



# THE NEW YORK CITY DEPARTMENT OF EDUCATION

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## OVERVIEW OF TEACHER REMOVALS, PRINCIPAL'S AND SUPERINTENDENT'S SUSPENSIONS

### TEACHER REMOVALS

#### Introduction

Under State Education Law 3214 and Chancellor's Regulation A-443, a student may be removed from a classroom for 1-4 days by a teacher if the student's behavior is substantially disruptive or interferes with the teacher's authority over the classroom. Prior to the removal, the teacher must inform the student of the reason(s) for the removal and allow the student to present his/her version of the events.

If the student's presence poses a continuing danger or ongoing threat to the academic process, he/she may be removed immediately and must be given the reason(s) for the removal and provided an opportunity to explain his/her version of events within one school day. The school should attempt to notify the parent by the end of the school day on which the removal occurs. However, in all cases, notice must be provided within 24 hours of the removal. The parent must be notified of the reason(s) for the removal, the length of the removal and the right to request an informal conference with the Principal/designee.

#### Removal procedures

The school must enter the occurrence in OORS. In SOHO, the school must enter the following information:

- Date of the conference (within two school days of the occurrence)
- Duration
- Effective Date

### PRINCIPAL'S SUSPENSIONS

#### Introduction

Under State Education Law 3214 and Chancellor's Regulation A-443, when a Principal is considering imposing a suspension for 1-5 days, the parent must be given the opportunity to attend a Principal's conference prior to the suspension being authorized unless the student's presence in school poses a continuing danger to persons or property or an ongoing threat of disruption to the academic process. In such cases, the suspension may be imposed immediately and the conference with the parent must be scheduled as soon as reasonably practicable, but no later than the 5<sup>th</sup> day of suspension.

#### Preliminary Considerations

If the Discipline Code allows for the imposition of a Principal's Suspension or a Superintendent's Suspension for a particular infraction (e.g. Level 4 infractions), the Principal must decide which

type of suspension is appropriate before entering the information into SOHO. Both a Principal's and a Superintendent's Suspension may not be sought for the same offense.

When making a determination to impose a Principal's Suspension, the Principal must check to see if the student is a student with an IEP or has a 504 Plan, as additional due process protections may be afforded the student.

### **Proposed Suspensions**

When a Principal is considering imposing a suspension and does not believe that the continued student's presence in school poses a continuing danger or threat of disruption, he/she must enter the incident into OORS, notify the parent, as set forth below, and schedule a conference with the parent prior to imposing the suspension. If following the conference the principal determines to go forward with the suspension, the suspension will begin after the conference has been held (or the scheduled date of the conference passes if the parent does not attend). In such cases, the student must remain in class until the scheduled date of the conference.

### **Immediate Suspension**

If the Principal seeks to impose a suspension and believes that the student's presence in school poses a continuing danger to persons or property or an ongoing threat of disruption to the academic process, the student may be suspended immediately. The principal must enter the incident into OORS and explain in SOHO the reason(s) for the student's immediate suspension. The principal must notify the parent, as set forth below, and schedule a conference as soon as reasonably practicable.

### **Notification**

The school must contact the parent by phone and mail (designed to arrive within 24 hours, see letter in Chancellor's Regulation A-443), notifying the parent of the incident in which their child was involved. The reason(s) for the proposed or immediate suspension, the length of the proposed or immediate suspension, and the date of the conference with the Principal must be entered into SOHO.

### **Conference**

The Principal's conference is informal in nature. During the conference, the incident should be discussed along with how the student's behavior will be addressed. The parents must be provided an opportunity to present the student's version of the event.

Principal's Suspensions may not be longer than five school days in length. Students may not be barred from returning to class after the suspension period has elapsed. Non-attendance in school during the suspension period or parent failure to meet with the Principal has no bearing on the suspension's conclusion date.

### **Principal's Suspension Process**

#### **Proposed Suspension**

1. Schedule conference and notify parent
2. Conference held or date passes
3. Suspension imposed or guidance and interventions provided

#### **Suspension where immediate removal of the student is warranted**

1. Impose suspension and notify parent
2. Schedule conference as soon as practicable
3. Conference held or date passes

## **SUPERINTENDENT'S SUSPENSIONS**

### **Introduction**

Middle and high school students on Superintendent's Suspensions will attend an Alternate Learning Center (ALC). There are 28 ALC's serving the five Integrated Service Centers that are divided between middle and high school sites. The ISC arranges for a suspension location for elementary school students, which will be a "buddy school."

### **Pre-hearing procedures**

A student charged with any level 3 infraction or specific level 4 infractions (A33, A34, A38, A40, A41, A43, B35, B36, B37, B42, B44, B45) shall remain in school pending the hearing unless the Principal believes the student's continued presence in school poses an immediate or continuing danger to persons or property or an ongoing threat of disruption to the academic process. In such cases, when seeking approval for a Superintendent's Suspension, the Principal must also request approval for the student's immediate removal by setting forth on the SOHO intake form why the student's continued presence in school poses such a danger or threat of disruption. If the immediate removal is not requested or if approval is denied, the student must remain in class until the hearing is held and the case adjudicated.

In accordance with Chancellor's Regulation A-443, students may not be removed from school prior to the school's receiving notification from the hearing office of the effective date of the suspension.

## **MANIFESTATION DETERMINATION REVIEW (MDR)**

### **Introduction**

Schools are required to hold an MDR for all students with an IEP or 504 Plan under the circumstances explained below.

### New MDR Procedures

SOHO will send a notification that the school must schedule and conduct an MDR under the following circumstances:

- If the disposition results in the student being removed for more than 10 consecutive days; or
- If the imposition of either a Teacher Removal or Principal's Suspension will result in the student being removed for more than 10 aggregate school days in a forty day period.

In addition, where a Principal seeks to impose a Principal's Suspension or a Teacher Removal and there have been multiple disciplinary actions involving the student during the current school year, the Principal must determine whether the student's behavior constitutes a pattern. The Principal can access the student's disciplinary history in SOHO. If the Principal determines that a pattern exists, an MDR must be scheduled by the Principal and noted in SOHO. When determining whether a pattern exists, the Principal must consider whether the behavior for which the discipline is sought to be imposed is substantially similar to the student's behavior in previous incidents that resulted in discipline, the length of prior suspensions, the total amount of time the student has been removed from school, and the proximity of the removals and suspensions to one another.

### Action Required

The school must enter all of the following MDR information in SOHO:

- Date MDR held
- Attendees
- Results

## SUSPENSION PLANS

### Introduction

A Suspension Plan sets forth the services that will allow the student to participate in the general education curriculum and to continue to progress towards meeting the goals on the student's IEP while on suspension. It provides the student and the staff of the suspension site with a description of the special education services the student will receive during the period of suspension. The student service level intensity and frequency may be different than the services indicated on the student's current IEP. A Suspension Plan must be created under the circumstances explained below.

### When Must a Suspension Plan be Created?

A Suspension Plan must be created by the school-based subcommittee of the CSE (IEP Team) whenever a student will be out of his/her regular school program for more than 10 consecutive school days as a result of a Superintendent's Suspension.

*This may occur in either of the following cases:*

- 1) The student is suspended by the Superintendent and the disposition results in the student being out of his/her regular school program for more than 10 consecutive school days; or
- 2) The student is removed pre-hearing and an adjournment results in the student being out of his/her regular school program for more than 10 consecutive school days.

### Action Required

The school must enter all of the following Suspension Plan information in SOHO:

- Date of the school-based CSE subcommittee meeting (IEP Team Meeting)
- Attendees
- Description of the Special Education Suspension Plan to be implemented during the suspension

### For more information contact:

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