PENALTIES

Discipline for violations of the student discipline code shall be dependent on the nature of the violation and shall be progressive. This means that as a general rule, a student's first violation should merit a lighter penalty than subsequent violations. The penalties listed below may be imposed either alone or in combination. Such penalties may be imposed by the Superintendent of Schools or with the Superintendents permission. The Board of Education expects all staff members imposing disciplinary penalties to take into consideration all relevant factors in determining the appropriate penalty.

Penalties

The range of penalties which may be imposed for violations may be seen in the Community Expectation Guide

In addition, if a criminal offense has been committed (for example, false fire alarm, vandalism, use and possession of weapons) the police will be notified.

Alternatives

Counseling, although not a penalty, may be an alternative to the imposition of a penalty, provided that such counseling is formally procured through the Guidance Office.

In addition, involuntary transfer, although not a penalty, may be considered in cases where a nondisabled student’s behavior problems indicate the need for transfer and the nondisabled student would benefit from the transfer. A nondisabled student may be transferred only in accordance with Education Law section 3214(5).

Due Process Protections

The Board recognizes a student's right to a Superintendent's hearing before a suspension from attendance in excess of five days and the right to an appeal of such a suspension to the Board pursuant to Education Law '3214(3) and Policy 5313.3, Student Suspension. The Board further recognizes a student's right to a hearing in accordance with the provisions of Education Law section 3214(5) before being involuntarily transferred.

Cross-ref: 5310, Student Discipline
5312, Prohibited Conduct
5313.1, Detention
5314, Corporal Punishment Complaints
8135, Safe Schools
Ref: Education Law ' *3* 214
8 NYCRR '100.2(1)
5313
Matter of ()=,Conner v. Bd. of Ed., 65 Misc. 2d 40, 43 (due process)
Appeal of Reeves, Dec. No. 13,857 (1998) (involuntary transfer)
Appeal of Alexander, 36 EDR 160 (1996) (counseling)

Matter of Troy R., 29 EDR 424 (1990) (automatic penalties)
Appeal of Want, 27 EDR 217 (1988) (indefinite suspension)
Appeal of Wood, 27 EDR 92 (1987) (suspension beyond school year)
Matter of Clark, 21 EDR 542 (1982) (extracurricular activities)
Matter of Caskey. 21 EDR 138 (1981) (reduction in grade)
Matter of MacWhinnie, 20 EDR 145 (1980) (reduction in grade)
Matter of Labriola, 20 EDR 74 (1980) (excessive penalty)
Matter of Roach, 19 EDR *377* (1980) (transpo~ation; contingent **suspensions)**
Matter of Caulrield. 18 EDR 574 (1979) (suspension from classes)
Matter of Wright, 18 EDR 432 (1978) (formal due process)
Matter of Macheski, 13 EDR 112 (1973) (suspension by a principal)
Matter of Devore, 11 EDR 296 (1972) (insufficient basis for discipline)
Matter of Pott, 9 EDR 107 (1970) (informal due process)