can be the petitioner. You should consider filing an appeal when you believe that you did not receive the proper notice of the disciplinary hearing, the rules about the hearing process were not followed (for example, you were not permitted to question witnesses who provided statements against you), or you believe that the decision was not supported by the evidence or is in violation of the law. A student cannot be punished for filing an appeal. It is important to remember that you may not submit new evidence in support of your appeal.

APPEALING THE SUPERINTENDENT'S HEARING

Within 10 Days After Receipt of Hearing Notice

- An appeal must be submitted in writing (a letter is acceptable) and must be submitted to the Syracuse City School District Clerk.
- The appeal letter must include specific reasons why you believe the Superintendent's decision is unfair, not supported by the evidence presented at the Superintendent's Hearing, or not allowed by law. The Board of Education only reviews the evidence that was submitted at the hearing, and will not consider new evidence or arguments.

APPEALING THE BOARD OF EDUCATION DECISION

Within 30 Days After Receipt of the Decision

- The petitioner must file and serve a Notice of Petition, a Petition, and any supporting Affidavit(s). The petitioner must serve a District Clerk, a member of the Board of Education, and a designated person from the Syracuse Superintendent's Office.
- Five (5) days after serving the petition, the petitioner must send the original notice, petition, and supporting documents to the NYS Education Dept. Office of Counsel with a \$20 check made payable to the State Education Dept. A form can be submitted requesting that the Commissioner waive the filing fee.
- The petition must include a specific explanation of the decision that was made and why it is believed to be unfair, not supported by the evidence presented at the Superintendent's Hearing, or not allowed by law. The petitioner must also explain what relief he/she is asking for from the Commissioner.

REVIEW OF COMMISSIONER'S DECISION BY NYS COURT

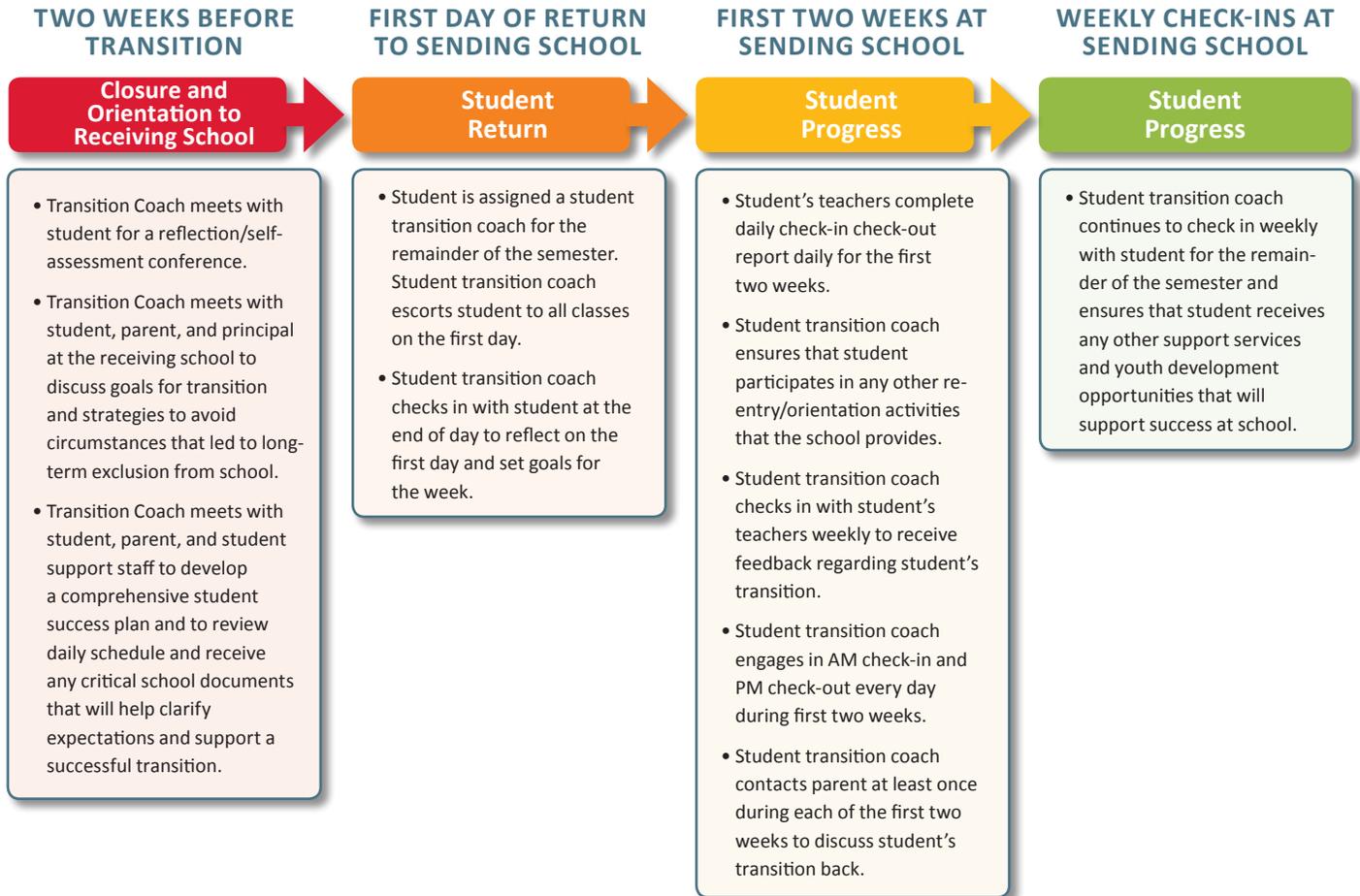
Within 120 Days After Receipt of the Commissioner's Decision

- Petitioner may request that a New York State Supreme Court intervene through an Article 78 Proceeding (also called a "Special Proceeding").
- The Article 78 Proceeding is fairly complicated and legal assistance is highly recommended before starting this type of processing.
- One argument that can be raised is that the Commissioner didn't follow its own rules when it made the decision. Two of the other arguments are 1) whether the decision was "arbitrary and capricious" and 2) whether the decision was not supported by "substantial evidence."



What is the Transition Timeline for Student’s Return to School after Long-Term Suspension or Time in Alternative Placement or Juvenile Facilities?

To ensure a student’s optimal transition back to a regular school program, the following structures and procedures should be in place.



Permanent suspension

Permanent suspension is reserved for extraordinary circumstances including, but not limited to, 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.