

BILL OF STUDENT RIGHTS AND RESPONSIBILITIES

Students who are learning to become members of a democratic society must understand both the rights to which they are entitled in such a society and the attendant responsibilities which they must assume in order to perpetuate such a society for themselves and others.

Student Rights

Education: All persons between the ages of 6 and 21 residing in the state of New York are entitled to a free education without discrimination, endangerment, harassment, intimidation, or fear.

Association: Students have the right to participate in recognized student organizations. Such organizations may not restrict membership on the basis of religion, sex, national origin, race, marital status or disability.

Discipline: Students have the right to have rules governing their behavior clearly stated and explained to them upon enrollment at the beginning of each subsequent school year. They have the right to know what the consequences of misconduct will be. Unless the well being of the student or others may be jeopardized, in all disciplinary matters, students shall have the opportunity to present their version of the facts and circumstances before discipline is imposed.

Privacy and Confidentiality: Student records other than "directory information" (name, address, phone number) are privileged and confidential. A parent is entitled to inspect and challenge a student's cumulative record. These rights are transferred to the student upon attainment of age 18.

Freedom of Expression: Students have the right to express themselves on the basis of the nature of their beliefs. Such expression is prohibited only if it substantially interferes with school activities or the rights of others.

Search and Seizure: Students are guaranteed freedom from unreasonable search and seizure. Personal searches are allowed only when school authorities have reasonable suspicion that hidden items are illegal or in violation of school rules.

Due Process: Students suspended from instruction shall be afforded their due process rights pursuant to Sections 3214 and 310 of the Education Law and 100.2 of the Commissioner's Regulations. Students suspended from instruction five days or less shall have the right to request an informal conference with the principal at which the students and/or their parents shall be authorized to ask questions of complaining witnesses. Disciplinary actions need not be delayed pending this informal conference or subsequent appeals. No students may be suspended for more than five days however, unless the students and their parents have had the opportunity for a fair hearing, upon reasonable notice, at which the students shall have the right of representation by counsel, with the right to question witnesses against such students and to present witnesses and other evidence on their behalf.

Students and their parents may have decisions involving suspensions and other disciplinary matters successively considered by the Superintendent of Schools, the Board of Education and the Commissioner of Education. Appeals from a principal's decision on suspensions and other discipline must follow this progression of review, and such appeals cannot be directly made to the Commissioner of Education.

School authorities shall inform parents about any recorded disciplinary measures. As provided by the Family Educational Rights and Privacy Act (a.k.a., the Buckley amendment), parents and adult students have the right to review and to challenge such records.

The term parents includes guardians and others serving in an established parental relation to the student.

Student Responsibilities

The rights of students carry with them the responsibilities on which the rights are based.

Education: Students have the responsibility to develop their talents by pursuing the educational opportunities provided for them.

Association: Students have the responsibility to honor their agreements with others.

Discipline: Students have the responsibility to know and follow the rules and regulations of the school, to seek explanation if they do not understand them, and to try to bring about change if they feel the rules are unreasonable.

Privacy and Confidentiality: Students have the responsibility to respect the rights of privacy and confidentiality of others.

Freedom of Expression: Students have the responsibility to express themselves in a way that respects the rights and feelings of others and does not interfere with school activities.

Respect for Property: Students have the responsibility not to look through or use the property of others without the owner's permission.

Due Process: Students have the responsibility to respect the due process rights of others.

Ref: 8 NYCRR §100.2(l)(1)(i)
Education Law §3214

Adopted: February 26, 1996

Revised: August 5, 2002