

A Matter of Discipline:

Everything you always wanted to know ... and why, in some cases, you simply can't know

Every year we receive questions on the topic of discipline. In this newsletter, we will address questions about the discipline policies, codes and procedures that guide us from year to year. Further, we will provide information on some recent changes and an addition to our policies.

The entire Code of Conduct and Athletic Code are available at the district office or by visiting our website at SCS.cnyric.org.

Q Why at times does there seem to be a lack of public information about what action the school takes relative to discipline?

A Every school year, there are instances involving students who violate either the school Code of Conduct or the Athletic Code and must be disciplined. Sometimes it may appear that little or no action has been taken. Sometimes people are frustrated that they don't know what has happened; they believe the action taken was too heavy or too light. There is a lack of information for a reason: FERPA.

Q What is FERPA?

A The Family Educational Rights and Privacy Act is a federal statute that protects the privacy of student educational records and disciplinary action by prohibiting their disclosure to third parties without the consent of a parent, except in limited circumstances. If your child is disciplined by the school for any reason (drinking, drug possession, fighting, etc.), YOU will know in detail what action is taken and why, but the school is prohibited from telling anyone else without your permission. So when you hear people saying, "So-and-so was caught for such-and-such and nothing happened," that may not be the full story.

Q Sometimes the penalties don't seem fair. Why do the consequences seem to vary?

A Many factors are weighed in making disciplinary decisions, and those factors cannot be publicly disclosed or explained because of FERPA. It is required that the history of a student's previous actions and circumstances be considered when leveling penalties.

Q Can the school district discipline a student athlete for something he or she did out-of-season?

A Yes. The Board of Education adopted an amendment to the athletic code on August 17 which states that while the Athletic Code mainly pertains to the sports season, there are cases in which penalties may be imposed even when the student's action was not "in season."

The amendment says a student athlete may be disciplined for out-of-season conduct that is (1) a criminal offense, or (2) causes such adverse notoriety and is of such a nature that it has, in the judgment of the district, the potential to negatively impact the educational

program. In either of these events, the administration may impose “such penalty as it deems appropriate under the circumstances.”

Q Without the amendment to the Athletic Code, could our school district (or any New York State school district) discipline an athlete for something he or she did out-of-season?

A Yes. Research by our attorneys indicates that athletes, being models for other youngsters, can be disciplined for actions that are of an extreme nature whether in or out of season. A district that has no athletic code whatsoever may also institute disciplinary action in such instances.

Q Why doesn't the district ban athletes from all sports for the entire season on the first offense?

A This refers to a policy that is called “zero tolerance.” Our attorneys advise us that zero tolerance is an inappropriate way to deal with discipline and is also difficult to defend legally. The Athletic Code is an educational tool and is based on the belief that students should be given an opportunity to learn from their mistakes. (Isn't this what parents do? How many parents say “This is your first offense and as a consequence you will be grounded for an entire year”?) Our code also rewards honesty by being tougher on students who refuse to cooperate and tell the truth.

Q What does the district use instead of “zero tolerance” mentioned above?

A The district's Athletic Code enforces “progressive discipline,” with the goal of having the penalty fit the crime. In fairness, two students may not be treated exactly alike. This is because circumstance and history are carefully considered when issuing disciplinary action. A first offense is treated differently than a third offense, as can be seen in a review of the code, and thus the term “progressive” discipline.

Q Does the district always follow the athletic code? Don't some students “get off” without the specified punishment?

A The district always follows the requirements of the Athletic Code to the best of its ability. However, the district is bound by the requirements of due process and proof based on a preponderance of evidence. If there is a belief that a student has violated the Athletic Code, but the district cannot uncover sufficient proof, the district cannot act.

Q Is the Athletic Code (or a similar code) applicable to other co-curricular activities? (Can students who are not athletes be disciplined?)

A In the past, our attorneys told us that only student athletes could have a code governing out-of-school behavior. However, recent case law indicates that a district may adopt a similar co-curricular activity code. Our District Planning Team (composed of parents, students, the business community, teachers and administrators) is discussing this matter now and will make a recommendation to the Board of Education.

Q What if parents do not think the disciplinary action taken by the school was strong enough?

A Parents are the most important disciplinarians in a student's life. If you believe your own child should sit on the bench the entire season for a given infraction, for example, that is your right and responsibility. The district provides the first course of discipline. Ultimately, the most important role falls to the parents.

It's not that simple ...

When you just can't make sense of the information being passed around the community, here are some additional points to consider:

- Sometimes the information you hear is a rumor. The district cannot render disciplinary action based on rumors.
- You may know more than we do. "We can only make decisions based on what we know and can prove," said Principal Georgette Hoskins. "People make assumptions about what we know."
- We know more than you do. Because of FERPA, explained above, chances are you do not have all of the facts about the circumstances, the history and/or the action taken. Hoskins gives this generic example: Several students are caught drinking. The code is followed, yet the punishments they receive are all different. This is because it was one student's first offense, one student's second offense and one student's third offense. Naturally, the community doesn't know these details, and some people automatically assume a mishandling by the school. "They say that so-and-so was let off easier because her parents work for the school, or so-and-so didn't get disciplined because he was a star player," said Hoskins. "I understand why it might look that way, I really do," Hoskins said, "but the district cannot broadcast the reasons behind disciplinary actions."
- Parents have asked what they can or should do if they feel they have information that school officials don't have. Should they call? Yes – if they are directly involved and/or have evidence (as in actually witnessing something). Remember that the school cannot act without actual proof.