

REGULATION OF THE PRINCIPAL

Category: **STUDENTS**

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Subject: STUDENT DISCIPLINE

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SUMMARY

This regulation establishes intervention and discipline consistent with the Code of Conduct and Discipline Matrix for all students.

INTRODUCTION

The Principal is committed to ensuring that Fei Tian Academy of the Arts-Middletown (FTAA-MT) is a safe and secure environment for all students and staff. Toward that end, students must be taught that they are responsible for their behavior, that there are standards of behavior with which they must comply and that there are consequences when they do not meet those standards.

This Regulation and the relevant Code of Conduct apply to prohibited actions of students in school or on school property before, during, or after school hours; while traveling on vehicles funded by the Board of FTAA-MT; and to misbehavior that occurs off school premises when it negatively affects the educational process or endangers the health, safety, morals or welfare of the school community.

I. PROGRESSIVE DISCIPLINE

As a general rule, discipline will be progressive. This means that a student's first violation will usually merit a lighter penalty than subsequent violations. The Student Affairs Director will report students to the principal when he/she believes such a student presents a severe discipline problem unable to be resolved at the building level.

The Student Affairs Director or designee will conduct an investigation of the reports, which may include conferences with the complainant, student, parents, teachers, other pupil service personnel or others, as he or she deems appropriate for the early identification and resolution of the suspected problem.

The range of responses that may be imposed for violations of this Regulation and the Code of Conduct include but are not limited to: verbal warnings, detention, writing an essay, and/or out of school suspension.

The principal wants an employee or agent to take into account all other relevant factors that may reasonably be determined in an appropriate penalty. The above penalties may be imposed either alone or in combination. It is understood that some penalties may require the involvement of or permission of the principal.

This regulation for the maintenance of public order on school property will be publicized and explained by the director of student affairs and provided in writing to all parents on an annual basis.

In order to ensure the effectiveness of this regulation, the principal requests the continuing assistance of parents in explaining and enforcing the Code of Conduct.

Students have a right to a hearing with the principal before a suspension from attendance in excess of five days and the right to an appeal of such suspension to the Board pursuant to Education Law §3214.

If a criminal offense has been committed (e.g., false alarm, vandalism, drug possession/use, use and possession of weapons) the police will be notified.

All infractions of the student discipline regulation and/or public law will be subject to disciplinary proceedings as outlined in the Discipline Matrix and Code of Conduct and may include police involvement.

II. DUE PROCESS

The amount of due process a student is entitled to receive before a penalty is imposed depends on the penalty being imposed. In all cases, regardless of the penalty imposed, the school personnel authorized to impose the penalty must inform the student of the alleged misconduct and must investigate to the extent necessary, the facts surrounding the alleged misconduct. All students will have an opportunity to present their version of the facts to the Director of Student Affairs or designee when the alleged misconduct could lead to suspension or expulsion.

Students who are to be given penalties other than a verbal warning, written warning or written notification to their parents are entitled to additional rights before the penalty is imposed. These additional rights are explained in the Code of Conduct and summarized below.

Minor Disciplinary Infractions in the Classroom

A teacher may document a student's violation of a school policy on a "Minor Disciplinary Infraction Form" (Exhibit A) when the teacher observes the student's inappropriate behavior (i.e. sleeping, dress code, disruptive). The teacher must inform the student that an infraction has been recorded and make every attempt to correct the student. After the second infraction, the teacher must send a warning notice to the student and parent. If the teacher requires assistance, he/she must submit the form to the Student Affairs Office, which, in turn, will see that the student receives the appropriate discipline. After 4 infractions, the teacher may recommend removal from class.

III. DETENTION

Teachers, principals and the director of student affairs may use detention as a penalty for student misconduct in situations where removal from the classroom or suspension would be inappropriate. Administrative detention will be imposed as a penalty only after the student's parent/guardian has been verbally notified to confirm that there is no parental objection to the penalty and the student

has appropriate transportation home following detention. Students age 16 or above will accept responsibility for notification to parents. The length of detention is based on the nature of the violation and must be reasonably enforced. Any detention should not reasonably exceed 2 hours unless there are extraordinary circumstances.

IV. SUSPENSION FROM TRANSPORTATION

- A. If a student does not conduct himself/herself properly on a bus, the bus driver is expected to bring such misconduct to the director of student affair's attention. Students who become a serious disciplinary problem may have their riding privileges suspended by the director of student affairs or designee. In such cases, the student's parent will become responsible for seeing that his or her child gets to and from school safely. Should the suspension from transportation amount to a suspension from attendance, the school will make appropriate arrangements to provide for the student's education.
- B. A student subjected to a suspension from transportation is not entitled to a full hearing pursuant to Education Law §3214. However, the student and the student's parent will be provided with a reasonable opportunity for an informal conference with the director of student affairs to discuss the conduct and the penalty involved. The school must send the parent/guardian 24-hour notice of the impending suspension. (See Exhibit B)

V. SUSPENSION FROM ATHLETICS, EXTRACURRICULAR ACTIVITIES, AND OTHER PRIVILEGES

- A. 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 will be provided with a reasonable opportunity for an informal conference with the director of student affairs to discuss the conduct and the penalty involved. The school must send the parent/guardian 24-hour notice of the impending suspension. (See Exhibit C)

VI. IN-SCHOOL SUSPENSION

The principal 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 principal authorizes the director of student affairs to place students who would otherwise be suspended from school as a result of a disciplinary violation in an alternate learning site. The students must have access to a substantially equivalent program.

A student placed in ISS is not entitled to a full hearing pursuant to Education Law §3214. The Director of Student Affairs or designee must provide parent/guardian 24-hour notice (See Exhibit D) of the suspension. However, the student and the student's parent will be provided with a reasonable opportunity for an informal conference with the Director of Student Affairs to discuss the conduct and

the penalty involved.

VII. **TEACHER REMOVAL OF DISRUPTIVE STUDENT**

- A. A student's behavior can affect a teacher's ability to teach and can make it difficult for other students in the classroom to learn. In most instances the classroom teacher can control a student's behavior and maintain or restore control over the classroom by using good classroom management techniques. These techniques may include practices that involve the teacher directing a student to briefly leave the classroom to give the student an opportunity to regain his or her composure and self-control in an alternative setting. Time-honored classroom management techniques do not constitute disciplinary removals for purposes of this Regulation.
- B. For purposes of this Regulation and the relevant Code of Conduct, a disruptive student is a student who substantially interferes with the teacher's authority over the classroom (when a student demonstrates a persistent unwillingness to comply with the teacher's instructions or repeatedly violates the teacher's classroom behavior rules).

A classroom teacher may remove a disruptive student from class for up to two days. The removal from class applies to the class of the removing teacher only. The teacher must make all necessary considerations as outlined in the relevant Code of Conduct to determine whether or not the student poses a danger or ongoing threat of disruption to the academic process. Only after an informal discussion with the student to give the student an opportunity to explain his/her version of the relevant events may a teacher complete the Student Removal form (See Exhibit E) to remove a student from class.

Within 24 hours after the student's removal, the director of student affairs must notify the student's parents/guardians (See Exhibit F) that the student has been removed from class and why. The notice must also inform the parent that he or she has the right, upon request, to meet informally with the teacher or director of student affairs to discuss the reasons for the removal. The teacher or director of student affairs must follow all relevant protocols for notifying the parent/guardian and ordering an informal conference as outlined in the Code of Conduct.

The director of student affairs or his or her designee may overturn a removal pursuant to the protocols outlined in the Code of Conduct. Any disruptive student removed from the classroom by the classroom teacher shall be offered continued educational programming until he or she is permitted to return to the classroom.

Removal of a student with a disability, under certain circumstances, may constitute a change in the student's placement. Removal for an extended period of time may be made only by the principal and/or the director of student affairs to assure that such removal does not constitute a STUDENT

change in placement.

C. When a teacher has been a victim of harassment, abuse or has been threatened by a student, he/she should immediately verbally notify the director of student affairs or the principal. A written removal form should follow at the appropriate time. The administrator will immediately take the following actions:

- a) Remove the student from the general student population and investigate the incident.
- b) Follow the procedures outlined above and the Code of Conduct.

VIII. SUSPENSION FROM SCHOOL

Suspension from school is a severe penalty, 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 others.

The principal retains its authority to suspend students, but places primary responsibility for the suspension of students with the director of student affairs. All staff members must immediately report and refer a violent student to the principal pursuant to the protocols outlined in the Code of Conduct. The principal must provide parent/guardian with 24-hour notice of the suspension. (See Exhibit G)

IX. SHORT TERM SUSPENSION FROM SCHOOL (5 DAYS OR LESS)

When the director of student affairs or principal (referred to as the “suspending authority”) intends to suspend a student for 5 days or less for misconduct pursuant to Education Law §3214, the suspending authority must immediately notify the student verbally. If the student denies the misconduct, the suspending authority must provide an explanation of the basis for the proposed suspension. The suspending authority must immediately notify (See Exhibit F) the student’s parents with 24-hour notice of the intended suspension from school and follow the written notice, conference and appeal procedures outlined in the Code of Conduct.

X. LONG-TERM SUSPENSION FROM SCHOOL (MORE THAN 5 DAYS)

- A. When the principal determines that a suspension for more than five days may be warranted, he or she shall give reasonable notice (See Exhibit H) to the student and the student’s parents of their right to a fair hearing. The suspending authority may schedule a conference with a hearing officer consistent with the procedures outlined in the Code of Conduct.
- B. Permanent Suspension is reserved for extraordinary circumstances such as 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.

XI. STUDENTS WHO BRING A WEAPON TO SCHOOL

Any student found guilty of bringing a weapon onto school property will be immediately expelled. The principal and Board of FTAA-MT have the authority to modify the expulsion on a case-by-case basis. In deciding whether to modify the penalty, the Board of FTAA-MT or principal must make all necessary considerations as outlined in the Code of Conduct. Student witnesses must be notified if their appearance is requested at a hearing (See Exhibit I). A student classified as disabled will be subject to the provisions of the Individuals with Disabilities Education Act (IDEA).

XII. STUDENTS WHO COMMIT VIOLENT ACTS OTHER THAN BRINGING A WEAPON TO SCHOOL

- A. Any student who is found to have committed a violent act, other than bringing a weapon onto school property, shall be immediately expelled from school.
- B. The Board of FTAA-MT and principal have the authority to modify the expulsion on a case-by-case basis. In deciding whether to modify the penalty, the Board of FTAA-MT or principal may consider the same factors considered in modifying an expulsion for possessing a weapon. A student classified as disabled will be subject to the provisions of the Individuals with Disabilities Education Act (IDEA).

XIII. STUDENTS WHO ARE REPEATEDLY SUBSTANTIALLY DISRUPTIVE

- A. Any student who repeatedly is substantially disruptive of the education process or substantially interferes with the teacher's authority over the classroom will be suspended from school for at least five days and have a suspension conference with the principal or director of student affairs pursuant to the procedures outlined above.

"Repeatedly substantially disruptive" means engaging in conduct that results in the student being removed from the classroom by teacher(s) pursuant to Education Law §3214 (3-a) on four or more occasions during a semester.

- C. If the proposed penalty exceeds the minimum five days suspension, the student and the student's parent will be given the same notice (Exhibit G) and opportunity for a hearing given to all students subject to a long-term suspension. The principal has the authority to modify the minimum five-day suspension on a case-by-case basis. In deciding whether to modify the penalty, the principal may consider the same factors considered in modifying a one-year suspension for possessing a weapon.

A student classified as disabled by the district's Committee on Special Education (CSE) will be subject to the provisions of the Individuals with Disabilities Education Act (IDEA), Exhibit J).

STUDENT COMPLAINT PROCEDURE

FTAA-MT encourages open and constructive communication and recognizes that students may have school-related concerns or problems on occasion. When students cannot resolve school-related problems or when they feel unfairly treated, they should first seek assistance from their advisor teachers who are responsible for making a good faith effort to air differences and to find resolutions to problems. If these efforts are not successful, students are entitled to communicate the problem to the director of student affairs by using the Student Complaint Form (Exhibit K).

The following procedures apply to alleged violations of the Code of Conduct or other concerns:

A. REPORTING

As soon as possible after learning of a violation of the Code of Student Conduct or other student concerns, students should submit a completed Student Complaint Form to the Director of Student Affairs. Students also have the option to report emergency incidents to other school personnel, such as residential life staff, teachers, advisors, or counselors.

B. FALSE COMPLAINTS

Members of the FTAA-MT community who make false reports, with the exception of reports which even if erroneous, are made in good faith, will be subject to disciplinary action.

C. INVESTIGATION

Every reasonable effort will be made to complete investigations within 30 days of the report of the alleged violation. Investigations will be led by the Director of Student Affairs and may include participation by the offices of Security and Safety, General Counsel, Information Technology, and the Principal, among other departments at FTAA-MT, when appropriate.

D. STUDENT DISCIPLINARY PROCESS

Although FTAA-MT has an obligation to uphold federal, state, and local laws, FTAA-MT'S rules and regulations operate independently from them. As such, FTAA-MT may pursue enforcement of its own rules whether or not legal proceedings are initiated.

DIRECTOR OF STUDENT AFFAIRS' PROCEDURES

All infractions of the Student Code of Conduct are initially handled by the Director of Student Affairs. Whenever possible, charges shall be stated in writing by the complainant(s). Upon receiving notice of a potential violation of the Code of Student Conduct or other complaint, the Director of Student Affairs shall initiate an investigation, if necessary. The Director will notify the accused and provide written notice of the accusation, as well as the time, place, and nature of the alleged violation to the parents/guardians of both students (Exhibit L). The notice shall also state the date, time, and location for an investigatory meeting with the Director. Pending the meeting, the Director may temporarily suspend the accused student if, in the Director's discretion, the student poses a substantial risk of self-harm or harm to others, or take other protective interim measures in the Director's discretion.

If an accused student wishes to admit the allegations in whole or in part, they may do so and will waive their right to the investigatory process. The Director will consider the student's entire academic and/or disciplinary record in deciding the appropriate sanction in accordance with the disciplinary response section of this Code.

If an accused student wishes to dispute the allegations, the investigatory meeting will go forward as scheduled. An unexcused absence will be construed as admission to the allegations.

Upon completion of the investigation, the Director will prepare an Internal Investigation Report (Exhibit M) and report the final determination to the students and parents/guardians (Exhibit N).

Cross Reference

Education Law 1709(2)
 Commissioner's Regulation 100.2 (l)(1)
 Commissioner's Regulation 100.2 (l) (4)
 Commissioner's Regulation 100.2 (l) (2)
 Education Law 3204.2
 Education Law 3205
 Education Law 3214

INQUIRIES

Inquiries pertaining to this regulation should be addressed to:

Telephone:	Director of Student Affairs	Email:
1+ (845) 341-1935	42 Jason Place	contactus@feitianacademy.org
Middletown, NY 10940 USA		

EXHIBIT A

Minor Disciplinary Infraction Form

Student Name _____

Homeroom _____

1st Minor Infraction

Behavior

- Disruptive
- Dress Code
- Electronic Device
- Physical Contact
- Inappropriate Language
- Defiance
- Other _____

- Sleeping
- Minor dishonesty
- Throwing
- Disrespect
- Stealing
- Property Misuse

Date/Time _____

Intervention:

- Planned ignoring
- Redirect
- Private Conversation
- Phone call home
- Relaxation exercises/sensory
- Removal student/Class
- Other _____

Classroom _____

- Loss of privileges
- Walk
- Self- Contain
- Stu/teacher negotiated
- Natural Consequence
- Journaling

Incident Description: _____

Comments: Restate Expectation & Re-teach

2nd Minor Infraction

Behavior

- Disruptive
- Dress Code
- Electronic Device
- Physical Contact
- Inappropriate Language
- Defiance
- Other _____

- Sleeping
- Minor dishonesty
- Throwing
- Disrespect
- Stealing
- Property Misuse

Date/Time _____

Intervention:

- Planned ignoring
- Redirect
- Private Conversation
- Phone call home
- Relaxation exercises/sensory
- Removal student/Class
- Other _____

Classroom _____

- Loss of privileges
- Walk
- Self- Contain
- Stu/teacher negotiated
- Natural Consequence
- Journaling

Incident Description: _____

Comments: Restate Expectation & Re-teach

3rd Minor Infraction

Behavior

- Disruptive
- Dress Code
- Electronic Device
- Physical Contact
- Inappropriate Language
- Defiance
- Other _____

- Sleeping
- Minor dishonesty
- Throwing
- Disrespect
- Stealing
- Property Misuse

Date/Time _____

Intervention:

- Planned ignoring
- Redirect
- Private Conversation
- Phone call home
- Relaxation exercises/sensory
- Removal student/Class
- Other _____

Classroom _____

- Loss of privileges
- Walk
- Self- Contain
- Stu/teacher negotiated
- Natural Consequence
- Journaling

Incident Description: _____

Comments: Restate Expectation & Re-teach

4th Minor Infraction

Write a **Student Removal Referral**.

Attach and submit this Minor Disciplinary Infraction Form with Student Removal Referral to Student Affairs office.

EXHIBIT B
STUDENT AFFAIRS LETTER – SUSPENSION FROM ATHLETICS/EXTRACURRICULAR-- 24 HOURS NOTICE
(school letterhead)

(inside address)

(date)

Dear (parent/guardian)

I regret that it has become necessary to suspend your child, (name of student), from _____, for (time period) for the below reason. During the suspension period, your child is not permitted to participate in _____ activities.

On (date(s), at (school), (student's name) (incident: e.g., pushed Ms. Smith, teacher). (Please note: a reason for suspension such as "assaulting a staff member," "possession of a Category II weapon," or merely "fighting" is insufficient; you should include the date, time and place of the incident; briefly and specifically describe what occurred; and identify the alleged victim(s) and/or co-participants, as appropriate.

You have the right, upon request, to meet informally with the principal or the principal's designee to discuss the reasons for the suspension. Please call the school to arrange for a mutually convenient time. If your preferred language or mode of communication is not English and a translator is required, you should bring a translator to the conference. Please arrive promptly and bring your child with you.

If you believe your child has a disability and school officials had knowledge that your child was a child with a disability before the misbehavior that resulted in the disciplinary action occurred, you may ask for the protections that the Individuals with Disabilities Education Act provide. If your child is a child with a disability receiving special education services and/or related services, you have certain protections under the law. You should refer to the **Procedural Safeguards Notice**. If you do not have a copy, you may request a copy from the school by contacting (name, title and telephone number of contact person at school).

Very truly yours,

Director of Student Affairs

cc: Principal

EXHIBIT C
STUDENT AFFAIRS LETTER – SUSPENSION FROM TRANSPORTATION--24 HOURS NOTICE
(school letterhead)

(inside address)

(date)

Dear (parent/guardian)

I regret that it has become necessary to suspend your child, (name of student), from _____, for (time period) for the below reason. During the suspension period, your child is not permitted to ride on the (Fei Tian Academy of the Arts school bus or Middletown School District school bus).

On (date(s), while riding on the bus, (student's name) (incident: e.g., cursed at bus driver). (Please note: a reason for suspension such as "assaulting the bus driver," or merely "fighting" is insufficient; you should include the date, time and place of the incident; briefly and specifically describe what occurred; and identify the alleged victim(s) and/or co-participants, as appropriate. Do not merely utilize the generalized language contained in the discipline code.)

You have the right, upon request, to meet informally with the principal or the principal's designee to discuss the reasons for the suspension. Please call the school to arrange for a mutually convenient time. If your preferred language or mode of communication is not English and a translator is required, you should bring a translator to the conference. Please arrive promptly and bring your child with you.

If you believe your child has a disability and school officials had knowledge that your child was a child with a disability before the misbehavior that resulted in the disciplinary action occurred, you may ask for the protections that the Individuals with Disabilities Education Act provide. If your child is a child with a disability receiving special education services and/or related services, you have certain protections under the law. You should refer to the **Procedural Safeguards Notice**. If you do not have a copy, you may request a copy from the school by contacting (name, title and telephone number of contact person at school).

Very truly yours,

Director of Student Affairs

cc: Assoc. Director of Transportation
Principal

EXHIBIT D
STUDENT AFFAIR'S LETTER – IN-SCHOOL SUSPENSION--24 HOURS NOTICE

(inside address)

(date)

Dear (parent/guardian)

I regret that it has become necessary to impose in-school suspension on your child, (name of student), for (time period) for the below reason. During the in-school suspension period, your child will be placed in an alternate learning site and provided access to a substantially equivalent learning experience.

On (date(s), (student's name) (incident: e.g., pushed Ms. Smith, teacher). (Please note: a reason for suspension such as "assaulting a staff member," "possession of a Category II weapon," or merely "fighting" is insufficient; you should include the date, time and place of the incident(s); briefly and specifically describe what occurred; and identify the alleged victim(s) and/or co-participants, as appropriate.

You have the right, upon request, to meet informally with the principal or the principal's designee to discuss the reasons for the in-school suspension. Please call the school to arrange for a mutually convenient time. If your preferred language or mode of communication is not English and a translator is required, you should bring a translator to the conference. Please arrive promptly and bring your child with you.

If you believe your child has a disability and school officials had knowledge that your child was a child with a disability before the misbehavior that resulted in the disciplinary action occurred, you may ask for the protections that the Individuals with Disabilities Education Act provide. If your child is a child with a disability receiving special education services and/or related services, you have certain protections under the law. You should refer to the **Procedural Safeguards Notice**. If you do not have a copy, you may request a copy from the school by contacting (name, title and telephone number of contact person at school).

Very truly yours,

Director of Student Affairs

cc: Principal

EXHIBIT E

STUDENT REMOVAL FORM

Event Date: _____/_____/_____ (mm/dd/yy) Student ID# : _____

Student's Last Name: _____ First Name: _____

Official or Subject Class: _____ Grade: _____

Special Education Classification and IEP; BIP; or 504 Accommodation Plan:

Teacher Measures Previously Taken:

Date(s):

Date(s):

Warnings to Student _____ Classroom Measures _____

Student Conference _____ Parent Contact _____

Guidance Referral _____ Prior Removal(s) _____

Description of Event: Time: _____ Location: _____

(Give factual account and indicate how the student's behavior substantially disrupted the class or substantially interfered with the teacher's authority.)

Teacher's educational plan for student during period of removal (class work, homework, etc.)

Does Teacher recommend suspension? _____ Yes _____ No

Teacher's Name: _____

Signature: _____ Date: _____

No. of days of removal: _____ ***Set aside (circle one):** **yes** **no**

Date: _____

Student Affairs Director's Name:

Director of Student Affairs'
Signature: _____

Comments:

*The director of student affairs shall not set aside the discipline imposed by the teacher unless the director of student affairs finds that the charges against the pupil are not supported by substantial evidence or that the pupil's removal is otherwise in violation of law or that the conduct warrants suspension from school pursuant to NY State Law section 3214 and a suspension will be imposed.

EXHIBIT F

STUDENT AFFAIRS LETTER – REMOVAL FROM CLASS 24 HOURS NOTICE

(school letterhead)

(inside address)

(date)

Dear (parent/guardian)

I regret that it has become necessary to remove your child, (name of student), from _____ class, for (time period) for the reason stated below. During the removal period, your child will continue to attend all other classes, however he/she will be provided alternate instruction in a detention room during _____ class.

On (date(s), in the (place) at (school), (student's name) (incident(s): e.g., pushed Ms. Smith, teacher). (Please note: you should include the date, time and place of the incident(s); briefly and specifically describe what occurred.)

You have the right, upon request, to meet informally with the principal or the principal's designee to discuss the reasons for the removal. Please call the school to arrange for a mutually convenient time. If your preferred language or mode of communication is not English and a translator is required, you should bring a translator to the conference. Please arrive promptly and bring your child with you.

If you believe your child has a disability and school officials had knowledge that your child was a child with a disability before the misbehavior that resulted in the disciplinary action occurred, you may ask for the protections that the Individuals with Disabilities Education Act provide. If your child is a child with a disability receiving special education services and/or related services, you have certain protections under the law. You should refer to the **Procedural Safeguards Notice**. If you do not have a copy, you may request a copy from the school by contacting (name, title and telephone number of contact person at school).

Very truly yours,

Director of Student Affairs

cc: Principal

EXHIBIT G

SAMPLE FORMAT FOR PRINCIPAL'S LETTER - IMMEDIATE SUSPENSION 24 HOURS NOTICE OF PRINCIPAL'S SUSPENSION

(school letterhead)

(inside address)

(date)

Dear (parent/guardian)

I regret that it has become necessary to suspend your child, (name of student), of class _____, for (time period) for the reason stated below. During the suspension period, your child is to attend (alternate instruction site).

On (date), at approximately (time) a.m./p.m. in the (place) at (school), (student's name) (incident: e.g., pushed Ms. Smith, teacher). (Please note: a reason for suspension such as "assaulting a staff member," "possession of a Category II weapon," or merely "fighting" is insufficient; you should include the date, time and place of the incident; briefly and specifically describe what occurred; and identify the alleged victim(s) and/or co-participants, as appropriate.)

A Principal's Suspension Conference has been scheduled for (date, time, place) (must be by the fifth school day). Your presence is required to discuss the incident and devise collaboratively satisfactory solutions to address this behavior. Please arrive promptly and bring your child with you. If you are unable to keep this appointment, please call the school to arrange for a mutually convenient time. If your preferred language or mode of communication is not English and a translator is required, you should bring a translator to the conference.

At the conference, you and your child have the right to question persons involved in the incident for which your child was suspended; to present witnesses and documentary evidence; and to be accompanied by up to two advisors. These advisors may be attorneys or advocates. All participants may act in accordance with the informal nature of the conference.

If you believe your child has a disability and school officials had knowledge that your child was a child with a disability before the misbehavior that resulted in the disciplinary action occurred, you may ask for the protections that the Individuals with Disabilities Education Act provide. If your child is a child with a disability receiving special education services and/or related services, you have certain protections under the law. You should refer to the Procedural Safeguards Notice. If you do not have a

copy, you may request a copy from the school by contacting (name, title and telephone number of contact person at school).

Very truly yours,

Principal

APPEAL PROCEDURE: Following the conference, you may appeal the suspension decision by writing to Board of FTAA, at (address) within ten (10) days of the suspension, setting forth the grounds for appeal and the relief requested.

cc: Board of FTAA

If you do not wish to contest the charges, and want to waive your right to a hearing, you may do so by calling the Main Office at (telephone number). You may withdraw your no contest plea within three (3) days from receipt of or seven (7) days from the date of the letter confirming the plea and containing the Principal's decision, whichever is later.

You have the right to be represented by counsel at the hearing. Because of the seriousness of this matter, it is advisable that you seek the assistance of an attorney or advisor. A list of free and low cost legal advocacy services that you may contact is included with this letter. You also have the right to have an interpreter present at the hearing. Please note that you must supply your own interpreter.

If you choose to be represented by counsel or an advisor, you must notify _____ at _____ (person name) _____ at least twenty-four (24) hours (one school day) prior to the hearing. (telephone number)

If your child has not yet been determined to be eligible for Special Education and related services, your child may be entitled to the protection of federal law (the Individuals with Disabilities Education Act, "IDEA"). Your child may be entitled to the protections that the IDEA provides if school officials had knowledge that your child was a child with a disability before the misbehavior that resulted in the disciplinary action occurred.

It is your responsibility to request IDEA protections if you think your child is entitled to them. The determination as to whether your child is entitled to IDEA protections will be made by the Principal in accordance with the law.

If you would like more information about these IDEA protections or if you wish to request the protections for your child, please contact _____ (name/phone number).

PLEASE READ THE FOLLOWING POINTS (1-11) VERY CAREFULLY IN ORDER TO FULLY UNDERSTAND THE SUSPENSION PROCESS, YOUR RIGHTS AND WHAT IS EXPECTED OF YOU.

1. Your child must be offered a hearing within five (5) school days of the date of the suspension. If a hearing is not scheduled within five (5) school days after the suspension began, your child has the right to return to his/her school on the sixth (6th) day of the suspension, or, with your consent, to transfer to an equivalent school program. If the hearing is postponed at the request of the Principal or the School Office, your child has the right to be reinstated, or to be transferred to an equivalent program with your consent.
2. You have the right to ask for an adjournment of the hearing and to have it rescheduled within five (5) school days of your request. During this period, your child's suspension will continue and the same alternative instruction arrangements noted above will remain. If you wish to ask for an adjournment, please contact _____ immediately at _____ (telephone no.). If you are unable to attend the hearing with your child, you may designate an adult to represent you. This designation must be in writing and signed by you. It must be brought to the hearing by your representative.
3. Prior to the hearing, you or your representative have the right to go to the school to view and obtain a copy of your child's school records including the anecdotal, permanent and guidance records, report card, transcript and all written statements relating to the incident that led to the suspension. It is recommended that you obtain these records to prepare for the hearing. Your representative must have your written permission to obtain your child's records. You also have the right to obtain a copy of the FTAA Code of Conduct and the Student Discipline Regulation A-430.
4. Your child's records, including written statements about the incident leading to the suspension, may be introduced as evidence at the hearing. Your child's permanent guidance and anecdotal records may not be used as evidence to prove the charges. If the charges are upheld, however, these records may be considered in determining the outcome of the suspension. You may bring to the hearing any material (letters of reference/recommendation) that you would like the Principal to review.

You have the right to challenge any information contained in your child's records that you believe is inaccurate, misleading, or otherwise in violation of his/her privacy rights. If you seek to challenge an entry that may be used by the Principal in making his/her decision, the Principal will make a preliminary decision with respect to the contested entry as part

of the suspension decision. This process is not intended to substitute for the full appeal procedures.

6. A list of witnesses the school may ask to testify at the hearing is attached (see attached witness list). THIS LIST IS NOT BINDING. The school may choose not to call all those individuals, or to call other witnesses to testify. At the hearing, you or your representative will have the right to question the school's witnesses, introduce evidence, and present your own witnesses. IF YOU WISH TO CALL A WITNESS AND YOU ARE UNABLE TO ARRANGE FOR THAT PERSON TO ATTEND THE HEARING, YOU MAY CONTACT THE SCHOOL OFFICE TO HAVE A SUBPOENA ISSUED. Any requests for students or other witnesses to be subpoenaed must be made at least two (2) school days before the hearing.
7. If the suspension is not upheld by the Principal, your child has the right to be reinstated. If the suspension is upheld, or if you plead no contest to the charges, the following dispositional options are available to the Principal, depending upon the charges sustained and your child's age:
 - reinstatement;
 - continued suspension for a fixed period of six (6) to thirty (30) school days or a fixed period of thirty (30) to ninety (90) school days with placement in an alternative setting;
 - extended suspension for one (1) calendar year with placement in an alternative setting, with the right to petition after ninety (90) school days for early reinstatement to the suspending school;
 - extended suspension for one (1) calendar year, without the opportunity to petition for reinstatement, and placement at a Second Opportunity School; and
 - expulsion (only for general education students who turned 17 prior to the beginning of the school year).

Further, the suspension may be noted permanently on your child's school records, or the Principal may decide to seal that notation and/or expunge it upon your child's graduation or permanent departure from the FTAA school system, or at some event in the future (e.g., the end of the school year) if your child has no further suspensions that are ultimately sustained.

8. If your child is receiving a Section 504 accommodation and the Principal's proposed disposition constitutes an extended suspension for one (1) year or expulsion, a manifestation determination review will be conducted to determine whether the reason for the accommodation is related to the reason for the suspension.

9. You have the right to obtain a copy of the tape or transcript of the hearing.
10. You have the right to be informed of the outcome of the suspension within two (2) days of the completion of the hearing. You also have the right to have a written decision issued within five (5) school days of the suspension hearing.
11. Further, you have the right to appeal the suspension decision. The following is an explanation of the appeal procedure.

AN APPEAL FROM THE FINDINGS AND THE DECISION OF THE PRINCIPAL MAY BE MADE TO THE BOARD OF FTAA, c/o THE OFFICE OF FTAA, 42 JASON PLACE, MIDDLETOWN, NEW YORK 10940, MAIN OFFICE. THE APPEAL MUST BE MADE WITHIN 20 DAYS AFTER THE PRINCIPAL'S WRITTEN DECISION IS RECEIVED BY YOU, OR WITHIN 10 DAYS OF RECEIPT OF THE RECORD OF THE HEARING, WHICHEVER IS LATER. THE APPEAL SHOULD EXPLAIN THE GROUNDS FOR APPEAL AND THE RELIEF YOU REQUEST. YOU MAY REQUEST A TEMPORARY DECISION FROM THE BOARD OF FTAA CONCERNING YOUR CHILD'S SUSPENSION AT ANY TIME PENDING DETERMINATION OF AN APPEAL. THIS REQUEST MUST BE IN WRITING.

Sincerely,

PRINCIPAL

Enc. Witness List
Legal Advocacy Services List

cc: Board of FTAA-MT
Director of Student Affairs

EXHIBIT I

STUDENT WITNESS INFORMATION SHEET

You have been asked to be a witness for the school and testify at a principal's suspension hearing because you may have information about the incident leading to the suspension. You should speak to your parent or another responsible adult about this.

Hearings are held during school hours. Your absence from school to testify at this hearing is excused. Please speak with [the principal, PROVIDE TITLE AND NAME] prior to the hearing so that he/she can explain the process to you, answer any questions, and let you know which staff members from the school will also be attending the hearing. If you feel that you would like to be accompanied to the hearing by an adult family member or adult friend, please let the principal know.

If you are a victim of an incident, which involved more than one student, and you have been asked to testify in more than one hearing about the same incident, you may request that the hearings be consolidated into one hearing. If the hearings are consolidated, you may have to testify only once. If you want to make such a request, please let the principal know immediately and your request will be considered.

The following is a brief overview of what takes place at a suspension hearing:

- The hearing will be held at [GIVE NAME AND ADDRESS OF HEARING OFFICE LOCATION]. The telephone number at the hearing office is [GIVE PHONE #].
- Please arrive before the scheduled time. Hearings are sometimes held until 5:00 p.m. and, in some cases, continue on another date. If you will be late or unable to attend the hearing, please call the hearing office to let someone know. If you cannot stay at the hearing office until 5 p.m., please tell an adult from the school.
- When you arrive, notify the receptionist that you are there (give your name, school and the name of the case/suspended student), sign in and go to the designated waiting area.
- Before the hearing begins, the hearing officer will conduct a hearing conference with the suspended student and his/her parent(s) and representative. At this conference, the student might decide to plead no contest to the charges. If so, a hearing will not be necessary, and you will not have to testify. We are sorry for any inconvenience this might cause, but we have no way to avoid this or know in advance that this will happen.

- If the suspended student wants to go forward with a hearing, you and all the participants in the hearing will be called into the hearing room. You will be asked to state and spell your full name and to state your role in the hearing (for example, “student witness”). The hearing officer will explain the process. If you have any questions, ask the hearing officer at that time. Unless you will be the first witness to testify, you will then return to the waiting area and wait to be called. (You might be in the waiting area for a while; so you may wish to bring something to read.)
- When it is your turn to testify, you will be called back to the hearing room. The hearing is not open to the public. The hearing officer will be in the hearing room. The suspended student, his/her parent(s), and attorney, representative and/or translator will be in the hearing room also. A school staff advisor may also be in the hearing room. No other witnesses will be present when you testify.
- You will be asked to swear or affirm to testify truthfully. Your testimony will be recorded.
- You will be asked questions by the hearing officer, a school staff advisor, if one is present, and the suspended student’s parent and lawyer or representative, if one is present.
- Answer all the questions truthfully. Please try to be as clear as possible and to identify people using their names.
- If you do not know the answer to a question or do not remember something, do not guess; just say that you do not know or remember. There is absolutely nothing wrong with this response.
- If you are unclear about a question or anything about the hearing, ask the hearing officer for clarification.
- When you have finished testifying, you will be asked to return to the waiting area. Please do not discuss your testimony with other witnesses. You or another witness may be called back to the hearing room for additional testimony. When the entire hearing is completed, you will be notified, and you will be permitted to leave the hearing office.

Thank you for your participation in the hearing. Your contribution is important, and your cooperation is appreciated. If your parent has any questions about these procedures, he/she may call me at [GIVE PHONE #].

Principal

EXHIBIT J
SPECIAL EDUCATION SUSPENSION NOTICE

(date)

(parents' address)

Dear (parents' name):

This is to inform you that at the request of the Principal, your child, _____, has been suspended from school for more than five school days by the Principal starting on _____.

Your child has been suspended because of the charges listed on the attached sheet titled "Charges." A suspension hearing has been scheduled for:

DATE:

TIME:

PLACE:

TELEPHONE NUMBER:

PLEASE BE ADVISED THAT HEARINGS MAY LAST FROM 9 A.M. – 5 P.M.

DURING THE SUSPENSION YOUR CHILD IS TO (INSERT APPROPRIATE ALTERNATIVE INSTRUCTION ARRANGEMENTS AND ATTACH DIRECTIONS, WHERE APPROPRIATE).

During the suspension, your child has the right to receive homework and class work assignments. Furthermore, your child will be permitted to take any State examinations that are administered during the suspension period for which no make up examination is permitted by the testing authority, as well as to make up school examinations that may affect your child's academic record. Please contact the Principal at your child's school to arrange to do so.

Suspension is a serious step, which may significantly affect your child's educational future. It is important that you and your child attend the hearing. If you fail to appear at the hearing, the hearing may be held in your absence.

If you do not wish to contest the charges, and want to waive your right to a hearing, you may do so by calling the School Office at (telephone number). You may withdraw your no contest plea within three (3) days from receipt of or seven (7) days from the date of the mailgram/letter confirming the plea and containing the Principal's decision, whichever is later.

You have the right to be represented by counsel at the hearing. Because of the seriousness of this matter, it is advisable that you seek the assistance of an attorney or advisor. A list of free and low cost legal advocacy services that you may contact is included with this letter. You also have the right to have an interpreter present at the hearing. Please note that you must supply your own interpreter.

If you choose to be represented by counsel or an advisor, you must notify _____ at _____ (office name) _____ at least twenty-four (24) hours (one school day) prior to the hearing. (telephone number)

PLEASE READ THE FOLLOWING POINTS (1-11) VERY CAREFULLY IN ORDER TO FULLY UNDERSTAND THE SUSPENSION PROCESS, YOUR RIGHTS AND WHAT IS EXPECTED OF YOU.

3. Your child must be offered a hearing within five (5) school days of the date of the suspension. If a hearing is not scheduled within five (5) school days after the suspension began, your child has the right to return to his/her school on the sixth (6th) day of the suspension, or, with your consent, to transfer to an equivalent school program. If the hearing is postponed at the request of the Principal or the School Office, your child has the right to be reinstated, or to be transferred to an equivalent program with your consent.
4. You have the right to ask for an adjournment of the hearing and to have it rescheduled within five (5) school days of your request. During this period, your child's suspension will continue and the same alternative instruction arrangements noted above will remain. If you wish to ask for an adjournment, please contact _____ immediately at _____. If you are unable to attend the hearing with your child, you may designate an adult to represent you. This designation must be in writing and signed by you. It must be brought to the hearing by your representative.

Prior to the hearing, you or your representative have the right to go to the school to view and obtain a copy of your child's school records including the IEP and other Special Education records, the anecdotal, permanent, and guidance records, report card, transcript, and all written statements relating to the incident that led to the suspension. It is recommended that you obtain these records to prepare for the hearing. Your representative must have your written permission to obtain your child's records. You also have the right to obtain a copy of the FTAA Code of Conduct.

5. Your child's records, including written statements about the incident leading to the suspension, may be introduced as evidence at the hearing. Your child's permanent, guidance and anecdotal records may not be used as evidence to prove the charges. If the charges are upheld, however, these records may be considered in determining the outcome of the suspension. You may

6. bring to the hearing any material (letters of reference/recommendation) that you would like the Principal to review.
7. You have the right to challenge any information contained in your child's records that you believe is inaccurate, misleading, or otherwise in violation of his/her privacy rights. If you seek to challenge an entry that may be used by the Principal in making his/her decision, the Principal will make a preliminary decision with respect to the contested entry as part of the suspension decision. This process is not intended to substitute for the full appeal procedures.
8. A list of witnesses the school may ask to testify at the hearing is attached (see attached witness list). THIS LIST IS NOT BINDING. The school may choose not to call all those individuals, or to call other witnesses to testify. At the hearing, you or your representative will have the right to question the school's witnesses, introduce evidence, and present your own witnesses. IF YOU WISH TO CALL A WITNESS AND YOU ARE UNABLE TO ARRANGE FOR THAT PERSON TO ATTEND THE HEARING, YOU MAY CONTACT THE SCHOOL OFFICE TO HAVE A SUBPOENA ISSUED. Any requests for students or other witnesses to be subpoenaed must be made at least two (2) school days before the hearing.
9. If the suspension is not upheld by the Principal, your child has the right to be reinstated. If the suspension is upheld, or if you plead no contest to the charges, the following dispositional options are available to the Principal, depending upon the charges sustained and your child's age:
 - reinstatement;
 - continued suspension for a fixed period of six (6) to thirty (30) school days or a fixed period of thirty (30) to ninety (90) school days with placement in an alternative setting;
 - extended suspension for one (1) calendar year with placement in an alternative setting, with the right to petition after ninety (90) school days for early reinstatement to the suspending school;
 - extended suspension for one (1) calendar year, without the opportunity to petition for reinstatement, and placement at a Second Opportunity School; and
 - expulsion (only for general education students who turned 17 prior to the beginning of the school year).

Further, the suspension may be noted permanently on your child's school records, or the Principal may decide to seal that notation and/or expunge it upon your child's graduation or permanent departure from the FTAA school system, or at some event in the future (e.g., the end of the school year) if your child has no further suspensions that are ultimately sustained.

8. If the disposition constitutes a disciplinary change in placement (e.g., a continued suspension for more than ten (10) school days or extended suspension for one (1) year), a manifestation determination review will be conducted to determine whether the behavior, which resulted in your child's suspension, is related to your child's disability. For more information regarding the protections provided children with disabilities, please refer to your copy of the Procedural Safeguards Notice. If you do not have a copy, you may obtain one by contacting the following person, _____.
(office or name/telephone number)
9. You have the right to obtain a copy of the tape or transcript of the hearing.
10. You have the right to be informed of the outcome of the suspension within two (2) days of the completion of the hearing. You also have the right to have a written decision issued within five (5) school days of the suspension hearing.
11. Further, you have the right to appeal the suspension decision. The following is an explanation of the appeal procedure.

AN APPEAL FROM THE FINDINGS AND THE DECISION OF THE PRINCIPAL MAY BE MADE TO THE BOARD OF FTAA, c/o THE OFFICE OF FTAA, 42 JASON PLACE, MIDDLETOWN, NEW YORK 10940, MAIN OFFICE. THE APPEAL MUST BE MADE WITHIN 20 DAYS AFTER THE PRINCIPAL'S WRITTEN DECISION IS RECEIVED BY YOU, OR WITHIN 10 DAYS OF RECEIPT OF THE RECORD OF THE HEARING, WHICHEVER IS LATER. THE APPEAL SHOULD EXPLAIN THE GROUNDS FOR APPEAL AND THE RELIEF YOU REQUEST. YOU MAY REQUEST A TEMPORARY DECISION FROM THE BOARD OF FTAA CONCERNING YOUR CHILD'S SUSPENSION AT ANY TIME PENDING DETERMINATION OF AN APPEAL. THIS REQUEST MUST BE IN WRITING.

Sincerely,

Principal

Enc.

Witness List

Legal Advocacy Services List

cc: Board of FTAA

Director of Student Affairs

EXHIBIT K

Fei Tian Academy of the Arts Student Complaint Form

COMPLAINT INFORMATION

Type of Complaint: Violation of Code of Conduct Campus Safety

Classroom Unfair Treatment Other _____

Location Where Incident Occurred: _____

Person You Are Reporting: _____

Date of Incident: _____

REPORTING STUDENT'S INFORMATION

Full Name: _____ **ID#:** _____

Are you a Day Student or Resident Student? _____

Address: _____

(street)

(city)

(zip code)

Telephone: _____ **Email:** _____

COMPLAINT EXPLANATION

Please provide a summary of your complaint. Please provide as much detail as possible.

Please provide any suggestions for resolution or improvement.

Please attach any supporting documents and submit to Director of Student Affairs.

Student Complainant Signature: _____

Date: _____

To Be Completed by Director of Students Affairs
--

Date Complaint Received: _____

Investigation Conducted: Yes No

If Yes, Results of Investigation: _____

Investigation Report Filed: Yes No

Other Action Action: _____

Resolution: _____

EXHIBIT L
LETTER OF VIOLATION OF CODE OF CONDUCT OR OTHER ISSUE

(school letterhead)

(inside address)

(date)

Dear Parent/Guardian:

I regret to inform you that (name of reporter) has filed a complaint against your (son/daughter) alleging that: On (date), at approximately (time) a.m./p.m. in the (place), your child (incident: e.g., stole money, or might have stolen money).

A Director of Student Affairs Investigatory Conference has been scheduled for (date, time, place) (must be by the fifth school day). Your presence is permitted if you would like to participate in discussing the incident and devising collaboratively satisfactory solutions to address this allegation. Please arrive promptly and bring your child with you, if necessary. If you are unable to keep this appointment, please contact the director of student affairs to arrange for a mutually convenient time. If your preferred language or mode of communication is not English and a translator is required, you should bring a translator to the conference.

At the conference, your (son/daughter) have the right to explain his/her understanding of the incident or explain why he/she may have been falsely accused. Alternatively, if your child wishes to confess to the allegations, we can waive the conference and the appropriate disciplinary action will be implemented.

However, you may request to keep the scheduled meeting in order to discuss any pending disciplinary action.

Very truly yours,

Director of Student Affairs

cc: Parent of Reporter

Any prior documented incidents by the accused? Yes No

Date Investigation Began _____ Date Investigation Completed _____

Based on this investigation, the school administration determines the following:

There was a determination that an incident warranting official action occurred. Yes No

Yes – Take prompt and appropriate disciplinary actions pursuant to Principal’s Regulation A-430.

No – Matter resolved without further action necessary.

Upon completion of an investigation, the director of student affairs/designee will notify the reporter and parents/legal guardian of the students involved of the findings and the result of the investigation.

STUDENT	PARENT/GUARDIAN	DATE OF NOTIFICATION	METHOD OF NOTIFICATION	NOTES

SUMMARY OF INVESTIGATION: _____

Director of Student Affairs Signature _____

Date _____

EXHIBIT N
DETERMINATION OF STUDENT COMPLAINT
(ON LETTERHEAD)

(parent's address)

(date)

Dear parent/guardian:

This is to inform you that I have completed my investigation of the complaint filed by (reporter name) on (date).

It is my determination that (accused student) did/did not violate the Student Code of Conduct. Therefore, the following action will be taken effective immediately:

_____ No further action (issue resolved)

_____ Disciplinary action will be implemented

If you have any questions or concerns, please contact the office of the director of student affairs.

Sincerely,

Director of Student Affairs